

Agenda

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

May 10, 2016
Assembly Chambers
7:00 PM

- I. **ROLL CALL**
- II. **APPROVAL OF MINUTES**
 - A. April 12, 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**
 - A. USE2016 0006, Conditional Use Permit for marijuana retail establishment in the Mixed Use zoning district
 - B. USE2016 0011, Conditional Use Permit for expansion of Tyler Rental retail business in the Industrial Zone
- VII. **CONSIDERATION OF ORDINANCES AND RESOLUTIONS**
- VIII. **UNFINISHED BUSINESS**
- IX. **REGULAR AGENDA**
 - A. USE2016 0004, A Conditional Use Permit to extract/mine gravel from patent lands in Hidden Valley, Lemon Creek.
 - B. CSP2016 0004, A City Project Review for the Disposal of CBJ-Owned Land for Housing
- X. **BOARD OF ADJUSTMENT**
- XI. **OTHER BUSINESS**
- XII. **DIRECTOR'S REPORT**
- XIII. **REPORT OF REGULAR AND SPECIAL COMMITTEES**
- XIV. **PLANNING COMMISSION COMMENTS AND QUESTIONS**
- XV. **ADJOURNMENT**

MINUTES
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
April 12, 2016

I. 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 7:04 p.m.

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

Commissioners absent: Carl Greene, Percy Frisby

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Teri Camery, Senior Planner; Jill Maclean, Senior Planner; Jonathan Lange, Planner II; Allison Eddins, Planner I; Robert Palmer, Assistant Municipal Attorney

Assembly members: Debbie White, Assembly Liaison (telephonically); Jerry Nankervis, Loren Jones

II. APPROVAL OF MINUTES

- March 8, 2016 Regular PC Meeting
- March 22, 2016 Regular PC Meeting

MOTION: *by Mr. Peters, to approve the Planning Commission Regular Meeting Minutes of March 8, 2016 and March 22, 2016 with any minor changes by Commission members or staff.*

The minutes were approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

IV. PLANNING COMMISSION LIAISON REPORT

Marijuana Land Use Code

Ms. White reported that at its May 2, (2016) Assembly meeting the Assembly would be reviewing Ordinance 2015 0038 which is the land use code regarding marijuana. She told the Commission she would forward to each of them the newest revision of the ordinance.

City Manager Kim Kiefer Retirement

Also at that meeting the Assembly and members of the community paid tribute to City Manager Kim Kiefer upon her retirement.

Vacant Planning Commission Seat

Applications for the vacant Planning Commission seat are due by April 20, (2016) said Ms. White. They currently have four applicants. The Assembly plans on reviewing those applications at its May 4, (2016) special meeting prior to the Finance Committee meeting that evening.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Mr. Voelckers said he would like to pull USE 2016 0003, a Conditional Use Permit for an asphalt plant at the Alaska Marine Lines yard, and place it under the Regular Agenda for a hearing.

USE2016 0002: A Conditional Use Permit for temporary asphalt plant in association with Egan Drive rehabilitation.
 Applicant: SECON, Inc.
 Location: 3155 Channel 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 a temporary asphalt plant in association with Egan Drive rehabilitation. 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. (If new lighting is not required, this condition will not apply.)*
- 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.*

MOTION: *by Mr. Peters, to approve items A and B on the Consent Agenda with findings, recommendations and analysis by staff.*

The motion passed with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS

The Commission adjourned and reconvened as the Board of Adjustment.

VAR2015 0030:	A Variance request to the requirement for access on publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private easement.
Applicant:	Olmo, LLC.
Location:	North Douglas Highway

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and DENY the requested Variance, VAR2015 0030.

Ms. Boyce told the Commission that R&M Engineering had submitted a letter yesterday which was emailed to the Commission. In addition, she provided paper copies of the letter to the Commission members. She noted that there was also a response from the Law Department regarding this variance request in the new packet.

In response to a motion by Mr. Peters, the Commission unanimously decided to proceed with this item with no additional public comment.

In a brief review for the Commission on this matter, Ms. Boyce said at the end of the last meeting regarding this item that Mr. Voelckers had made a motion for approval of this variance with revised findings. She recalled that the Commission was left with questions regarding whether Criterion 4 for could be met.

At that meeting Mr. Voelckers subsequently withdrew his motion so that the item could be continued.

Mr. Voelckers read his revised motion and also provided the Commission with a written version of the motion and findings.

MOTION: *by Mr. Voelckers, that a variance is granted to modify 49.14.424 to allow a limited subdivision access serving a three lot subdivision in Tract 2, MS569, Tract 1, and fraction Block B as proposed, except that the private easement extension within the subdivision shall be expanded to a minimum of 30 feet width and the ten foot utility easement along fraction Block B be combined to a single 30 driveway easement.*

Mr. Voelckers then reviewed the criteria, finding an affirmative answer meeting all the criteria.

He said that Criterion 1 is met. "Allowing the use of a private driveway easement for lot access due to significant physical constraints limiting conventional access, and serving only a limited number of lots, is consistent with past practices of the CBJ, and with the proposed ordinance language being drafted for non-standard access to three to four lots, as delineated in the attached staff report."

Mr. Voelckers found that Criterion 2 is met. "The limited private easement driveway will be improved to meet drive lane width and gradient requirements, and will safely serve the low vehicular counts anticipated."

Mr. Voelckers said Criterion 4 is new content of his motion withdrawn at the last meeting. He said he found that Criterion 4 is met. "The variance does not allow uses not authorized in the district. The requirement for 'interior access street' in 49.35.210 (b) 2 is intended to ensure that individual lots have a common vehicular access to an arterial, rather than individual driveways. That intent is met, he said.

Mr. Voelckers said he found that Criterion 5 (b) is met. "Granting of the variance would establish three lots, facilitating development of single family or duplex residences consistent with North Douglas residential development, and at a lower density than allowed outright without a variance."

Mr. Voelckers found that Criterion 6 is also met. "Granting the variance would result in overall benefits to the neighborhood. Additional housing of a consistent scale and nature will be allowed, without unduly affecting traffic and access issues."

Speaking in favor of his motion, Mr. Voelckers said that Mr. Palmer and the Law Department had raised a potential conflict between 49.15.424 and 49.35.210 (b) 2. He said that he has carefully reviewed this information and that it had been at least partially established at the last meeting that some of the language in 49.35.210 had been a relatively new reconsolidation of other language into the revised Title 49. He said he felt the intent is clear that it is trying to limit random driveways to a major arterial. He said he felt there was imprecise language which could be addressed by the Commission at the staff level and that it could further be refined to avoid any potential of conflict. He said in his opinion at the substantive level that they were not in conflict.

Mr. LeVine said he understood the first part of Mr. Voelcker's motion requiring expansion of the drive to 30 feet in width. He asked if widening the drive would involve further use of the property owned by Mr. Brantner.

The thought was to consolidate the existing ten foot easement into the 30 foot drive, said Mr. Voelckers. The letter from the applicant expressed potential flexibility in this area, he said.

Mr. LeVine said the right-of-way is on Tract 1 which is property belonging to Mr. Brantner. He said the memo from Mr. Palmer discussed the possibility of limiting Mr. Brantner's future use of his parcel depending on what action the Commission took regarding the variance under consideration. He asked Mr. Palmer to elucidate on the potential problem which could arise as a result of potential Commission action on the variance request.

Mr. Palmer said he understood the motion to include expansion of the access width to 30 feet. He said he did not hear what the road construction standard was and whether it would comply with the standards set forth in the table within 49.35.240. Putting that unanswered question aside, he said one of the hurdles involving the use of Mr. Brantner's property is that if the Commission in its role as Board of Adjustment does impose any sort of limits, the Board of Adjustment should recognize that some of those limits may preclude Mr. Brantner from developing his property. That could result in the CBJ litigating whether or not there is a "taking" for Mr. Brantner's development rights. (A

Amendment.)

property.

alleviate that concern, said Mr. Palmer, the Board would need to decide that if it did want to grant a variance, it would have to explain how the public health, safety and welfare is protected by the street standard which it granted, if it was different from the specifications on the table within 49.35.240.

Mr. LeVine said the motion could have a potential impact on variance Criterion 1, which is, "consistent with justice to other property owners." He said if this created a risk to Mr. Brantner's

future use of his lot, they may not be able to conclude that it was consistent with justice to other property owners.

Mr. Palmer said it could be considered with Criterion 1, and also with Criterion 2, regarding public health, safety and welfare, and also Criterion 3, as to whether or not it injures nearby property.

Mr. Voelckers said to keep in mind that this was already grandfathered in for more substantial

justifiable within this specific scenario.

contemplating.

Mr. Peters said his concern was that if the Board granted the variance that it was then classifying 49.35.210 as design or dimension standards but not construction standards. He said he felt this needed to be resolved before they proceeded. He said he would love to see this project succeed, and that he understood that without the variance the applicant could construct a more robust development. He said he felt they were stuck on the fact that if they granted the variance they are then opening up a further issue. Therefore, he could not support the motion, said Mr. Peters.

Mr. Bell said that he, too, could not support the motion, and that he felt that Mr. Peters had clearly expressed the heart of the issue, as much as he appreciated the intention of the motion made by Mr. Voelckers.

Chairman Haight asked Ms. Boyce if within the conditions which were scripted if there was anything further that would contribute to the current discussion on the variance.

Ms. Boyce said the conditions stipulated for this project, should it be approved, were that no

be allowed.

said Ms. Boyce.

Mr. Palmer said he was not aware of any restrictions to the applicant re-applying in a timely fashion. That condition is specific to rezones, said Mr. Palmer.

Mr. Voelckers said he would like the legal term of “taking” defined, as it was a legal term on which he would like to be informed. He said it was his understanding that Mr. Brantner would not be precluded from development per the underlying zoning of his property. He said his understanding was that the only issue would be to upgrade the street to a paved standard.

He asked if the “taking” is just the potential imposition of the cost of paving.

Mr. Palmer responded that the motion currently does not limit the use of this access by an ADT threshold, for example. There is no ADT threshold that would preclude Mr. Brantner from developing. However, said Mr. Palmer, the question raised about road construction standards depending on what Mr. Brantner may potentially do in the future could open up the litigation for a taking unless Mr. Brantner appeared before the Commission and also asked for some type of variance. There are two options for potential risk of litigation, said Mr. Palmer.

In answer to Mr. Voelckers question, Mr. Palmer confirmed that both potential routes to litigation were specific to the drive itself.

Roll Call Vote: *(on the motion by Mr. Voelckers, that a variance is granted to modify 49.14.424 to allow a limited subdivision access serving a three lot subdivision in Tract 2, MS569, Tract 1, and fraction Block B as proposed, except that the private easement extension within the subdivision shall be expanded to a minimum of 30 feet in width and the ten foot utility easement along fraction Block B is combined to a single 30 foot driveway easement.)*

Yeas: Voelckers

Nays: Dye, Bell, Peters, LeVine, Haight

The motion failed.

Chairman Haight said this has been a difficult decision for the Commission, as they all have the desire to support the subdivision. He added that he hoped they could resolve this issue with Title 49, and create a workable solution for the applicant.

Mr. Voelckers said he would like to schedule as soon as possible either a meeting of the Subdivision Review Committee, or the Planning Commission during a Committee of the Whole meeting to address section 35 of the Title which has shown itself to be incompatible with

for VAR2015 0030.

Chairman Haight adjourned the body as the Board of Adjustment and reconvened as the Planning Commission.

IX. REGULAR AGENDA

USE2016 0003: A Conditional Use Permit for an asphalt plant at the Alaska Marine Lines Yard.
 Applicant: Knik Construction Co., LLC.
 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 this is a Conditional Use Permit for an asphalt plant with related assorted stockpiling ~~at~~^{for} the Alaska Marine Lines yard. The plant would be used on a project-by-project basis, she said. Ms. Camery said this is an application for a permanent plant, not a temporary plant, but that it would typically operate March – September, and as contract demands. Their operating hours would be Monday – Friday, 7:00 a.m. – 10:00 p.m., said Ms. Camery. They have adequate space for parking on site, and the staff did not determine that a Traffic Impact Analysis was necessary.

The noise from the project would be primarily from backup alarms, according to the applicant, said Ms. Camery, with additional noise from trucks departing and returning to the operation. The staff determined that noise mitigation measures were not necessary for the project, said Ms. Camery. The primary concerns with noise in this area in the past were in connection with Alaska Marine Lines operations, she said.

The Stormwater Pollution and Prevention Plan in accordance with Alaska Department of Environmental Conservation (ADEC) requirements exceeds the CBJ stormwater requirements, said Ms. Camery. The applicant would still need to apply for a grading permit, she said.

This project meets ~~specified conditions~~^{code requirements}, and complies with the Comprehensive Plan, said Ms. Camery, and also with the Long Range Waterfront Plan. The

staff recommends two conditions; one for a lighting plan and one for a final Stormwater Pollution Prevention Plan, said Ms. Camery.

Commission Comments and Questions

Mr. Voelckers said he would like to know the amount of truck traffic anticipated to be generated by the operation of the plant, and how this would affect traffic on South Franklin.

Applicant, Parry Rekers with KNIK Construction Company

Mr. Rekers responded that they are trying to set up an asphalt plant which would be in operation on a project-by-project basis. The size of the job would determine the truck traffic generated by the plant operation, he said. They are mainly anticipating doing work in front of Alaska Marine Lines, if the opportunity arises, he said.

Mr. Voelckers said the staff report mentioned an operation involving up to 300 trucks a day, which is what generated his concern about the traffic.

Mr. Rekers said they would work in whatever location was part of the job. Typically on a job they would generate transfer of 200 tons an hour to up to 500 tons an hour. The 300 trucks a day referenced by Mr. Voelckers is in the area of 500 tons an hour, he said. Most of their jobs would be in the 200 to 300 tons an hour range, he added.

Mr. LeVine asked if a condition had been considered that the plant not operate in consecutive seasons, or if that was assumed because it is precluded by the rules.

Ms. Camery responded that determining how the DEC clock ran on this operation was the difficult part of this analysis. She said they would consider adding a specified time if the Commission deemed it important.

Mr. Dye asked for clarification on the standard times mentioned in the noise ordinance.

Ms. Camery responded it was 7:00 a.m. – 10:00 p.m. Monday – Friday. On the weekends the time of the operation would begin two hours later than the week days.

MOTION: *by Mr. Voelckers, that USC2016 0003 be returned for more analysis including a traffic impact study, and more specific information on anticipated timing and use patterns.*

Speaking in favor of his motion, Mr. Voelckers said that he could foresee a scenario in which up to 300 trucks a day were in operation. He said when paving happens, it would be a significant push to accomplish the job on the best weather days of the season.

Speaking in support of the motion, Mr. LeVine said that he shared the concerns expressed by

Mr. Voelckers.

Roll Call Vote:

Yeas: Voelckers, Bell, Dye, LeVine

Nays: Peters, Haight

The motion fails.

MOTION: *by Mr. Peters, to move USE2016 0003 and to adopt the findings of the CDD Director and staff.*

For the reasons he provided in support of the motion by Mr. Voelckers, Mr. LeVine said he would not support the motion.

Roll Call Vote:

Yeas: Peters

Nays: Dye, LeVine, Voelckers, Bell, Haight

The motion fails.

MOTION: *by Mr. LeVine, to continue this item to the next meeting.*

The motion passed with no objection.

AME2016 0008:	A Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed Use.
Applicant:	GMD Development, LLC.
Location:	Lots on Clinton Drive and 2797 Postal Way

Chairman Haight withdrew himself from participating on item AME2016 0008. Mr. Voelckers, as Vice Chairman, chaired this portion of the meeting.

Staff Recommendation

Based upon the proposed project (identified as Attachments A), and the findings and conclusions stated above, staff recommends the Planning Commission adopt the director's analysis and findings and RECOMMEND APPROVAL to the Assembly to rezone the subject parcels from LC to MU.

Mr. Peters said he wanted to state for the record that his employer is True North, which is an abutting property, but that he had no personal or financial connections with the project.

Mr. Lange told the Commission this is a rezone request for 14 lots of over four acres in the Vintage Park neighborhood from Light Commercial (LC) to Mixed Use (MU). To the north of the property is the Mendenhall River and a D-1 zoning district, and to the east is a D-180 zoning district, said Mr. Lange, and to the south is a Light Commercial zone. The parcel is north of True North Credit Union, to the west of the Post Office, and it is located north of some state office buildings and another office building, said Mr. Lange. Safeway is to the south, and this piece of property is very near the Mendenhall Mall, and to bus service along Riverside Drive, said Mr. Lange.

The applicants would like to develop the property with two projects: multi-family senior apartments consisting of 49 units on one acre, and an 80 unit, 84 bed assisted living and member care community, said Mr. Lange, on two to three acres of the remaining property.

A rezone request needs to be for land greater than two acres or an expansion of an existing zone. A similar rezone request for the property cannot have been considered within the past 12 months, he said. The rezone request must substantially conform to the maps of the Comprehensive Plan, said Mr. Lange.

The parcels are located within land designated as a Traditional Town Center in the Comprehensive Plan, said Mr. Lange. This is characterized by land which is high density residential and non-residential land uses in downtown areas and land around shopping centers, he said. This is for developments of 18 or more residences per acre, said Mr. Lange.

Some of the differences between LC and MU zoning are that Light Commercial zones have a maximum height of 45 feet placed on the structures, as opposed to MU, which has no maximum height limit, said Mr. Lange. Density per acre for Light Commercial developments is set at a 30 unit limit, which would provide for approximately 126 units, he said, if it was developed solely as multi-family housing, he said. No maximum density is set for the MU zones, said Mr. Lange. There are no setbacks required within the MU zoning district, said Mr. Lange. Light Commercial zoning has a front yard setback of 25 feet, and 10 feet for side and rear setbacks, he said. There are no setbacks required in the MU zoning district.

Most of the uses for the zones are similar with a few exceptions, said Mr. Lange, where Light Commercial zones have some allowable uses not allowed in an MU zoning district. Auto fuel stations, car washes and marijuana cultivation operations are allowed in Light Commercial with a Conditional Use Permit, but not in Mixed Use, said Mr. Lange. In MU zones, marijuana product manufacturing is allowed, he said, with a Conditional Use Permit.

The traditional town center model involves a mix of residential housing and commercial activity in the same area, or on the same parcel, said Mr. Lange.

Applicant

Applicant Emily Breidenbach of GMD Development presented herself to answer any questions the Commission may have.

There were no questions from the Commission.

MOTION: *by Mr. LeVine, to approve AME2016 0008 with staff's findings, analysis and recommendations.*

Speaking in favor of his motion, Mr. LeVine said this was one of those cases in which a rezone was the appropriate action to take. The new zone would nicely accommodate two developments which are needed in the community, he said.

The motion passed with no objection.

CSP2016 0002:	A City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway.
Applicant:	City and Borough of Juneau
Location:	North Douglas Highway

Staff Recommendation

Staff recommends that the Planning Commission recommend to the Assembly that CSP2016 0002, City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway is consistent with Title 49, the 1997 West Douglas Concept Plan, and the 2013 Comprehensive Plan, with the following recommendations:

1. Development of the pioneer road shall strictly adhere to CBJ Manual of Stormwater Best Management Practices.
2. Prior to development of culverts and bridges in the proposed project, Fish Habitat Permits shall be acquired and approved.

Mr. Lange told the Commission this is a City project review for construction of a pioneer road through CBJ land on the west side of Douglas Island near the end of Douglas Highway. There is Goldbelt land to the south and State land to the north, said Mr. Lange. Most of the land is vacant, he said, except for the Peterson Creek subdivision composed of six, single family homes.

Including Peterson Creek and its tributaries, there are 37 streams in this area, said Mr. Lange. The road would have two bridges, two fish-pass culverts and 26 other culverts, he said. Two of the streams are identified as streams with resident fish, said Mr. Lange, and the code allows for crossing of anadromous streams, he added, with bridges or culverts. The applicant, the CBJ Department of Engineering, ~~would have~~ be working with the Alaska Department of Fish and Game to identify which streams would require fish passage permits, said Mr. Lange.

Three potential routes were considered for the proposed road, said Mr. Lange. The Department of Fish and Wildlife Services recommended using a lower route which would cross the stream once and then follow the coastline, he said. It is Goldbelt property with eagle's nests in the area, he said. The middle route would proceed straight from the end of Douglas Highway. However, that affects too much of the stream, said Mr. Lange. Therefore, the upper route was selected for this project, he said. It would be a 14 foot wide road with eight foot turn-outs, he said.

A parking area of ten spaces would be located at the beginning of the road, with that area being located outside of the right-of-way as mandated by the Department of Transportation (DOT), said Mr. Lange. A gate at the entrance and a fence are also proposed, he said.

Wetlands fill is proposed, granted by an Army Corps of Engineers general permit, for 1.65 acres of fill, said Mr. Lange. The fill would be obtained from rock pits in the area to source and construct the road, he said.

The Fish and Wildlife Service expressed concern that the road would negatively affect deer habitat, said Mr. Lange. This road conforms to the West Douglas Concept Plan of 1997, said Mr. Lange, with the area-wide transportation plan of 2001, and with the Comprehensive Plan, he added. When a plan is submitted by a developer for a new growth area, a master plan would need to be reviewed by the Planning Commission and the Assembly, said Mr. Lange.

The staff has found that this road proposal does not constitute development of a new growth area, said Mr. Lange, because it is consistent with development of a minor nature as outlined in Chapter 6 of the West Douglas Concept Plan since it does not propose any uses, buildings or infrastructure, said Mr. Lange.

Commission Comments and Questions

Mr. LeVine asked if the lower route, having less impact on the salmon streams and other habitat, was considered by the staff while developing its recommendations, specifically Policy 7.3, specifying protection of riparian habitat, including stream corridors and lake shorelines from adverse effects of development. And if they were considered, said Mr. LeVine, he wanted to know how this was done.

Mr. Lange said the proposed road is a CBJ project on CBJ land, whereas the lower road proposal is located on Goldbelt land. The upper route crosses just two fish-bearing streams, whereas the middle route would cross many more of the fish streams.

Public Comment

Juneau resident Nancy Waterman said she felt they were at this hearing for the wrong purpose. She said the Commission should be considering an updated and reformatted West Douglas Conceptual Plan of 1997. That document should be approved by the Planning Commission and then sent to the Assembly for final approval. Then there would be a master plan, she said, ready to handle all of the different aspects of development in a new growth area.

Ms. Waterman said this road proposal is designating development into a new growth area. She said the analysis for this project is flawed. The conformity to adopted plans is not stated correctly, she said. Agencies and CBJ advisory committees were led to believe that the West Douglas Conceptual Plan had been adopted as a component of the CBJ Comprehensive Plan. It was not adopted, said Ms. Waterman. There is also no master plan, said Ms. Waterman.

This road proposal is not consistent with the Comprehensive Plan or Title 49, said Ms. Waterman. Also, said Ms. Waterman, which takes precedent; Title 49 or the Comprehensive Plan?

North Douglas resident Margo Waring asked why the CBJ would want to put its funds into a project which has no development planned. She said it would only create additional ongoing costs for Juneau tax payers. It is questionable why the CBJ would undertake maintenance of a project such as this during times of fiscal austerity. The construction of the road would create more use in the area such as parties and all-terrain vehicles, she said.

There is no project in site which needs this road, said Ms. Waring. The road will need to be maintained, said Ms. Waring, as a result of off-road vehicles traversing the road. This area of North Douglas serves many recreational and subsistence needs, said Ms. Waring. It would create two rock quarries, and numerous stream crossings in an area used by hikers year-round. It also contains some of Juneau's most used deer hunting areas, she said. Berry pickers use the area in the summer, and mushroom hunters in the fall, she said. Peterson Creek is one of the few salmon streams on Douglas Island, said Ms. Waring. She said she is also concerned about the burning of the trees which would be logged for the road. There is also not a solid reason presented by the staff for the construction of the road, said Ms. Waring. It would be better to re-appropriate the money for this project for some other project which Juneau actually needs, said Ms. Waring.

Juneau resident Phillip Gray said he was a retired fishery biologist. He said in addition as a 45 year resident of Juneau that he has done a lot of deer and grouse hunting on the west side of Douglas Island. Mr. Gray said he agreed with the comments presented by Ms. Waring. He said

he did not understand why the municipality would want to spend \$3 million on a two mile road with no destination. It would degrade the fish habitat and some of the best deer habitat on Douglas Island, said Mr. Gray. He said he felt the CBJ was attempting a development before it had assessed all of the impacts on the area.

North Douglas resident Fred Hiltner said he has lived in North Douglas since 1981. He said that he is concerned that if a road is constructed in that area that it would severely diminish the area, with the result that it could never be recovered. Mr. Hiltner said he did not feel that construction of this road should be prioritized over immediate CBJ needs such as repairing roads within the City, school funding, and police and fire department funding. Before this development proceeded, it should be accompanied by a new Comprehensive Master Plan for the entire North Douglas area. A lot has changed since 1997, said Mr. Hiltner. He said he felt it should be demonstrated that there was a substantial need and benefit for the citizens of Juneau which clearly offsets the price to be paid for the development.

Mr. Lange said he wanted to point out that this is not a CDD project, and therefore they could not comment on this project for the Engineering Department.

Mr. Steedle said he could answer any questions about the source of funding for the project or how it fits in with CBJ plans.

Commission Comments and Questions

Mr. LeVine said he was disappointed there was not someone available from the Engineering Department to speak to the project. He asked if there are anticipated maintenance costs associated with the road once it is constructed.

Mr. Steedle said there would be future costs associated with the maintenance of the road, although not at the level of that associated with vehicular traffic.

Mr. LeVine asked if all of the cost of construction of this road was paid for by State funds, and if there was a time element associated with the use of those funds for this project.

Mr. Steedle said the original funding source was from Congressional delegation in the 1980's. That money went to the State, he said, which was going to delegate those funds for dredging the channel, performing an EIS (Environmental Impact Statement) for a second crossing, and for the continuation of the North Douglas Road. Ultimately the State appropriated those funds to the CBJ for the sole purpose of extending the road, said Mr. Steedle. He said he did not believe that funding was fungible (*able to replace or be replaced by another similar item*).

Mr. LeVine asked if it was subject to expiration.

Mr. Steedle said he could not answer that question. He added that it has only been CBJ money for the past six years or so.

Mr. LeVine asked Mr. Steedle if there were any existing plans to develop this area to the best of his knowledge.

Mr. Steedle said the project as presented is the extent of the plans for development of the road. Mr. LeVine asked if the lower area option for development, even though designated as the least intrusive, could not be built because it was Goldbelt land.

Mr. Lange said it was his understanding that Goldbelt did not want the road on its property. He said should Goldbelt change its stance on the issue that the road could be constructed on the lower option.

Mr. LeVine asked Mr. Lange if he knew why Goldbelt did not want the land on its property.

Mr. Steedle responded that Goldbelt did not want the development on its property because it would be more convenient for them to have the road constructed on CBJ property.

Mr. LeVine asked for the justification as to why the construction of a pioneer road does not constitute "development" which would require a master plan or a revision of the master plan for development.

Mr. Palmer said the code authority for this project is listed under 49.05.200 (b) 1 (g) . Under that provision, said Mr. Palmer, Title 49 specifically adopts Chapter 6 of the West Douglas Conceptual Plan dated May, 1997. That conceptual plan is part of the Comprehensive Plan so that Title 49 and the Conceptual Plan are consistent, he said. He said he thought the question before the Commission is a question of policy to decide whether or not this road is of a scope sufficient enough to trigger the new growth area requirements for a master plan or if it is of a small enough scale that the new growth area requirement is not triggered.

Mr. Voelckers said he is one of the primary authors of this from 20 years ago. He said he is generally in favor of the plan, because the original six or eight miles proposed for development had a road that linked a series of at least three or more future new growth areas. The overall master plan from 20 years ago illustrated the most likely places where those new growth areas would occur. There was a road to link those areas with three alternatives as presented, he said. The top road was the best selection based upon its lesser impact on wetlands, said Mr. Voelckers. Goldbelt is not reluctant to have the road on its property, said Mr. Voelckers. He said in his view one of the strongest arguments for taking the higher road (so to speak) was to allow the creation of fairly discrete nodes of development without creating a low-grade, less thoughtful development.

When Mr. Calvin, the president of the McDowall Group, appeared before the Commission about a year ago, said Mr. Voelckers, he said the single most important step for Juneau to take

was constructing this road. The pioneer road starts the process, said Mr. Voelckers. And a subsequent piece of this development is a deep water port for Juneau, said Mr. Voelckers.

MOTION: *by Mr. Peters, to approve CSP2016 0002 and to accept the analysis, findings and recommendations of the staff for this project.*

Mr. LeVine said he opposed the motion. He said in his opinion it does not make sense to begin building a road until there is broader development that would subsequently take place. He said he did not believe that building a two and a half mile pioneer road to nothing is an effective use of City funds or consistent with the Comprehensive Plan or Title 49. He said if the road were to be constructed, it would be development and that it should not occur until a master plan has been submitted.

Roll Call Vote:

Yeas: Bell, Dye, Peters, Voelckers, Haight

Nays: LeVine,

The motion passes.

USE2016 0005:	A Conditional Use Permit for Marijuana Cultivation Facility in an Industrial Zone.
Applicant:	Rainforest Farms, LLC.
Location:	5763 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 for the development of a marijuana cultivation facility in an industrial zoned area. The approval is subject to the following conditions:

1. Wastewater generated by the marijuana cultivation facility is prohibited from entering the CBJ sewer system.
2. Parking spaces shall meet CBJ 49.40.210(b)(1); 4 spaces including 1 ADA signed space shall be marked and maintained for Rainforest Farms; and 1 space shall be signed for the accessory dwelling unit.
3. If/when the owners expand to make deliveries, all deliveries must be undertaken during normal business hours, Monday through Sunday, and must not cause undue burden to the abutting properties.
4. The 50-foot streamside setback shall be maintained—fencing and parking are not allowed in the setback.

5. The CO₂ generator shall have an automatic shut off.
6. A propane sensor shall be installed in the cultivation building.
7. RC-48 Carbon-grade filters shall be replaced no less than once annually.
8. All CO₂ enrichment processes, plant extraction processes, fumigation and the use and storage of pesticide, fungicide, miticides and thermal insecticidal fogging shall be approved by the Fire Marshal and meet the requirements of the International Fire Code (IFC) and NFPA where applicable.
9. Structures meet the Sound Transmission Classification requirements as provided in the International Building Code to eliminate any detectable noise from fans or generators outside of the structures.
10. All windows to the cultivation facility will be opaque and armed with an alarm system.
11. Lighting shall be installed to illuminate all access points—doors, windows—to the cultivation facility.
12. No offsite glare shall be produced by exterior doorway lights.
13. Each door shall have either a grade 2 lock with deadbolt or grade 1 lock.
14. Security cameras shall record in no less than high definition 720dpi resolution, with a minimum of 20 frames per second, with the ability to record in the infrared spectrum.
15. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
16. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixture or other equipment in the processing building and cultivation building.
17. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
18. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational.
19. The applicant shall obtain a CBJ marijuana business license if and when applicable.
20. The property owner shall schedule an annual inspection to ensure conditions of this permit are met.
21. This CUP expires if the applicant does not receive a state marijuana license approval within 18 months.
22. 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 0001. 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 0001 for further review by the Planning Commission within three months of the adoption of Ordinance 2015-38.

Ms. Maclean told the Commission that this is a Conditional Use Permit for a marijuana cultivation facility in an industrial zone. The business is Rainforest Farms LLC, with business owners James and Giono Barrett and Michael Healy, said Ms. Maclean. The property is located

on Glacier Highway in Lemon Creek. It is approximately one acre of land, said Ms. Maclean. The land is zoned Industrial and labeled as Heavy Industrial in the Comprehensive Plan, she said.

The land is accessed off of Glacier Highway from a shared access easement, said Ms. Maclean. The building was formerly occupied by Taku Graphics, she added. The site is adjacent to a residential building as well as some salvage yards and trucking rental, said Ms. Maclean. The front and rear setbacks are ten feet, and the side setbacks are zero, she said. Since Lemon Creek is an anadromous stream, there is a 50 foot streamside setback, she said. There is an accessory dwelling unit located above the proposed cultivation facility, which requires one parking space, said Ms. Maclean. The cultivation facility will require four parking spaces, she added, which includes one space for ADA parking, she said.

There is an external stairway to the accessory dwelling, said Ms. Maclean, which will have no entrance to the cultivation facility. The cultivation facility will be armed by an alarm system and security cameras, said Ms. Maclean. There are French doors in the existing building which will be either walled in or replaced with security doors, she said. The facility is 2,750 square feet with a 510 square foot storage shed, said Ms. Maclean. Most of the odor control will be focused on the vegetative room, said Ms. Maclean, using the industry standard carbon filters.

They do not anticipate any negative impacts on traffic from this use, said Ms. Maclean. DOT did not express any concerns about the traffic generated by the facility, she said. Noise and lighting should not be an issue, she said. Public health, safety and welfare should not be an issue, said Ms. Maclean. The facility is not near any schools, churches or day care centers, she said. The use for the facility fits with the area, seeing as it is an industrial zone, said Ms. Maclean. This is an approved industrial use, she said. The project is also in conformance with the Comprehensive Plan, said Ms. Maclean.

They received two public comments in support of the Conditional Use Permit (CUP) and one comment in opposition to the CUP from the nearby residential dwelling, said Ms. Maclean. The Conditional Use is complete and of an appropriate use for the zone, said Ms. Maclean. The facility will not substantially decrease the value of the property or be substantially out of harmony with the property in the neighboring area, she said.

Approval of the cultivation facility is subject to 22 conditions, which Ms. Maclean read for the Commission.

Mr. Voelckers asked if the single family residence shared the driveway with the facility.

Ms. Maclean said that it did share the drive. In answer to Mr. Voelckers' question, she said the drive is 35 feet wide as it comes off of Glacier Highway.

Applicants

James Barrett told the Commission that the building they have identified is in a very secure location with adequate power supply for their needs. They will be using LED lights which do not have a large power consumption. They do not plan on using any toxic substances for the marijuana cultivation. They plan on using this site for marijuana cultivation, with the ultimate goal of having their own retail business in town to market the product, said Mr. Barrett. They will just be growing the flowers, with no additional processing of the product or extractions, said Mr. Barrett. At some point they plan on having a separate processing facility for that type of activity, he added.

They have a security room which should be adequate for holding a safe for any cash they need to keep on the premises, he said. The room downstairs identified as a laundry room is actually a boiler room, he said. There is outside access to that room, he added. There will be no cannabis in the storage shed. It will just be for preparation materials and for waste, he explained. The neighbors upstairs said they had no issues with the facility downstairs.

Giono Barrett said he will be focusing on the cultivation, and that they will be using very clean cultivation practices. They will not be using a lot of water and they will not be using fertilizers which have a salt residue, he said. None of their waste will be outside of the building, he said. The LED technology is environmentally friendly, he explained.

They will be using sophisticated, solid software to track each plant, said James Barrett.

Public Comment

Juneau resident Benjamin Wilcox said that he supported the cultivation facility, and that he felt the owners had the interests of the community at heart. He said if there was anyone who was becoming involved with this industry who was going to move forward with integrity and true purpose that it would be these individuals.

Juneau Resident Paul Disdier said he has gone over the CUP for this business, and he feels they have done a very good job. He said he believes these are reputable individuals, and the type of people who were wanted in this business. He said they are trustworthy people, and that he hoped the Commission and the community would trust them as well. Mr. Disdier asked the Commission to approve the CUP, and said these individuals would be an asset to the community.

MOTION: *by Mr. Peters, to approve USE 2016 0005, a Conditional Use Permit for a marijuana cultivation facility, and to accept the findings, analysis and recommendations of the staff.*

Speaking in support of the motion, Mr. Voelckers said they had spoken before about the extreme, long list of conditions attached to marijuana Conditional Use Permits. He said he was leaning towards being in support of removing about half of the conditions and supplanting

those with a more generalized statement that the director would work with the applicant to ensure that the necessary conditions be met.

Mr. LeVine said he is sympathetic to the point of view of Mr. Voelckers, but that the applicant has worked closely with the staff to craft the existing conditions, and given that this is only the second of these CUP's addressed by the Planning Commission, that he would support maintaining the specificity in the conditions, acknowledging that in the future they may be able to reduce the conditions by at least half.

Mr. Voelckers said he felt that Condition 9 that any detectable noise from fans or generators be non-detectable outside of the building was too restrictive. He said he felt it would be more reasonable to have the point from the property line rather than from immediately outside of the building.

Ms. McKibben said the primary reason for the difference in this Conditional Use Permit and the one which was passed by the Commission two meetings previous is that in this particular case there is another use within the same structure.

Mr. Voelckers said there might be a defining word or two added to that condition. He said according to the current phraseology that anyone who could hear anything outside of the building could claim the facility was not in compliance with the conditions.

Mr. Voelckers added as a friendly amendment to the main motion that the structure shall meet code in terms of noise and vibration separation in terms of the dwelling above and the operation below.

Mr. Peters accepted the friendly amendment.

The motion of Mr. Peters to approve the CUP with the friendly amendment offered by Mr. Voelckers passed with no objection.

X. **BOARD OF ADJUSTMENT**

XI. **OTHER BUSINESS**

Mr. LeVine said that he is a firm advocate of public participation in the meetings both verbal and written. He said they have had several written comments submitted for review by the Planning Commission right up to the commencement of the meeting. He said that he would like to ask the staff and the Law Department to develop some options for the Commission regarding a deadline for submission of written comments prior to the meetings, so the Commission members would have time to adequately review that information.

Mr. Haight said he agreed with the comments of Mr. LeVine. He said they have been getting inundated with several different written comments which makes it difficult for the Commission to ingest. He asked the staff if they could come up with some recommendations for the Commission.

Mr. Steedle asked the Commission how they would specifically like to deal with late written comments: would the Commission not want to see them at all, or after the meeting?

Mr. Peters said that the current rules of order address written testimony. He asked if this is where additional information would be inserted regarding deadlines. Mr. Peters added that if they were going to insert a deadline in which written public testimony was required to fall, that his preference would be if it was not submitted by the deadline that he did not want to see it.

Mr. LeVine said that he concurred with Mr. Peters. If written information is not submitted by the deadline, then he did not want to see it. He added he did not think this should preclude people bringing documents with them to support their issue, especially if they were limited in scope, such as maps, for example. He said he did not think it was unreasonable to request that comments be submitted 48 or 72 hours before a meeting in order to be considered.

Mr. Steedle said the rules of order provides deadlines. He asked if the Commission would be amenable to going by these deadlines. It read in part that materials and exhibits submitted less than three days before the meeting would be distributed by the clerk provided that the submission includes at least 15 copies.

Mr. LeVine said the portion of that rule involving the submission of written matter right up to the meeting was the crux of the problem. It did not provide the Commission with adequate time to review the contents in a meaningful way, he said. He said he would like to resolve that ambiguity. He added that he did not think that public comments should be emailed to commissioners. The comments should all have to go through the CDD, he said.

Mr. Voelckers said he agreed with this idea. He said he felt it was inappropriate to have a stack of papers waiting on their chairs for when they came to a meeting.

Mr. Haight asked the Commission if it felt this should be tied more to when the packets were delivered to the commissioners.

If they set a deadline, it should be no later than three business days before a meeting, said Mr. Peters. He said that he would like to receive all materials no later than a Friday, for preparation for a Tuesday meeting. He said he would often be reading his packet over the weekend, noting that this packet was almost 1,000 pages in length.

Mr. Steedle said they would put together a proposal for the Commission by its next meeting.

The public comment deadline could be the Friday prior to the meeting, and Mr. LeVine noted if the primary packet had already been delivered, that they could be sent to the Commission by email.

Mr. Voelckers added that this rule should also apply to late submissions by the staff.

XII. DIRECTOR'S REPORT

▪ Lemon Creek Steering Committee Recommendations

Applications for the Lemon Creek Steering Committee allows for a maximum of 11 members, said Ms. Maclean. Eleven individuals had submitted applications for the committee and it was a well-rounded group, she noted, composed of members from various facets of the community.

MOTION: *by Mr. Peters, to accept all eleven applications for the Lemon Creek Steering Committee.*

The motion passed with no objection.

The members of the newly formed Lemon Creek Steering Committee are:

	Wayne Coogan
	Sandra Coon
	Sam Dapceovich
	Susan Erben
	Dave Hannah
	Michael Lukshin
	Steve Johnson
	Vivian Kokotovich
	Mark Pusich
	Patrick Quigley
	Michael Short

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Title 49 Committee

Mr. LeVine said the Title 49 Committee met on March 16, (2016) primarily to discuss the agenda for the year. Mr. LeVine was elected as chair of that committee.

Subdivision Review Committee

Mr. Voelckers reported that this committee has not met recently, but that he would like to refresh the invitation to review the access issue which was before the Commission this evening.

Mr. Steedle said the staff has been reviewing this issue and that it would soon be presented to the Commission.

Wetlands Review Board

Mr. Haight reported that the Wetlands Review Board would be meeting on Thursday, April 14, (2016).

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

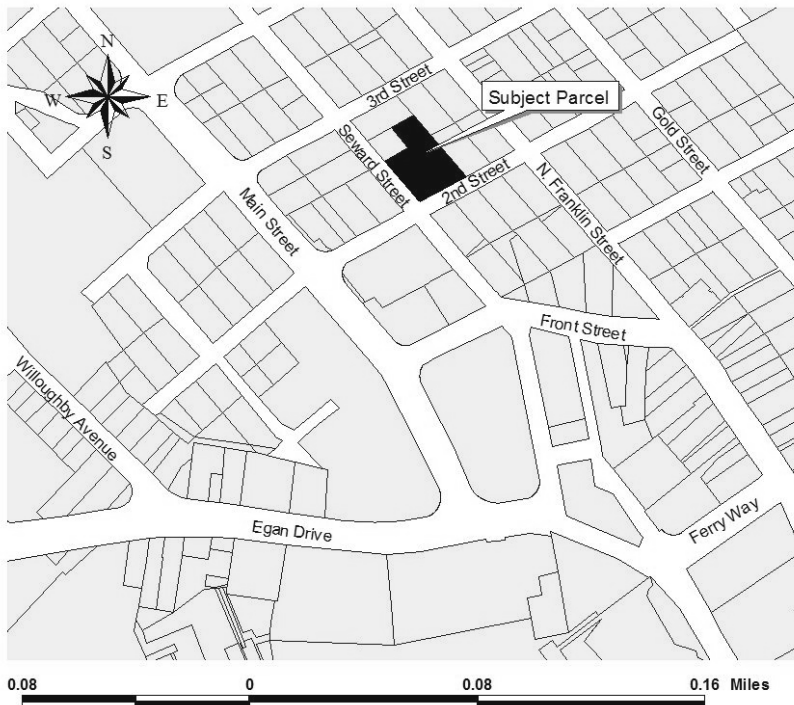
XV. ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

DRAFT



NOTICE OF PUBLIC HEARING



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

SHIP TO:



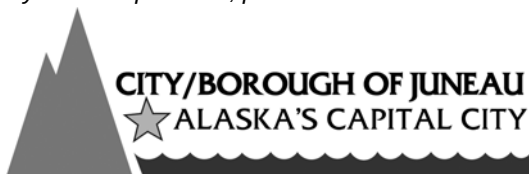
PROPOSAL: Conditional Use Permit for a marijuana retail establishment in the Mixed Use zoning district.

File No:	USE2016 0006	Applicant:	Rainforest Farms, LLC.
To:	Adjacent Property Owners	Property PCN:	1-C07-0-A04-001-0
Hearing Date:	May 10, 2016	Owner:	Goldstein Improvement Co.
Hearing Time:	7:00 PM	Size:	12,282 square feet (0.282 acres)
Place:	Assembly Chambers	Zoned:	MU - Mixed Use
	Municipal Building	Site Address:	216 2nd Street
	155 South Seward Street	Accessed Via:	2nd Street
	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 Christine Steadman at Christine.Steadman@juneau.org or at 586-0761.



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: April 28, 2016

TO: Planning Commission

FROM: Chrissy Steadman, Planner *Chrissy Steadman*
Community Development Department

FILE NO.: USE2016 0006

PROPOSAL: Conditional Use Permit for a marijuana retail establishment
in the Mixed Use zoning district.

GENERAL INFORMATION

Applicant: Rainforest Farms, LLC

Property Owner: Goldstein Improvement Co.

Property Address: 216 2nd Street

Legal Description: JUNEAU TOWNSITE BL 4 LT 1, 2 & 7 FR

Parcel Code Number: 1-C07-0-A04-001-0

Site Size: 12,282 square feet

**Comprehensive Plan Future
Land Use Designation:** Traditional Town Center (TTC)

Zoning: Mixed Use (MU)

Utilities: CBJ water & sewer

Access: Second Street

Existing Land Use: Commercial building

Surrounding Land Use:

North - Mixed Use – Retail/Canvas Arts/REACH
South - Mixed Use – Retail/Office Space/Wells Fargo
East - Mixed Use – Commercial/Retail/Residential
West - Mixed Use – Retail/Office Space/Subway

Vicinity Map



ATTACHMENTS

- Attachment A: Conditional Use Permit Application
- Attachment B: Narrative
- Attachment C: Floor Plan
- Attachment D: As-Built Survey
- Attachment E: Public Notice

Planning Commission
File No.: USE2016 0006
April 28, 2016
Page 3 of 10

PROJECT DESCRIPTION

The applicants request a Conditional Use permit for the development a marijuana retail store in the Mixed Use zoning district. The applicants are also proposing to conduct marijuana product manufacturing on site. That Use will require a separate conditional use permit application. The applicants have an approved conditional use permit for cultivation with USE2016 0005 and intend to stock the retail store with marijuana they produce at their Lemon Creek cultivation facility. Eventually the applicants intend to sell products from other cultivators and product manufacturers.

BACKGROUND

In November 2015, the Assembly passed Ordinance 2015-39, amending CBJ 49.25.300, Table of Permissible Uses (TPU), to include marijuana uses. Marijuana uses allowed by the TPU include marijuana cultivation, marijuana product manufacturing, marijuana testing, and marijuana retail. Marijuana retail is allowed in the Rural Reserve, Light Commercial, General Commercial, Mixed Use, Mixed Use 2, Waterfront Commercial, Waterfront Industrial and the Industrial zoning districts with an approved Conditional Use permit. Of the four marijuana uses allowed in the CBJ, marijuana retail is the only one allowed with an approved Conditional Use permit in all non-residential zoning districts.

Ordinance 2015-38, establishing special use provisions for marijuana establishments, has not yet been passed Assembly. It was considered by the Assembly Committee of the Whole at their April 4, 2016 meeting and is scheduled for a public hearing before the Assembly on May 2, 2016. Ordinance 2015-38 contains Conditional Use Permit application requirements specific to marijuana uses, odor management standards, and a local license requirement for marijuana uses.

This staff report was due prior to the May 2nd public hearing. Should there be amendments made to the ordinance that would affect this proposal, staff will provide a blue folder memo. In the meantime, CDD staff recommended the applicants address the additional materials consistent with the Planning Commission's recommendation to the Assembly. Additional information required germane to this proposal includes:

- Security plan which indicates compliance with State law
- Waste disposal plan
- Screening plan

The applicants have addressed each of these topics in the application narrative.

Planning Commission
File No.: USE2016 0006
April 28, 2016
Page 4 of 10

ANALYSIS

Project Site - The subject parcel is comprised of two lots and a fraction of a lot. The structure is a single story commercial building with six associated addresses. The proposed commercial space to be occupied by the marijuana retail store was formerly occupied by Heritage Coffee. The space has been vacant for over a year. The site is accessed by Second Street, bordered by the Subway sandwich shop and a parking lot.

Project Design – The applicants' floor plan can be seen in attachment C. No exterior changes to the building are proposed. Two non-load bearing walls will be constructed around the kitchen area to separate it entirely from the retail space. A secure door will lead from the retail space to the kitchen. The site currently has two bathrooms. The applicants plan to convert one bathroom into a secure office and have a single unisex bathroom. The office space will contain surveillance system hardware and a safe for money and product. Restricted access areas include both kitchens and the office and will be identified as such with state regulated signage.

State and proposed local regulations require that no marijuana products be visible from a public right-of-way. The front of the building facing Second Street has two large windows, the main entry door, and a set of French doors bordered by two floor length windows entering off of the patio. Both doors have floor length windows. The French doors and windows are in front of the proposed marijuana product retail area. Two windows look into the proposed merchandise area of the establishment. The applicants have stated they intend to replace the existing glass with tempered glass.

In addition to the front facing doors and windows there are seven windows on the eastern side of the building. Five of the eastern facing windows are above head height. It is not possible to see in the windows from the right of way. It is possible to view into the building from the Second Street ROW through the two lower of the eastern facing windows. Staff recommends as a condition of approval that the two lower eastern facing windows and the doors and windows facing Second Street be shielded with an opaque material.

Additionally, state regulations require commercial grade door locks on all entry points. Staff recommends, as a condition of approval, that either grade 2 locks with deadbolts or grade 1 locks be installed on both exterior entry doors to the marijuana retail establishment.

Customers will have their identification checked immediately upon entering the premises. State regulations require a sign to be posted at the entry stating, "no one under the 21 years of age is allowed". After showing identification, customers will either enter the merchandise section of the store or enter the line to purchase marijuana products. Customers will not be able to access products without a handler present. All products will be displayed in cases or on shelving behind permitted marijuana handlers. Customers will be served directly by a handler at the

Planning Commission
File No.: USE2016 0006
April 28, 2016
Page 5 of 10

counter. The two owners anticipate three initial full time employees besides themselves. Over time they estimate the number of full time employees will increase to six.

All products will be secured either in the kitchen or the office when the establishment is closed. The proposed operating hours are 10 a.m. to 10 p.m. These hours are consistent with state and local regulations.

Allowable signage is governed by CBJ 49.45 Signs. The proposal includes a single exterior façade mounted business sign of four square feet. This proposed signage is consistent with state and local regulations.

The loading zone for the site is directly in front of the main entrance. A security camera will be positioned at the entrance to the establishment. Staff recommends as a condition of approval that the single proposed camera be positioned so as to capture the loading zone or an additional camera be installed to capture the loading zone.

Traffic – The marijuana retail store will receive foot traffic from tourists and locals. Customers will have their identification checked just inside the entrance door (see Attachment C). Depending on the demand for marijuana products and given the limit amount of retail space in the store, lines may form outside the building. Staff recommends a condition that no crowds may form on the right-of-way.

Product manufacturing and packaging will take place at the subject site. No extraction of oil will take place at this site. The applicants will purchase extracts from a licensed extractor and produce baked edibles on site. That use requires a separate Conditional Use permit application. Deliveries from the Lemon Creek cultivation facility are expected on a weekly basis.

Odor - Proposed Ordinance 2015-38 requires all marijuana establishment licensees to prevent odor from being detectable outside of the licensed premise. As described under project design, the building will have carbon filters to absorb odor. Carbon filters are the primary method for odor elimination in marijuana facilities. Staff recommends a condition that the filters be replaced no less than once annually or according manufacturer specifications to ensure their proper functioning.

Parking and Circulation - The subject parcel is located in the PD-1 parking district. According to CBJ 49.40.210(d)(1) there is no parking requirement in the PD-1 parking district except when a building is expanded or new construction is proposed. No expansion or new construction is associated with this proposal. The existing loading zone is appropriate for the use and ensures no on street parking is encumbered by the use.

Planning Commission
File No.: USE2016 0006
April 28, 2016
Page 6 of 10

Noise – Noise is not expected to be of concern with the development of the additional retail on the subject site. The site was occupied by a popular coffee shop for several years. Noise is expected to be similar to other uses that may be permitted outright in the Mixed Use zone.

Lighting – Recessed lighting exists above the entrance to the site and above the covered outdoor patio. The applicants propose to install a motion activated light at the entrance to the establishment. The exterior light plan ensures off-site glare will not be a concern.

Public Health or Safety – Public health issues related to marijuana retail include quality control of the salable product. Samples of all products are required to be tested prior to sale to ensure the absence of harmful microbial and residual solvents and provide potency information. State regulated potency limits, package labeling and sign postage requirements are meant to ensure consumers are educated about the products potency, time elapsed effect and dosage recommendations.

The site is located in a densely developed area of downtown. The site will be more secure than many other businesses in the area. The site will be equipped with twenty four hour surveillance including motion activated lighting, alarm system and high resolution security cameras.

Security is a primary concern in the legal marijuana industry and the state regulations provide for processes and standards to ensure legal marijuana does not end up in the illegal market, is sold only to those 21 and over and that licensed marijuana establishments are secure from theft. Proposed Ordinance 2015-38 requires that CUP applications include a security plan indicating how the applicants will comply with the requirements imposed by State law. Those requirements include;

- Exterior lighting
- Security alarm system on exterior doors
- Continuous video monitoring
- Commercial grade door locks on exterior points of entry

Each of the state security requirements are addressed in the security plan found on pages 2 and 3 of attachment B. Staff recommends as a condition that prior to issuance of a Certificate of Occupancy that staff ensure that each security element is operational.

The applicants' waste plan is found on page 2 of attachment B. Any unsalable products will be disposed of according to the state waste disposal regulations found in 3 AAC 306.740. The site is equipped with an enclosed, locked garbage storage room. It is not possible to determine at this time the amount of marijuana waste that would be produced by the marijuana retail establishment since that may be based on demand, shelf life of products, or if there is a recall on a product.

Planning Commission
File No.: USE2016 0006
April 28, 2016
Page 7 of 10

3 AAC 306.010 requires 500 feet between the public entrance of the marijuana establishment and the outer boundary of schools, recreation or youth centers. There must be 500 feet between the public entrance of the marijuana establishment and the main public entrance of correctional facilities and buildings in which religious services are regularly held. This distance is measured by the shortest pedestrian route. The closest establishment that qualifies for this buffer is Holy Trinity Episcopal Church on the corner of Fourth and Gold Streets. The shortest pedestrian route between the subject site and the church is just over 900 feet.

Habitat - No habitat regulated by Title 49 will be affected by the proposal.

Property Value or Neighborhood Harmony – The CBJ Assessor’s office has commented that no matter the use certain nuisances such as traffic, noise, crime, odor and litter can affect property values. If a particular proposal has the potential to produce any of these off site impacts appropriate conditions can be applied to the Conditional Use permit to either mitigate the impact or eliminate it altogether.

The location for the proposal has been vacant for over a year. There is no evidence to suggest that the addition of a marijuana retail store operated in accordance with all state and local regulations in the downtown core will affect property value. At the time this staff report was due, staff had not received any public comment about the proposal. Through the application of appropriate conditions, the neighborhood harmony of the MU zoning district will be maintained.

Conformity with Adopted Plans – The subject site has a 2013 Comprehensive Plan land use designation of Traditional Town Center (TTC). According to the 2013 Comprehensive Plan the TTC land use designation are land characterized by;

High density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

The addition of a marijuana retail establishment in the downtown core is consistent with the TTC land use designation. Additional policies of the 2013 Comprehensive Plan relevant to the proposal include:

Planning Commission
File No.: USE2016 0006
April 28, 2016
Page 8 of 10

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA.

POLICY 5.10 TO ENCOURAGE RESIDENTS AND BUSINESSES TO “LOOK LOCAL FIRST” FOR PURCHASES OF GOODS AND SERVICES.

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

Planning Commission
 File No.: USE2016 0006
 April 28, 2016
 Page 9 of 10

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 permit is listed at CBJ §49.25.300, Section 2.300 for the Mixed Use 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 in the May 1, 2016 and May 9, 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. There is no evidence to suggest that the proposed marijuana retail establishment in the Mixed Use zoning district will materially endanger the public health or safety.

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

No. Based on the preceding analysis staff finds that the proposed marijuana retail establishment will not 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. Based on the preceding analysis staff finds that the proposed marijuana retail establishment is in general conformity with the land use plan and 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 Management Program?

N/A.

Planning Commission
File No.: USE2016 0006
April 28, 2016
Page 10 of 10

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.

DEVELOPMENT PERMIT APPLICATION

Packet Page 38 of 243

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 2/22/16
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description MARIJUANA RETAIL		
	PROPERTY LOCATION		
	Street Address 216 2nd St	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) TOWNSITE 4 LT 1, 2 & 7 FR		
	Assessor's Parcel Number(s) 1C070A040010		
	LANDOWNER/ LESSEE		
	Property Owner's Name GOLDSTEIN IMPROVEMENT CO.	Contact Person: DANIEL GLIDMAN	Work Phone: 907 321 0790
	Mailing Address 130 SEWARD ST. Suite 001	Home Phone:	Fax Number: 907 586-0101
	E-mail Address GLIDMAN2@GMAIL.COM	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. X <u>Daniel Glidman</u> for GOLDSTEIN IMPROVEMENT Landowner/Lessee Signature Date 2/22/2016 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 KAWFOREST FARMS, LLC	Contact Person: James Barratt	Work Phone: 907 957 4751	
Mailing Address PO Box 21714, Juneau 99802	Home Phone: SAME	Fax Number:	
E-mail Address KAWFORESTJAMES@GMAIL.COM	Other Contact Phone Number(s):		
X _____ Applicant's Signature Date of Application 2/22/16			

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	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)			
	X Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		2/22/16	USE20160006
	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 ANE	

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
L:\FORMS\2010 Applications Revised November 2009

Attachment A

Packet Page 39 of 243

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

**Site Plan and Location Narrative
216 2nd Street, Juneau
Juneau, AK**

Where: 216 2nd Street.

Request: In accordance with State and local laws, we would like to apply for a conditional use permit for the purposes of Marijuana Retail.

Uses of Premises: Marijuana Retail. The site will be used for cannabis retail.

Lease Holder: Rainforest Farms, LLC

DBA: Rainforest Farms Cafe

Property Owner: Golstein Improvement, LLC

Site/Project Information:

- **Area** 1232 Sq Ft
- **Accessibility** A2 occupancy
- **Separations** Adjacent (a2) Subway Restaurant, Adjacent "B" Business.
- **Zoning District** Mixed Use
- **Building Height** 18ft
- **Occupancy** 50 People
- **Previous Known Permits** BLD 200500051

Scope:

We are proposing and planning to use this space for both retail and processing. We will be using the back area as a kitchen. A non load bearing wall may be added to increase kitchen size. Mostly aesthetics changes will be made to the retail aspect of the operation. There will be security cameras added to premises. Other products will be sold as well, including t-shirts, gifts, artwork and prepackaged food.

This space is to be worked on until a permitted to operate by obtaining a license to do so. In the meantime, we would like to obtain the CUP in effort to get the premises up to date in a condition in which regulations for such businesses require. We have one parking space available to use. We will be replacing the glass on the windows with tempered glass for security. Tint or curtains will also be used to prevent plain view from outside pedestrians. Security doors will separate both retail and processing areas.

We have identified the neighborhood and found that this location meets all state regulations and current zoning ordinances. We have identified all school, churches, and daycare facilities and have found that this location is out of site and is outside of the buffer required by the State of

Alaska.

Construction: Non-load bearing walls will be added to the primary room located at the entrance of the facility to separate processing licence from retail. Windows will be replace with security glass. Security Doors will be added to appropriate access points to separate licensed areas as well as restricted access areas.

Hours of operation: This retail operation will be open for business from 10am-10pm, 7 days per week. Most of the work will be done during the daytime during regular business hours.

Odor management: To ensure total odor air filtration, there are several important factors to consider. We will be using a carbon grade RC-48 filter for odor filtration. The RC-48 carbon is effective for the filtration of organic particles and other airborne materials. We will be using 3 (Phresh® Filter 10" x 39")of these filters, one in each room. This set-up overly satisfies the CFM units needed to effectively pass air through the filters and remove odors. (see attached diagram)

Waste management: Excess waste will be disposed of in the landfill. Our garbage will be in a locked room until pick-up. Cannabis related products will be disposed of according to State regulations.

Unsalable product will be disposed of according to state regulations.

Once unsalable product is recorded, it can then be moved out of the restricted access and stored in the locked garbage area until disposed of properly.

We will give the board at 3 days notice in the marijuana inventory tracking system required under AS 3 AAC 306.730 before making the waste unusable and disposing of it.

Trash will be located in a locked area outside of premises and disposed of on a weekly basis.

Security: (see attached security diagram). Video surveillance will cover all restricted access areas. Cameras will be operating 24 hours per day, 7 days per week, both inside and outside of the premises as required by State regulations.

Surveillance recording equipment and video surveillance records will be housed in the designated, locked, and secured safe room area.

Exterior cameras will face at least 25' out past the exterior wall. Security footage will be stored on site for 40 days in a locked and secure area where video surveillance recording equipment and records will be housed and stored. This area will only be accessible only to authorized personnel, law enforcement, or an agent of the board.

The video will be archived in a format that does not permit alteration of the recorded image, so that the images can readily be authenticated. All video surveillance will clearly and accurately display the time and date of recording.

A copy of video footage will be saved off-site on backed-up on a monthly basis. Footage will be available upon request.

A camera will be placed in the security room where the point of sale of product will take place.

There will be 1 primary access security door that will allow entrance to the retail restricted access areas. Doak's will provided perimeter entrance security as well as window security. In the event that a break in occurs, both landowner, tenants, and JPD will be notified accordingly. Cash deposits will be held in a safe along with product in a secured room. This safe room will also hold business records.

Exterior motion lighting will be installed to facilitate surveillance in addition to the exterior lighting that is already in place. Exterior motion lights are placed at each corner of the premises and facing outward to detect motion within 25' of the building exterior.

A cellular phone will be kept on site for emergency calls and panic situations. In the event that there is an emergency, a phone will be available to employees and guests to make emergency phone calls.

A panic button is placed on the wall security panel to sound alarms if needed.

Employees will be required to be trained on site specific security protocols and procedures prior to employment.

An identification badge will be displayed and worn by each licensee, employee, or agent while on the premises.

Diversion of Product: Policies and procedures for preventing diversion of marijuana or marijuana product will include:

- RFID tags on all products and plants.
- A marijuana inventory tracking system designed by TraceWeed tracking systems, capable of sharing information with the system the board implements to ensure tracking for the reasons listed above, will be used.
- Products will be stored in a safe for the entire duration while awaiting sale.
- Signed manifest by the buyer of the goods will be kept for on-site record.
- Sound alarms will be installed.
- Security Systems signs will alert intruders of security measures.

- Lighting both and indoor exterior will allow for product to be monitored sufficiently via video surveillance.
- Products will be locked in a fire resistant safe.
- Access to safe will be limited only to owners and limited staff.
- Signed inventory declarations of products being stored will be accounted for an updated on a daily basis.
- A camera will be placed in the security room where the point of sale of product will take place.
- All marijuana packaged will be weighed on a scale certified in compliance with AS 3 AAC 306.745.
- Marijuana product will be prepared, packaged, and secured for pick-up in child resistant, opaque bags. Bags will have a manifest with tracking and testing information attached at all times.
- Locked containers from purchaser will be required prior to product leaving facility.
- No product will be sold or given possession to anyone without a marijuana handlers card and manifest of transportation, and receipt of product paid.
- Commercial grade locks placed on all doors.

Guest and Visitors: Unescorted members of the public will be prohibited from entering restricted access areas. Guest must be 21 years of age to enter retail store. Guests will be need to verify ID at the door to ensure they are 21 years of age. Guest will also need to show Identification for each purchase made in addition to being checked at the entrance.

The processes for admitting visitors into and escorting them through restricted access areas will require guests to sign in with name, age, date and time of entrance and time of exit, name of person escorting visitor and guests' driver's license information. Employee or owner who has Marijuana handlers card will escort visitor at all times. Information will be stored in a locked file cabinet in the safe room for record keeping.

Guests will be required to wear a "visitor pass" connected to a lanyard for the entire duration of the visit.

Employees: We will start with just the owners and 3 employees. Eventually we plan to hire 4-6 full-time employees.

Each employee, or agent who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, shall obtain a marijuana handler permit from the Marijuana Control Board before being beginning employment.

~~One hand washing sink, bathroom, and sanitation area will be available for employees.~~

Employees will be required to be trained on on-site specific security protocols and procedures prior to employment. Employee will be informed on how to handle each specific situation and how to stay safe when it occurs.

A detailed report will be made and saved on-site each time an action has been taken when security has been breached.

Parking: We have 1 parking spaces available to use. Guest and customers may use street parking.

Parking spaces are 8.5' wide by 16' long.

Delivery: Delivery Services will not be made available. Purchaser will be liable for the product after sale is finalised. All product will be tracked and taxed according to State Regulations. Once sale is final, records of the sale for both tax and tracking will be available on premises for inspection when needed.

Neighborhood Harmony: We have identified the neighborhood and found that this location meets all state regulations and current zoning ordinances. We have identified all school, churches, and daycare facilities and have found that this location is out of site and is outside of the buffer required by the State of Alaska. We have determined that our operations will not negatively affect the operations of surrounding homes or business. Of the immediate areas for consideration are a bank, Subway, a neighboring restaurants and a few gift shops. Of these businesses, none will be negatively affected by our operation.

Signage: A sign will be placed above the entrance of the building. The sign will be no larger than 24"X24" and will be placed next to the main entrance.

Security signs will be placed on exterior of building to prevent loitering and theft.

Signage required by CBJ ordinances as well as the State of Alaska will be appropriately placed in areas visible to public.

Hand washing signs for employees will be placed in bathroom.

Health and Sanitation: Cleaning of entire retail space will take place daily. We will be using food grade and non-toxic cleaning supplies. After each day, the room will be swept, and mopped. All walls will be wiped down and surface areas will be dusted and washed as well. Documents pertaining to cleaning schedules will be retained and saved for record keeping.

~~The use of small dehumidifiers will keep the air free of humidity and reduce the amount of mold and bacteria in the room. Properly cleaned carbon filtered ventilation will also allow for further~~

sanitation to take place. Laborers are required to wash hands regularly. Before and after using bathroom as well as before and after leaving work.

Signs encouraging employees to wash hands will be placed in the bathroom and above wash areas.

Utensils and tools will be cleaned as needed to prevent cross contamination.

Extractions: Extractions and concentrates will not be produced at this site. We will use small screens during trimming time to catch material for sale, however, this will not be considered an extraction technique.

License to Display: A copy of the State license will be displayed inside of the main entrance to the building, outside of the restricted access areas and will be directly in sight of the main entrance.

A copy of the local license will be displayed inside of the main entrance to the building, outside of the restricted access areas and will be directly in sight of the main entrance.

On-Site Record Keeping: In addition to standard operating procedures, several items will be stored on-site in a locked file cabinet. These files will be located in the safe room and will be restricted only to certain personnel and authority. Items to be stored on-site include:

- All books and records necessary to fully account for each business transaction conducted for the current year and three preceding calendar years (when applicable); records for the last six months are maintained on the marijuana establishment's licensed premises.
- A current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent.
- The business contact information for vendors that maintain video surveillance systems and security alarm.
- Systems for the licensed premises.
- Records related to advertising and marketing.
- A current diagram of the licensed premises including each restricted access area.
- A log recording the name, and date and time of entry of each visitor permitted into a restricted access area.
- All records normally retained for tax purposes.
- Accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed.
- Transportation records for marijuana and marijuana product as required under 3 AAC 306.750(f).

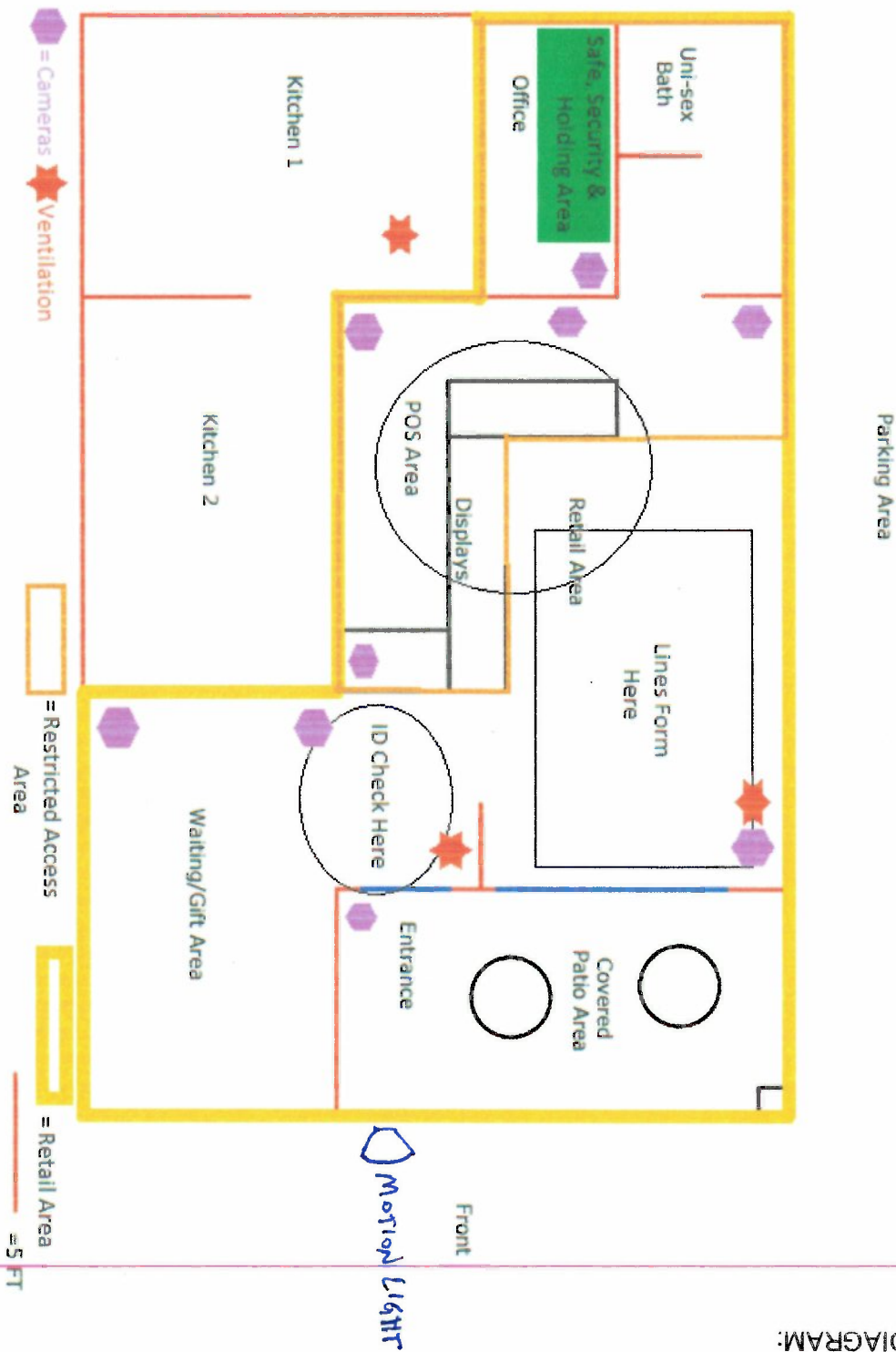
- Expiration dates of Marijuana Handler Cards for employees.

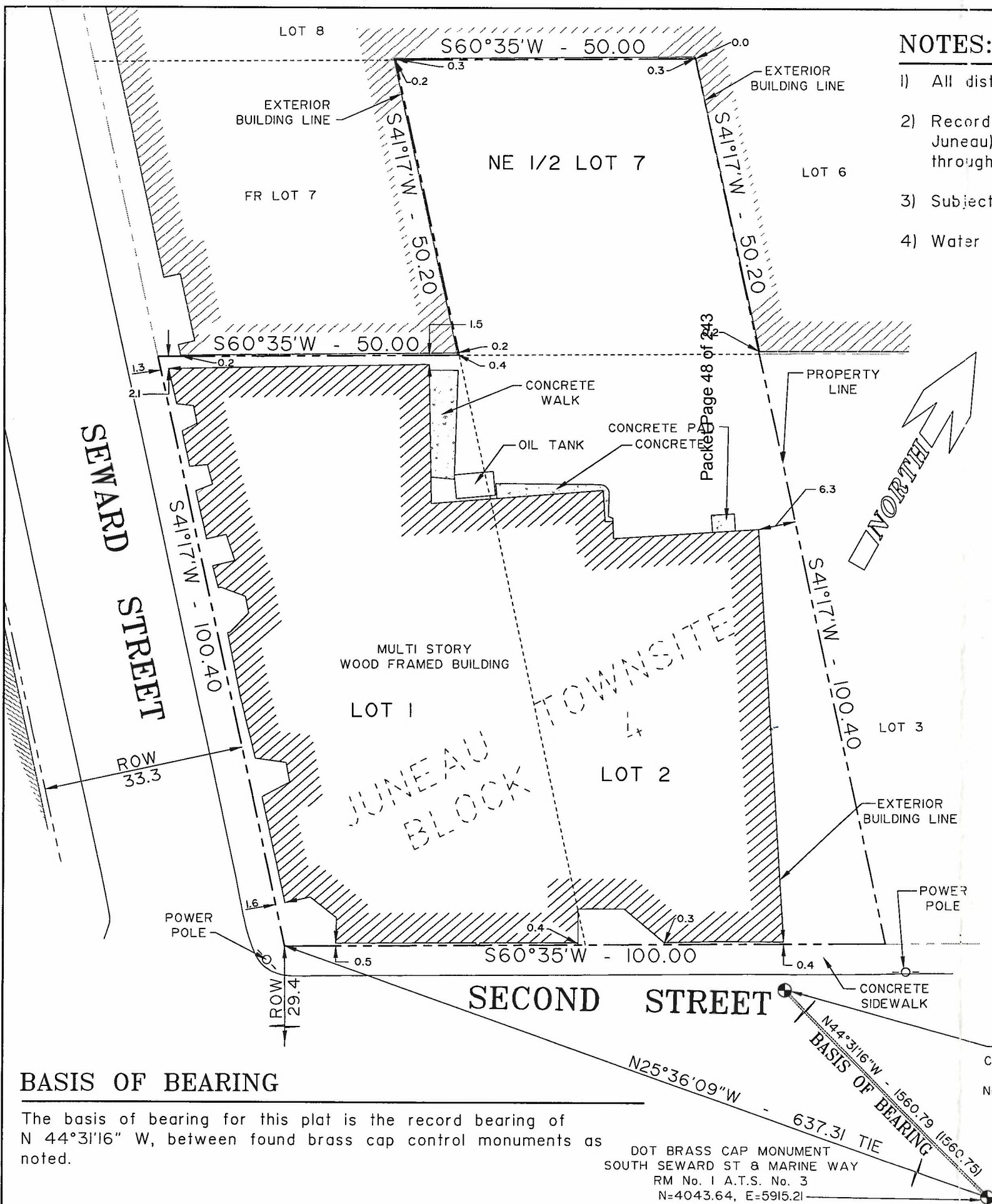
To prevent these records from being lost or destroyed, a copy of all records will be made and stored off-site after the period of required record retention expires. Copies of records and files will be constantly updated and made in duplicate for the purposes of having back-up copies available when needed.

Other Notes:

- All marijuana products will be removed from display and placed in a safe each night for holding.
- Curtains will hang from front and side windows to divert attention away from minors. This also keeps cannabis items out of site and displayed properly to satisfy state regulations. By doing so, people passing by cannot see cannabis items from outside of the retail establishment.
- Retail CUP will share processing CUP office area for security and storage.
- Motion Light will be added above entrance door.

INDOOR SECURITY and FLOOR PLAN DIAGRAM, EXTERIOR CAMERAS AND LIGHTING

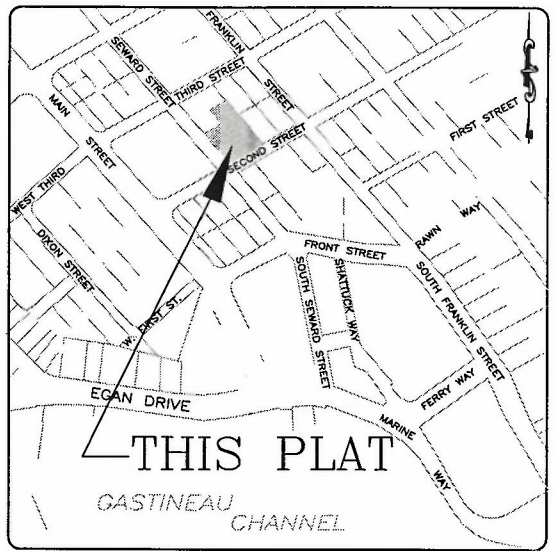




NOTES:

- 1) All distances are measured in U.S. Survey feet.
- 2) Record information derived from U.S. Survey No. 7 (Townsite of Juneau) and Statutory Warranty Deed Book 196, Pages 581 through 583.
- 3) Subject to easements and restrictions of record.
- 4) Water and sewer service provided by CBJ public utilities.

BLD 2005-51
OK as noted
SB 2-28-05
RECEIVED
FEB 14 2005
PERMIT CENTER / CDD



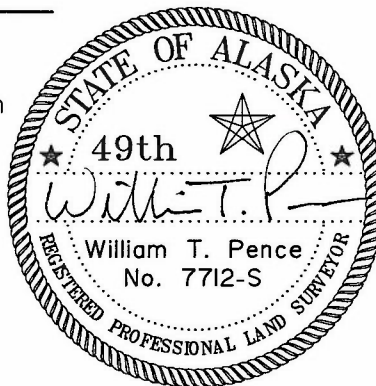
VICINITY MAP
SCALE: N.T.S.
SOURCE: CBJ BASEMAP SERIES

SURVEYOR'S CERTIFICATE

I hereby certify that I am a Registered Land Surveyor licensed to practice 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:

Lots 1, 2 and a Fr of Lot 7, Juneau Townsite Block 4
Juneau Recording District, Juneau, Alaska
and that all walks, roads, improvements, encroachments and overlaps are shown correctly to the best of my knowledge.

Date: February, 2005



AS-BUILT
LOTS 1, 2 and Fr of LOT 7
BLOCK 4 U.S. SURVEY No. 7
JUNEAU TOWNSITE
JUNEAU RECORDING DISTRICT - JUNEAU, ALASKA

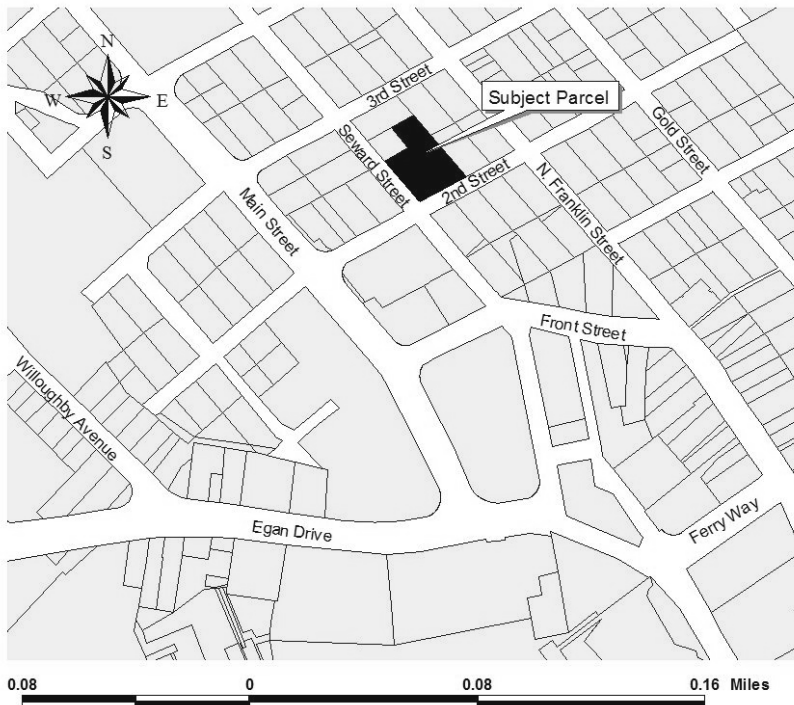
TONER-NORDLING & ASSOCIATES INC
CIVIL ENGINEERING-LAND SURVEYING-CONSTRUCTION ADMINISTRATION
5368 COMMERCIAL BOULEVARD
JUNEAU ALASKA 99801 907-780-3533

SCALE: 1" = 20'	DATE: FEB. 2005	PROJECT NO. 05-4040	FILE NO.	SHEET NO. 1 OF 1
--------------------	--------------------	------------------------	----------	---------------------

Attachment D



NOTICE OF PUBLIC HEARING



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

SHIP TO:



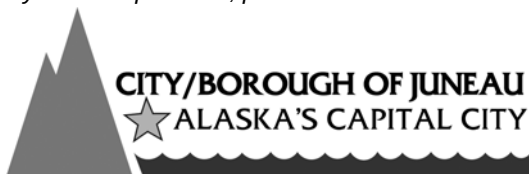
PROPOSAL: Conditional Use Permit for a marijuana retail establishment in the Mixed Use zoning district.

File No:	USE2016 0006	Applicant:	Rainforest Farms, LLC.
To:	Adjacent Property Owners	Property PCN:	1-C07-0-A04-001-0
Hearing Date:	May 10, 2016	Owner:	Goldstein Improvement Co.
Hearing Time:	7:00 PM	Size:	12,282 square feet (0.282 acres)
Place:	Assembly Chambers	Zoned:	MU - Mixed Use
	Municipal Building	Site Address:	216 2nd Street
	155 South Seward Street	Accessed Via:	2nd Street
	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 Christine Steadman at Christine.Steadman@juneau.org or at 586-0761.



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

Attachment E

Date notice was printed: April 28, 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: May 11, 2016

File No.: USE2016 0006

Rainforest Farms, LLC
PO Box 21714
Juneau, AK 99802

Application For: Conditional Use Permit for a marijuana retail establishment in the Mixed Use zoning district.
Legal Description: Juneau Townsite Block 4 Lot 1, 2 & 7 Fraction
Property Address: 216 2nd Street
Parcel Code No.: 1-C07-0-A04-001-0
Hearing Date: May 10, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 28, 2016 and approved the development of a marijuana retail establishment in the Mixed Use zoning district to be conducted as described in the project description and project drawings submitted with the application and with 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

Rainforest Farms, LLC.
File No.: USE2016 0006
May 11, 2016
Page 2 of 2

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.

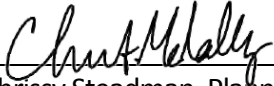
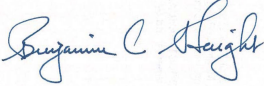
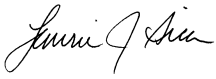
Attachments: April 28, 2016 memorandum from Chrissy Steadman, Community Development, to the CBJ Planning Commission regarding USE2016 0006.

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, May 10, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or November 10, 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.

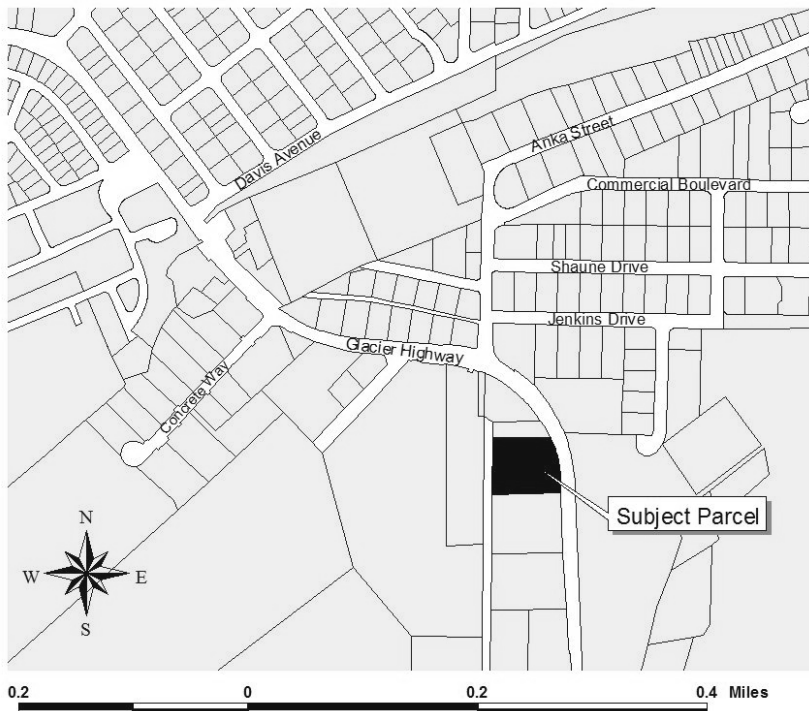
Project Planner:	 _____ Chrissy Steadman, Planner Community Development Department	 _____ Ben Haight, Chair Planning Commission
	 _____ Filed With City Clerk	May 17, 2016 _____ Date

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.



NOTICE OF PUBLIC HEARING



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

SHIP TO:



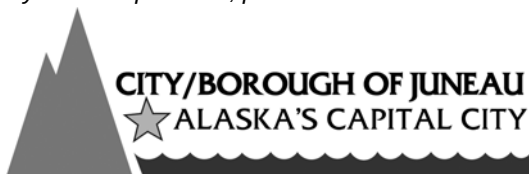
PROPOSAL: Conditional Use Permit for expansion of Tyler Rental retail business in the Industrial Zone

File No:	USE2016 0011	Applicant:	Jensen Yorba Lott, Inc.
To:	Adjacent Property Owners	Property PCN:	5-B12-0-100-008-0
Hearing Date:	May 10, 2016	Owner:	Tyler Rental, Inc.
Hearing Time:	7:00 PM	Size:	1.654 acres
Place:	Assembly Chambers	Zoned:	I - Industrial
	Municipal Building	Site Address:	5401 Glacier Highway
	155 South Seward Street	Accessed Via:	Glacier Highway
	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 Christine Steadman at Christine.Steadman@juneau.org or 586-0761.



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: April 28, 2016

TO: Planning Commission

FROM: Chrissy Steadman, Planner
 Community Development Department

FILE NO.: USE2016 0011

PROPOSAL: Conditional Use Permit for expansion of Tyler Rental retail business in the Industrial Zone.

GENERAL INFORMATION

Applicant: Jensen Yorba Lott, Inc.

Property Owner: Clifford M. Cole

Property Address: 5401 Glacier Highway

Legal Description: Midway Tract E2

Parcel Code Number: 5-B12-0-100-008-0

Site Size: 72,048 square feet (1.65 acres)

Comprehensive Plan Future Land Use Designation: Commercial

Zoning: Industrial

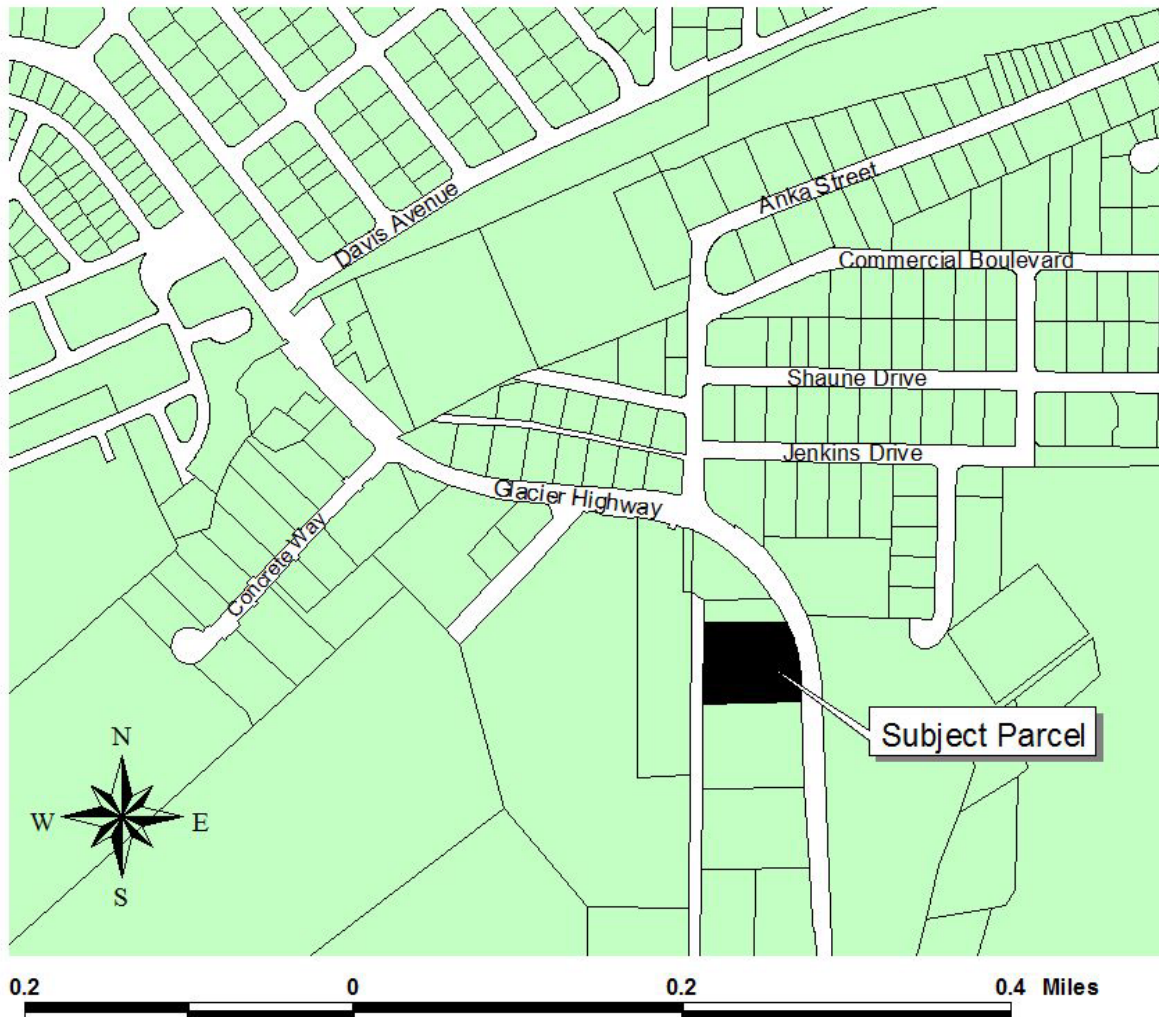
Utilities: Public water & sewer

Access: Glacier Highway

Existing Land Use: Warehouse

Surrounding Land Use:	North	-	Industrial
	South	-	Industrial – Tyler Rental
	East	-	Industrial/General Commercial - Vacant
	West	-	Industrial

Vicinity Map



ATTACHMENTS

- Attachment A: Conditional Use Permit Application
- Attachment B: Site Plan
- Attachment C: Applicant Narrative
- Attachment D: Public Notice

Planning Commission
File No.: USE2016 0011
April 28, 2016
Page 3 of 8

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a machinery rental and retail store in the Industrial zone.

BACKGROUND

The 7,840 square foot construction equipment rental, retail and repair business located at 5295 Glacier Highway was approved with an Allowable Use Permit AU-13-90. First known as Construction Machinery, Inc. the business later became Tyler Rental. Tyler Rental is now seeking to expand the business by leasing the adjacent property to the north. The site has an existing Heritage Coffee stand approved with USE2009 00043 and a 6,000 square foot vacant warehouse. The warehouse was constructed in 1983 for the Juneau Truss company. Juneau Truss now operates on a site off Industrial Boulevard. Tyler Rental proposes renovating the vacant warehouse to use for retail and warehouse space. Tyler Rental is considered miscellaneous retail. According to CBJ 49.25.300 Section 2.120 miscellaneous retail requires a Conditional Use Permit in the Industrial zone.

ANALYSIS

Project Site – The subject site is located at 5401 Glacier Highway adjacent to the existing Tyler Rental location in the Lemon Creek area. The site is 72,048 square feet or 1.65 acres. The site is located in the Industrial zone. Setbacks in the Industrial zone are ten feet in the front and rear with a zero side yard setback. The existing structure meets the required setbacks.

The existing coffee stand on the eastern side of the lot operated by Heritage Coffee Co. was approved with USE2009 00043. The site has one access point from Glacier Highway at the southeast corner of the lot (see figure 1). The area of the lot dedicated to the coffee stand is 20,665 square feet. Tyler Rental does not propose using this access point with the expansion of the business. The existing access from Glacier Highway to Tyler Rental will remain the only access for the use.



Figure 1. Aerial

Project Design – Tyler Rental proposes renovating the existing warehouse space to accommodate some retail and have additional warehouse space. No new structures are proposed on the subject site. As previously stated, the existing access to Tyler Rental will continue to be used for the site. The annex would be accessed from the existing Tyler Rental site. No new access is proposed. The site plan shows 19 parking spaces on the south and east side of the warehouse.

Traffic – The existing traffic pattern is not expected to change due to the expansion given the existing access into Tyler Rental will continue to be the only access point for the business. A route to the additional building will be cleared. The existing customer base is expected to remain the same with the retail expansion. According to the Alaska Department of Transportation (AKDOT), no new permits are required for the expansion of the retail business.

Using the ITE Trip Generation Manual staff estimated traffic. The manual is inconclusive for warehousing. The most similar retail listed is a building material and lumber store. The highest estimate is 135 trips on a weekday and 153 trips on a Saturday when using the gross floor area of a building for the estimate and when using the acreage of the site. CBJ 49.40.305 states that a traffic impact analysis is NOT required when a development is projected to generate less than 250 average trips in a day.

Planning Commission
File No.: USE2016 0011
April 28, 2016
Page 5 of 8

Parking and Circulation – Based on the parking requirements found in CBJ 49.40.210 the 3,000 square feet of retail would require 10 parking spaces and the 3,000 square feet of warehouse space would require 3 parking space for a total of 13 parking spaces. The site plan provided identifies nineteen parking spaces. The proposal exceeds the parking requirement by seven parking spaces. The additional space provided by the expansion of the business, will improve on site circulation for Tyler Rental business operations. Staff recommends as a condition of approval that one parking space meet ADA dimensional requirements as provided in CBJ 49.40.210(b)(3)(A).

Noise – Noise is not expected to be of concern with the development of the additional retail and warehouse space for Tyler Rental. Noise is expected to be less than other uses that may be permitted outright in the Industrial zone.

Public Health or Safety – Potential health and safety impacts from the retail and warehouse expansion are from traffic and circulation. The applicant has indicated that Tyler Rental will not use the access points used by the coffee stand. Therefore, there will not be conflicts between customers of the two uses. Circulation for the Tyler Rental business operations should be improved with the additional space to maneuver vehicles and equipment. Additionally, renovating the warehouse will meet existing building code and be a benefit to public health and safety.

Habitat – No habitat regulated by Title 49 will affected by the proposal.

Lighting – The proposal includes pole and wall mounted lighting with cut off shades on the exterior of the building. The building is setback 200 feet from the ROW and will not produce any glare on the Glacier Highway.

Vegetative Cover - The I district requires 5% of the lot be maintained with live vegetative cover (CBJ 49.50.300). USE 2009 00043 for the coffee stand calculated this requirement based on the square footage dedicated to the coffee stand. The coffee stand use was only required to install five percent of 20,000 square feet they were leasing. Therefore, the warehouse and retail use is only required to provide five percent vegetative cover on the remaining 52,048 or 2,602 square feet is required to be planted with living plants.

Staff recommends a condition that 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.

Property Value or Neighborhood Harmony – The surrounding area is developed with a variety of commercial and industrial uses. There is no evidence to suggest the expansion of the Tyler Rental retail business to the adjacent property will affect property value. The existing building

Planning Commission
 File No.: USE2016 0011
 April 28, 2016
 Page 6 of 8

on the site will be renovated to comply with Title 19, the Building Code. Given the retail use has existed in this location for 26 years and the existing warehouse has existed since 1983, the expansion of the retail use is expected to have a neutral effect on neighborhood harmony.

Conformity with Adopted Plans – The project site is located in Subarea 5 of the 2013 Comprehensive Plan. The subject lot is designated Heavy Industrial (HI) by the Comprehensive Plan land use maps. The Heavy Industrial land use designation promotes repair and maintenance uses with the land designation. Tyler Rental repairs and maintains heavy equipment and tools. Given this type of retail also supports other industrial uses staff finds the use in general conformity with the Comprehensive Plan.

Additional policies of the 2013 Comprehensive Plan relevant to the proposal include:

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

POLICY 5.11. TO ENCOURAGE THE LOCATION AND GROWTH OF LOCALLY-BASED SECTOR INDUSTRIES THAT PROVIDE YEAR-ROUND, FULL-TIME EMPLOYMENT AND PROVIDE TAX REVENUES THAT SUPPORT PUBLIC SERVICES.

POLICY 5.20. TO ENCOURAGE RESIDENTS AND BUSINESSES TO “LOOK LOCAL FIRST” FOR PURCHASES OF GOODS AND SERVICES.

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:

Planning Commission
 File No.: USE2016 0011
 April 28, 2016
 Page 7 of 8

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.

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 2.120 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 in the May 1, 2016 and May 9, 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 preceding analysis, the proposed development will not materially danger public health and safety.

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 preceding analysis, the proposed development will maintain values and will be in harmony with the neighboring area. Proposed building improvements will increase the value of the subject site.

Planning Commission
File No.: USE2016 0011
April 28, 2016
Page 8 of 8

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

Yes. Based on the preceding analysis, the proposed development will be general conformity with the land use plan and 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 Management Program?

N/A

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.

DEVELOPMENT PERMIT APPLICATION

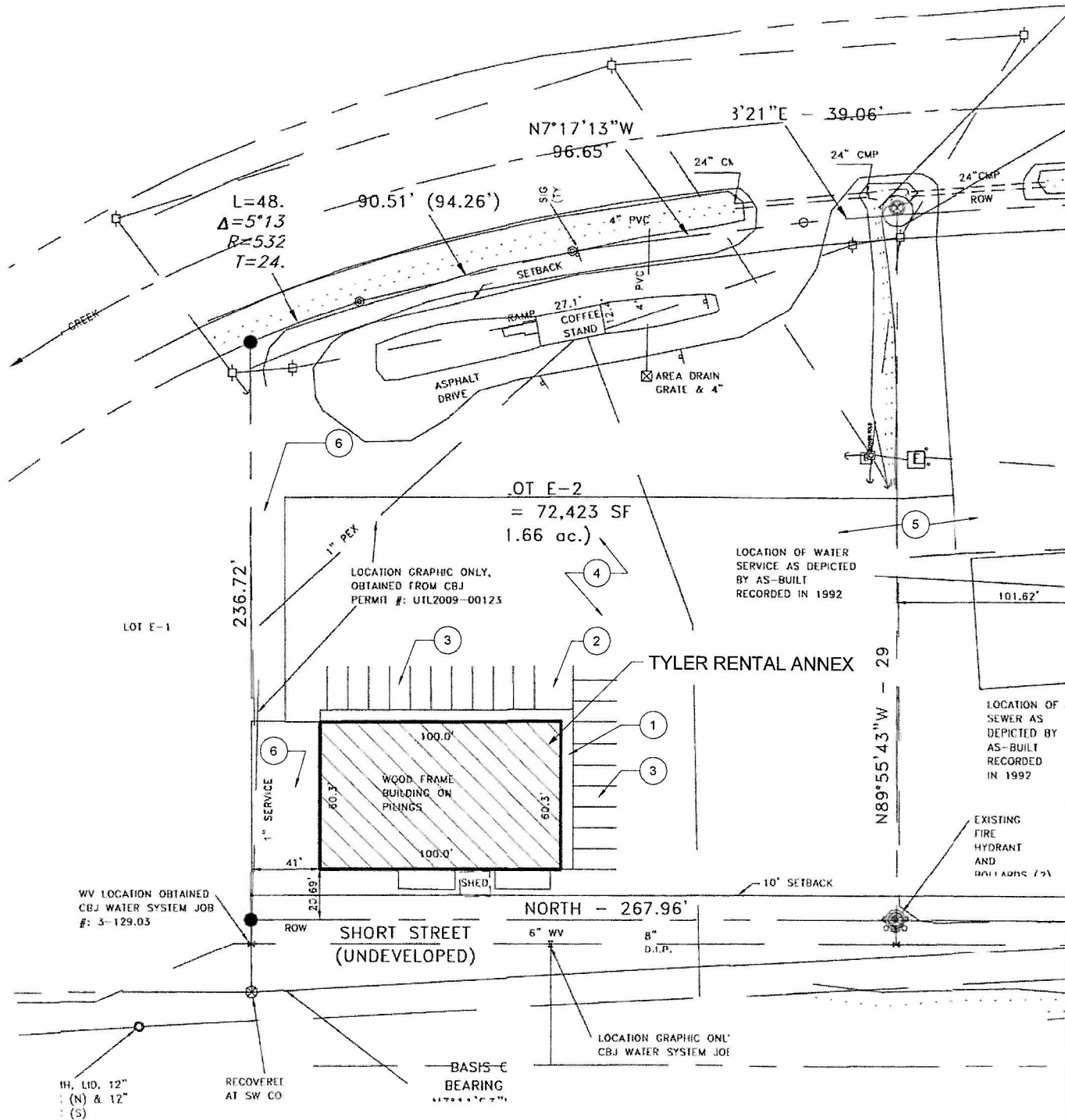
Project Number	CITY and BOROUGH of JUNEAU	Date Received: 3/16/16
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description see attached narrative		
	PROPERTY LOCATION		
	Street Address 5401 Glacier Hwy	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lst) LOT E-2, Midway Subdivision, USS 668		
	Assessor's Parcel Number(s) 8820000000		
	LANDOWNER/LESSEE		
	Property Owner's Name TYLER RENTAL INC	Contact Person: R. Burke	Work Phone: 107 617 4714
	Mailing Address 801 W. 10th St, Suite 300 Juneau AK	Home Phone:	Fax Number:
	E-mail Address Burke@REBDesign.us	Other Contact Phone Number(s):	
	LANDOWNER/LESSEE CONSENT		
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>[Signature]</u> PRES. Date 3/11/16 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 of X below Applicant's Name Jensen Yorke Gott inc.			
Mailing Address 522 W. 10th St. Juneau			
E-mail Address tong@jensenyorkgott.com			
Contact Person: Tony York			
Work Phone: 737 4520			
Home Phone: 609 9916			
Fax Number:			
Other Contact Phone Number(s):			
X <u>[Signature]</u> Date of Application 3-10-16			

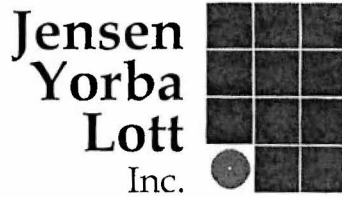
STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE		
	☒	Building/Grading Permit	
	☐	City/State Project Review and City Land Action	
	☐	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)	
	☐	Mining Case (Small, Large, Rural, Extraction, Exploration)	
	☐	Sign Approval (If more than one, fill in all applicable permit #'s)	
	☐	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)	
	X	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	X 3/16/16 USE 2016 0011
	☐	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:		

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

INFORMS12010 Applications Revised November 2009



1 SITE PLAN



MEMORANDUM

Serving Alaska Since 1935

Date: March 14, 2016

To: Eddie Quinto

From: Tony Yorba

RE: Tyler Rental Annex CU permit narrative

CC: Dan Fabrello

Project Proposal

Tyler Rentals, a business with deep ties in Juneau, has purchased the property adjacent to their Lemon Creek business formerly owned and occupied by Juneau truss. The property already includes a successful coffee stand business next to Glacier Avenue. This project proposes to renovate the existing Juneau Truss building into an annex of the Tyler Rental business. They propose to divide the building interior approximately in half, with the south end renovated into a retail space, and the remainder as warehouse space. The retail space would operate indoors with approximately the same hours as the adjacent, existing Tyler rentals. There may be some minimal amount of retailing on the exterior. The warehouse would operate on similar hours. Deliveries would be taken outside in the large open space in front. Additional outdoor space would be used for storage of rolling construction vehicles and equipment rented by the business.

Existing Site and building

The existing site is at 5295 Glacier Avenue, Juneau. The legal description is Lot E-2 adjacent to tract D Midway subdivision within USS 668. The area of Lot E-2 is 1.66 acres. Glacier Highway shares the east property line. Short Street, and undeveloped, unused CBJ right of way shares the west property line. The current Tyler Rental business shares the south property line and an unrelated business shares the north property line. The site is flat, and has been fully utilized in the past for the previous users Truss manufacturing business. There is a small drive thru coffee stand adjacent to Glacier Highway. It is expected to remain in place and not be affected by this proposal.

The existing lot includes a 60 ft x 100 ft wood framed, one story building at the extreme northwest corner, which served the previous Truss manufacturing business. It is an uninsulated building with no toilet facilities or finishes on the bare plywood walls. Fire protection sprinklers are not provided and are not required. This proposal includes upgrading the interior and exterior of the building to match the existing Tyler Rental business, including metal wall finishes and commercial storefront windows and doors and new roof finish.

Zoning

The following are zoning issues, cited from CBJ Title 49, unless otherwise noted.

Zoning Atlas: The site is zoned I, Industrial.

Table 49 .25.300: The project is assumed a major development because it is a development greater than 1 acre in an industrial zone. It is a retail use in an industrial zone . A conditional use permit approved by the planning commission is required for the retail sales function. The warehouse function requires an allowable use permit by the planning commission .

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
Warehouse	1/1000 sf	3,000 sf	3
Retail	1/300 sf	3,000 sf	10
Accessible stall	1 per 25 stalls		1 (included in retail)

A total of 13 parking stalls (including one accessible stall) are required. A loading bay of 12x30 feet is also required.

CBJ 49.25.400 Setbacks: Front, streetfront, rear setbacks for the lot are 10 feet. Side yard setback is 0 feet. The existing building is over 20 feet from the rear (west) property line and over 28 feet from the sideyard (north) property line.

CBJ 49.50.300 vegetative cover. Five percent or approximately 3,600 sf of natural and/or vegetative cover is required. The present lot is clear, with some vegetation and trees at the north and west sides.

Site Utilities: the site is currently served with Municipal sewer and water. An existing fire hydrant is on the site, located in the southwest corner and shared with Tract D. Power is provided via underground conduit connecting the building to an on-site utility pole.

Vehicle access :

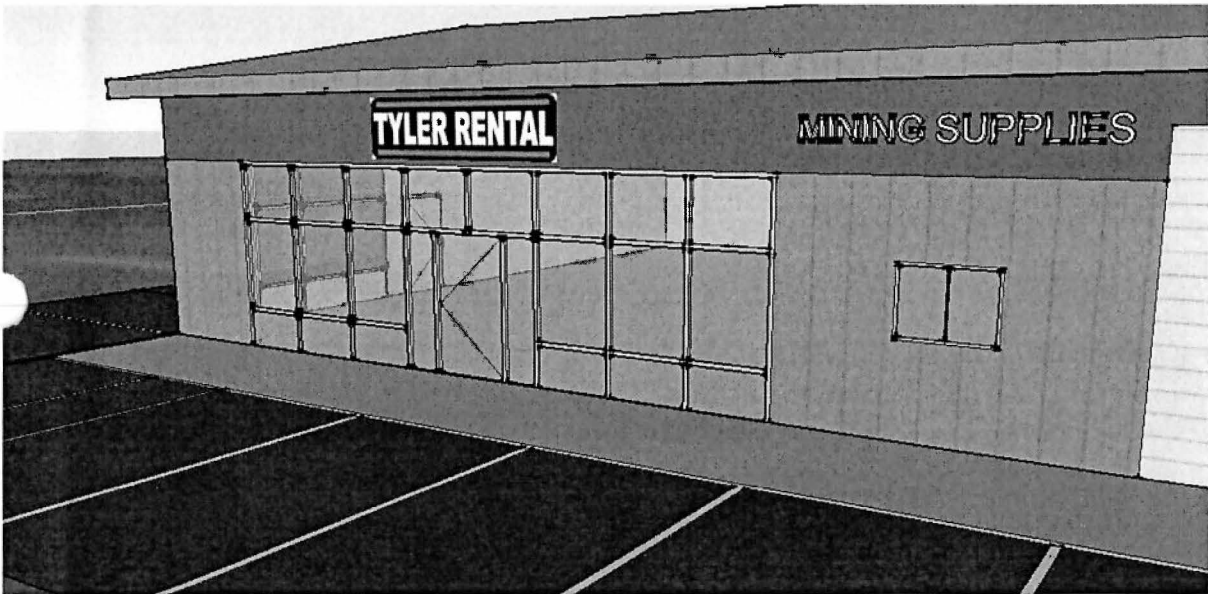
The existing coffee drive-through business at the Glacier Highway streetfront is expected to remain in place. To avoid conflicts with the coffee business, vehicle access to the proposed project is planned to be routed via the existing Glacier Highway driveway entrance to the existing Tyler Rental parking lot and retail building. See attached site plan. Fire apparatus ingress and egress to the proposed building is good

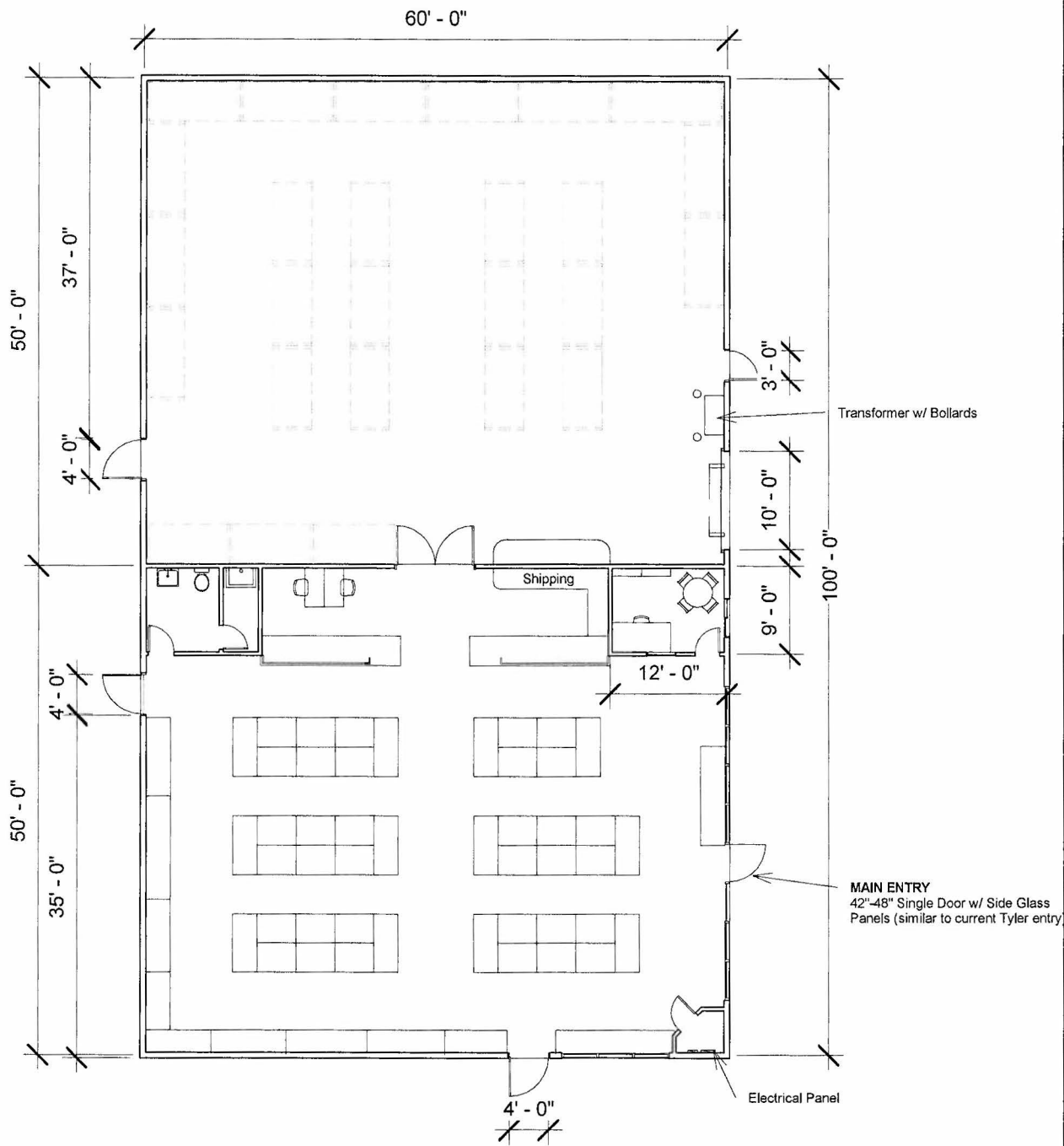
Lighting. The building will be illuminated with a combination of pole and wall mounted lighting with cut off shades to prevent light spillage off the property.

Traffic: the retail business is not expected to generate a significant increase in ingress and egress traffic. Some additional container traffic may be generated for the warehouse function, but the large open site is well suited for the maneuvering clearances required.

Noise: No appreciable noise will be generated by this proposal other than standard vehicle noise.

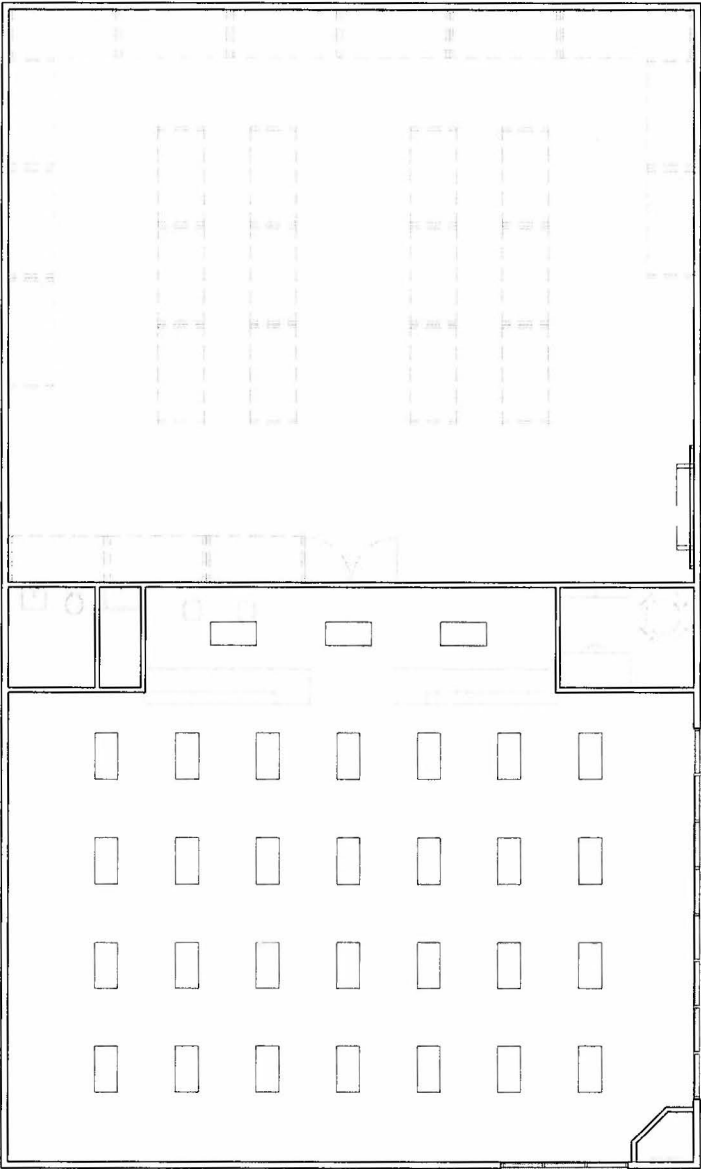
G:_Projects\16008\1Corr\draft code and zoning analysis for Tyler Rental Annex.docx





1 Level 1
1/16" = 1'-0"

 AUTODESK www.autodesk.com/revit	Tyler Rental Annex Attachment C	First Floor	
		Project number 2016-01 Date 3/13/2016 Drawn by AEK Checked by Checker	A101 Scale 1/16" = 1'-0"

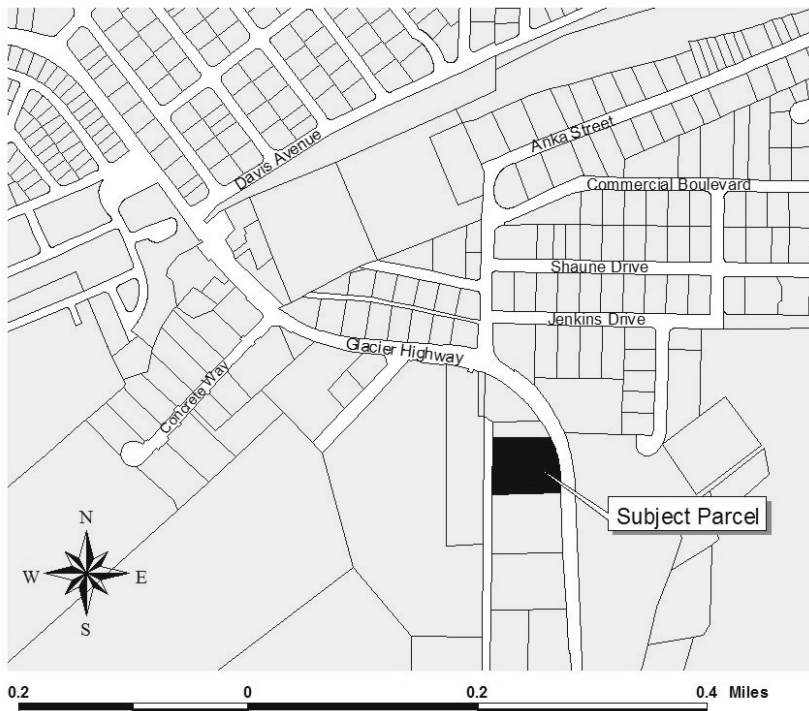


① Level 1.5
1/16" = 1'-0"

 AUTODESK www.autodesk.com/revit	Tyler Rental Annex Attachment C	Lighting Plan		
		Project number	2016-01	A102
		Date	3/13/2016	
		Drawn by	AEK	
		Checked by	Checker	



NOTICE OF PUBLIC HEARING



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

SHIP TO:



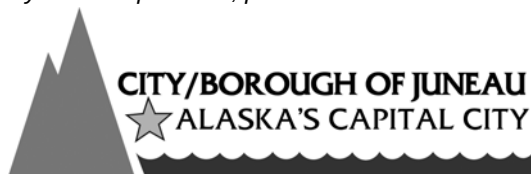
PROPOSAL: Conditional Use Permit for expansion of Tyler Rental retail business in the Industrial Zone

File No:	USE2016 0011	Applicant:	Jensen Yorba Lott, Inc.
To:	Adjacent Property Owners	Property PCN:	5-B12-0-100-008-0
Hearing Date:	May 10, 2016	Owner:	Tyler Rental, Inc.
Hearing Time:	7:00 PM	Size:	1.654 acres
Place:	Assembly Chambers	Zoned:	I - Industrial
	Municipal Building	Site Address:	5401 Glacier Highway
	155 South Seward Street	Accessed Via:	Glacier Highway
	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 Christine Steadman at Christine.Steadman@juneau.org or 586-0761.



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

Attachment D

Date notice was printed: April 28, 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: May 11, 2016

File No.: USE2016 0011

Jensen Yorba Lott, Inc.
522 W. 10th Street
Juneau, AK 99801

Application For: Conditional Use Permit for expansion of Tyler Rental retail business in the Industrial Zone
Legal Description: MIDWAY Tract E2
Property Address: 5401 Glacier Highway
Parcel Code No.: 5-B12-0-100-008-0
Hearing Date: May 10, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 28, 2016 and approved the expansion of Tyler Rental retail business in the Industrial zone to be conducted as described in the project description and project drawings submitted with the application and with 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.

Attachments: April 28, 2016 memorandum from Chrissy Steadman, Community Development, to the CBJ Planning Commission regarding USE2016 0011.

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

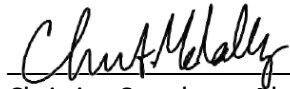
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30pm on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (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, May 10, 2016.

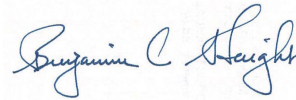
Jensen Yorba Lott, Inc.
 File No.: USE2016 0011
 May 11, 2016
 Page 2 of 2

Expiration Date: The permit will expire 18 months after the effective date, or November 10, 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:



Christine Steadman, Planner
 Community Development Department



Ben Haight, Chair
 Planning Commission



Filed With City Clerk

May 17, 2016

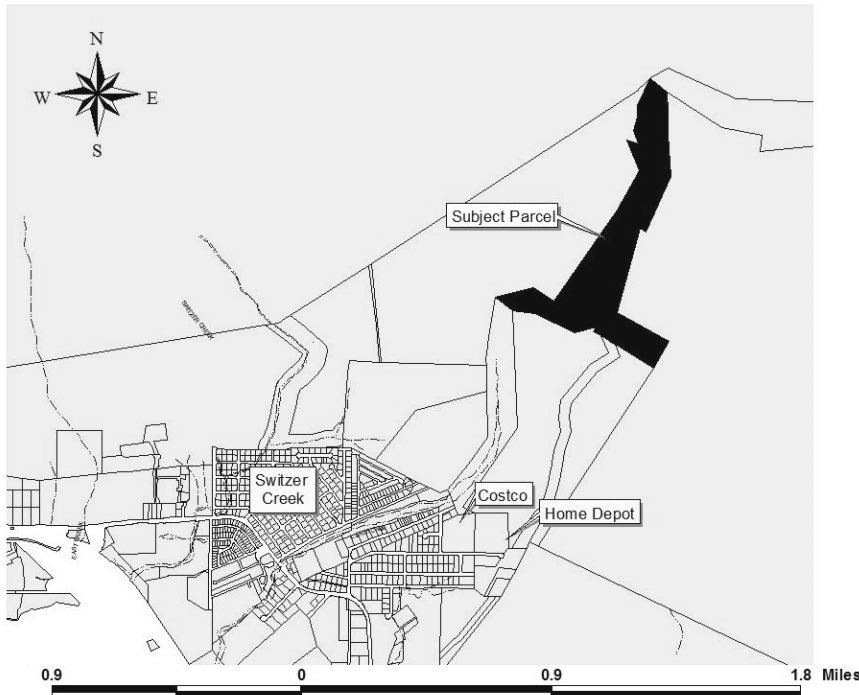
Date

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.



NOTICE OF PUBLIC HEARING



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

SHIP TO:



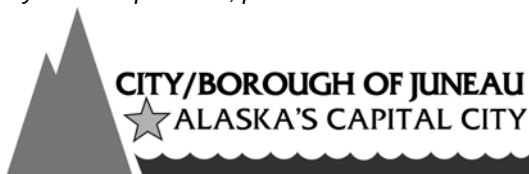
PROPOSAL: A Conditional Use Permit to extract/mine gravel from patent lands in Hidden Valley, Lemon Creek.

File No:	USE2016 0004	Applicant:	SECON, Inc.
To:	Adjacent Property Owners	Property PCN:	3-M00-0-LEM-CRK-2
Hearing Date:	*Rescheduled to May 10, 2016	Owner:	SECON, Inc.
Hearing Time:	7:00 PM	Size:	113.29 Acres
Place:	Assembly Chambers	Zoned:	RR - Rural Reserve
	Municipal Building	Site Address:	End of Anka Drive
	155 South Seward Street	Accessed Via:	Anka Drive
	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.

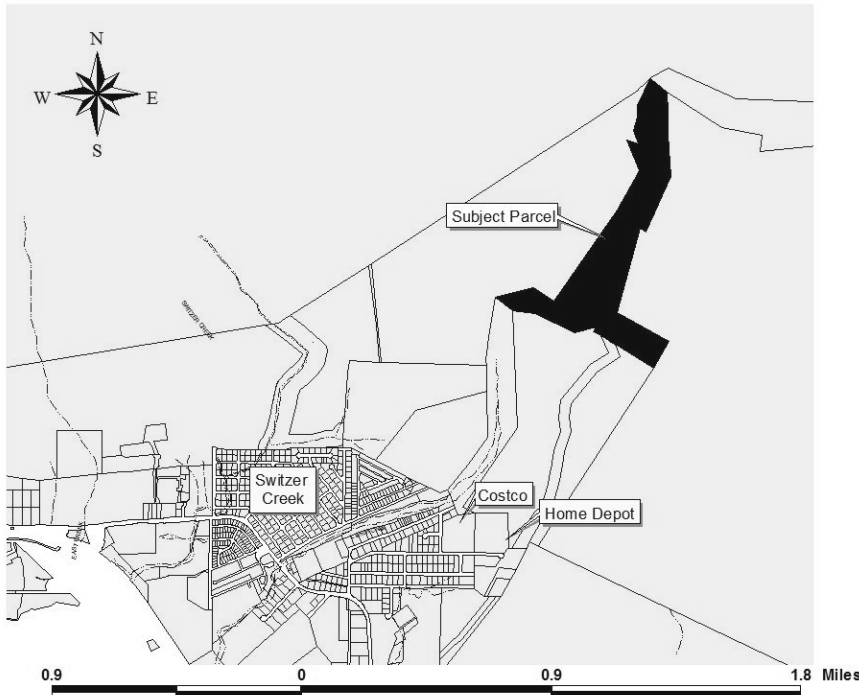
If you have questions, please contact Tim Felstead at Tim.Felstead@juneau.org or 586-0466.



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: A Conditional Use Permit to extract/mine gravel from patent lands in Hidden Valley, Lemon Creek.

File No:	USE2016 0004	Applicant:	SECON, Inc.
To:	Adjacent Property Owners	Property PCN:	3-M00-0-LEM-CRK-2
Hearing Date:	April 26, 2016	Owner:	SECON, Inc.
Hearing Time:	7:00 PM	Size:	113.29 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	RR - Rural Reserve
		Site Address:	End of Anka Drive
		Accessed Via:	Anka Drive

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 586-0466.



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

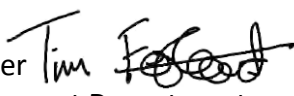


Community Development

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

DATE: April 29, 2016

TO: Planning Commission

FROM: Tim Felstead, Planner 
Community Development Department

FILE NO.: USE2016 0004

PROPOSAL: A Conditional Use Permit to extract/mine gravel from patent lands in Hidden Valley, Lemon Creek.

GENERAL INFORMATION

Applicant: Secon, Inc.

Property Owner: Secon, Inc.

Property Address: End of Anka Drive

Legal Description: HIDDEN VALLEY TR A

Parcel Code Number: 3-M00-0-LEM-CRK-2

Site Size: 4,934,912 square feet (113.29 acres)

Comprehensive Plan Future Land Use Designation: Resource Development (RD)

Zoning: Rural Reserve (RR)

Utilities: None

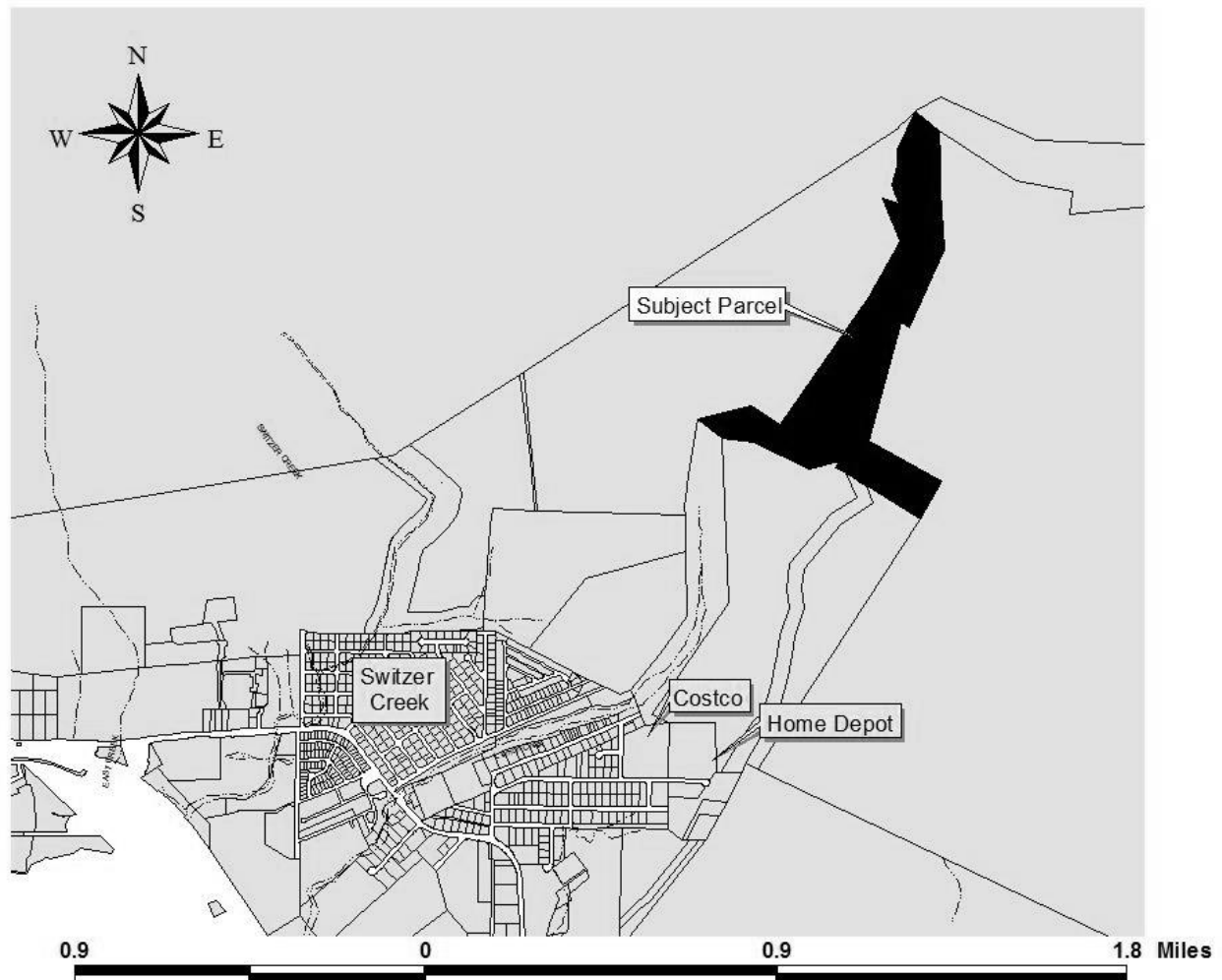
Access: Existing access road through easement over CBJ property connecting to Anka Street

Existing Land Use: Gravel extraction

Surrounding Land Use:

- North - RR (Vacant)
- South - RR (Vacant/Trail) and Industrial (former gravel pit)
- East - RR (Vacant/Trail)
- West - RR (Vacant)

Vicinity Map



Planning Commission
 File No.: USE2016 0004
 April 29, 2016
 Page 3 of 24

ATTACHMENTS

- Attachment A – Application including narrative, Alaska Department of Fish and Game Permit and Army Corp of Engineer’s Permit
- Attachment B – Public Notice
- Attachment C – Alaska Department of Fish and Game field report on Severance Zone 1
- Attachment D – Memo from CBJ General Engineering regarding impacts on public streets and stormwater
- Attachment E – Email from CBJ General Engineering regarding guarantee amount for project.
- Attachment F – Email from CBJ Engineering regarding proposal
- Attachment G – Excerpt from 2004 *Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis report* (prepared by Interfluve, Inc. for CBJ Engineering)
- Attachment H – Notice of Decision for USE2012-0019 – Conditional Use permit to extract 240,000 cubic yards of gravel from the Lemon Creek streambed over the next six year period.
- Attachment I – Email from Ron King, CBJ General Engineering stating requirements for inspection of graded slopes as per CBJ code.
- Attachment J – Public comment

PROJECT DESCRIPTION

The applicant is requesting a Conditional Use Permit for the extraction of sand and gravel in stream bed of Lemon Creek in the Hidden Valley area. The extraction would be located in three areas within gravel bars in the Lemon Creek streambed, but outside of the active creek channel. The extraction will provide sands and gravels for local construction projects.

BACKGROUND

The Hidden Valley area of Lemon Creek has a history of placer mining, and more recently logging and quarrying/gravel extraction. Conditional Use permits have been granted in the past for quarry and gravel extraction in upland areas towards the southern end of the subject parcel. Other active Conditional Use permits are for two explosive stores (a lower store and an upper store). Active permits for the site are listed in the table below. The haul road that provides access to the parcel continues further north to provide access to a parcel under separate ownership to the northwest.

The general location of the areas subject to this application and other relevant applications within the Lemon Creek catchment referenced in this report are shown on **Attachment G**.

Planning Commission
 File No.: USE2016 0004
 April 29, 2016
 Page 4 of 24

Permit #	Description	Valid until
USE2009-00004	Continuation of a rock and gravel extraction operation at applicant's Hidden Valley quarry.	No expiration
USE2009-00018	Continuation of explosive storage at lower powder magazine in Hidden Valley	2019
USE2009-00019	Continuation of explosive storage at upper powder magazine in Hidden Valley	2019

The active creek channel has shifted in recent years causing significant erosion of stream banks. According to the 2004 *Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Report* (prepared by Interfluve, Inc. for CBJ Engineering) some of the sediment released by these erosion activities is deposited in the channel of the urbanized area of Lemon Creek further downstream. These depositions shallow the channel at this downstream location increasing the local flood risk. The Interfluve analysis recommends stabilization of exposed and eroding banks in the Hidden Valley area as one of three key flood mitigation strategies. This would reduce the sediment load from the Hidden Valley area of Lemon Creek. The other two measures are removal of the Juneau Redi-Mix Bridge, which has been completed, and mining of the stretch of Lemon Creek running parallel to Anka Street, which is an ongoing activity subject to a Conditional Use permit (USE2012-0019). A brief excerpt of the Interfluve report is provided in **Attachment G** to show the stretches where erosion, transport and deposition of sediment is generally occurring. The full report may be found online at <http://www.juneau.lib.ak.us/engineering/lemoncreek.php>.

As noted above, the applicant currently performs gravel extraction activities in the stretch of Lemon Creek running parallel to Anka Street. This is permitted by USE2012-0019. The associated set of conditions of approval for this permit is considered by CDD to be a model best practice for gravel extraction activities in streambeds (see **Attachment H**). Conditions of approval for this proposal are based on those conditions of USE2012-0019 with some conditions added, removed, or modified to reflect site specific differences between the two gravel extraction locations.

Based on comments received from various CBJ departments and external agencies consulted in this review, there is a consensus that extraction activities in this upper stretch is a more appropriate location compared to those further downstream along Anka Street. The potential impact in terms of habitat and local neighborhood will be less, although it should be noted that the Interfluve report suggests extraction activities in the lower reach of Lemon Creek does serve some benefits in terms of flood risk reduction to adjacent properties.

Planning Commission
File No.: USE2016 0004
April 29, 2016
Page 5 of 24

ANALYSIS

This review requires an evaluation of conformance with the Conditional Use Permit requirements in CBJ Land Use Code 49.15.330, as well as the Land Use Code Sand and Gravel Section, 49.65.200.

The Planning Commission is required to review uses that are identified as a Conditional Use for a particular zoning district as determined by the Table of Permissible Uses (CBJ 49.25.300).

The Sand and Gravel section of the Land Use Code has been written to apply to upland sand and gravel mining, not streambed mining, so CBJ Engineering has concluded that most sections do not apply to the proposed development. It has been determined that all relevant requirements for the application and narrative, per CBJ 49.65.210, have been met. Section 49.65.210, Contents of Sand and Gravel Application, is also addressed at the end of the report under Finding Number One, regarding whether the application is complete.

CBJ Engineering has reviewed the application and supports the proposal in part because of its potential to reduce sediment build up in the lower stretch of Lemon Creek (**see Attachment F**). Memorandums and emails from CBJ Engineering satisfy the requirement for a report on the proposal as per 49.65.215. To verify conformance and reduce redundancy, staff will briefly reference Sand and Gravel code sections in the context of the standard Conditional Use review.

It is recommended, as a condition of approval, that a yearly mining plan be submitted to CBJ by March 31 (or an alternative date agreed upon by CDD) to allow a review of specific details of the operation. CDD will then provide opportunity for comment and amendment from all relevant departments and external agencies. This plan would address site changes from year to year. The mining plan would be processed as an annual grading permit covering all new slopes not belonging to stockpiles or in the severance zone.

Project Site - The project site is a privately-owned streambed in the Hidden Valley stretch of Lemon Creek. In addition to a wide stream bed within steep banks, there is an adjoining upland area to the west of the stream. Access to the parcel is via a haul road which starts at Anka Street behind Costco/Home Depot and runs in an easement over CBJ land. The creek is normally contained in an 'active channel' for most of the year. Some, or all, of the wider stream bed floods following periods of heavy rainfall or snowmelt.

The proposed site location is approximately one (1) mile away from the Lemon Creek Correctional Facility which is the nearest inhabited building although there is an explosives store adjacent to the potential access route to two (2) of the severance zones (**see Sheet 2, Attachment 2 of Attachment A**).

Planning Commission
File No.: USE2016 0004
April 29, 2016
Page 6 of 24

Project Design - The extraction will occur in three localized areas in the parcel. These areas are known as severance zones and are located in the streambed floodplain within the creek's Ordinary High Water Mark. According the CBJ Land Use Code the definition of OHWM is:

Ordinary high water mark means a line or mark impressed on the bank or shore of the non-tidal portion of a river, lake or stream; caused by the long-term action of non-tidal water, and indicated by erosion, shelving, changes in soil characteristics, absence of terrestrial vegetation, presence of aquatic vegetation, or other physical characteristics.

In this location of Lemon Creek the OHWM is characterized by steep banks either side of a relatively wide flood plain.

The extraction areas will be referred to as Severance Zones 1, 2, and 3, with 1 being further downstream, and 3 being furthest upstream (**see Sheet 2, Attachment 2 of Attachment A**). The size of all of the zones is preliminary at this stage although the general location is fixed. The severances zones will be delineated in the field by Alaska Department of Fish and Game (ADFG) biologists each year. As part of their permit, ADFG has required a thirty (30) foot buffer between the extraction areas and the existing stream channel (**see Attachment 3 in Attachment A** for permit and **Attachment C** for specific site visit for Zone 1) although this may change during the life time of this CBJ permit depending on habitat considerations. Berms will be created across existing dry channels running into the severance zones to provide additional protection from any flooding when water levels are higher than normal. Dry channels are channels in the flood plain that are filled at times of high water. *The ADFG permit requires the berms to be breached following extraction in the severance zones – this is recommended as a condition of approval*

The intention is that the severance zones will continue to replenish and fill in overtime once gravel has been extracted. This replenishment action has already been observed in the gravel extraction activities alongside Anka Street associated with USE2012-0019. When water flows into dry channels during high water events, it carries sediment that is then dropped as the speed of the water slows upon entering a relatively deep extraction area. In this respect it is expected the proposal will provide some assistance in retaining sediment in the upper reaches of Lemon Creek and reducing deposition in the downstream, urbanized reaches. This should result a reduce flood risk. CBJ Engineering agrees with the potential benefits of this approach, noting that it will also assist in reducing problematic sediment accumulation that is occurring in the lower Lemon Creek stretch where the Lemon Creek Correction Facility and Costco/Home Depot border the channel (**see Attachment F**). As discussed in the Habitat section of this report, Lemon Creek is also a recognized impaired water body which has issues with sediment load and turbidity. The capture of sediment in severance zones will assist in reducing these issues.

Planning Commission
File No.: USE2016 0004
April 29, 2016
Page 7 of 24

The applicant is proposing to start at Zone 1 (furthest downstream) and move upstream to the additional severance zones in sequence when gravel is exhausted. No test samples have been taken in the severance zones. Access improvements would be required to allow the necessary equipment to reach the zones.

The amount of gravel to be extracted in each zone, as provided by the applicant, is based on an assumed gravel depth of fifteen (15) feet and estimates the size of the potential severance zone once buffers have been taken into account. Because the surface area is most important in terms of habitat impacts, the depth of extraction is not particularly important. While other gravel extraction permits have restricted the total volume to be extracted, CBJ and ADFG agree that no such restriction is necessary for this permit.

Zone 1 is the easiest to access due to its proximity to the existing access road. The applicant's plans estimate that a volume of up to ~150,000 cubic yards could be extracted from this location. There is already a primitive access road from the haul road down to the streambed at this location.

Zone 2 would require the creek to be bridged. SECON has proposed two bridging options:

1. A temporary bridge (if operation is for a short period, (i.e. days) construction of temporary banks to support the structure); or
2. A seasonal bridge (remaining for the whole mining season) which would require a more substantial bank to be created with possible need for bank armoring.

It is noted that the bridge should be able to be removed in the event that water levels rise quickly. The applicant will have to explain in the annual mining report how the bridge would be removed for both options. The applicant's preferred location for this bridge is based on where an existing rip-rap bank exists on the western side of the creek. The applicant's plans indicate that up to ~120,000 cubic yards could be extracted from this location.

Zone 3 would be furthest upstream and two alternatives are proposed to access this area:

1. Use a second bridge placed across the creek with vehicles and machinery accessing via Severance Zone 2 and up the eastern side of the creek.
2. Use an old logging road used with a small stream either being bridged or culverted. There is a shared access easement along this road with surrounding property owners. Up to ~34,000 cubic yards could be removed from this location.

Additional fill to construct an access road to the three severance sites has been permitted by the Army Corp of Engineers (see **Attachment 4 of Attachment A**).

Planning Commission
 File No.: USE2016 0004
 April 29, 2016
 Page 8 of 24

A gravel wash station will be used to remove small vegetative material from the extracted sand and gravel. To prevent release of wash water into Lemon Creek, the wash will be located above the seasonal high water elevation and sump will be used to collect wash water. The applicant has not yet obtained a water use permit from DNR for this operation. They do have a pond on their site which could potentially be used without a DNR permit.

Vehicle fueling will take place above (OHWM) to prevent petroleum products from directly entering the creek – this is recommended as a condition of approval.

External agency permits: A number of external agency permits and/or inspections are also required as part of the proposed operation. A summary of the scope of the project covered by each agency's permit is given in the table below. In some instances there is an overlap CBJ regulatory responsibility with those of external agency permits and it is acknowledged that external agency requirements may address CBJ regulatory concerns. Any recommended conditions of approval of the CBJ Conditional Use permit are intended to complement requirements of these agency permits and regulations. Some conditions directly reference the external agency permit. The intention is for CBJ permit conditions to allow for circumstances when permits and regulations from external agencies are stricter than those required by CBJ. *Staff recommends that the annual mining plan reference and include copies of all necessary external agency permits.*

Agency	Scope of permit
Alaska Department of Fish and Game(ADFG)	Protection of habitat. Specifically for this application it relates to impacts in the Lemon Creek stream bed. A permit issued by this agency to describe permitted activities.
Alaska Department of Environmental Conservation (ADEC)	Protection of water and air quality. Specifically for this application it relates to the discharge of sediment and raising turbidity in Lemon Creek waters. ADEC address water discharge through a SWPPP, Multi-Sector General Permit (MSGP) or 401 Letter of Reasonable Assurance. All the best management practice requirements of the relevant permit must be fulfilled before water can be discharged from a site.
US Army Corp of Engineers (ACOE)	Addition of fill material in waters of the United States. Specifically for this application it relates to fill added for construction of bridge embankments, roads in stream bed and dry channel protection berms. A permit is issued describing permitted activities.
Alaska Department of Natural Resources (ADNR)	Extraction of water from surface or groundwater sources. Specifically for this application it relates to possible extraction of water from Lemon Creek for gravel wash operations. Permit required for significant extraction of water.
Mine Safety and Health Administration (MSHA)/Occupational Safety and Health Administration (OSHA)	Ensures safe operational activities on mine sites. Normally OSHA have jurisdiction over gravel extraction activities although MSHA have jurisdiction over gravel extraction for construction of roads on mining sites (including quarries). No permit issued but regulations have to be adhered to with specific recommendations on operational activities possible.

Planning Commission
 File No.: USE2016 0004
 April 29, 2016
 Page 9 of 24

Traffic – Excavated gravels will be transported from the site via the existing haul road and then onto Anka St. The applicant indicates they will then be taken to Aggpro's (a division of SECON) premises on Concrete Way or to a project site via Vanderbilt Hill Road and then Egan Drive. These routes are already used by existing quarry/gravel extraction activities in the Lemon Creek area. CBJ General Engineering division has reviewed the proposal for potential impacts on public roads (**see Attachment D**).

The applicant has estimated that, based on typical sales demand, they expect to haul 65 loads per day for 21 days of the year although when demand is particularly high this may increase to 100 vehicles. They expect their normal hauling hours to be between 7am to 5pm but they may need to occasionally haul outside of these hours if a customer has an urgent requirement. Any increase in vehicles carrying material through the Lemon Creek Industrial/Commercial area will not be a significant addition to existing movements of similar sized vehicles. State Department of Transportation and Public Facilities (ADOT&PF) have no concerns with the proposal.

The distance from the extraction location to public roads is expected to mitigate the chance of wet material running from vehicles on public roads. *However, it is recommended that conditions of approval require road cleaning to be used in case problems are observed.* In addition to this permit, such spill from vehicles is enforceable by Juneau Police Department (JPD), per the Health and Sanitation Code CBJ36.30.070 *Truckloads causing litter*. This code section requires that truckloads be secured before taken on public roads with a variety of methods suggested. While not specified in the CBJ Codes in keeping with the Comprehensive Plan Development Guideline 7.16 – DG2 (see Conformity with Adopted Plans later in this report), the Planning Commission may wish to recommend as a condition of approval that all trucks beds be covered.

Parking and Circulation – There are no parking requirements in the CBJ Land Use Code for quarrying/mining/gravel extraction activities. There is a large upland area that is already used for the storage of numerous containers that would provide sufficient space for parking for a large number of employee and visitor vehicles. *It is recommended that a dedicated area be created for employee and visitor parking to ensure that conflicts do not occur with site operations. This location should be shown in annual mining plan.*

Circulation of vehicles accessing the three severance zones is described under Project Design. *It is recommended, as a condition of approval, that the annual mining plan describe how access will be achieved to the severance zones to be mined.*

A gate is already in place that restricts access of vehicles to the site. This was a requirement of USE2009-00004.

One other property further upstream uses the access road located in an existing easement

Planning Commission
File No.: USE2016 0004
April 29, 2016
Page 10 of 24

through the applicant's property. While this parcel is currently undeveloped, the owners of this upstream parcel have indicated in the past that they would like to develop a number of recreational cabins. Users of these cabins would presumably access the site via the access road in the easement on the applicant's parcel. The applicant has reported that this easement in no fixed location on their parcel. At present the recognized route passes through an active quarry. This may prevent unaccompanied 24 hour access through the site. The applicant is willing to provide an escort through the site when and where necessary. *It is recommended, as a condition of approval, that the applicant provide and maintain safe access to the neighboring properties in accordance with existing easement agreements.*

CBJ Engineering has confirmed the existing haul road is capable of carrying loaded trucks at the frequency associated with the scale of operation proposed (**see Attachment F**). Any required maintenance to the haul road will be agreed upon between CBJ Engineering and the applicant.

Noise - The project will generate a substantial volume of noise from hydraulic excavators and dump trucks operating within the streambed. The noise is likely to echo and possibly be amplified due to the topographic features of the Lemon Creek valley. However, there is no evidence any uses in the vicinity will be unreasonably affected by this noise.

A recommended condition of approval is that operating hours shall be between 7:00 a.m. and 10:00 p.m., Monday through Friday, or between 9:00 a.m. and 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough building official. These hours are the most allowed as per CBJ Penal Code 42.20.095(c).

It should be noted that these hours are broader than USE2009-00004 for the rock quarry stricter than the standard. Taking into account the requirements of CBJ42.20.095(c) the quarry operating hours would be limited to 7 am to 7 pm on weekdays and 9 a.m. to 7 p.m. on Saturdays (except on State, Federal, or Local Holidays). The Planning Commission may wish to make the operational hours of this permit more consistent with USE2009-00004.

The hours of any additional traffic is addressed under the traffic section above. It is

Public Health or Safety – Capital City Fire and Rescue has commented that they have no issues with the application at this time.

Public comment has been received from one neighbor who had a range of concerns from operational noise, truck traffic, spills on public roads, and continuing gravel extraction activities along Anka Street (**see Attachment J**). It is believed that the proposal and conditions recommended of approval adequately address these concerns.

Planning Commission
File No.: USE2016 0004
April 29, 2016
Page 11 of 24

Lemon Creek Trail: The Lemon Creek trail runs on the east side of the creek in the vicinity of this proposal. While the trail does not run through the severance zones, *it is recommended that signs be posted during extraction in Zone 2, and Zone 3 if accessed via Zone 2, that warn trail users not to approach the creek due to mining.*

Mandatory Conditions: There are two mandatory conditions required for sand and gravel extraction permits. These can be waived by the Planning Commission in the event that the condition would serve no useful purpose.

CBJ 49.65235 (1) requires a periphery strip of 15 feet wherever a site abuts a public way. Since there is no public way in the vicinity of the property this condition is redundant and should be waived.

CBJ 49.65.235 (2) also requires that extraction that causes ponding or retained water shall have a submerged working face of 3:1 from the edge of the usual water line to a water depth of 7 feet. This slope may not be exceeded during extraction operations unless a fence or natural barriers prevent casual or easy access to the site. *The requirement is relevant to this application and is included as a recommended condition of approval.*

Existing OHWM bank stability: In addition to the buffers specified by ADFG, it is recommended as a condition of approval that a 15 foot buffer be undisturbed at the toe of existing OHWM stream banks at the edge of the floodplain to prevent their destabilization. A 10 foot buffer zone was recommended in USE2012-0019 to minimize the risk of bank destabilization. For this current proposal, given the additional height of the banks adjacent to the severance zones, an additional five feet has been added. *A 15 foot buffer is also recommended for adjacent property lines.*

In the interests of monitoring any OHWM bank destabilization, sediment releases or turbidity events that occur due to the gravel extraction it is recommended, as a condition of approval, that an annual inspection report be provided. The specific contents of that report are given in Condition 11. For USE2012-0019 a report was required for every 10,000 cubic yards of material extracted and one report annually. Given the required buffers and the fact that activities will be well within the applicant's own land, it is recommended that only an annual inspection report be required. The inspection report will be circulated to all relevant agencies with any required operational changes incorporated in the next years mining plan.

Stability of graded slopes: A grading permit is required by CBJ General Engineering as part of any sand and gravel operation. It is intended for the annual mining plan to serve as the permit application. The grading plan is to ensure all slopes that are cut or filled as part of the gravel extraction and/or grading operations are safely constructed. As per CBJ 19.12.140 the applicant is required to demonstrate that the approved plans have been conformed to. Standard

Planning Commission
File No.: USE2016 0004
April 29, 2016
Page 12 of 24

operating practice for CBJ grading permits is that all graded slopes above 2:1 (2 horizontal distance for 1 vertical distance) are considered engineered slopes. Engineered slopes need approval of a civil engineer, soils engineer or engineering geologist (**see Attachment I**). *In keeping with this standard operating procedure, it is recommended, as a condition of approval, that all slopes above 2:1 should receive approval of an appropriate State of Alaska licensed engineer. It is also recommended that this person confirm that all slopes not engineered are less or equal to 2:1. This should be included in the annual inspection report.* It is recognized that the gravel extraction is an active operation.

The Army Corp of Engineers have also issued a permit allowing fill to be added in the stream bed for construction of access roads and bridges and construction of berms (**see Attachment 4 in the narrative of Attachment A**). Many of the typical slopes identified in the ACOE permit are steeper than the CBJ 2:1 threshold. These slopes would have to be engineered to comply with CBJ requirements.

Slopes related to operational stockpiles should meet relevant health and safety requirements for the relevant Federal Agency (i.e. MSHA or OSHA).

Explosives magazine: that an explosive store is located alongside the access road that the applicant is proposing to use to access Zones 2 and 3. In addition to other conditions, the 10 year Conditional Use permit for the explosive storage (USE2009-00019) explains that the Bureau for Alcohol, Tobacco and Firearms and Explosives (ATF) performs annual reviews of all explosive stores. This review includes whether surrounding development is too close to the storage site. The owner of the explosive store (Austin Powder Company – not the present applicant) is required to send a copy of this annual report to the CBJ Community Development Department (CDD). Staff is not aware of any submission to this effect. *It is recommended as a condition of approval that the applicant submit evidence to CDD showing that activities from this proposal are allowed by State and/or Federal regulations within the vicinity of the explosives store.*

Guarantee: CBJ 49.65.240 requires that a guarantee be provided by the applicant for ‘site restoration, completion of the project, and performance of other required work.’ This guarantee is required before any permit can be issued. ADFG is not requiring any restoration of the site and it is the intention of the applicant to continue extraction activities as the gravel bars replenish. CDD and CBJ General Engineering have discussed what realistic events would need to be covered by such a guarantee. In terms of completion of the project, this is taken to mean the grading of slopes as required.

There are also relevant conditions of approval relating to slopes where i) ponds are made through extraction and ii) slopes where cuts are made for access purposes. It is possible that CBJ could be required to grade these slopes as required if the applicant is unable to. There is

Planning Commission
 File No.: USE2016 0004
 April 29, 2016
 Page 13 of 24

also the possibility of vehicles and machinery leaking fluids that may require remediation. Finally it is possible that one or more of the bridges may have to be removed in the event of a flooding event. Previous gravel extraction permits for work in or near streambeds have required guarantees for repair of banks should erosion occur due to extraction activities. The buffers between the active stream channel and the edge of the severance zones, or between the OHWM and the edge of the severance zones, mean that the extraction activities themselves are unlikely to destabilize the existing banks. As illustrated by the loss of real estate in recent years due to natural shifts in the creek's meander pattern, the creek itself will have the greatest influence on the erosion of banks in project site. In recognition of this there is no guarantee required for repair of banks. CBJ Engineering has determined that the applicant shall provide a guarantee for \$30,000 (see **Attachment E**).

Habitat - The length of Lemon Creek in the project area is catalogued as an anadromous stream supporting Chum and Coho salmon, and Dolly Varden Char (**see Attachment C**). Development along the creek is subject to habitat buffers in CBJ Title 49.70.310(a) (4) and (b) (1), as well as at CBJ 49.70.950(f). However, 49.70.950(f) exempts gravel extraction from the 50ft setback requirement normally associated with anadromous streams.

*49.70.950 (f) All structures and foundations located adjacent to streams or lakes listed in Table VI-2 of Appendix C of the Juneau Coastal Management Plan, shall have a 50-foot setback from each side of the stream or lake measured from the ordinary high water mark, where feasible and prudent; provided, docks, bridges, culverts and public structures whose purpose is access to or across the stream or lake are not subject to this policy, and provided further, **uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes and similar uses, are exempt from the setback requirement.** The setback shall be vegetated or revegetated, where feasible and prudent, and such vegetation or revegetation shall be kept or arranged to maximize shade on the stream.*

In general, the CBJ Land Use code requires CBJ permits to provide for 49.70.950 (c)(7):

49.70.950 (c)(7): Rivers, streams and lakes shall be managed so as to protect natural vegetation, water quality, important fish or wildlife habitat and natural waterflow.

Bridges: The applicant proposes to build up to two temporary bridges which could potentially remain in place for the entire mining season. ADFG has approved the use of bridges to cross the creek with specific design requirements to be met. The location of these bridges could shift over the lifetime of the operation to respect newly formed habitat friendly ponds and channels. ADFG would take the lead on determining when and how bridges should be located during the yearly mining plan review.

Planning Commission
 File No.: USE2016 0004
 April 29, 2016
 Page 14 of 24

Habitat buffer: As mentioned above, ADFG will stake out the areas available for excavation, taking into account existing habitat areas and a 30 foot buffer from the edge of the creek. Where ponds and channels are not filled and become useful habitat for anadromous fish, ADFG may recommend removing these areas from future extraction activities. It has been noted that ADFG may alter this buffer requirement during the lifetime of the CBJ permit.

ADFG recently performed a site visit (**see Attachment C**) and identified the area suitable for extraction activities in Zone 1. Zones 2 and 3 will be reviewed in more detail by ADFG as the applicant exhausts gravels in Zone 1.

USE2012-0019 (gravel extraction alongside Anka Street) added *a condition for large woody debris to remain in the channel between OHWM banks following extraction activities, as it encourages the formation of gravel bars that provide useful fish habitat. It is recommended that this be a condition of approval of this application.* This condition was supported by comments on USE2012-0019 from the Wetland Review Board (WRB) and US Fish and Wildlife Service (USFWS).

Year round operation: ADFG are not requiring activities be restricted to particular times of year. The applicant has stated that in 'normal' years, winter conditions would prevent extraction operations. Staff notes that changing climate patterns may allow activities to occur year round in future. *It is recommended there be no limitation on when operations can occur throughout the year.*

Wetland Review board comments: The CBJ Wetlands Review Board (WRB) reviewed the proposal at their April 21, 2016 meeting. The applicant and ADFG were present to answer questions.

The following motion was unanimously supported by the WRB:

- *The WRB supports the project as proposed, finds it compliant with 49.70.950(c)(7)*
- *We support extension to year-round mining, as supported by ADF&G.*
- *We support a mining sequence established by the contractor.*
- *We support flexible approach to access as proposed, as approved by ADF&G's annual review of the mining plan.*
- *We support review every 10 years.*
- *The WRB requests that annual inspection reports be routed through the Board as an informational item.*

Sediment and Turbidity: Alaska Department of Environmental Conservation (ADEC) had no specific comments on the proposal but has noted that Lemon Creek is a recognized impaired water body which has issues with 'sediment load and turbidity. Sediment and high water

Planning Commission
File No.: USE2016 0004
April 29, 2016
Page 15 of 24

turbidity impacts directly on organisms at all levels of the food chain directly by depressing rates of growth, reproduction and recruitment, and indirectly by limiting availability of food for the next level of the food chain. ADEC has asked to be notified of any sediment or turbidity issues resulting from the activities. A Total Maximum Daily Loads (TMDL) has been set for Lemon Creek. ADEC has a number of permits that may be applicable to the proposal although only one permit will be required. The applicant has applied to ADEC but is still awaiting a confirmation that their permit will be granted. As part of any ADEC permit there are requirements for prescribed Best Management Practices to be implemented before any water is discharged into Lemon Creek. *It is recommended as a condition of approval to require the applicant to monitor and record turbidity at the extraction sites.* Given ADEC's concern this is likely to be a requirement of their permit. The applicant does this at its streambed gravel extraction site alongside Anka Street by comparing water samples upstream and downstream of the extraction site. A baseline is established by sampling prior to any extraction activities. The applicant has described in their narrative a method to retain turbid waters in the severance zones and a mitigation strategy should any turbid water begin to flow from the severance zone to the main channel (**see Attachment A, page 21**).

CBJ General Engineering has recognizes that the use of best management practice for protection of drainages is a requirement of ADEC the permit. However, CBJ General Engineering have requested that relevant requirements of the *CBJ Manual of Stormwater Best Management Practices* (BMPs) be integrated into the ADEC permit where the CBJ requirement is the stricter. CBJ General Engineering has also requested that the BMPs be employed on the route between the extraction site and Anka Street if not included in the ADEC requirements. *It is recommended as a condition of approval that documentation fulfilling ADEC permit requirements is submitted with the annual mining plan. CBJ Stormwater Management BMPs are required when they are stricter than ADEC requirements. CBJ Stormwater BMPs should also be implemented along the route from the extraction site to Anka Street.*

The ADEC permit requirements may require a spill kit to be present should there be any leaking of fluids from vehicles and machinery. *In case of absence of this requirement in the ADEC permit this is recommended as a condition of approval.*

Based on the WESPAK wetlands mapping layer a small area of wetlands appears to exist on the parcel but is outside of the proposed severance zones.

Property Value or Neighborhood Harmony - There is no evidence that there will be any negative impacts on property value or neighborhood harmony if all conditions of this permit are met. It is possible that property values at downstream locations may increase if the risk of flooding can be lowered. Surrounding properties have no uses that would be disrupted by the gravel extraction activities.

Planning Commission
 File No.: USE2016 0004
 April 29, 2016
 Page 16 of 24

Conformity with Adopted Plans –

Comprehensive Plan

The project site is designated as a Resource Development area. These areas are:

‘Land[s] to be managed primarily to identify and conserve natural resources until specific land uses are identified and developed. The area outside the study area of this Comprehensive Plan is considered to be designated Resource Development. As resources are identified or extracted from these lands, they should be re-designated and rezoned appropriately.’

The most appropriate designation for a gravel extraction operation would be Heavy Industrial. However, the description for Resource Development area clearly implies a flexibility in the uses possible and for resources to be extracted from these areas. The same parcel has been approved for similar uses in previous Conditional Use permits.

The benefits of gravel extractions activities are explicitly recognized in the Mining section of Chapter 5 of the Comprehensive Plan.

‘...smaller gravel extraction operations offer a critical resource to the community’s private- and public-sector development and maintenance operations.’

POLICY 5.13. TO SUPPORT THE EXTRACTION AND PROCESSING OF MINERAL RESOURCES IN AN ENVIRONMENTALLY-SOUND MANNER, GIVING PROPER RECOGNITION TO THE UNIQUE VALUES OF THIS COMMUNITY.

Gravel resources are also specifically discussed in Chapter 7.

‘As growth and development continue in the Mendenhall Valley and Lemon Creek areas, pressure for closing existing pits may grow, primarily because gravel extraction operations produce noise, dust, heavy truck traffic, run-off and other impacts that often conflict with surrounding land uses. As this resource is necessary for all types of development, and given the inherent conflict of this heavy industrial use to less intense neighboring uses, it is important to take steps to avoid or minimize land use conflicts.’

POLICY 7.16 IT IS THE POLICY OF THE CBJ TO CONSERVE KNOWN GRAVEL DEPOSITS AND TO PROTECT THEM FOR CONFLICTING LAND USES.

Regarding the operation of gravel extraction sites, Development Guideline 7.16-DG2 states:

Planning Commission
 File No.: USE2016 0004
 April 29, 2016
 Page 17 of 24

7.16 - DG2 Companies that transport gravel and rock products should be required to travel on roads with adequate heavy load-carrying capacity. Vehicles carrying rock and gravel are required to cover their loads so that the material remains in the vehicle and does not escape to break windshields or harm pedestrians or bicyclists.

The parcel subject to this application has a low level of conflict with existing neighboring land uses. Benefits may even result for parcels lower downstream.

While not specified in the CBJ Codes in keeping with the Comprehensive Plan Development Guideline 7.16 – DG2 (see Conformity with Adopted Plans later in this report), the Planning Commission may wish to recommend as a condition of approval that all trucks beds be covered.

Many of the recommended conditions of approval developed in conjunction with other agencies, in particular ADFG, mean that any impact to fish habitat in the active Lemon Creek channel is minimized with respect to still allowing gravel extraction to occur. This is in keeping with Policy 7.2.

POLICY 7.2. TO PRESERVE AND PROTECT FISH AND WILDLIFE HABITAT, SCENIC CORRIDORS AND PUBLIC ACCESS TO THE WATER, AS WELL AS WATER-DEPENDENT USES IN PLANNING FOR USE OF COASTAL AREAS.

Conditions have been recommended that protect Lemon Creek – which is an impaired waterbody – from excess sediment and turbidity from gravel extraction activities. This is in keeping with Policy 7.7.

POLICY 7.7. TO PROTECT, MAINTAIN AND IMPROVE SURFACE WATER, GROUNDWATER AND MARINE WATER QUALITY IN ITS JURISDICTION SO THAT ALL WATERS ARE IN COMPLIANCE WITH FEDERAL AND STATE WATER QUALITY STANDARDS AND CONTINUE TO ALLOW AQUATIC LIFE TO THRIVE.

While there are conflicting goals in goals in the Comprehensive Plan, which supports both gravel extraction and protection of stream habitat, the recommended conditions of approval minimize the impact on habitat while allowing this valuable local resource to be utilized.

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;

Planning Commission
 File No.: USE2016 0004
 April 29, 2016
 Page 18 of 24

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. Furthermore, the application, subsequent discussions and conditions requiring yearly mining plans meet all relevant requirements of CBJ Code 49.65.210, Contents of Sand and Gravel application, including the following: 1) a graphic and legal description of the property; 2-4) a topographic map and cross section with finished contours; 5) ingress and egress points for trucks and other equipment; 6) plan with buildings and structures; 7) a narrative describing the relevant operational aspects including a site drainage plan, method of securing the area, methods to minimize noise pollution and visual blight, hours and days operation, estimated amount of material present and to be removed, date the operation will be completed, schedule for completion of site restoration, operating procedures for particulates beyond site boundaries, identification of geophysical hazards, and dates of establishment of the operation and history of land development.

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

Planning Commission
 File No.: USE2016 0004
 April 29, 2016
 Page 19 of 24

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 14.500 for the Rural Reserve (RR) 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 in the April 29, 2016 and May 9, 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 and adherence to the recommended conditions of approval there is no evidence that there will be any harm to public health or safety.

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

No. Based on the above analysis and with adherence to the recommended conditions of approval, there is no evidence that the proposal will decrease property values or that it out of harmony with the neighborhood.

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

Yes. The impacts of the development are in keeping with those expected in a Resource Development as designated by the Comprehensive Plan. As described above analysis, the proposal, with the recommended conditions, is consistent with the Comprehensive Plan. While there are conflicting goals in goals in the Comprehensive Plan, which supports both gravel extraction and protection of stream habitat, the recommended conditions of approval minimize the impact on habitat.

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. As described in the previous analysis, the proposed development complies with the Juneau Coastal Management Program because the mining method, with recommended conditions, minimizes the impact on the active channel, replaces large woody debris to create habitat, minimizes pollutants, and protects water quality.

Planning Commission
File No.: USE2016 0004
April 29, 2016
Page 20 of 24

8. Would the mandatory condition listed in CBJ Code 49.65.235(1) serve no useful purpose?

Yes. CBJ 49.65.235(1) states that a strip of land no less than 15 feet in width shall be retained at the periphery of the site wherever the site abuts a public way. The Code states that the commission may not waive or modify the requirement except up on a finding that the requirement would serve no useful purpose. The requirement would serve no useful purpose because the development is located in a streambed and because it does not abut a public way. However, CBJ Engineering has determined that a 15 foot buffer from adjacent property lines is appropriate.

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

Planning Commission
 File No.: USE2016 0004
 April 29, 2016
 Page 21 of 24

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:
 - a. Volume of material removed
 - b. Map of area worked showing required buffers from active stream channel, property boundaries and OHWM banks

Planning Commission
 File No.: USE2016 0004
 April 29, 2016
 Page 22 of 24

- c. Verification of compliance with mining plan including slope grades
 - d. Report of any OHWM bank destabilizations
 - e. Results of sediment and turbidity monitoring
 - f. Opinion whether bank/property line setbacks are adequately protecting adjacent properties
 - g. 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.

Planning Commission
 File No.: USE2016 0004
 April 29, 2016
 Page 23 of 24

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.

Planning Commission
File No.: USE2016 0004
April 29, 2016
Page 24 of 24

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.

The intention is for CBJ permit conditions to allow for circumstances when permits and regulations from external agencies are stricter than those required by CBJ.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 2/16/16
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Extract gravels from patent lands in Hidden Valley		
	PROPERTY LOCATION		
	Street Address end of road Anka Drive	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Tract A, U.S. Survey 5504, M.S.526		
	Assessor's Parcel Number(s) 3M000LEMCRK2		
	LANDOWNER/ LESSEE		
	Property Owner's Name Secon Inc.	Contact Person: Tim Dudley	Work Phone: 780-5145
	Mailing Address P.O. Box 32159, Juneau AK 99803	Home Phone:	Fax Number:
	E-mail Address	Other Contact Phone Number(s):	
	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	Landowner/Lessee Signature	2/16/16	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 Secon Inc.		Contact Person: Michael Short	Work Phone: 780-5145
Mailing Address P.O. Box 32159, Juneau AK 99803		Home Phone:	Fax Number:
E-mail Address MShort@colaska.com		Other Contact Phone Number(s):	
X	Applicant's Signature	2/16/16	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)			
	X	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		2/16/16	USE 20160004
		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

Attachment A - Application and Narrative
(including ADFG permit and ACOE permit)

Initials

ATTACHMENTS

NOTE: DEVELOPMENT

I:\FORMS\2010 Applications

Revised November 2009

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number USE20160004	Date Received 2/16/16
----------------	------------------------------	-----------------------------------	---------------------------------

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: 14.500

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

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

Extract/mine gravels from patent lands in Hidden Valley.

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

CURRENT USE OF LAND OR BUILDING(S): None

PROPOSED USE OF LAND OR BUILDING(S): Gravel Extraction

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

SITE AND BUILDING SPECIFICS:

Total Area of Lot 492,228 square feet Total Area of Existing Structure(s) 0 square feet

Total Area of Proposed Structure(s) 0 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>1600.00</u>		<u>CDD7625</u>	<u>2/16/16</u>
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ _____			
Pub. Not. Sign Deposit	\$ _____			
Total Fee	\$ _____			

TO BE COMPLETED BY THE APPLICANT

Allowable/Conditional Use Permit Application Instructions

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

Application: An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

Forms: A completed Allowable/Conditional Use Permit Application and Development Permit Application form. The "land owner or lessee consent" signature is mandatory for all landowners on the Development Permit Application form.

Fees: The fee is dependent upon the class of the proposed use. Land Use fees generally range from \$350 to \$1,600. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.

Project Description: A detailed letter or narrative describing the project.

Plans: All plans are to be drawn to scale and clearly show the items listed below:

- A. Site plan, floor plan and elevation views of existing and proposed structures
- B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
- C. Proposed traffic circulation within the site including access/egress points and traffic control devices
- D. Existing and proposed lighting (including cut sheets for each type of lighting)
- E. Existing and proposed vegetation with location, area, height and type of plantings
- F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

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

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

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

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: As part of the Allowable/Conditional Use permitting process, all permit requests must be given proper public notice, which consists of the following:

Community Development Department: Will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site.

Applicant: Will post a sign on the site at least 14-days prior to the meeting. The sign shall be visible from a public right-of-way or where determined to be appropriate by the Department. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned by 4:30 p.m. on the Monday following the scheduled hearing date. If the sign is returned later than the Monday after the Planning Commission meeting, but within two weeks of the meeting, \$50.00 may be refunded. The applicant may make and erect their own sign. Please speak with the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



Hidden Valley Gravel Extraction

CBJ Conditional Use Application



Michael Short

2/5/2016

Proposal to extract gravels from Lemon Creek in Hidden Valley



Hidden Valley Gravel Extraction

Proposal

SECON is proposing to extract gravel from property owned in Hidden Valley, Hidden Valley Subdivision within Tract A, M.S. 526 which is 113.29 acres in size. This tract of land is located on the floor of the valley spanning its width and several thousands of feet in length.

Secon is requesting a USE Permit for this gravel severance for an interval of 10 years.

Hours of operation would be from 7:00 AM to 7:00 PM. With the season of operations being from March to November.

There is no way of knowing the quantity of gravels that will be severed from this site on an annual basis. The existing permitted operation in the Lower Lemon Creek streambed¹, has produced roughly 10,000 cubic yards per year. As the markets adjust to the supply of local gravels, the sales and interest in their use has increased. If the area is available as determined by AKDF&G and sales will support the volume, Secon could easily extract 50,000 Cubic Yards of material on an annual basis.

SECON would use excavators, scrapers, loaders and dozers to sever the sands and gravels from the alluvial reaches in Hidden Valley. The severed materials would be loaded into conveyance units of either end dumps or articulated trucks for transportation to a processing area out of the flood plain of Lemon Creek.

Goals to be achieved in gravel extraction.

1. Slow down the high rate of erosion throughout the Hidden Valley area.
 - a. In 2010 Lemon Creek eroded several new areas including developed Secon property.
 - b. Secon has previously requested permission to deposit Rip Rap on the stream banks to stop erosion of property.
2. Extract sand and gravel for local private and public improvements.

Benefits that may be achieved.

1. Stable stream channel.

¹ Lemon Creek Gravel Extraction is an active gravel extraction operation in Lemon Creek, which has been in operation since 2009. It is located between the Glacier Highway Bridge over Lemon Creek and State of Alaska Lemon Creek Correctional Center on patented private property spanning Lemon Creek. It is permitted by the following agencies:

- City and Borough of Juneau; PERMIT USE 2012 0019
- Department of the Army U.S. Army Engineer District, Alaska; PERMIT POA-1983-20-M4
- State of Alaska Department of Environmental Conservation; 401 Certificate of Reasonable Assurance
- State of Alaska Department of Fish and Game; Fish Habitat Permit FH14-I-0104



2. Vegetation can reclaim the stream banks.
3. Much slower erosion of banks.
4. Habitat for indigenous fish.
5. Attempt to keep eroded sands and gravels from transporting to the lower Lemon Creek reaches, which reduces flood potential.
6. With less active erosion, the turbidity may be less during high water events.

GEOLOGY

Alaska has formed over the millennia from the moving of tectonic plates. Southeast Alaska is the result of the North America plate scrapping up marine sediments and the collision with several tectonostratigraphic terranes. Tectonostratigraphic terranes are small landmasses of earth's crust material. Juneau sits upon the Taku Terrane with the Yukon-Tanana Terrane eastward and Gravina Belt westward. The Taku Terrane is made of sedimentary and volcanic rocks from the Permian-Cretaceous period. The Yukon-Tanana terrane is sedimentary rocks from the Devonian-Permian period. The Gravina Belt is sedimentary and volcanic rocks from the Jurassic-Cretaceous period. To the east of all three of these formations is the Coast Plutonic Complex made up of Cretaceous-Tertiary tonalite, Cretaceous-Tertiary plutonic rocks and gneiss rocks of an unknown age. To the west of the Gravina Belt is the Alexander Terrane².

Ice sheets from Pleistocene time period, in its last advance called the Wisconsin Glaciation, reached their maximum 25,000 years ago. The ices begin retreating from Southeast Alaska and Northern British Columbia about 16,000 years ago. The fjords around Juneau became ice-free about 13,000 years ago. Southeast Alaska has been rebounding from being ice-free. The rebound, along with the mountain building of the North America tectonic plate's subduction of the Pacific Plate, has changed where the tidal zone interacts with the continent. Since the retreat of the ice sheets the ocean level has changed where it has interacted with land in relation to current day Juneau. 13,000 years ago when the ice sheets retreated out of the fjords, the beaches around Juneau were 750 feet higher than they currently are³. In other words 13,000 years ago the beach was halfway up to the tram sitting on top of Mt Roberts. This gives an understanding of why there is gravel from the mountain valleys washing out to sea.

With the glacier melt and rains of Southeast Alaska, the gravels are in a relentless progression of being eroded and transported to lower elevations. The stream's bedload⁴ of gravel is deposited upon reaching valley floors with gentle slopes or the tidelands where the velocity is reduced to a minimal flow. Aggradation of the valley floors and tide zones with alluvium has been going on since the environment has changed from an ice age to a temperate rain forest.

² Roadside Geology of Alaska, Cathy Connor

³ Geology of Southeast Alaska: With Special Emphasis on the Last 30,000 Years, Cathy L. Connor, University of Alaska, Juneau, AK

⁴ Bedload: Geology. the sand, gravel, boulders, or other debris transported by rolling or sliding along the bottom of a stream.



Hidden Valley is filled with deposited gravels from either glaciation and/or erosion. Erosion simply means the movement of rocks, gravels, sands and soils by natural forces.

Lemon Creek exhibits the Rosgen Type C Stream classification⁵. Lemon Creek has a well-developed floodplain and is slightly entrenched with a slope of less than 2%. The bed-form is of the riffle-pool type and sinuosity of more than 1.2. Point bars are also developed in its channels. It has aggradation/degradation of cobbles/gravel where Lemon Creek enters Secon's property on the north side transitioning to gravel/sand in the lower part of the valley before it enters the gorge. Lemon Creek can also exhibit Type D Stream characteristics in that it will become a braided channel. This is generally in elevated flows. It will have many bar types and un-vegetative island with local bed scour and deposits.

Hidden Valley has features of several Rosgen valley types. Lemon Creek has alluvial fans from minor streams cascading down Thunder Mountain into the Northwest side of the basin. These alluvial fans are indicative of Type III valleys. Lemon Creek also fits the Type V moderately steep valley that is a U-shaped glacial trough valley. The valley floor is sloped less than 4%. It also fits the criteria of deep coarse deposition of glacial till. Type VIII and IX are also descriptive of Hidden Valley. Type VIII is a river of multiple terraces positioned laterally along the valley. Alluvial terraces and floodplains are the principal landforms which produce the large sediment supply. Valley Type IX has glacial outwash plains where soils are derived from glacial, alluvial, and/or eolian deposits.

Habitat

As the ice retreated from the last ice advance 20,000 years ago the bare ground and rock faces were able to support fauna. The re-vegetation of the ice-free landscape covered both gravel valleys and the rock mountainsides. The hardy pioneer species such as lichens and mosses found habitat in the ice-free landscape. As the ice retreated further, the pioneer species were replaced with new ecosystems. Over the eons, this has re-established the coastal ecosystems to the temperate rain forest of the Pacific coast. Today's dominant flora in the valleys of Southeast Alaska are the Western Hemlock and Sitka Spruce forests.

The riparian vegetation in Hidden Valley is in continual fluctuation. The seasonal floodwaters along with the scouring and deposition of the glacial debris in their lateral movement has limited the vegetative size and range of cover in the valley. The diversity of fauna in the riparian zone is limited to alders and other small plants that can grow in sandy soils. These plants readily re-establish in newly disturbed areas and are quick in growth. The larger evergreens are reserved to the slopes of the valley, only encroaching through the riparian zone to the streamside when the channel has been stable for long periods.

The fauna present in Hidden Valley is representative of Southeast Alaska. There are black bear, occasional deer and reports of wolf sightings. The Department of Fish and Game have trapped

⁵ Environmental Protection Agency (EPA), Fundamentals of Rosgen Stream Classification System.



juvenile Dolly Varden and juvenile Coho Salmon in various side channels of Lemon Creek in Hidden Valley⁶.

HIDDEN VALLEY

Hidden Valley is located about five miles North Northwest of Juneau Alaska and has a drainage basin area of approximately 15,730 acres. Lemon Creek's headwaters originate from two glaciers, Ptarmigan Glacier and Lemon Creek Glacier. Lemon Creek is roughly 8 miles in length and terminates 4.6 miles Northwest of Juneau into Gastineau Channel.

The terminus of Lemon Creek Glacier has an elevation of about 2,200 feet⁷. There are a series of falls from the glacier within the first mile dropping Lemon Creek to the valley floor at an elevation of 1,360 feet. To reach Gastineau Channel 7 miles away, Lemon Creek has an average slope of 3.68%. Which means that for every one hundred feet in distance-traveled Lemon Creek must lose 3.68 feet in elevation. For comparison, Lemon Creek from Glacier Highway bridge to Gastineau Channel has an average slope of 0.54%.

The glaciated alluvial gravels in Hidden Valley are continuing the natural erosion process that has been going on since the last ice age. The banks and streambed are continuing to erode during high water events. The eroded alluvial material is carried downward until the stream's velocity slows and can no longer transport the sediment load where it is then deposited. This area of deposition is lower Lemon Creek where the elevation drop of the stream lessens and the velocity of the water slows.

SECON has already lost several acres of real estate in Hidden Valley from Lemon Creek changing its channel during high water flows. The channel has changed yearly and is aggressively eroding the banks on both sides of the valley.

With lower Lemon Creek hemmed in with developed properties, the creek has only one restricted area to deposit its sediment load, in the confines of stream's armored banks. Once the streambed has filled in to the top of its armored banks it will return to a meandering braided stream, depositing at will in creating an alluvial fan of sedimentary sand and gravels.

The rate of erosion overall is not slowed in Lemon Creek. The volume of water flowing in Lemon Creek is a product of the rainfall, seasonal snowmelt and glacier melt. The velocity of Lemon Creek is the result of elevation change to reach Gastineau Channel. The composition of the sands and gravels are the results of continental building, namely erosion and glaciation. These sands and gravels will continue to erode and be transported to Gastineau.

⁶ Memorandum, Lemon Creek Investigation, Ben Brewster Habitat Biologist I, May 14, 2013

⁷ Google Earth 2005.

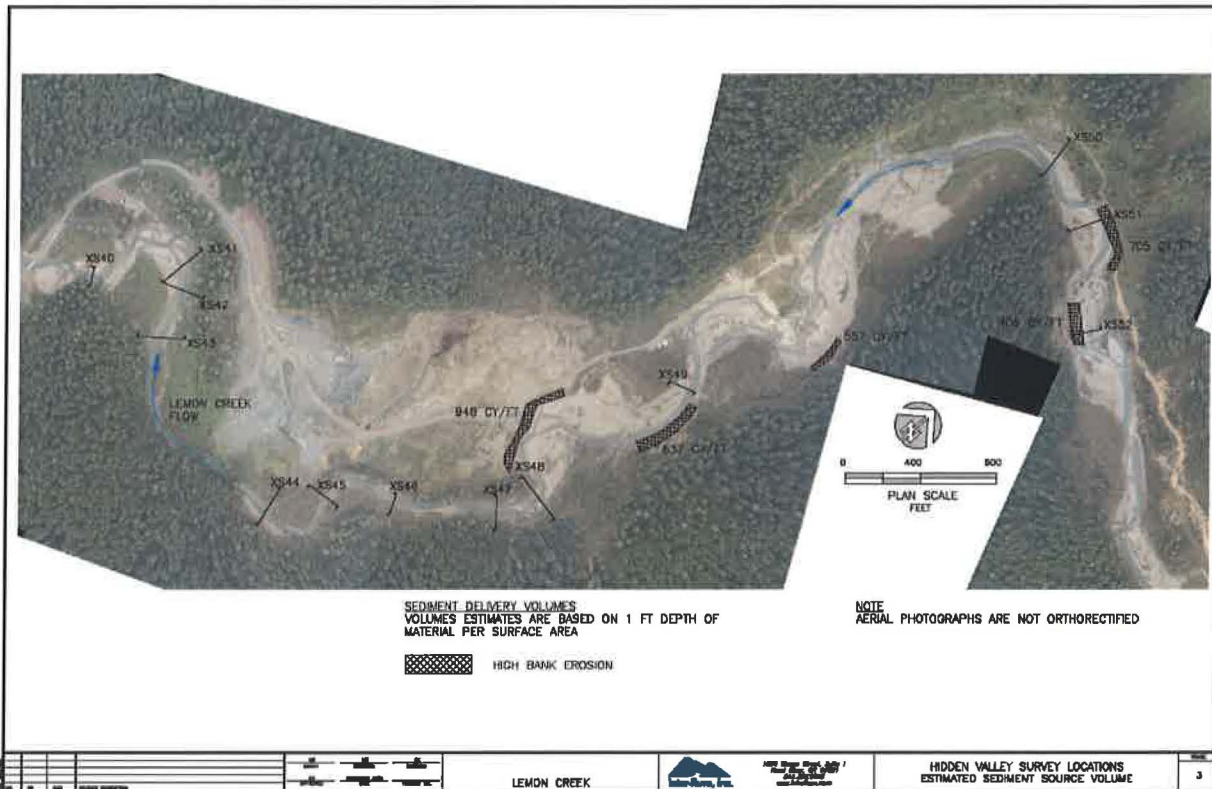


Image 1 - Inter-Fluve, Inc. Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Figure 3

Some of the areas identified, on page 15, in CBJ's Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Figure 3⁸ can be managed through extraction.

This basin has glacier and continental eroded gravel deposits throughout the valley. However, the Lemon Creek's bed load of alluvial gravels can be reduced below the extraction sites. The gravels can be captured in the severed voids from the gravel extraction thus removing the gravels from being carried farther downstream to be deposited in the lower reaches of Lemon Creek. As can be documented in the Lemon Creek Gravel Extraction the eroded alluvial gravels that are carried by Lemon Creek are deposited in the voids created from the severed gravels. The creek flows to the point of least resistance during flooding. When the velocity slows, due to the volume change from the increased depth of severed void, the bed load sediments are deposited. Once the void is filled the creek will return to a braided channel state. Gravel reaches will form in a braided channel where the velocity slows at the edges of the stream on the inside of curves.

⁸ City and Borough of Juneau's Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis, Prepared by: Inter-Fluve Inc., November 29, 2004

OWNERSHIP AND LEGAL DESCRIPTION

383 8
5504

TRAIL SURVEY NO. 383
S. OFFICE

TRACT A1-A
LOT 3
U.S.S. 5504

LOT 4
U.S.S. 5504

TRACT B
LOT 3
U.S.S. 5504

125' 80" S.O.B.
EASEMENT FOR
SURVEY NO. 3
383, 383 AND 383, PER
BOOK 239, PAGE 913

SCALE: 1" = 200'

0' 200' 400' 600' 800'

CERTIFICATE OF OWNERS

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) A
PROPERTY OWNER AND RECEIVED HEREON AND TO
ADAPT THIS PLAT OF SUBDIVISION WITH MY (OUR
AND HERETOBY ALL RIGHTS, CLAIMS, DEMANDS &
OPEN SPACES TO PUBLIC AND PRIVATE USE A

DATE _____ 19__

WITNESS _____ OWNER _____

WITNESS _____ OWNER _____

HISTORY OF LEMON CREEK

Logging with a sawmill operation was active in the Lemon Creek area until the 1980's. Although logging in Hidden Valley did not occur until the mid-1980s.



Image 3 - Lemon Creek 1948

As can be seen in the photo above, in 1948 there was very little development in Lemon Creek. On the right side of image 3 the terraces eroded by Lemon Creek in Hidden Valley are visible. Most of the vegetation in the stream bottom is missing, giving it the light color in this black and white photo. On the left side of image 3, the aggradation of this alluvial material in the tide flats can be seen.



Image 4 - Lemon Creek 1962

By 1962 there was development occurring at Lemon Creek.



Image 5 - Lemon Creek 1984

Gravel extraction in Lower Lemon Creek for aggregate started during World War II. The mining of gravel occurred in several events until mid-1980. The method of gravel severance during this period was to divert Lemon Creek to one side of the creek bed. Then extract all the gravels across the width of the drainage, creating a long severance pit of where the streambeds used to be.



Image 6 - Lemon Creek 1988

Image 6 indicates that logging has occurred in Hidden Valley, refer to Image 3 – Lemon Creek 1948, from the tan area outlining Lemon Creek. In the picture, a bridge can be seen crossing Lemon Creek in Hidden Valley. The land that the logging occurred on are lands that are patented. The green trees that are left reside on governmental lands.



Image 7 - Lemon Creek Gravel Extraction 2015

In 2009, gravel extraction resumed between the Glacier Highway Bridge and the Lemon Creek Correctional Center in the lower reaches for flood control and aggregates for local use. This operation in the Lower Lemon Creek streambed is under permit USE 2012 0019.

These severance sites are accomplished in exposed reaches with an 11-foot setback from Lemon Creek. Bridges are put in to cross Lemon Creek, gaining access to the different severance sites. This has been a great benefit in keeping the streambed manageable, from flowing over its sides due to sedimentation.

The City and Borough of Juneau has three USE Permits in the Lemon Creek drainage that are above the ordinary high water of Lemon Creek. One is the old Lemon Creek Gravel Site by Costco and Home Depot, which is not being mined. The second is an active sand site known as North Lemon Creek Material Site USE2007-00015. North Lemon Creek Material Site is 65 acres and has approximately 3.5 to 4 million cubic yards of sand. The third is Lemon Creek in Hidden Valley USE2003-00045. This site is 30 acres in size with an estimated 1.64 million cubic yards of gravels, which has not been developed.



LOCATION; FEATURES; TOPOGRAPHY

The property is located at Township 40 South, Range 66 East, SE quadrant of Section 23 and Section 26. It is located in Hidden Valley which is 1.34 miles north of the intersection of Glacier Highway and Anka Street in the City and Borough of Juneau, Alaska.

The parcel containing the proposed severance site is 113.29 acres in size, is irregular in shape and is U.S.M.S. 526, a patented placer mining claim that straddles the streambed of Lemon Creek.



Image 8 - Distance from first severance area to nearest structure

The nearest habitable structure is the building at the gun range north of the Lemon Creek Correctional Center. It is roughly 4,250 feet southwest from the severance area.

The valley floor is roughly 500 feet wide on average east to west with glaciated banks of sand and gravel. Most of the banks have eroded faces and range from a few feet in height up to perhaps 50 feet in height. It is sloping from the north to the south and is about 3,200 feet in length before it narrows down through a gorge. The elevation at the north side of the property along the creek is roughly 175 feet. At the north property line of parcel M.S. 585 where it meets parcel M.S. 526 the creek has dropped in elevation to approximately 114 feet. The difference between the two elevations is 61 feet generating a 1.9% slope.



CBJ property Tract A1-A Lot 3 borders the northwest boundary. Currently CBJ has a Conditional USE2003 00045 permit for a borrow source of 1,640,000 cubic yards of sands and gravels to be extracted over 15 years. This is an average of 109,333 CY per year. The southwest area in Image 9 of the blue triangle is an elevated area of bedrock that is an existing quarry owned and operated by SECON. Bordering the triangle shaped area to the south is the start of the creek gorge. CBJs' property to the left of the blue triangle is the area for the Conditional USE permit of 1.6 million yards of sands and gravels.

MAP OF HIDDEN VALLEY WITH APPROXIMATE PROPERTY BOUNDARIES

Lemon Creek traverses Hidden Valley flats dividing the land into several areas. In the picture below the blue line is the western edge of Lemon Creek. This was "mapped" by walking along the creek with a handheld GPS in 2012. The picture image is dated about 2005. With the constraints of the property boundary, mountainsides and Lemon Creek the operation of gravel extraction is best designated as severance zones. Currently Lemon Creek has carved the valley into three severance zones that have areas large enough to support extraction of the dry gravel reaches.

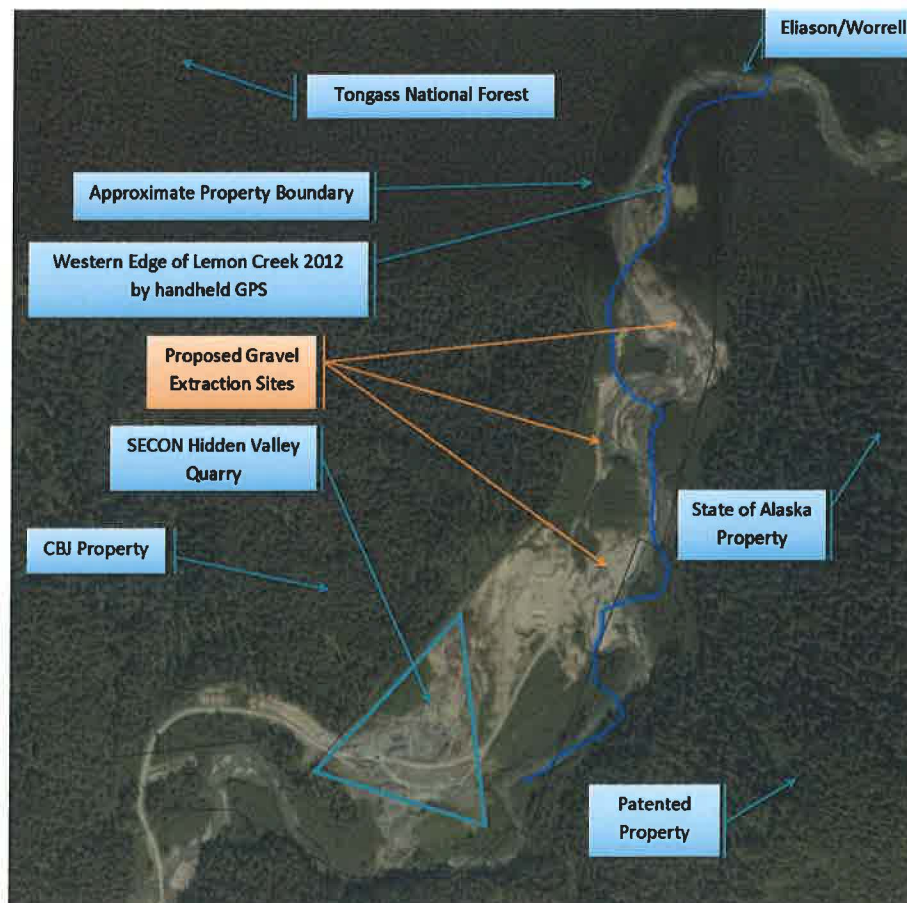


Image 9 - Location Map



Severance Zone 1

The first severance zone is located along the area where Secon stores equipment. The equipment storage area is elevated about 20 feet above Lemon Creek's flood plain. The storage area is irregular in shape yet follows the mountainside. This equipment storage area is bordered by a large flood plain of exposed gravel with Lemon Creek flowing to the opposite side of the valley. The area is about 8.2 acres in size after subtracting 30 feet for the habitat buffer zone⁹. This potentially has 198,000 cubic yards of gravel. The volume calculation is based on a continuous depth of 15 feet. The depth of 15 feet is not known but an estimate for calculation. Experience has shown that the subsurface stratum is neither uniform nor consistent in elevation. The actual cubic yards of gravel will be less if the estimated depth of 15 feet is accurate. This zone has an access to the flood plain in the form of a ramp from the equipment storage area.



Image 10 - Severance Zone 1

⁹ Alaska Department of Fish and Game in there permit reserves a 30-foot setback from the creek. This set back is to preserve the existing streambanks in the event of elevated stream flows, which occur throughout the season. It is also positionally dynamic as to the seasonally changing streambed location.



This severance zone would be Secon's first choice of gravel extraction. It has easy access and is close to our current quarry operations.

If Lemon Creek in Hidden Valley acts similar to lower Lemon Creek, the severance pits will refill annually during the spring flooding. Depending on how the severance pits replenish and what areas are viable for gravel severance, it may be possible to extract gravels from this first zone to satisfy the markets.

If the first severance zone becomes such that the gravels are not replenished but become fish habitat the second severance zone will become a viable option.

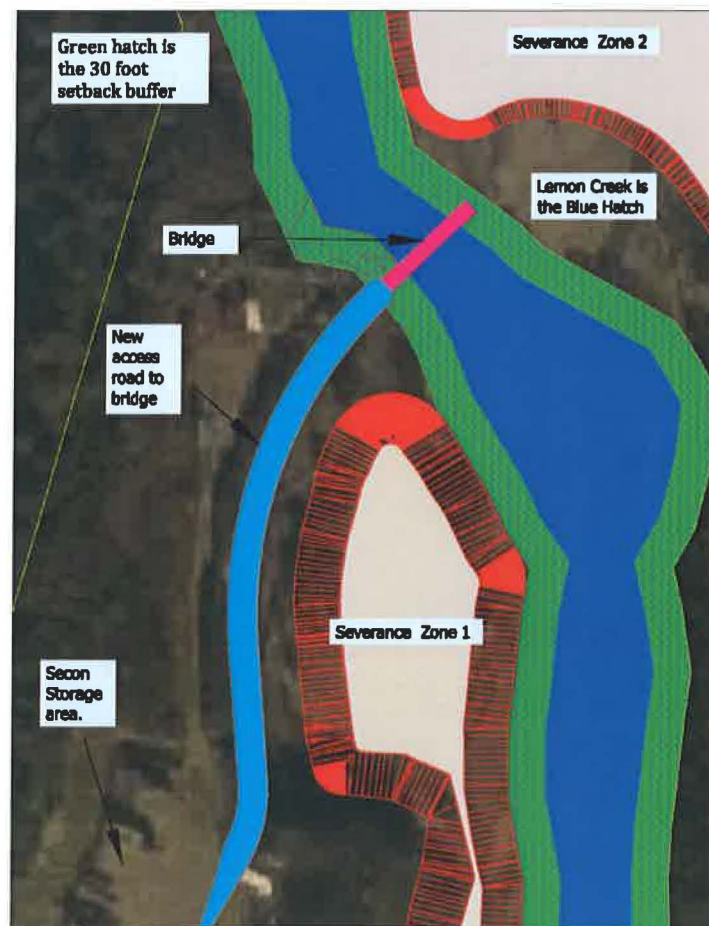


Image 11 - Access road and bridge location.

To reach this zone, Secon will be required to develop an access by building a bridge across Lemon Creek. At the north end of Secon's equipment storage area a ramp would be constructed to the flood plain. From there, a path bearing North Northeast would be cleared of Alders to reach Lemon Creek. At Lemon Creek, an embankment would be constructed to support a bridge.



Secon will decide whether to setup the bridge for short term or for the season. Short-term meaning of actual extraction duration in terms of days of actively mining and then removing the bridge once completed. This is the current protocol for accessing the different zones in Lemon Creek Gravel Extraction.

Installing the bridge for the season would be more involved however, it would be beneficial if the extraction process takes months to accomplish. It would require a higher embankment and possible armoring of the embankment with Rip Rap. This is to safeguard that the bridge is not threatened by elevated flow events from rains or glacier melts during the summer season.

Severance Zone 2

Once the access road is built and the bridge is installed the second severance zone can be staked with the Habitat Biologist¹⁰. This zone is more oval and can encompass roughly 4.8 acres in area. This has the potential of 116,000 cubic yards of material.



Image 12 - Severance Zone 2

¹⁰ The Habitat Permit issued by the Alaska Department of Fish and Game states their Habitat Biologist will evaluate and stake the site with Secon as to the severance zones.



At the north edge of this zone is the start of an eroding bank that was formed when the creek radically changed is streambed in 2010. From the big bend at the north end of Secons' property to this severance zone is a bank that is currently eroding during high water events. This is the east side of Lemon Creek, or looking downstream, the left bank. The bank is only about 5 feet high at the north side of the severance zone, however, it increases to over 30 feet high at Secons' north property line.

Severance Zone 3

Severance zone 3 is located at the north end of Secons' property. To access this site, there are two possibilities. One, developing an access path from Severance zone 2 along the eastern property line and then installing a bridge to cross Lemon Creek. The second option is to use the path along the western side of the valley on an old logging road. There is still one small stream to cross with either a culvert or small bridge.

This severance zone has an area of about 2.7 acres. Which access is used will determine the severance area along with the setbacks from Lemon Creek and a small stream along the western edge. Currently it is shown as two zones to accommodate the bridge.

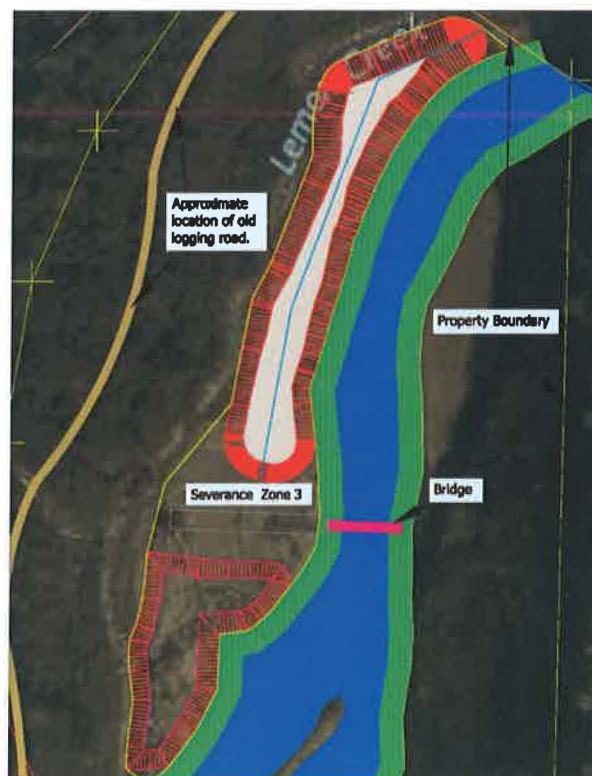


Image 13 - Severance Zone 3

This site would be the farthest from Secons' quarry operations but it also offers larger gravels and small boulders in its gravel bars.



Along the northwest side of this site, which is the left side in the image 14 photo, along the green trees is the old streambed for Lemon Creek. In winter of 2010/2011, the channel changed to its current location. In doing so, it moved roughly 180 feet to the southwest and scoured the current bed down into the gravels about 18 feet.

Image 14 shows the glacial terrace and moraines left from the last glaciers. Round cobbles and larger gravels are more resistive to the hydraulic erosion and now make up the bed of Lemon Creek. The smaller gravels, sands and silts have been conveyed downstream.

The cross hairs of image 14 is identified in Image 1 - Inter-Fluve, Inc. Lemon Creek Watershed Geomorphic Assessment and Sediment Management Alternatives Analysis Figure 3 as XS51. The bank on the rightside of the picture is XS50.



Image 14 - 2013 Lemon Creek Northside of Property.

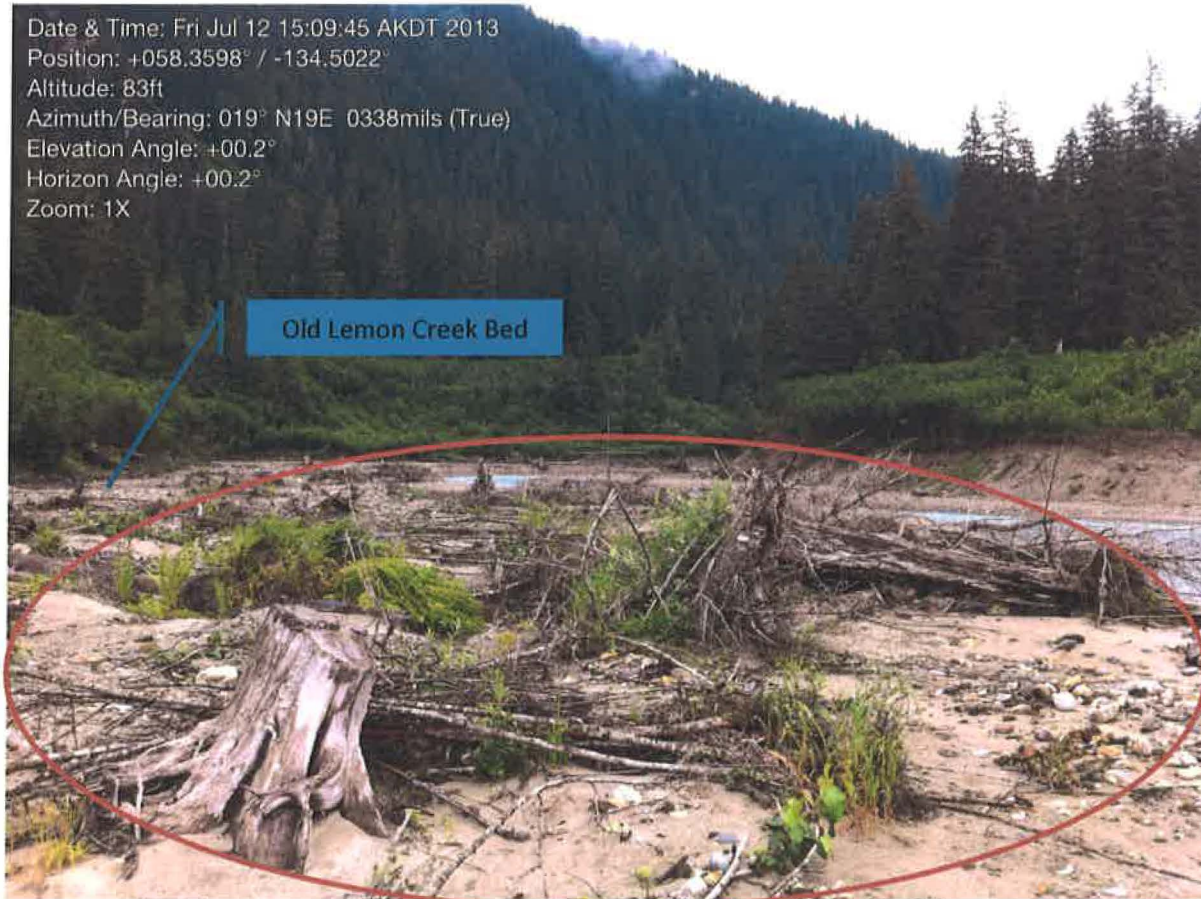


Image 15 - South end of Severance Zone 3 looking north

Image 15 shows the area is stripped of vegetation and topsoil. The remaining soils are sands with gravel and small cobbles.



As can be seen from the two images below the creek channel has changed a lot over the last several years. Image 16 is a google earth image of Lemon Creek from 2005 data. The blue line drawn on the photo is depicting the west side of Lemon Creek in 2012. The blue line was created by walking the creek bank with a Garmin GPS. The "bread crumbs" data was then uploaded to Google Earth. Tens of thousands cubic yards of sand and gravel have eroded from this valley and have been deposited in the lower reaches of Lemon Creek below the gorge out to the tide flats.



Image 16 - Hidden Valley 2005



Image 17 - Hidden Valley 2011



ZONING

The areas where the severance will occur is zoned Rural Reserve, the same as the properties to the west, north or east. The property to the south, patented M.S. 609 owned by City and Borough of Juneau is zoned industrial.

CURRENT USE

The southwest portion of this property is an active quarry producing aggregate for local private and public projects.

The access road north of the quarry along the western side of Lemon Creek is used for equipment storage and has two areas that are leased to local businesses. These businesses have gated and/or fenced off areas for product storage.



Image 18 - Hidden Valley Equipment Storage



METHOD OF MINING

Prior to severance of materials ADF&G Habitat Division will be notified. The extraction site will be surveyed with a Habitat Biologist to determine what areas can be zoned for extraction. The site will be staked for property offset and buffer zone setback identified by the biologist.

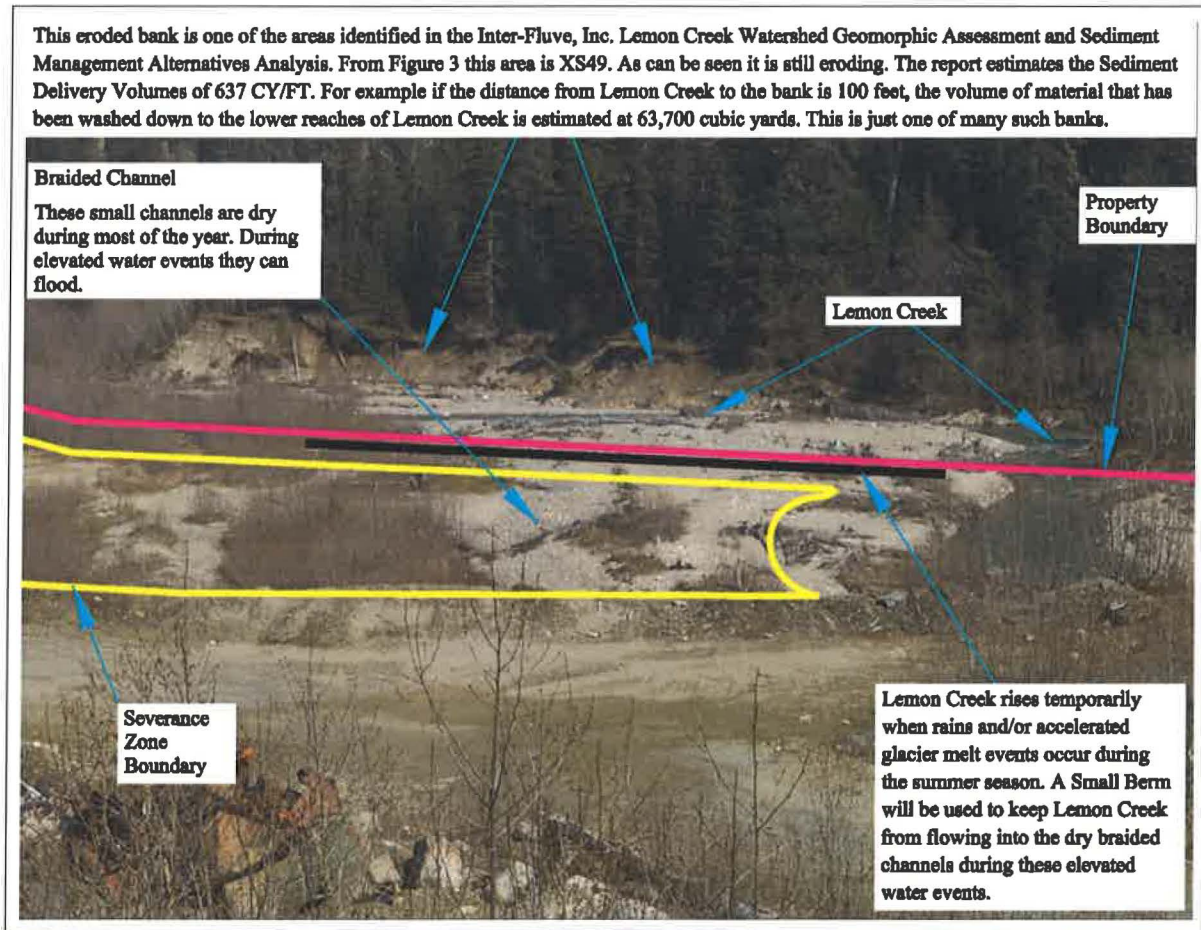


Image 19 - Severance Zone 1 diagram

These exposed gravel reaches are not fish habitat, even if the areas are submerged during spawning and the fish are able to lay eggs in the sands. They are dry for extended periods of time throughout the year and during the winter can freeze to several feet in depth.

Once the severance zone boundaries are staked the berms will be installed on the up-stream side of the excavation. This is to keep Lemon Creek from entering the severance area during elevated flows. The berm is temporary in nature and will be removed once the severance area is finished for the season. If Lemon Creek floods, the berm will be washed into the severance pit.



The mined gravels will be severed in one of two ways:

1. The gravels will be excavated and loaded into the conveyance unit in one operation.
2. Excavate the gravels into a surge stockpile next to the extraction pit. The stockpile is located next to the excavator. It is no more than two truckloads in size. The purpose of the surge pile is for gravels to have the opportunity to drain most of the water before being loaded into the conveyance unit. The gravels will be loaded and hauled to the wash plant site and stockpiled.

As can be seen in the photos to the right, the existing permitted operation in the Lower Lemon Creek streambed, USE 2012 0019 severance pit is full of water. This water is turbid and has suspended solids from all the extraction disturbance. It is critical to keep any inflow of water from the extraction pit. As long as the pit is excavated the water will stay in the severed site. If external inflows of water are allowed to enter the severance pond the turbid waters of the extraction pond will eventually escape and enter Lemon Creek. From Secons' experience in extracting gravels from Lemon Creek, if there is a problem with the turbid waters trying to leave the severance pond the answer is simply to setback 10 feet and start a new severance. The new severance will tend to create a hydraulic depression in the previous severance pit. This tends to keep the waters of the previous severance pond depressed and from overflowing to Lemon Creek. It also allows the water time to settle and clear if there continues to be a problem with the first severance pond.



Image 21 - Lemon Creek Gravel Extraction 2009



Image 20 - Lemon Creek Gravel Extraction 2013



Image 22 - Lemon Creek Gravel Extraction Pond May 2009

During the gravel extraction the severance zone pit is isolated from Lemon Creek. Once the severance zone is exhausted of gravels the berm will be removed. The severance pit suspended solids and turbidity will begin to settle. Historically Lemon Creek Gravel Extraction severance ponds have, after one to two months, been clearer than Lemon Creek as it breaches the severance ponds. There is a notable difference between Lemon Creek and the still quiet of the severance ponds as far as turbidity.

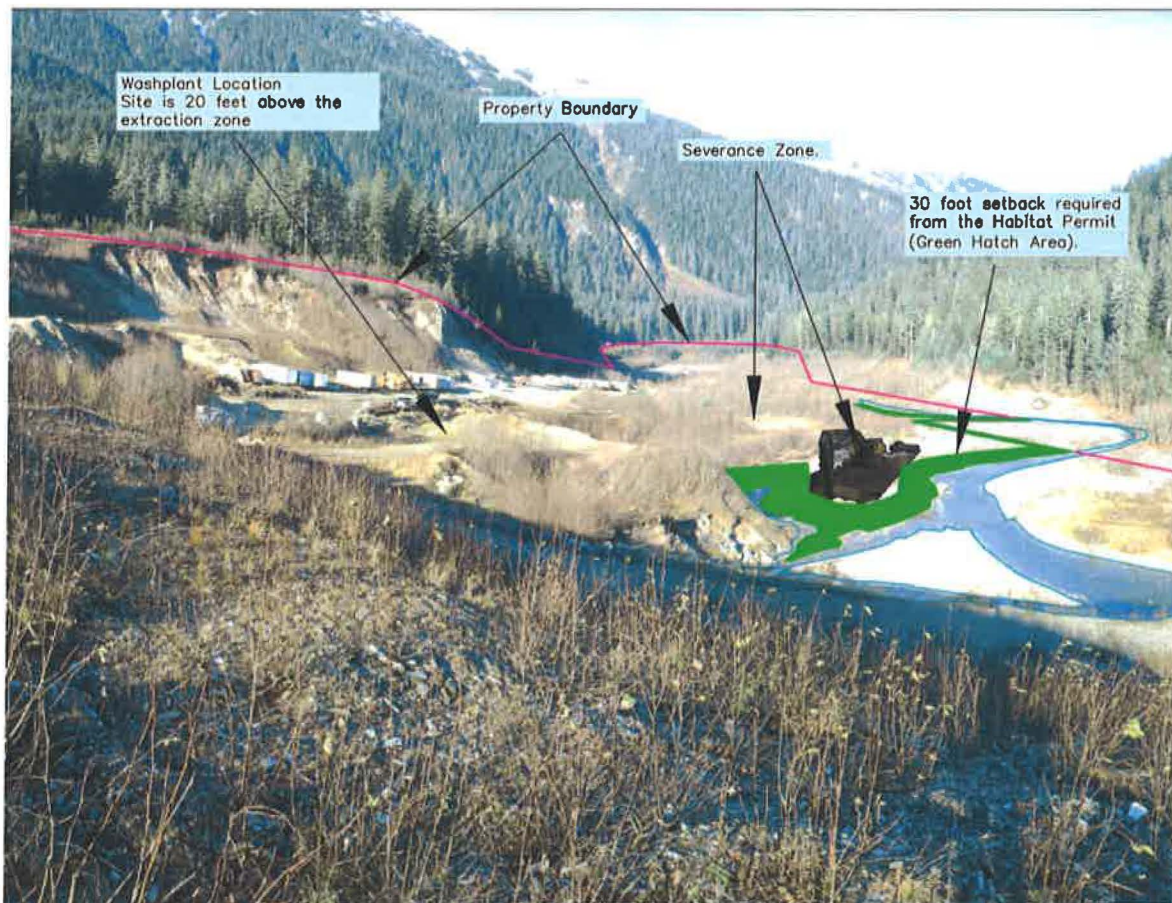


Image 23 - Layout of operations

As can be seen in Image 23, the severed gravels are loaded into dump trucks as the conveyance unit of choice. The gravels are transported to a stockpile up out of the Lemon Creek flood plain. Currently there is an elevated bench about 20 feet higher in elevation than the flood plain of Lemon Creek. This bench is from 80 to 250 feet in width and a 1,000 feet long.

Secon will setup a wash plant at the Hidden Valley property for processing the material. The washplant site will be on a bench elevated as shown in the drawing below. A second choice for the washplant site would be the rock quarry. The materials would be trucked to the quarry site for processing there.



The equipment used to extract gravels from the exposed reaches will be any combination of the following:

- Large Excavator
- Large Dozer
- Large Loader
- 10 cubic yard end dumps
- 20 cubic yard end dumps
- 20 cubic yard side dumps
- Articulated Trucks

The conveyance units will haul the severed gravels to a wash plant and then be processed through a screen plant into different products. These products will be temporarily stockpiled at this location before being conveyed either to Aggpro or to a public project. Aggpro will market and sell to public works/maintenance departments and/or to the private sector.

Products made from the mined gravels.

1. Concrete aggregate
2. Concrete Sand
3. Asphalt Blend Sand
4. Washed Rock
5. Sand
6. Chips for winter sanding

The wash plant will be setup above the seasonal high water elevation. A water collection sump would be created. The plant would be in operation starting in the spring when temperatures stay above freezing and shut down in the fall when the temperatures start freezing once again.

No fueling of equipment will take place below ordinary high water.

TRAFFIC

The transporting route of the gravel products will be from the Hidden Valley on Anka Street to the intersection at Glacier Highway. The routes from the intersection will one of two possibilities. The first is to turn right on Glacier Highway then turning left onto Concrete Way ending at Aggpro's site at 5771 Concrete Way. The second would be to turn left onto Glacier Highway and proceed to Vanderbilt Hill Road then to Egan Drive for delivery to a project. These routes are same as Secon's Hidden Valley Quarry and City & Borough of Juneau's North Lemon Creek Material Site.



RESTORATION

The bridge and abutments will be removed. Embanked berms and fills will be removed from Lemon Creek flood plain. Severance voids will be allowed to naturally be filled in by Lemon Creek.

CURRENT PERMITS HELD BY SECON

Fish Habitat Permit FH15-I-0141

US Army Corps of Engineers, Alaska District Permit: POA-2014-547

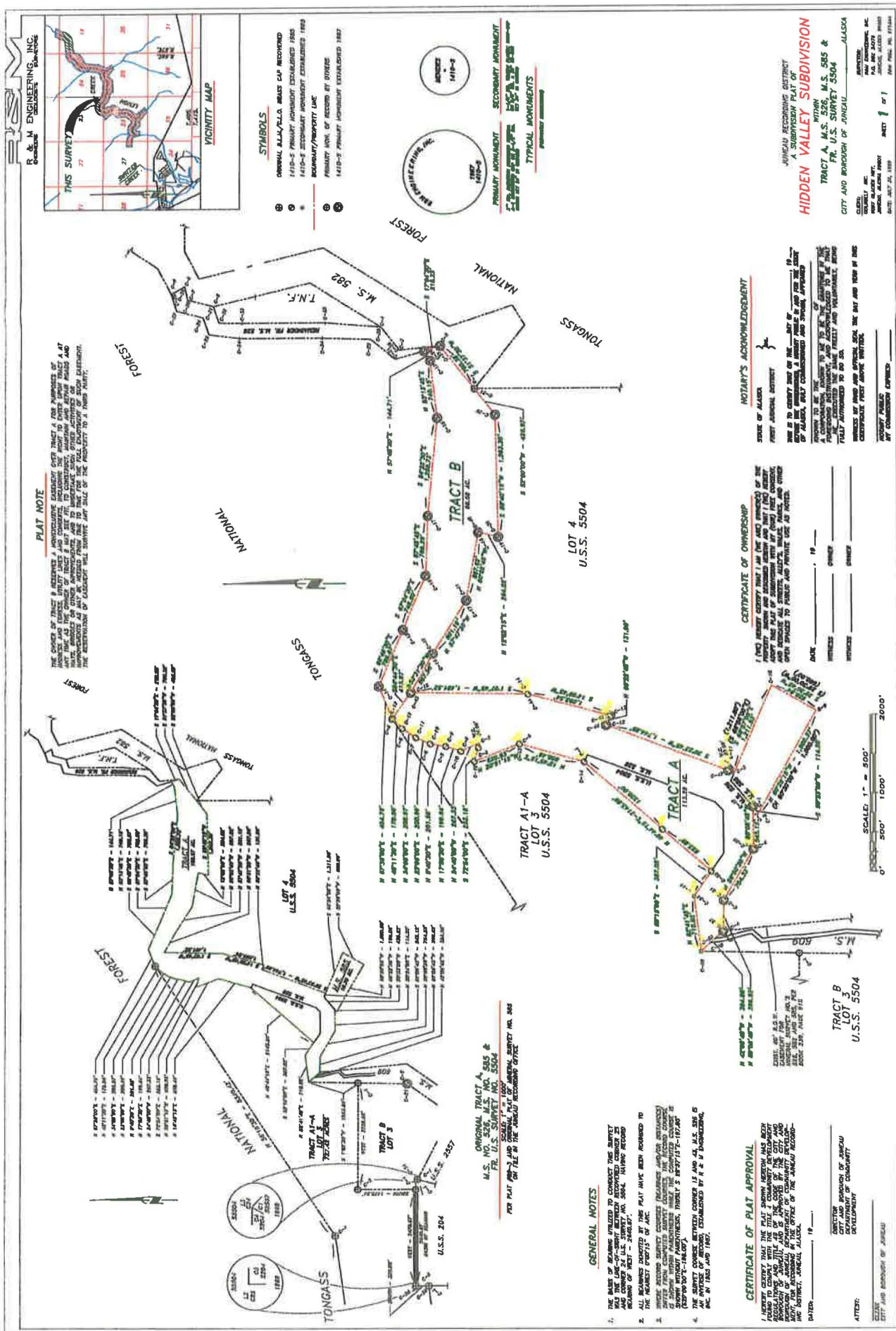
Alaska Department of Environmental Conservation - Division of Water - Wastewater Discharge Authorization Program, Section 401 Reasonable Assurance

ATTACHMENTS:

- Plat of Hidden Valley Subdivision
- Site Plans
- Fish Habitat Permit
- US Army Corps of Engineers Permit

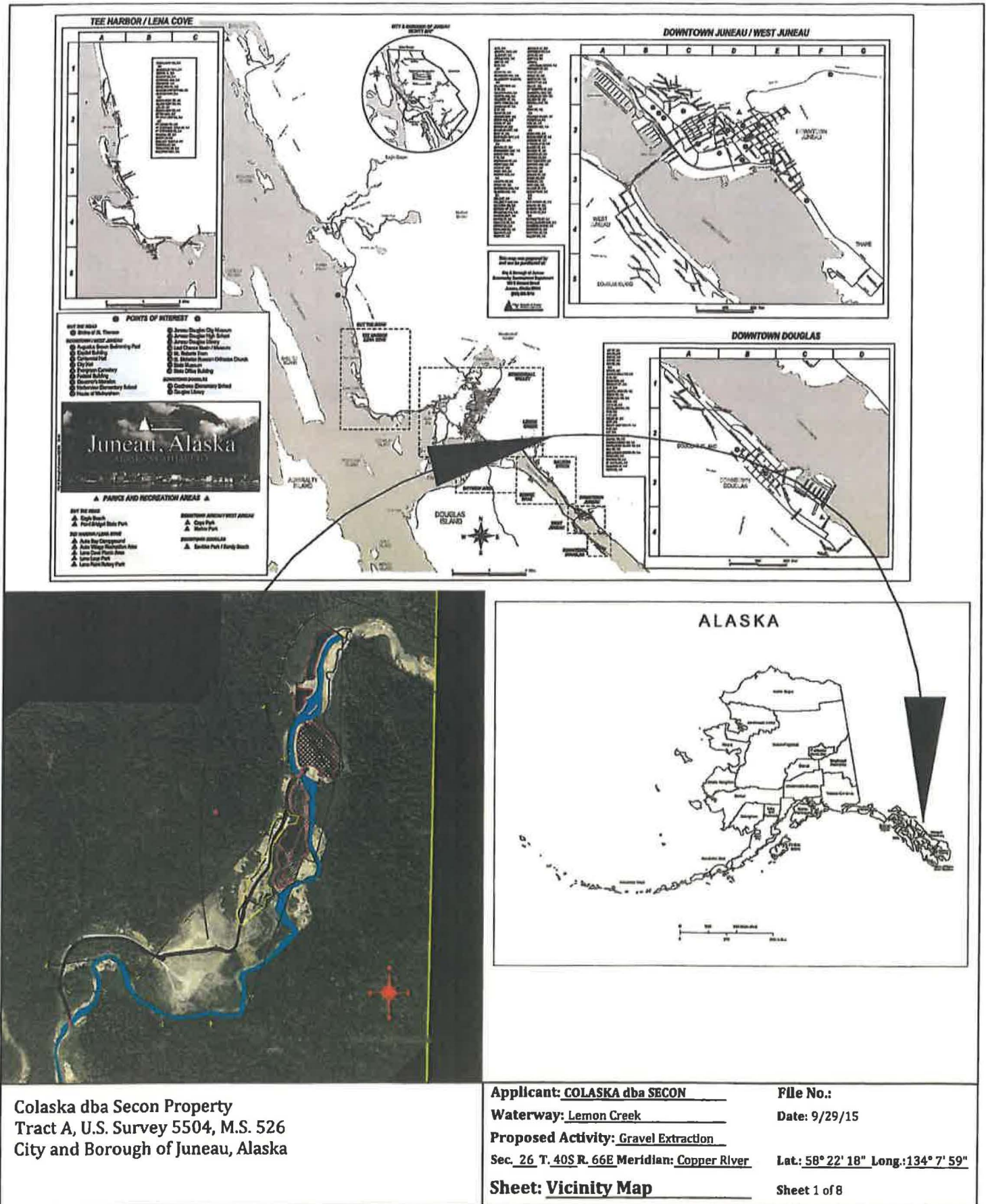
Attachment 1

Plat of Hidden Valley Subdivision



Attachment 2

Site Plans



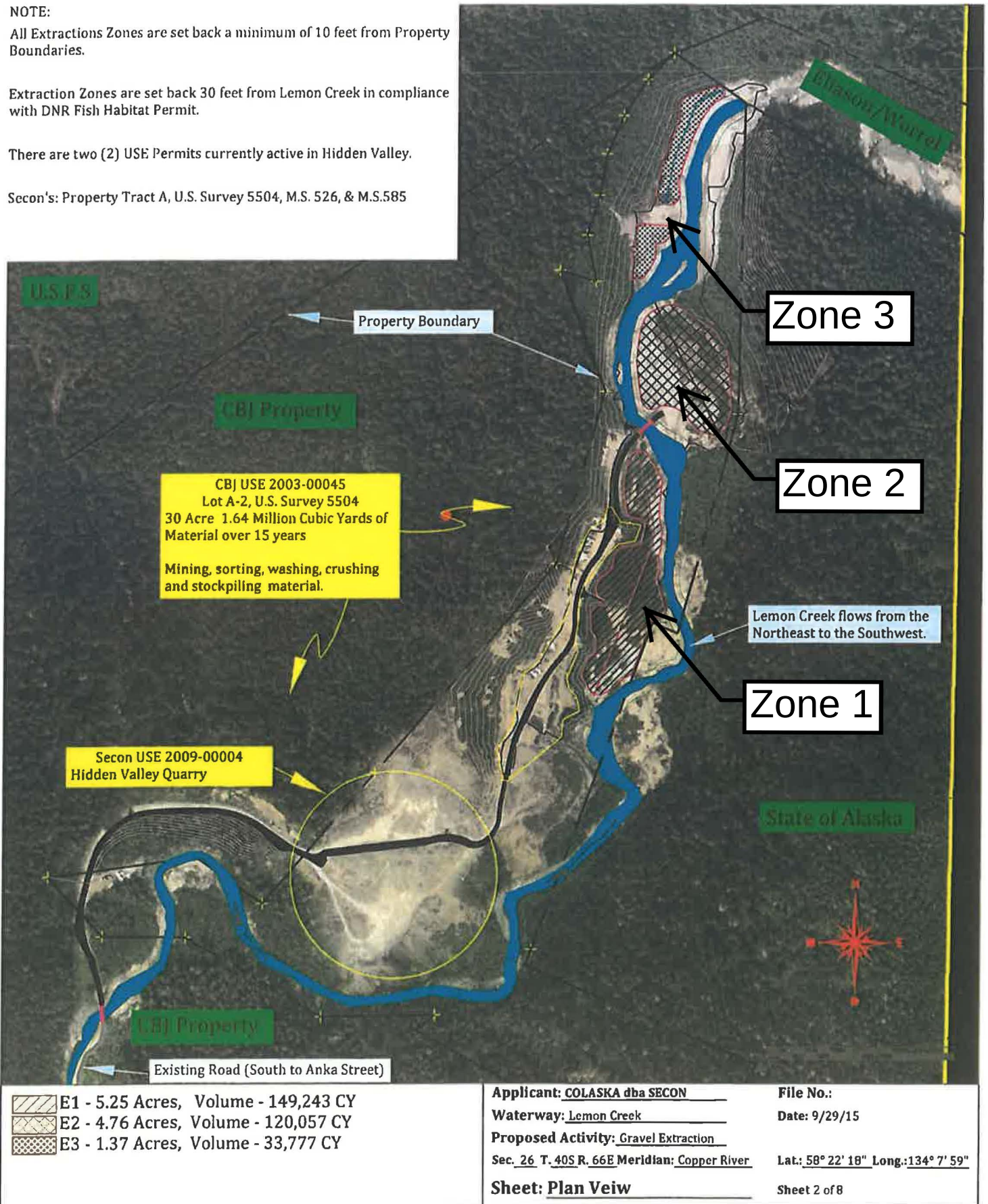
NOTE:

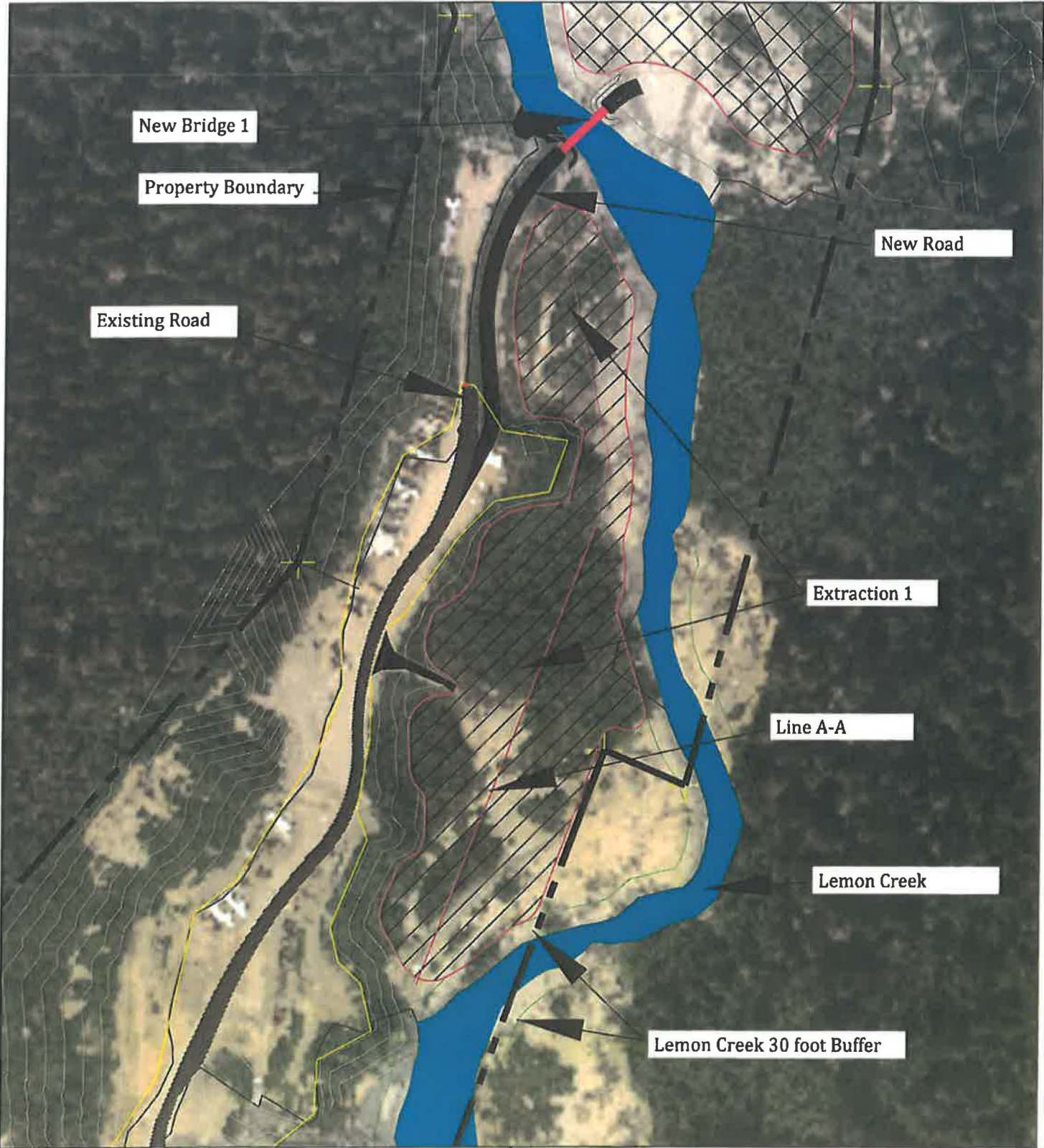
All Extractions Zones are set back a minimum of 10 feet from Property Boundaries.

Extraction Zones are set back 30 feet from Lemon Creek in compliance with DNR Fish Habitat Permit.

There are two (2) USE Permits currently active in Hidden Valley.

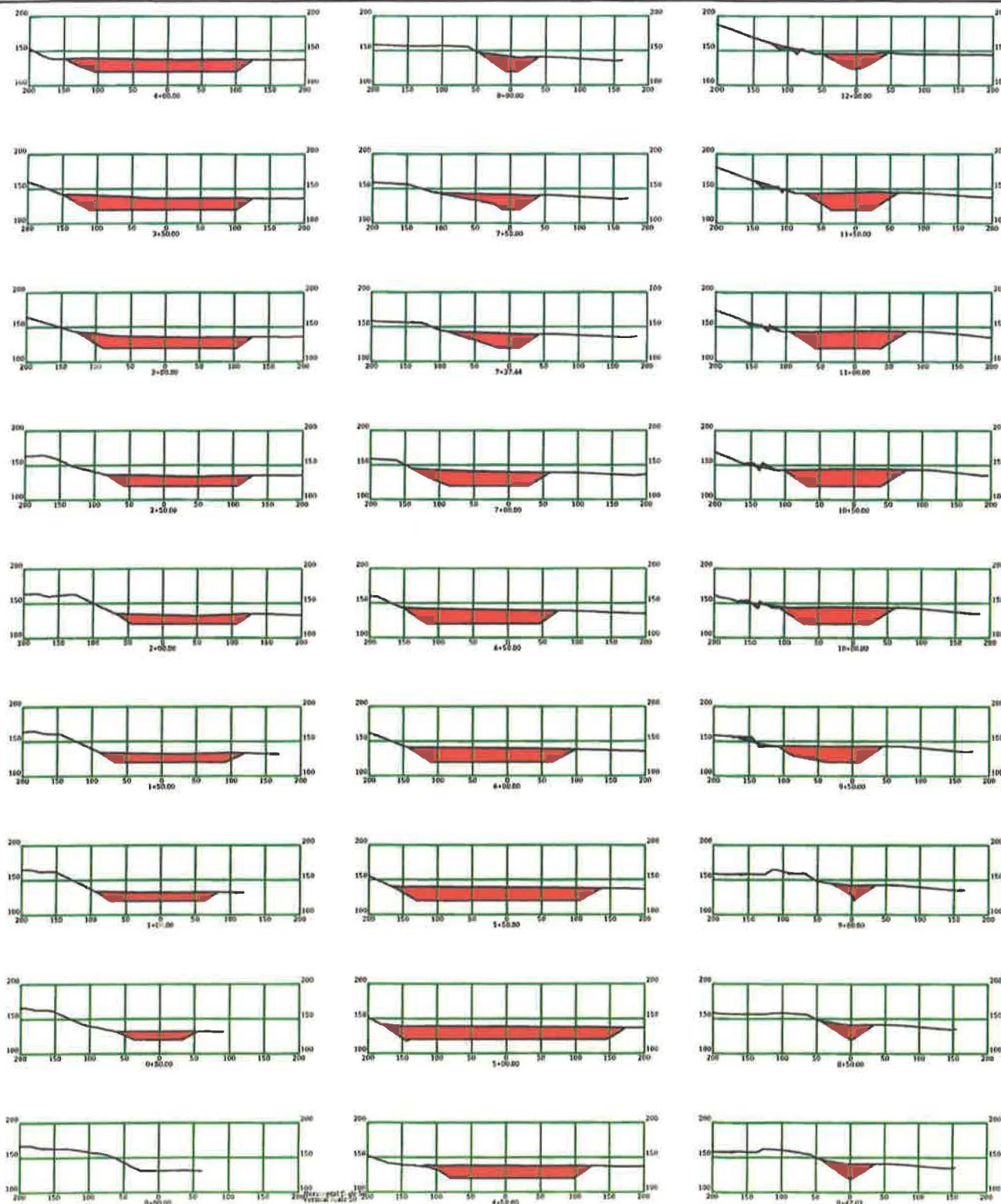
Secon's: Property Tract A, U.S. Survey 5504, M.S. 526, & M.S.585





Extraction Zone 1 (E1) Section Line

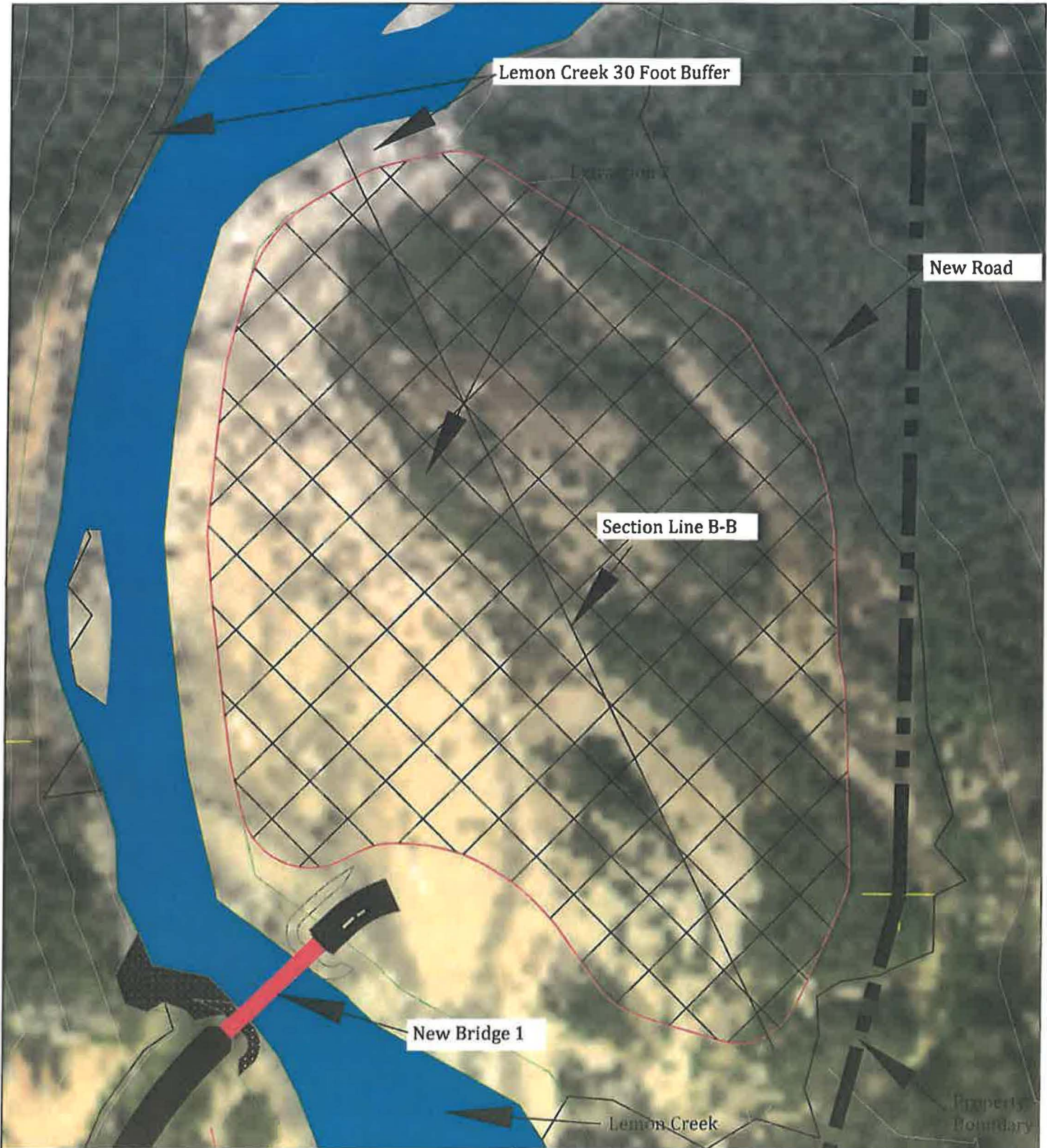
Applicant: COLASKA dba SECON	File No.:
Waterway: Lemon Creek	Date: 9/29/15
Proposed Activity: Gravel Extraction	
Sec. 26 T. 40S R. 66E Meridian: Copper River	Lat: 58° 22' 18" Long: 134° 7' 59"
Sheet: E1 Cross Section Map	Sheet 3 of 8



Extraction Zone 1 (E1)
Cross Sections of Line A-A

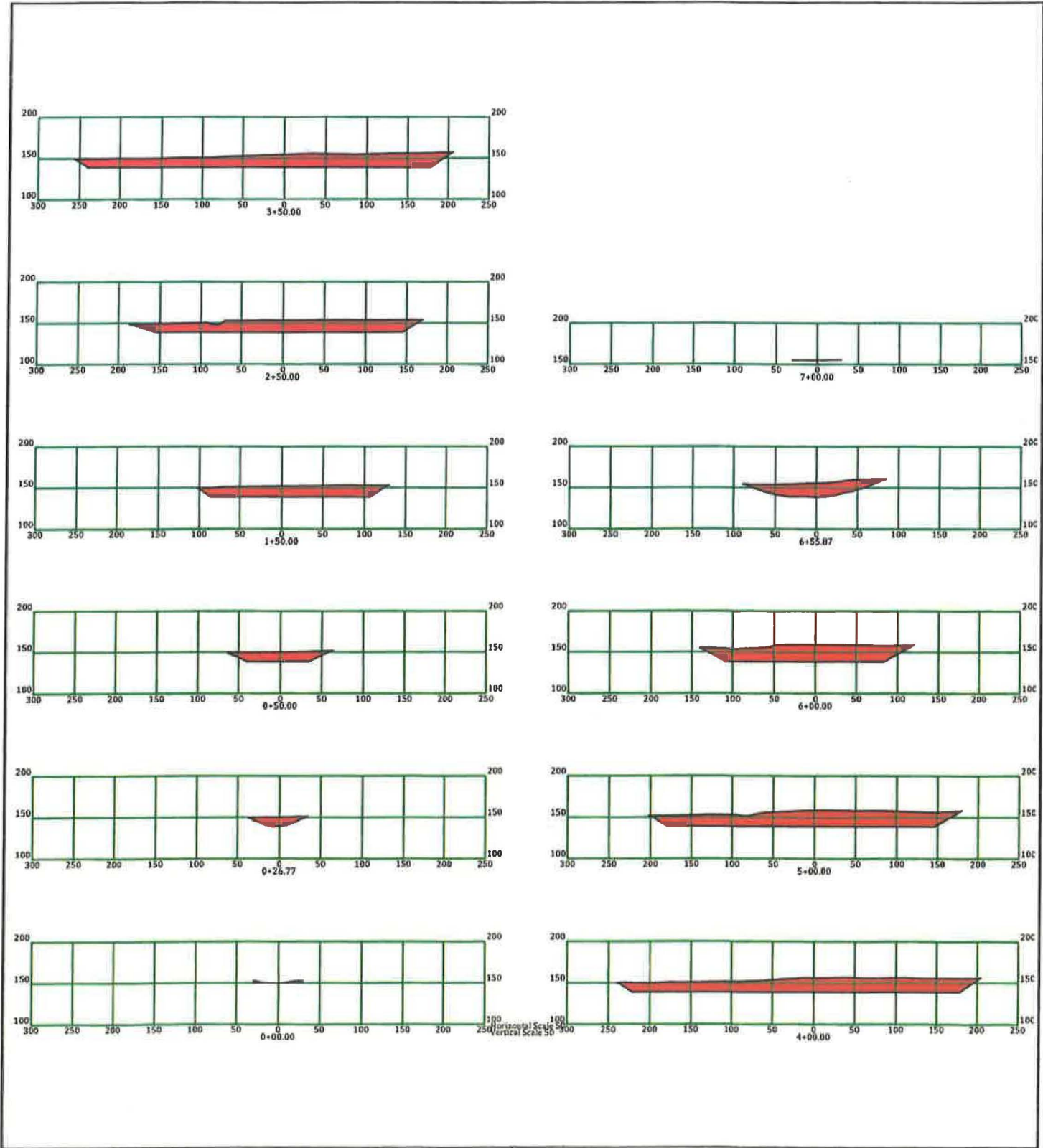
Applicant: COLASKA dba SECON
Waterway: Lemon Creek
Proposed Activity: Gravel Extraction
Sec. 26 T. 40S R. 66E Meridian: Copper River
Sheet: E1 Cross Sections

File No.: POA-XXXX-XXXX
Date: 9/29/15
Lat.: 58° 22' 18" Long.: 134° 7' 59"
Sheet 4 of 8



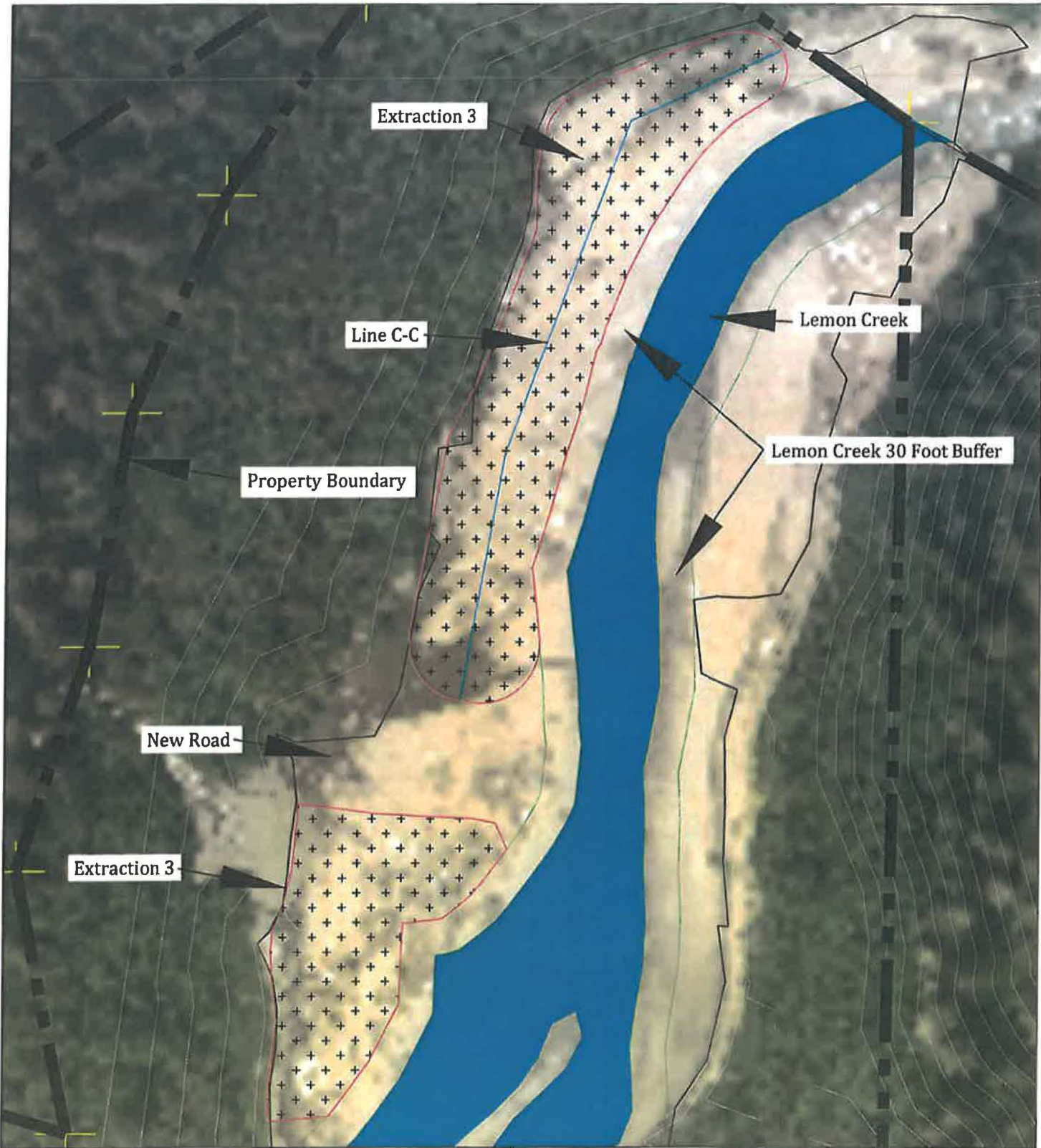
Extraction Zone 2 (E2) Section Line

Applicant: COLASKA dba SECON	File No.: POA-XXXX-XXXX
Waterway: Lemon Creek	Date: 9/29/15
Proposed Activity: Gravel Extraction	
Sec. 26 T. 40S R. 66E Meridian: Copper River	Lat.: 58° 22' 18" Long.: 134° 7' 59"
Sheet: E2 Cross Section Map	Sheet 5 of 8



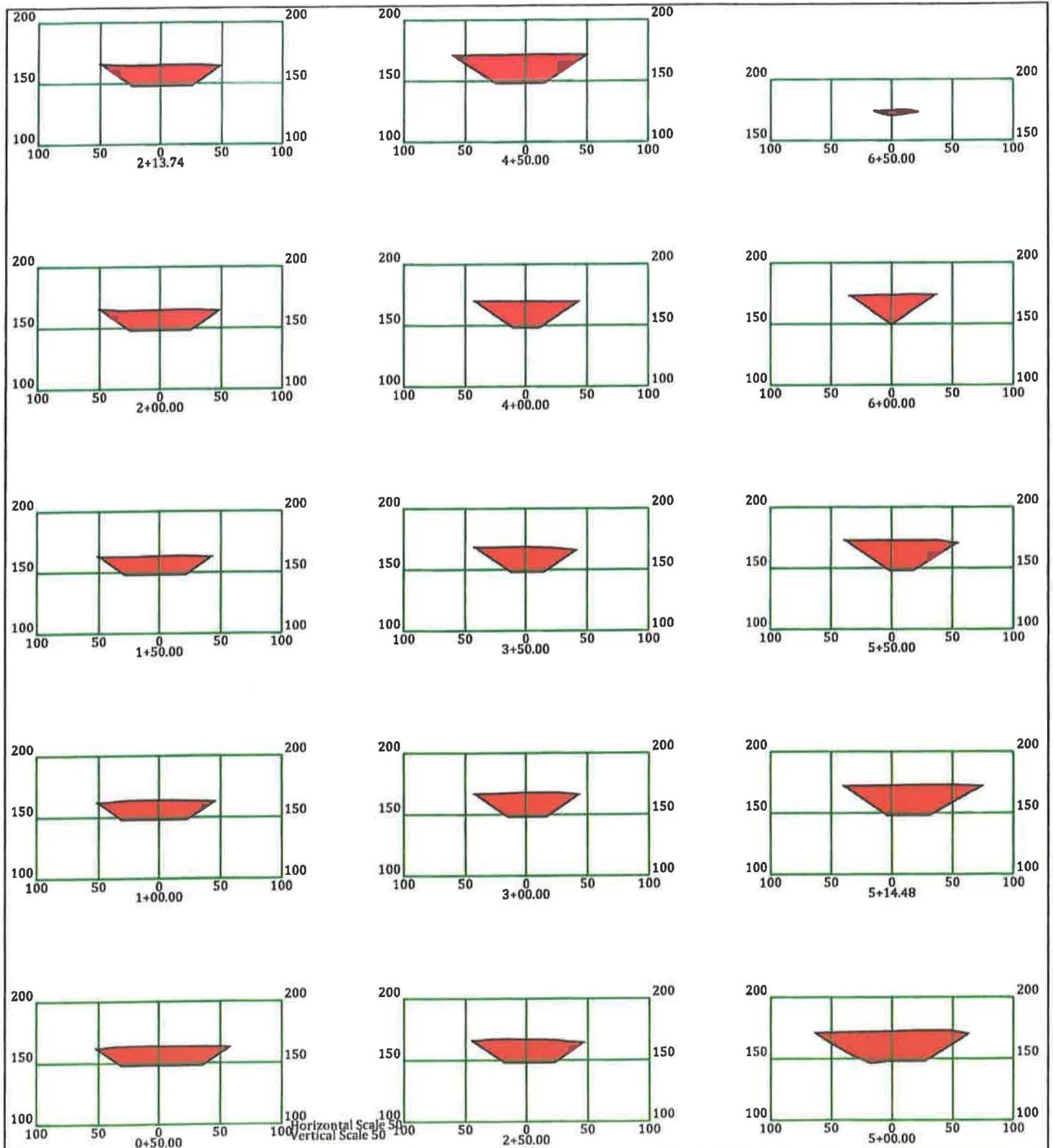
Extraction Zone 2 (E2)
Cross Sections of Line B-B

Applicant: <u>COLASKA dba SECON</u>	File No.: <u>POA-XXXX-XXXX</u>
Waterway: <u>Lemon Creek</u>	Date: <u>9/29/15</u>
Proposed Activity: <u>Gravel Extraction</u>	
Sec. 26 T. 40S R. 66E Meridian: <u>Copper River</u>	Lat: <u>58° 22' 18"</u> Long: <u>134° 7' 59"</u>
Sheet: <u>E2 Cross Sections</u>	Sheet 6 of 8



Extraction Zone 3 (E3) Section Line

Applicant: COLASKA dba SECON	File No.: POA-XXXX-XXXX
Waterway: Lemon Creek	Date: 9/29/15
Proposed Activity: Gravel Extraction	
Sec. 26 T. 40S R. 66E Meridian: Copper River	Lat.: 58° 22' 18" Long.: 134° 7' 59"
Sheet: E3 Cross Section Map	Sheet 7 of 8



Extraction Zone 3 (E3) Cross Sections

Applicant: COLASKA dba SECON
 Waterway: Lemon Creek
 Proposed Activity: Gravel Extraction
 Sec. 26 T. 40S R. 66E Meridian: Copper River
 Sheet: E3 Cross Section

File No.: POA-XXXX-XXXX
 Date: 9/29/15
 Lat: 58° 22' 18" Long.: 134° 7' 59"
 Sheet 8 of 8

Attachment 3

Fish Habitat Permit



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Fish and Game

DIVISION OF HABITAT
Southeast Region Office

802 3rd Street
Douglas, AK 99824-5412
P.O. Box 110024
Juneau, Alaska 99811-0024
Main: 907.465.4105
Fax: 907.465.4739

FISH HABITAT PERMIT FH15-I-0141

ISSUED: September 21, 2015

Mr. Michael Short
SECON Engineering Manager
P.O. Box 32159
Juneau, AK 99801

RE: Hidden Valley Gravel Mine in Lemon Creek
Stream No. 111-40-10100
T. 40 S., R. 66 E., Section 26, C.R.M., Juneau B-2
58.3776° N, 134.4642° W

Dear Mr. Short:

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G) Division of Habitat reviewed your proposal to mine sand and gravel on SECON's patented property within the ordinary high water marks of Lemon Creek in Hidden Valley.

Project Description

You will use excavators and dump trucks to mine material each year from islands within upper Lemon Creek. You will begin mining at the downstream end of the gravel bars and move upstream, leaving 30 foot buffers between the mine and active Lemon Creek channels. You will construct temporary diversion berms in dry channels upstream to protect the mine site from rising water and breach the berms when mining is complete.

You will build bridges across active channels using flatcars supported by log and gravel abutments. You will leave mine site organics on the floodplain. If flow begins to erode bridge abutments, buffers, or berms, you will remove bridges and equipment from below the ordinary high water mark of Lemon Creek.

You will meet with a habitat biologist each year prior to mining to review the mining plan and stake mine site limits. You will accompany habitat biologists monitoring Lemon Creek during mining.

FH15-1-0141 / SECON

- 2 -

Issued: September 21, 2015

Anadromous Fish Act

Lemon Creek, Stream No. 111-40-10100, is important for the spawning, rearing, and migration of anadromous fish, pursuant to AS 16.05.871(a). Adult coho salmon spawn in this portion of Lemon Creek from August through November and juvenile coho salmon and resident Dolly Varden char rear in the area year-round.

In accordance with AS 16.05.871(d), gravel mining in Lemon Creek in Hidden Valley is approved subject to the project description and the terms of this permit.

You must maintain the habitat in Lemon Creek in accordance with the terms of this permit so that free passage of fish is assured. You must restore any obstruction to the free passage of fish to the satisfaction of ADF&G.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Division of Habitat and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when a deviation from the approved plan is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the state free and unobstructed access, at safe and reasonable times, to the permit site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

This letter constitutes a permit issued under the authority of AS 16.05.871 and must be retained on site during project activities. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which was a direct result of the failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

FH15-I-0141 / SECON

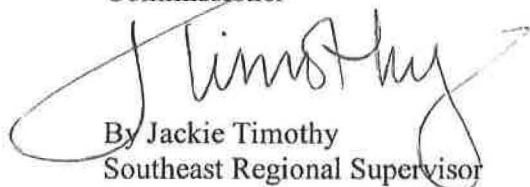
- 3 -

Issued: September 21, 2015

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

Any questions or concerns about this permit may be directed to Greg Albrecht at (907) 465-6384 or emailed to greg.albrecht@alaska.gov.

Sincerely,
Sam Cotten
Commissioner



By Jackie Timothy
Southeast Regional Supervisor

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
ADF&G Habitat Staff, Juneau
Dan Teske, ADF&G/SF, Juneau
Dave Harris, ADF&G/CF, Juneau
Stephanie Sell, ADF&G/WC, Juneau
Steve Brockmann, USFWS, Juneau
Linda Speerstra, USACE, Sitka
Cindy Hartmann Moore, NMFS, Juneau
Teri Camery, CBJ, Juneau

Attachment 4

US Army Corps of Engineers Permit



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, ALASKA 99802

September 16, 2015

Regulatory Division
POA-2014-547

Mr. Tim Dudley
Colaska dba SECON
P.O. Box 32159
Juneau, Alaska 99803

Dear Mr. Dudley:

This is in response to your, application for a Department of the Army (DA) permit to discharge 2,800 cubic yards of dredged and fill material into 21,275-square feet of waters of the U.S. below the Ordinary High Water of Lemon Creek in order to construct gravel mining access roads. It has been assigned file number POA-2014-547, Lemon Creek which should be referred to in all future correspondence with this office. The project site is located within Section 26, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.37334° N., Longitude -134.46598° W.; located in Juneau, Alaska.

Based on our review of the information you furnished and available to us and our July 21, 2015 site visit, we have preliminarily determined the above project area contains waters of the United States (U.S.), under the Corps' regulatory jurisdiction (Please see the attached Preliminary Jurisdictional Determination Form).

DA permit authorization is necessary because your project involves the placement of dredged and fill material into waters of the U.S. under our regulatory jurisdiction.

Specifically the work includes the construction of two access ramps from uplands into Lemon Creek measuring 60 feet long by 30 feet wide, two berm areas measuring 530 linear feet to protect the mining site from flooding, construction and armoring of a primary access road, bridge, and bridge abutments measuring 600 linear feet. The work would result in the placement of 2,800 cubic yards of rock and rip rap into 21,275 square feet of waters of the U.S.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plan (sheets 1-4), dated August 2015, is authorized by Nationwide Permit (NWP) No. 14, Linear Transportation Projects. NWP No. 14 and its associated Regional and General

Conditions can be accessed at our website at:

www.poa.usace.army.mil/Missions/Regulatory/Permits.aspx. Regional Conditions F apply to your project. You must comply with all terms and conditions associated with NWP No. 14.

Further, please note General Condition 30 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosed is the form for you to complete and return to us.

The Nationwide Permits are due to expire on March 18, 2017, unless the NWP is modified, reissued, or revoked. It is incumbent upon you to remain informed of changes to the NWPs. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at Matthew.T.Brody@usace.army.mil, by mail at the address above, or by phone at (907) 790-4493, if you have questions or to request paper copies of the regional and/or general conditions. For more information about the Regulatory Program, please visit our website at <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,

BRODY.MATTHEW.T.1383923111

Matthew Brody
Regulatory Specialist

Digitally signed by
BRODY.MATTHEW.T.1383923111
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USA,
cn=BRODY.MATTHEW.T.1383923111
Date: 2015.09.16 14:25:15 -08'00'

Enclosures

CF:

South - Juneau

jackie.timothy@alaska.gov
sero@alaska.gov
oha.revcomp@alaska.gov
james.rypkema@alaska.gov
shannon.dewandel@alaska.gov
FW7_POANotices@fws.gov
john_hudson@fws.gov
hcd.juneau@noaa.gov
AOOARU.R10@epamail.epa.gov
city.clerk@juneau.org
teri.camery@juneau.org
christine.mcnally@juneau.org
dduncan@ccthita.org
klindoff-dia@gci.net
alaiti-dia@gci.net

ENCLOSURE



**US Army Corps of Engineers
Alaska District**

Permit Number: POA-2014-547

Name of Permittee: Mr. Tim Dudley - SECON

Date of Issuance: September 16, 2015

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to Mr. Matthew Brody at the following address:

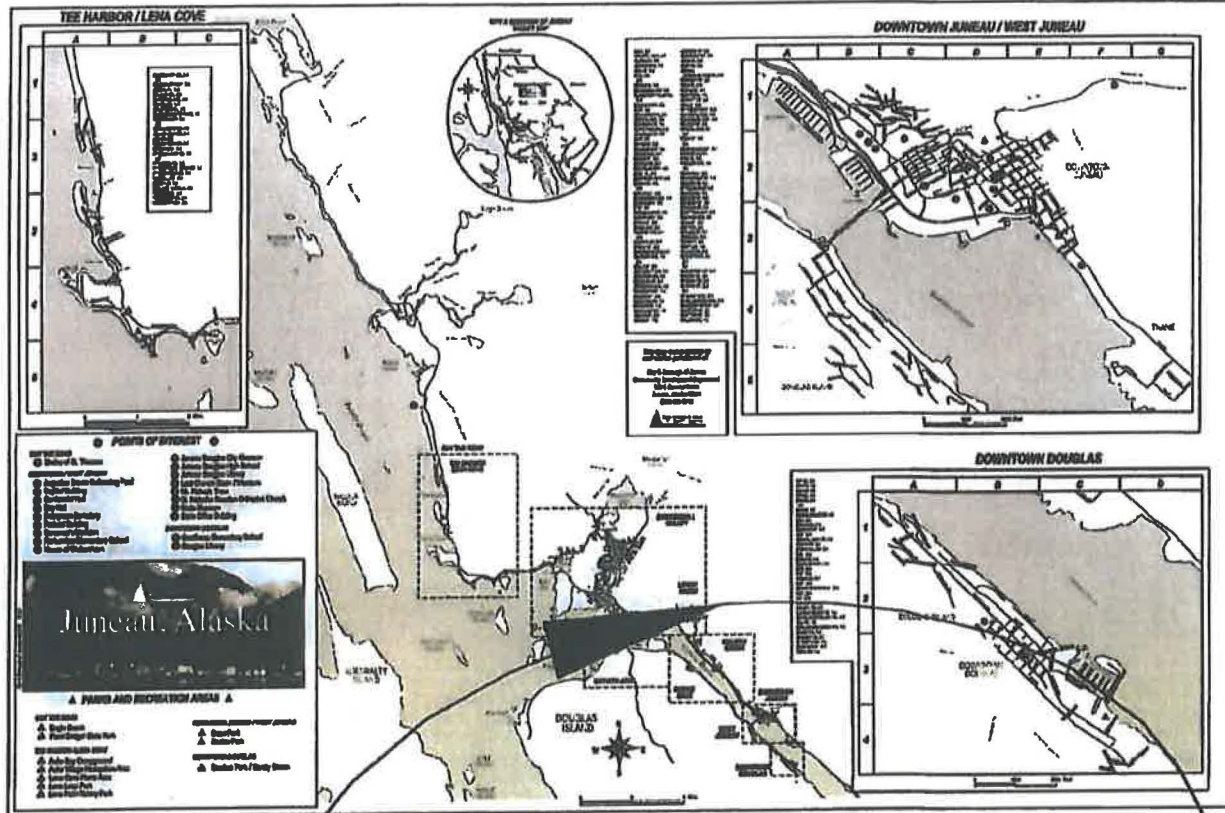
U.S. Army Corps of Engineers
Alaska District
Juneau Regulatory Field Office
P.O. Box 22270
Juneau, Alaska 99802

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date



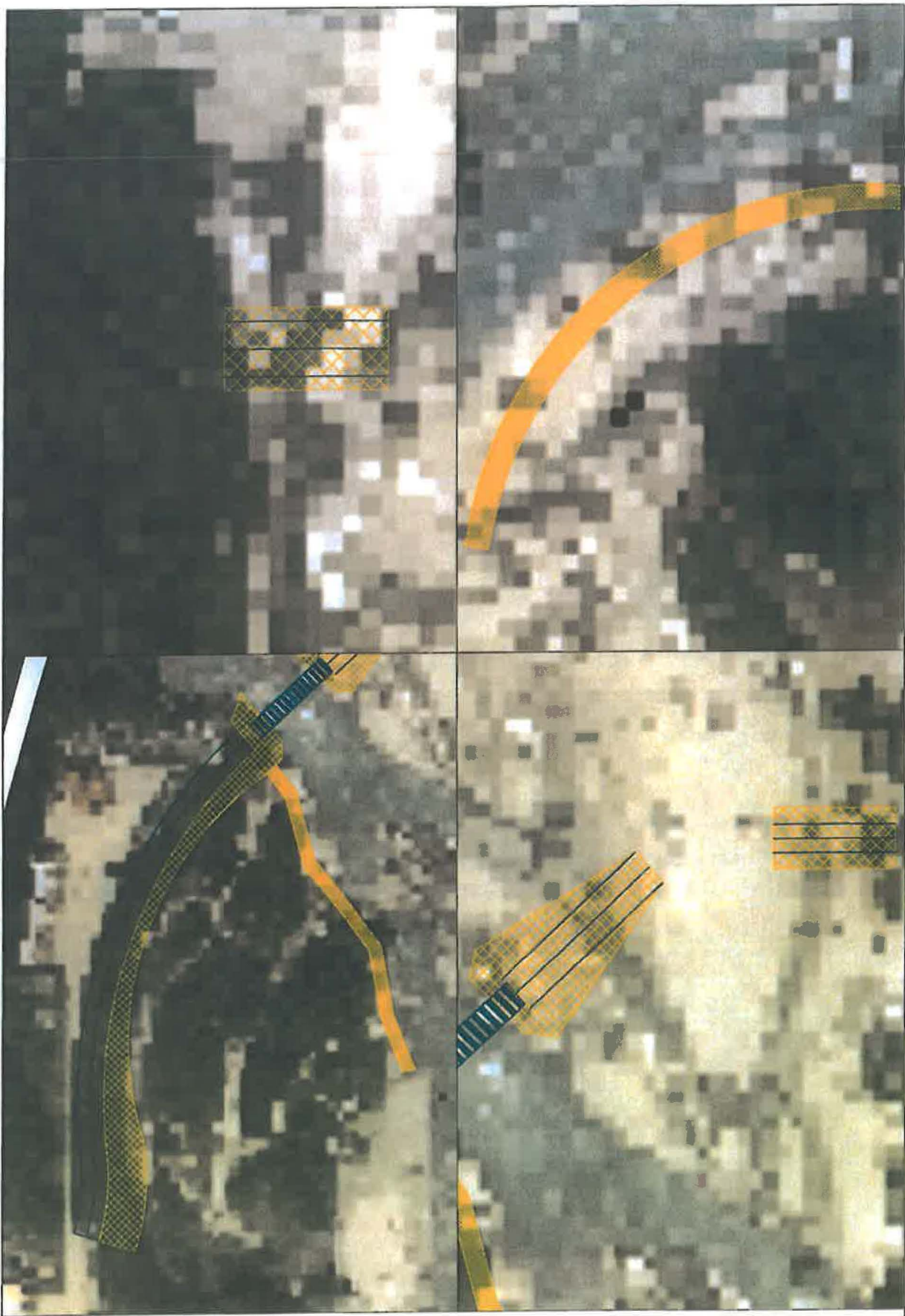
POA-2014-547
August 2015
SECON
Lemon Creek Gravel Extraction
Sheet 1 of 4



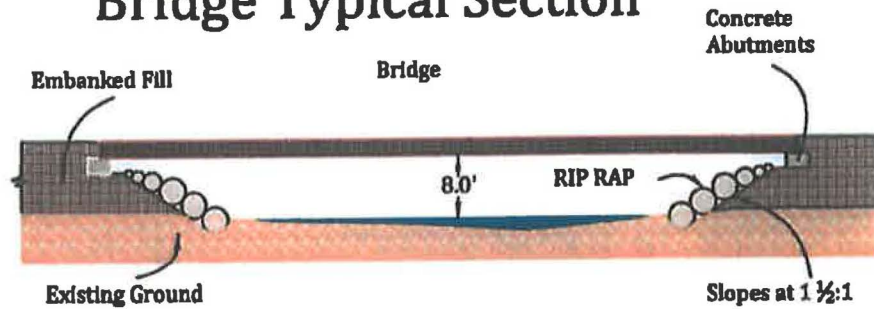
P.O. Box 32158
Juneau, AK 99803
907.586.5165

1836 Arka Street
Juneau, AK 99801

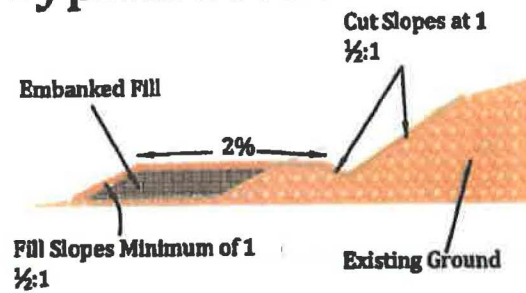
POA-2014-547
August 2015
SECON
Lemon Creek Gravel Extraction
Sheet 2 of 4



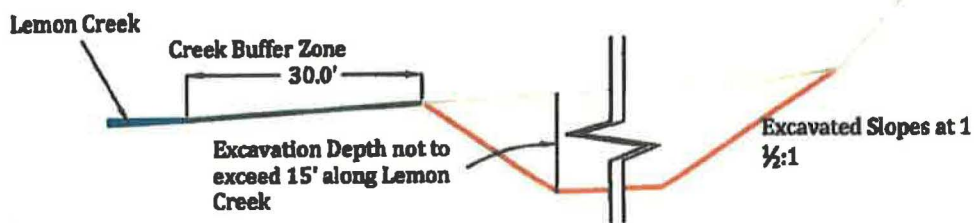
Bridge Typical Section



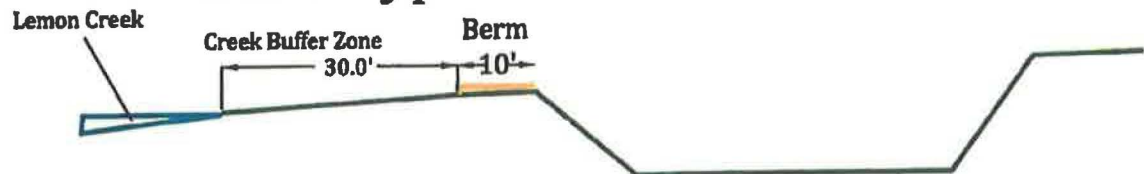
Road Typical Section



Extraction Typical Section

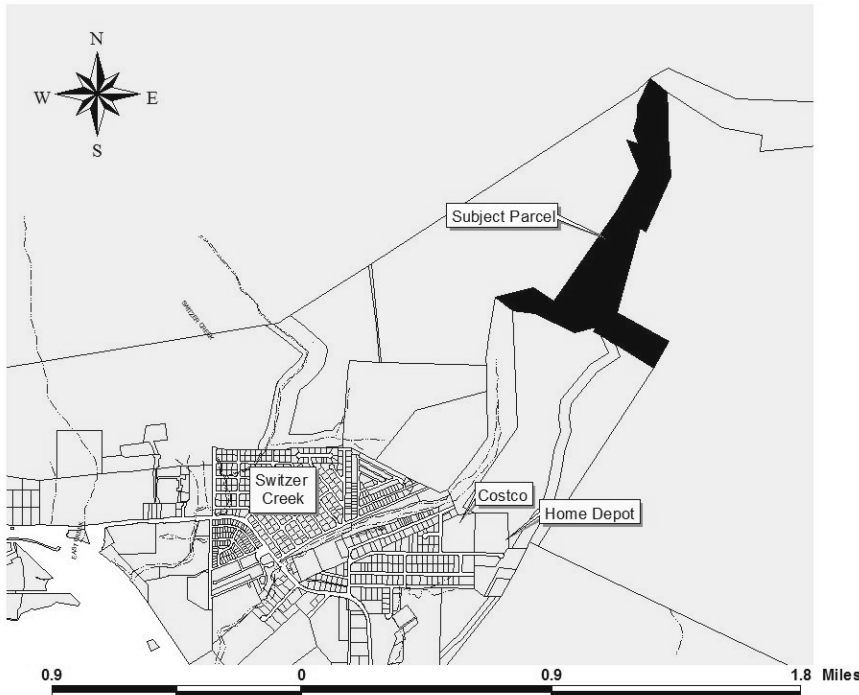


Berm Typical Section



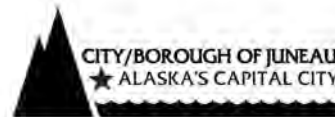


NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Conditional Use Permit to extract/mine gravel from patent lands in Hidden Valley, Lemon Creek.

File No:	USE2016 0004	Applicant:	SECON, Inc.
To:	Adjacent Property Owners	Property PCN:	3-M00-0-LEM-CRK-2
Hearing Date:	April 26, 2016	Owner:	SECON, Inc.
Hearing Time:	7:00 PM	Size:	113.29 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	RR - Rural Reserve
		Site Address:	End of Anka Drive
		Accessed Via:	Anka Drive

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 586-0466.



CITY/BOROUGH OF JUNEAU
★ ALASKA

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

Attachment B: Public Hearing Notice

Date notice was printed: March 25, 2016

MEMORANDUM

State of Alaska

Department of Fish and Game
Division of Habitat

TO: Jackie Timothy
Southeast Regional Supervisor

DATE: September 16, 2015

FILE NO: FH13-I-0057

SUBJECT: Hidden Valley gravel
mine trip report
September 9, 2015

FROM: Greg Albrecht 
Habitat Biologist

PHONE NO: (907) 465-6384

On September 9th I visited Lemon Creek (ADFG Steam no. 111-40-10100; cataloged for chum and coho salmon and Dolly Varden char) adjacent to the SECON owned rock quarry where they plan to extract gravel on two bars (Figure 1). Mike Short (SECON) described their intent to begin at the downstream end of the lower bar and remove 10 to 50,000 cubic yards of material annually, depending on demand. In 2013, Habitat Division issued fish habitat permit FH13-I-0057 for the activity, but work did not occur and the authorization has expired.

I observed the lower gravel bar to be partially vegetated with alder, birch, and spruce trees. The bar is 1300 ft long by 200–450 ft wide, a 7.5 acre area (Figure 1). On my visit, gravel bar banks varied from 0–8 ft above the main channel (Figure 2). Water was springing up in a high flow channel about 200 ft from the downstream end of the bar and I encountered a 40 ft long isolated pond in an alder grove at the upstream end (Figures 3–6).

SECON does not intend to access the upstream gravel bar any time soon as the annual demand of material can be mined from the lower bar. Mining will occur during low water when the ground is not frozen. Temporary berms upstream in dry channels will protect the area in the event of rapid flow rise (Figure 6).

Mike and I agreed that a mine site at the downstream end of the bar in the dry channel could capture bed load during high flow and allow for repeat mining. The excavation would be connected to the main stem and possibly provide habitat for rearing fish. I will reissue FH13-I-0057 for mine operation and work with SECON to stake the mine location prior to extraction and monitor channel changes and fish use after.

Attachment C - ADFG field report regarding Zone 1



Figure 1.–Area map.



Figure 2.—Looking upstream with the gravel at left.



Figure 3.—Looking downstream from the lower end of the bar where flow emerged in a gravel bar channel.



Figure 4.—Looking upstream at the location where flow emerges in the channel.



Figure 5.—Area map showing possible outline of 1.5 acre mine site (orange), flow emerging in the dry channel (blue dashed), and potential temporary berm sites (red).



Figure 6.—Disconnected pond with no fish visible.

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
ADF&G Habitat Staff, Douglas
Dan Teske, ADF&G/SF, Juneau
Dave Harris, ADF&G/CF, Juneau
Stephanie Sell, ADF&G/WC, Juneau
Cindy Hartmann Moore, NMFS, Juneau
Steve Brockmann, USFWS, Juneau
Linda Speerstra, USACE, Sitka
Teri Camery, CBJ, Juneau
Michael Short, SECON, Juneau

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

TO: Tim Felstead, CDD

DATE: April 7, 2016

FROM: Ron King, General Engineering *RD King*

FILE: USE2016-04

GRAVEL EXTRACTION
HIDDEN VALLEY, LEMON CRK

Gravel extraction from Lemon Creek and the established CBJ gravel pits have been conducted for many years. During season there are multiple trips through Anka St to Glacier Highway by contractors purchasing materials from CBJ along with Secon and their subcontractors.

The new gravel source will not necessarily increase or decrease traffic to Anka St.; merely increase the travel time. It is anticipated that the Borough's yearly requirement for gravels will not increase past the point that the number of additional trips will negatively impact Anka St.

There will be a need to provide protection from the potentially wet material running into existing drainages along the route including Lemon Creek. Protection can be achieved by use of BMP's in those areas susceptible to water draining from trucks hauling wet materials.

The BMPs and protection of drainage along the route shall be a requirement of the SWPPP.

Secon and the CBJ Resource Manager have a program in place for Anka St that requires sweeping and cleaning during times that contractors are hauling. I would recommend CBJ condition the permit to continue the existing requirements for street cleaning.

If you have additional questions please let me know.

Attachment D - Memo from CBJ General Engineering
regarding impacts on public streets and stormwater

From: [Ron King](#)
To: [Rob Steedle](#); [Beth McKibben](#); [Robert Palmer](#)
Cc: [Tim Felstead](#)
Subject: Guarantee for quarry permit Hidden Valley
Date: Monday, April 11, 2016 2:59:45 PM
Attachments: [image001.png](#)

Tim and I were discussing an amount of a performance bond for Hidden Valley Quarry Permit. There will not be any required site restoration, mother nature will fill in the excavated areas. The project is ongoing and the only date will be the expiration of the permit. Finally there is no other required work.

If required, the bond amount for this project should be minimal and I would suggest using the same amount or less as required for the lower reach.

I do not remember calculating an amount for this bond???

Tags: See Parcel Tags | Parcel Code # 5B1201310041 (p_id:7119) | Bonds Application # BND2008-00038 (pm_id:36920) | MENDOTA PARK PARCEL 2

COLASKA INC PO BOX 32159 JUNEAU AK 99803-2159 (Name na_id:9368)

(1) Permit Center.Bonds

General | Names | Links | Summary | Forms | Inspections | Conditions | Events

☒ Master Parcel

Bond Type: ZZHIST-BND | C | M | R

Bond Description: Bond to repair any serious bank damage in connection with gravel extraction as required by USE2006-00054.

Start Date: | Expiration Date: |

Bond Type: Performance | Law Approval Date: |

Purpose: NOD Condition | Date Received: 1/21/2009 |

Amount: \$30,000.00 | Date Returned: |

Instrument Type: |

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

Ron King PLS

General Engineering
907-586-0881

Attachment E - Memo from CBJ General Engineering regarding guarantee amount for project.

From: [Alan Steffert](#)
To: [Tim Felstead](#)
Subject: RE: USE20160004: Gravel Extraction in patent lands in Hidden Valley, Lemon Creek
Date: Monday, April 11, 2016 12:33:01 PM
Attachments: [image002.png](#)

From: Tim Felstead
Sent: Thursday, April 07, 2016 9:26 AM
To: Alan Steffert
Subject: RE: USE20160004: Gravel Extraction in patent lands in Hidden Valley, Lemon Creek

Thanks for replying Alan,

I needed a little more than that to satisfy the requirement for a report from Engineering on the proposal – but probably not much more.

If you can reply to my questions below I can incorporate it into a document for you. Just answer in a different colour text or italics if you can

I was reading the Interfluv report and the suggestion for Hidden Valley was for the toes of the banks to be hardened with rip rap to prevent further erosion at the edge of the existing flood plain. It didn't mention the use of mining of the stream bed to capture material being brought from further upstream.

Are you happy with the engineering science that the mined areas will refill and capture sediment that would otherwise be transported downstream to the problematic urbanized area?

Can you also provide a some comment on the following aspects of the proposal – it maybe that it is a 'NA' response.

Any impacts the extraction will have on:

The haul road leading to the SECON lot – is it able to handle additional traffic? **Yes** Do the existing easement agreements allow CBJ to require repairs to be made to the stretch on CBJ land if there are problems? **CBJ and SECON share maintenance responsibility for the Haul Road**

The water table – They will be extracting at or beneath the level of the water table so I'm not sure if there could be any impact. **All will be contained in-stream (bed)**

Water quality in Lemon Creek – I note Lemon Creek is identified as having issues with turbidity and high sediment loads. SECON have proposed a monitoring regime comparing water samples above and below the extraction site. Is this method sufficient? **Yes** Any thoughts on spill of fuel/oils into the water. **Clean up spills and leaks per ADEC** SECON have said there will be no refueling of vehicles when they are in the stream bed. **Good idea** Is this sufficient or do they need additional plans in place? **Clean up spills and leaks per ADEC, probably good idea to have spill kit on-hand, including absorbent booms. Ask DEC what they require?**

Drainage around the site – I'm thinking this is not applicable given it is in the creek bed and not in uplands **true**

Properties within the area of influence of the extraction – It seems from your comment below, the extraction is only going to help properties downstream in terms of channel infill and flood risk. **Correct**

I'll ask Ron to comment on impacts on City Roads especially extra traffic on Anka St and potential for spill of gravels and water from trucks when they hit public roads. SECON anticipate the gravels extracted in the first year will be quite dirty interms of small woody debris that will need washing on site. To reduce the potential of water/sediment spilling on to roads, do you think a condition that requires extracted gravels to sit for a 'X' number of days before they are transported from the site is reasonable, or is it unnecessary? **Water from gravels will drain as it is loaded and transported up the hill from the extraction site.**

Amount or volume of material extracted should be at sole discretion of the property owner and applicable regulatory agencies (ADEC, ADF&G?)

Attachment F - Email from CBJ Engineering regarding proposal
--

Appreciate the help

Thanks

Tim

recommendations relating to the effect the proposed extraction and expected traffic will have upon the streets and other improvements of the City and Borough, whether such streets and improvements are existing or projected; the water table, water quality, and drainage; and all properties within the area of influence of the proposed operation.

From: Alan Steffert
Sent: Wednesday, March 23, 2016 2:23 PM
To: Tim Felstead
Subject: RE: USE20160004: Gravel Extraction in patent lands in Hidden Valley, Lemon Creek

Tim,

The streambed adjacent to the CBJ scale at the end of Anka Street has been filling in and rising relative to the riprap banks. Anything that can be done to slow the erosion and transport of bed load from the upper reaches of Lemon Creek should be encouraged. For that reason alone Secon's plan has my full support.

Alan

From: Tim Felstead
Sent: Tuesday, March 08, 2016 1:39 PM
To: Dan Bleidorn; Greg Chaney; Rachel Friedlander; Kirk Duncan; Brent Fischer; 'Cole, Lee V (DNR)'; Ed Foster; Heidemann Marie - State (marie.heidemann@alaska.gov); Ron King; 'jackie.timothy@alaska.gov'; 'greg.albrecht@alaska.gov'; Alan Steffert; Dan Jager; Sven Pearson; 'neil_stichert@fws.gov'; Ed Grossman (egrossman@fs.fed.us); 'randal.p.vigil@usace.army.mil'; 'gretchen.pikul@alaska.gov'
Cc: Teri Camery
Subject: USE20160004: Gravel Extraction in patent lands in Hidden Valley, Lemon Creek

Dear all

Please find attached an application for a gravel extraction operation by SECON in the Hidden Valley area of Lemon Creek, Juneau. You have been included in this email because of your Agency's jurisdiction over certain aspects of the site, are responsible for adjacent lands and trails, or could be generally impacted by the proposal.

If you feel somebody else in your organization should be made aware of this application please forward it on to them.

Aerial photos showing the location of the SECON parcel and the location of three specific extraction sites are included below.

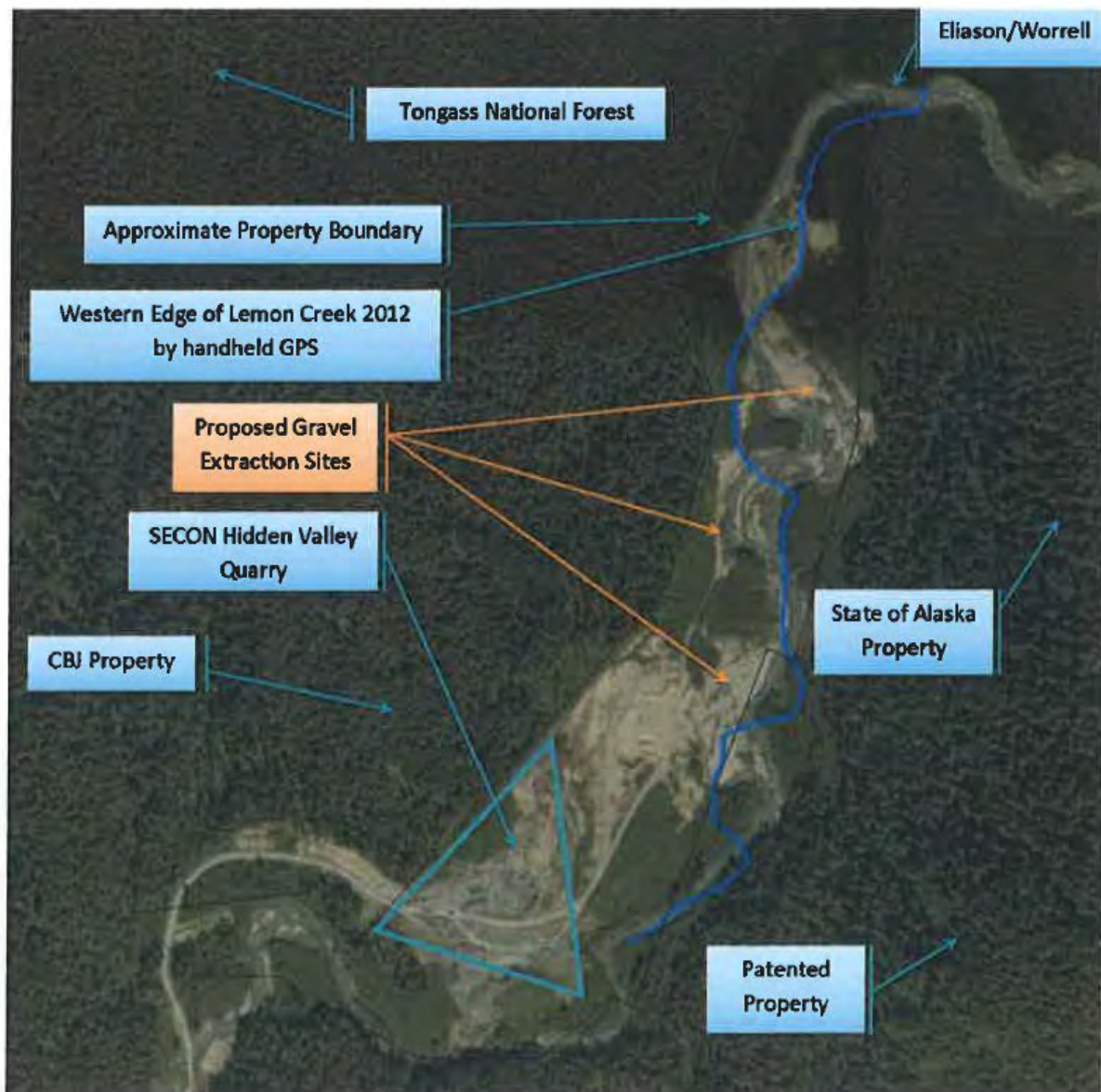
I would be grateful for any comments by March 17, 2016.

Please do not hesitate to contact me if you have any concerns or further questions.

Best regards

Tim





Tim Felstead
Community Planner
Community Development Department
City and Borough of Juneau
155 S. Seward
Juneau, AK 99801

Tel: (907) 586 0466
<http://www.juneau.org/cddftp/>

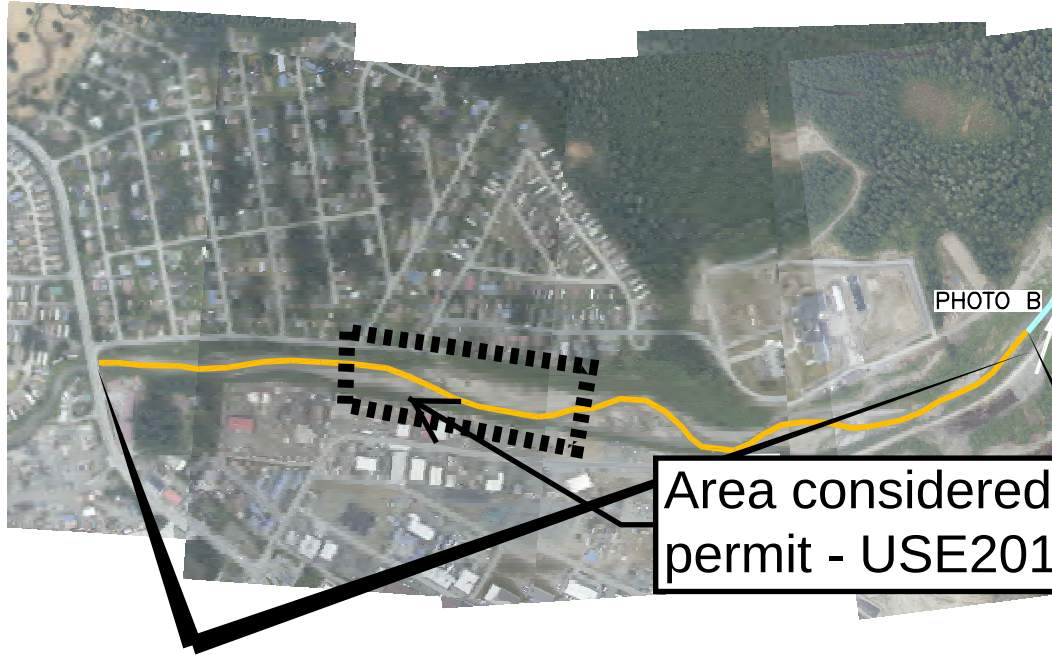


Area considered by this permit - USE2016-0004



LEGEND

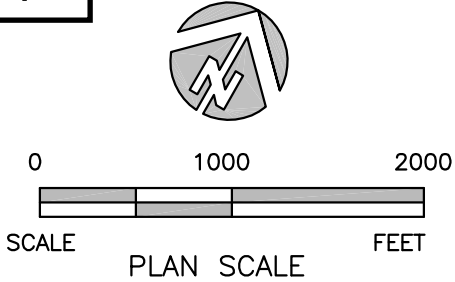
- REACH SCALE SEDIMENT TRANSPORT
- REACH SCALE SEDIMENT DEPOSITION AND STORAGE
- LOW TERRACE EROSION
- HIGH TERRACE EROSION



Area considered by permit - USE2012-00019



Area considered by permit USE2009-00004



Sediment Deposition

Depositional reaches are reaches that are showing evidence of aggradation and sediment storage. These reaches are transport limited and may or may not be in equilibrium with current sediment supply. Depositional reaches are depicted by the color brown in the drawing.

Channel braiding, active lateral erosion and reduced flood conveyance are common responses observed in Lemon Creek due to deposition of excess sediment relative to upstream reaches that are transporting it. Depositional reaches exist in both upper and lower lemon creek. **Photo A** is an example of sediment deposition and channel braiding occurring in Lemon Creek within Juneau. Deposition in **Photo A** has reduced flood capacity within the channel. Here, some stream banks have been armored with riprap to limit lateral erosion. Areas of streambank that are not armoured against existing flow impingement are eroding. By contrast, depositional areas in Hidden Valley have not been armored with riprap and are eroding laterally (depicted as orange and red in the drawing). Sediment derived from orange and red source areas has been delivered near **Photo A** over time and is the cause of reductions in flood capacity in this portion of Lemon Creek.

Sediment Transport

Stream reaches that transport sediment are naturally armored and relatively stable. The bed and banks are composed of larger percentages of cobble, boulders and bedrock than upstream eroding terraces. The color blue in the drawing depicts transport reaches.

The relative stability, confinement and steeper slope in transport reaches results in a tendency to transport sediment sourced from upstream eroding terraces to downstream depositional storage reaches. Transport reaches are in both upper and lower lemon Creek. **Photo B** is an example of a sediment transport reach below the Hidden Valley.

Sediment Supply/Sources

Major sources of sediment were identified within the Hidden Valley segment of Lemon Creek. They are depicted in this drawing as orange (lower terrace) and red (higher glacial terrace) source areas. Source areas are associated with eroding near vertical terrace banks between 5 and 50 feet in elevation. The material in most of these banks has a high silt and sand fraction that erodes rapidly and is easily transported by flows.

Large conifers that are undercut and fall into the channel tend to slow the erosion if they are large enough to stay on site. Eroding low elevation terraces appear to be abandoned former floodplains. Eroding high terraces appear to be relic glacial outwash and in three cases these high glacial terraces appear to be eroding by stream incision.

Photos C and **E** are examples of eroding glacial terraces. **Photo D** is an example of an eroding terrace that appears to be the eroding toe of a fan deposit slightly higher elevation than former floodplain surfaces.

Attachment G - Extract from CBJ report on Lemon Creek by Interfluve showing location of applicant gravel extraction permits

NO.	BY	DATE	REVISION	DESCRIPTION

ION REACHES	FIGURE
	9

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION

Date: December 19, 2012

File No.: USE2012 0019

Colaska Inc.
PO Box 32159
Juneau, AK 99803

Application For: A Conditional Use Permit to extract 240,000 cubic yards of gravel from the Lemon Creek streambed over a six year period.

Legal Description: Mendota Park Parcel 2

Property Address: Lemon Creek Streambed, No Access

Parcel Code No.: 5-B12-0-131-004-1

Hearing Date: December 18, 2012

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 6, 2012, and approved the extraction of 210,000 cubic yards of gravel from the Lemon Creek streambed over a six year period to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

Annual Grading Permit, Bank Protection, and Seismic Monitoring –

1. The operator shall stockpile about 50 cubic yards of broken rap, equivalent to Class I rip-rap, near the project area to address emergencies if the flow becomes redirected towards the bank. If the rock is not used it may be sold when the project ends.
2. Prior to issuance of the first year's grading permit and approval of the first year mining plan, the operator shall submit a bond of \$30,000, sufficient to repair any serious bank damage.
3. One month before the commencement of each mining season, the applicant shall submit a mining plan. The mining plan shall be processed by the Engineering Department as an annual grading permit. Such plan shall include:
 - a. Estimation of material to be removed
 - b. Map of area to be worked (showing property lines)
 - c. Map showing proposed culverts, access roads, bank stabilizations, berm details (including height, location, material composition and removal plan) stream relocations and other proposed features
 - d. Methods for protecting Lemon Creek from oil, fuel and hydraulic fluid (including leaks from heavy equipment)
 - e. Prior to the commencement of mining, the applicant shall verify property line location and delineate offset distance to the extraction area.
4. The top of excavation slopes shall be prohibited within 10' of any banks or the property lines

Coalaska, Inc
File No.: USE2012 0019
December 19, 2012
Page 2 of 4

5. The applicant shall directly hire, or pay permit inspection fees to provide for periodic inspection of the mining area by an appropriately licensed engineer and/or hydrologist.
6. Periodic inspections shall be made as determined by the engineer and/or hydrologist, sufficient to monitor the operation. Such periodic inspections shall include visits during or after high water events.
7. Inspection reports shall be submitted to the Engineering Department for each 10,000 cubic yards of material removed from the stream, and those reports shall include the following information:
 - a. Volume of material removed
 - b. Map of area worked
 - c. Verification of compliance with mining plan
 - d. Report of bank destabilizations
 - e. Opinion whether bank/property line setbacks are adequately protecting adjacent properties
 - f. Bank protection/stabilization measures if merited
8. An inspection report shall be submitted at the end of the mining season which includes all items in numbers 4-7. The report shall be submitted to the Engineering Department and to the Community Development Department within one month of the end of the mining season, or April 15.
9. The applicant/operator shall confine all excavations to within existing rip-rap banks. Prior to proceeding with annual excavations, the applicant must find and stake adjacent rip-rap banks.
10. The applicant/operator shall protect the structural integrity of existing stream banks and rip-rap banks. A no-disturbance zone of at least 10 feet horizontal distance from adjacent rip-rap and banks is required. (This condition is necessary because rip-rap boundaries may or may not correlate with property boundaries, as noted in the earlier requirement to mine 10 feet from property boundaries.)
11. The applicant shall protect all vegetated slopes and maintain a similar non-disturbance zone identified above, unless a site-specific engineering analysis indicates otherwise.
12. All cut-slopes shall be less than 2 horizontal to 1 vertical unless a site-specific engineering analysis proves that a steeper slope protects adjacent properties.
13. Excavated areas within the creek bed must be clearly marked with warning signs. Excavated slopes must be graded to a gentle slope of 4 horizontal to 1 vertical before signs are removed. These measures shall be integrated into the annual grading permit.
14. The approved access points at 1721 Anka Street, 1791 Anka Street, and Ralph's Way shall be inspected each year to verify that no changes have been made to the embankment due to heavy creek flows during the previous year. Alterations to the proposed access will require approval by the Community Development Department and the CBJ Engineering Department.
15. Prior to the issuance of a grading permit, the applicant shall provide a vibration control plan that includes the maximum safe threshold for seismic activity at the nearest adjacent residential structure to the operation, as established by a licensed engineer.
16. During extraction activity, the site shall be monitored by the applicant for seismic activity at the nearest adjacent residential property or at a location agreed upon by the project engineer and adjacent property owners, during each day of operation.
17. The applicant shall submit seismic activity reports at the end of each month of mining activity to the CBJ Engineering Department.

Coalaska, Inc
 File No.: USE2012 0019
 December 19, 2012
 Page 3 of 4

18. If seismic activity exceeds the threshold established in Condition #15, the applicant shall cease operations and notify the CBJ Engineering Department and CBJ Community Development Department. The applicant shall not continue with operations until alternative methods that do not exceed the threshold have been identified by the applicant and approved by CBJ Engineering.

Project Expiration and Dates and Times of Operation -

19. Gravel operations shall take place between December 1 and March 15. No in-water work shall be allowed between March 16 and November 30 with the following exception: In-stream work to connect the excavated sections of the creek shall be allowed for one 7 day period between May 15 and June 15. The applicant shall provide notice to CBJ Engineering and the Alaska Department of Fish and Game before work commences.
20. Operating hours shall be 7 a.m. to 6 p.m. on weekdays, and 9 a.m. to 6 p.m. on Saturdays. Operations shall not be allowed on Sundays.
21. Gravel extraction shall be limited to 40 days per year.
22. The permit shall expire after six years or extraction of 210,000 cubic yards of gravel, whichever comes first.
23. The extraction amount shall not exceed 35,000 cubic yards per year.

Truck Traffic and Street Maintenance -

24. Truck traffic from the development shall be routed only through the Anka Street/Glacier Highway intersection.
25. Truck traffic and heavy equipment operation associated with gravel extraction is strictly prohibited from the Davis Avenue side of the river.
26. Prior to leaving the excavation area, the transport truck bed, with the tailgate locked, shall be raised to a minimum twenty degree angle for a timed 5 minutes to allow excess water to escape. Tilt time may be reduced if water escapement occurs sooner based on the project engineer's visual assessment and approval.
27. The applicant shall protect catch basins along the route from sediment infiltration by use of manufactured Catch Basin filters.
28. The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.
29. The applicant shall sweep and clean the roadway at the end of each day if any water or material has escaped, or if a major spill occurs.
30. The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ or ADOT.
31. The applicant shall construct a rockery lane for debris removal from truck tires prior to entering Anka Street.

Coalaska, Inc
File No.: USE2012 0019
December 19, 2012
Page 4 of 4

Habitat Protection -

32. No sediment migration from the truck or ramp shall be allowed in the waterway.
33. Prior to commencement of mining and prior to gravel bar coverage with snow and ice, the applicant shall field stake the exact excavation configuration and setbacks from flowing water.
34. 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 to encourage gravel bar formation and/or side channel creation. The woody material shall be partially buried to anchor the material during high flows.
35. There shall be no on-site fueling or equipment maintenance performed within 100 feet of the creek banks. This includes fueling or maintenance of portable equipment such as generators and pumps.
36. There shall be no on-site storage of fuel or other chemicals.

Attachments: December 6 2012, memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2012 0019.

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.

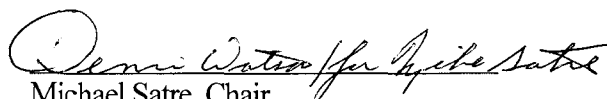
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (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, December 18, 2012.

Expiration Date: The permit will expire 18 months after the effective date, or June 18 2014, 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:


Greg Chaney for Teri Camery, Planner
Community Development Department


Michael Satre, Chair
Planning Commission


Filed With City Clerk

12/20/12
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.

From: [Ron King](#)
To: [Tim Felstead](#)
Cc: [Charlie Ford](#); [Mark Millay](#); [Eric Vogel](#)
Subject: Slopes greater than 2 to 1
Date: Monday, April 25, 2016 4:19:52 PM

CBJ SOP as determined by the building official requires slopes greater than 2 to 1 provide Special Inspection. Per Title 19 the Building Official can require a special inspection. Note that the Building Official considers cuts of fills steeper than 2 to 1 to be an engineered slope. **19.12.140 - Grading inspection.**

19.12.140.1 General. Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer and the engineering geologist retained to provide such services in accordance with Section **19.12.140.5** for engineered grading and as required by the building official for regular grading.

19.12.140.5 Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.

Ron King PLS

General Engineering
907-586-0881

Attachment I - Email from CBJ General Engineering regarding requirements for slopes included in a grading plan
--

From: [Michael Dau](#)
To: [Tim Felstead](#)
Cc: [Eric Feldt](#); [Beth McEwen](#)
Subject: USE2016 0004
Date: Tuesday, April 26, 2016 3:16:01 PM

Good afternoon Tim.

We understand that this topic has been rescheduled to the May 10 meeting. We have some questions and concerns about the proposed mining that we'd like to take a look at.

- 1) This is a massive area to extract gravel from, operating from 7 to 7, every day except Sunday and Holidays, for 10 years. This is an immense undertaking.
How many trucks will be going back and forth daily.
What is being done to dampen the reverberation of heavy equipment noise in that valley, and,
what, if any, consideration is being given to residences close to that 'haul' road, the scale and the roads in and out of the area.

- 2) What will be done to alleviate the mixed traffic in that area? Will trucks be on Anka and Glacier dripping water and gravel for all of us to drive through as in the past? Or will access/egress be away from general traffic, perhaps the old access road and they then just cross Glacier instead of driving back and forth on Glacier hwy? 10 years is a long time.
Please let us know that this has been considered.
Maybe let us know if this is where the city introduces formally the second crossing of Lemon Creek into the commercial area?

- 3) Perhaps this is the most important issue for us. If Secon is going to be mining up Hidden Valley, will the city please rescind the permit(s) allowing them to mine Lemon Creek in front of our homes.

Thank you for your thoughtful consideration. We hope to hear from you soon.

Mike and Cindy Dau
dauntoit@gci.net

Attachment J - Public comment



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: May 12, 2016

File No.: USE2016 0004

Secon, Inc.
PO Box 32159
Juneau, AK 99803

Application For: A Conditional Use Permit to extract/mine gravel from patent lands in Hidden Valley, Lemon Creek

Legal Description: HIDDEN VALLEY TR A

Property Address: End of Anka Drive

Parcel Code No.: 3-M00-0-LEM-CRK-2

Hearing Date: May 10, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandums dated April 29, 2016 and May 10, 2016, and APPROVED the extraction of gravels from the Lemon Creek stream bed in the areas shown in the application for a 10 year period, to be conducted as described in the project description and project drawings submitted with the application and with 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*

Applicant
 File No.: USE2016 0004
 May 12, 2016
 Page 2 of 5

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:*
 - a. Volume of material removed*
 - b. Map of area worked showing required buffers from active stream channel, property boundaries and OHWM banks*
 - c. Verification of compliance with mining plan including slope grades*
 - d. Report of any OHWM bank destabilizations*
 - e. Results of sediment and turbidity monitoring*
 - f. Opinion whether bank/property line setbacks are adequately protecting adjacent properties*
 - g. Bank protection/stabilization measures if merited*

Applicant
 File No.: USE2016 0004
 May 12, 2016
 Page 3 of 5

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 banks shall be maintained 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.*

Applicant
File No.: USE2016 0004
May 12, 2016
Page 4 of 5

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.*

The intention is for CBJ permit conditions to allow for circumstances when permits and regulations from external agencies are stricter than those required by CBJ.

Attachments: April 29, 2016 and May 10, 2016 memorandums from Tim Felstead, Community Development, to the CBJ Planning Commission regarding USE2016 0004.

Applicant
File No.: USE2016 0004
May 12, 2016
Page 5 of 5

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, May 10, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or November 10, 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.

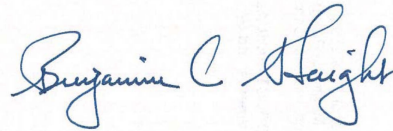
Project Planner:



Tim Felstead, Planner
Community Development Department



Filed With City Clerk



Ben Haight, Chair
Planning Commission

May 17, 2016

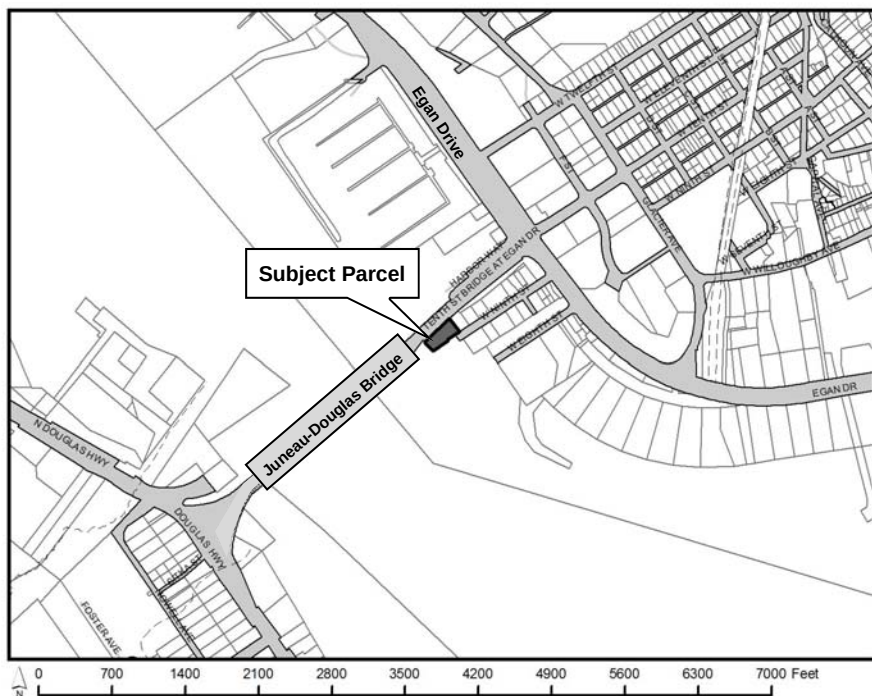
Date

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.



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A City Project Review for the Exploration of a 17-Unit Housing Development with Associated Parking

File No:	CSP2016 0004	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	1-C06-0-K58-006-0
Hearing Date:	May 10, 2016	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	0.9583 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	WC - Waterfront Commercial
		Site Address:	1300 W. Ninth Street
		Accessed Via:	W. Ninth Street

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.Maclean@juneau.org or 586-0756.



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

Date notice was printed: April 14, 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: April 28, 2016

TO: Planning Commission

FROM: Jill Maclean, Senior Planner *Jill Maclean*
Community Development Department

FILE NO.: CSP2016 0004

PROPOSAL: A City Project Review for the Disposal of CBJ-Owned Land for Housing

GENERAL INFORMATION

Applicant: City and Borough of Juneau, Division of Lands & Resources

Property Owner: City and Borough of Juneau

Property Address: 1300 West Ninth Street

Legal Description: Tidelands Addition BL 58 LTS 11 & 12 FR & BL 87

Parcel Code No.: 1-C06-0-K58-006-0

Site Size: *41,745 sq. ft. / 11,326 sq. ft.

Comprehensive Plan Future Land Use Designation: Recreational Service Park (RS)

Zoning: Waterfront Commercial (WC) – (18 units per acre)

Utilities: CBJ Water & Sewer

Access: Ninth Street

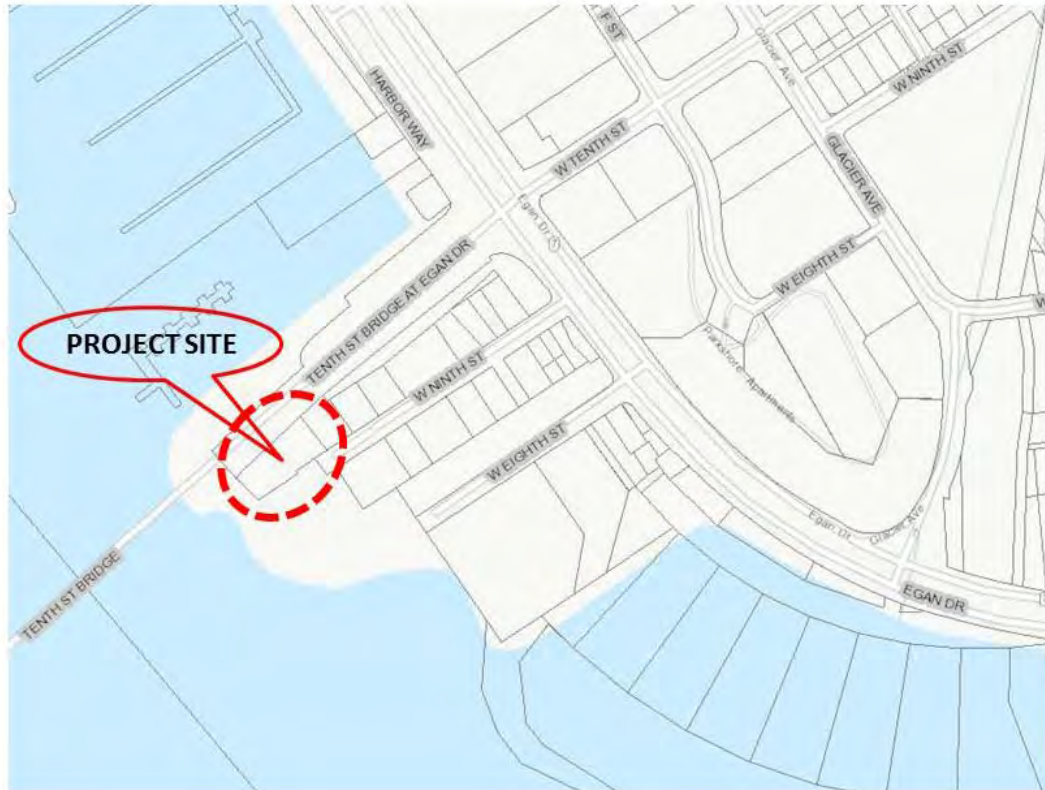
Existing Land Use: Vacant

*Refer to page 5, Analysis - Project Site for details.

Planning Commission
File No.: CSP2016 0004
April 28, 2016
Page 2 of 14

Surrounding Land Use:	North -	AKDOT ROW / Juneau-Douglas Bridge
	South -	(WC) Vacant – Future Bridge Park
	East -	(WC) Multi-family Housing
	West -	Gastineau Channel

VICINITY MAP



ATTACHMENTS

Attachment A – Application
Attachment B – New Park Seawalk Design
Attachment C – Resolution 2628-Final Whale Project Location
Attachment D – Docks & Harbor Board Meeting Minutes

Planning Commission
File No.: CSP2016 0004
April 28, 2016
Page 3 of 14

PROPOSAL

The applicant, CBJ Division of Lands & Resources, seeks to dispose of a portion of this parcel to make it available for housing. The parcel is jointly managed by the CBJ Departments of Docks & Harbor (D&H) and Park & Recreation (P&R); D&H manages the portion of the parcel to be disposed. For illustrative purposes only, included in this proposal is a seventeen (17) unit housing development with associated parking on site. The project proposal includes two (2) designs—Option one (1) has a total of four (4) stories; option two (2) has a total of three (3) stories. Both designs include studio, one (1), and two (2) bedroom units, with parking for all units on the ground level, with some stacked parking included, and storage units. This exercise is not to determine architectural design of the building or landscaping and does not favor a particular outcome.

BACKGROUND

In 2004, the Assembly adopted *The future of Juneau's Waterfront – The Seawalk & Juneau's Long Range Waterfront Plan*. This plan is a guide to manage and focus change upon Juneau's waterfront with following goals:

- Enhance community quality of life;
- Strengthen tourism product offerings as well as downtown retail, entertainment, residential and service activities;
- Improve Juneau's image and attractiveness for investment; and,
- Recognize all current waterfront uses.

The Plan was undertaken with an intensive public engagement process that included four (4) multi-day workshops, community polling efforts, public information displays, and other outreach methods throughout the planning initiative. The planning team consisted of Assembly members, CBJ staff, the consultants, waterfront users, and residents.

The Waterfront Plan identifies new developments consisting of a mix of renovated and new structures that are mixed-use and comprised of office, residential, and small-scale community services, with new streetscapes and walking areas of appropriate character. The Plan visualizes the future uses of the waterfront from the bridge south to the Rock Dump. Connecting each of these areas is a seawalk with diverse uses for recreation, mobility, and social features for visitors and residents. The Plan, in section Area A, Bridge Park/Seawalk, specifies that the area adjacent to the bridge should be reserved for 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.

This proposal is located upon the same site as the Marine Park (to be referred to in this report as Bridge Park) and Seawalk, whose public process, led by the Division of Lands & Resources, began in 2008 as CBJ Streets Division began planning their new facility in Lemon Creek and were to abandon the site once that project was completed. The recommendation after a series

Planning Commission
File No.: CSP2016 0004
April 28, 2016
Page 4 of 14

of meetings was to use the Land Management Plan as guidance for development and not sell the property to private entities.

In early 2009, the result of a joint P&R Advisory Committee and D&H Board meeting was the conceptual idea of a maritime museum for the site to encourage mixed use. A building condition report was completed on the CBJ Streets building, determining that the building's condition was not suited for reuse, and the best course of action was to demolish the existing structure.

A process to determine management of the surrounding property led to a joint agreement between the departments of P&R and D&H. The first public review of the project began in 2010, when three options for a Seawalk location were presented to the Public Works & Facilities Committee (PWFC), D&H, and the Fisheries Development Committee.

Tetra Tech Consultants were awarded the contract for design in 2010 and hosted public meetings in late 2010, resulting in a design that took the Seawalk away from Egan Drive and through a habitat island—this is the final design currently under construction (see Attachment B).

The concept of the whale statue at this site became a possibility in 2010. It was determined that the whale statue would serve as an anchor and gateway feature to the Seawalk and encourage use of the area. Alternatives with the whale statue were drawn up and presented through 2011. The Whale was officially adopted into the site design in 2012 by the Assembly.

In 2012, the Assembly passed Resolution Serial No. 2628 - A Resolution Expressing Assembly Support for the Location of "The Whale Project," a Sculpture of a Breaching Humpback Whale, in the Vicinity of the Former City Shop under the Juneau-Douglas Bridge (see Attachment C).

In May 2013, a public meeting with the reviewing agencies was hosted. The goal was to encourage discussion on habitat details and learn from the agencies past experiences. The Army Corps of Engineering permitting process took approximately two (2) years and the permit was received in late April 2015.

The Assembly gave approval to move forward with the project in June 2015. The current plans show a market fisheries area (D&H), a multi-use building consisting of a maritime interpretive center (the original desire of both P&R and D&H), post office and restrooms, and additional parking.

On August 11, 2015, the Planning Commission favorably recommended *CSP2015 0012 New Park & Seawalk Extension* to the Assembly.

To staff's knowledge, throughout the 8-year public planning process, this site was not identified

Planning Commission
File No.: CSP2016 0004
April 28, 2016
Page 5 of 14

for housing; therefore, that use was not included in the site design.

ANALYSIS

Project Site

The site is zoned Waterfront Commercial and allows for up to eighteen (18) dwelling units per acre, with a height maximum of thirty-five (35) feet and setback requirements of ten (10) feet on all sides. The minimum lot size for permissible uses is 2,000 square feet. There is no maximum lot coverage for permissible uses; however, there is a ten percent (10%) minimum vegetative cover required. The parcel is approximately 70 feet by 166 feet, with a building envelope of approximately 50 feet by 146 feet (see Attachment A).

The site is 41,745 square feet and includes both the area proposed for housing and the parkland that is referred to as Bridge Park. Including the parkland, this allows the applicant to maximize the number of dwelling units. If using both parcels of CBJ-owned land, the site may allow for up to seventeen (17) dwelling units ($41,745/43,560 = 0.9583 \times 18 = 17.25$). This scenario would require the land to be leased and not sold in order to utilize the density provided by the parkland.

If the parcel accommodating the structure as depicted in the application is to be disposed of and sold to a private developer, the actual site size is only 0.26 acres. Therefore, a developer would not be able to construct seventeen (17) dwelling units. The parcel size without the parkland would only yield five (5) dwelling units ($0.26 \times 43,560 = 11,326$; $11,326/43,560 = 0.26 \times 18 = 4.68$).

The parking requirements per CBJ 49.35.240 are as follows: Studio = 1 Parking Space; One-Bedroom = 1 Parking Space; and, Two-Bedroom = 1.5 Parking Spaces.

Additionally, per CBJ 49.25.300 Determining Uses, this project, at over twelve (12) residential dwelling units, would be a major development and require a Conditional Use Permit.

Project Design

As stated above, the intent of the application is to determine the viability of disposing of this land for housing. This application is a conceptual plan and is not intended to depict architecture, landscaping, or other amenities typically associated with a project of this nature. Below are the two proposed options (see Attachment A).

Option 1 Details

This option includes seventeen (17) dwelling units in four (4) stories and allows for larger units, with square footage ranging from 1,100 square feet to 1,300 square feet. However, in order to remain under the maximum height allowed, the ceiling height on each floor is only 7.5 feet. Given that the dwelling units run the width of the building and abut the bridge, they will have

Planning Commission
 File No.: CSP2016 0004
 April 28, 2016
 Page 6 of 14

minimal daylight with the low ceiling height. Parking is located on the ground floor with storage units. No other amenities are provided.

Option 2 Details

This option includes seventeen (17) dwelling units in three (3) stories with units ranging from 450 square feet to 1,200 square feet, and having a ceiling height of 8.9 feet. Of these units, seven (7) are below 600 square feet in size. As with Option 1, parking is located on the ground floor with storage units. No other amenities are provided.

Parking & Circulation

Based upon the assumption that units less than 600 square feet would be studios, one-bedrooms would be 601 square feet to 700 square feet, and two-bedrooms would be 701 square feet or greater. The parking requirements per CBJ 49.40.210 would be as follows:

Option 1:

Studio (0 units) = 0

One-Bedroom (0 units) = 0

Two-Bedroom (17 x 1.5 spaces) = 26

Total Parking Spaces Required = 26 of which 2 must be ADA

Total Parking Spaces Provided on the Ground Level = 23 (2 ADA)

Total Parking Spaces Provided On-Site (Utilize Portion of Ninth Street) = 6 (2 ADA)

Option 2:

Studio (7 units x 1 space) = 7

One-Bedroom (2 units x 1 space) = 2

Two-Bedroom (8 units x 1.5 spaces) = 12

Total Parking Spaces Required = 21 of which 1 must be ADA

Total Parking Spaces Provided on the Ground Level = 23 (2 ADA)

Total Parking Spaces Provided On-Site (Utilize Portion of Ninth Street) = 6 (2 ADA)

A portion of the existing Ninth Street ROW is proposed to be utilized by this proposal in order to provide parking on-site and allow for traffic circulation into the ground level parking garages as well as provide for public safety access.

If a portion of Ninth Street is not allowed to be used for parking, Option 1 cannot meet the parking requirements per CBJ 49.40.210. Further, the proposed Ninth Street ROW measures 40 feet wide, not 60 feet wide as prescribed in CBJ 49. 35.240 (see section *Conformity with Adopted Plans - Title 49* below for more information). Additionally, a reduction of this degree creates a jog in the Ninth Street layout, and forces vehicles to move around the proposed ADA parking spaces and other parking spaces along the south side of Ninth Street.

Planning Commission
File No.: CSP2016 0004
April 28, 2016
Page 7 of 14

Traffic

The project site is located in close proximity to the Egan Drive and 10th Street intersection. This intersection currently runs at a Level of Service (LOS) C for the morning peak hour traffic and a LOS E for the afternoon peak hour traffic. DOT's Levels of Service range from A, B, C, D, E, and F. A LOS C is categorized as restricted flow that remains stable, but with significant interactions with others in the traffic stream; the general level of comfort and convenience declines noticeably at this level. A LOS E is categorized as unstable flow at or near capacity levels with poor levels of comfort and convenience.

The proposed seventeen (17) unit housing development is classified as "High-Rise Residential Condominium/Townhouse" (HRRCT) Land Use in the Trip Generation Manual (9th Edition 2012). The Handbook establishes the standards for traffic impact analysis for development projects. This classification includes condos/townhouses with three (3) or more levels. Staff finds that the projects sampled to determine average daily trips (ADT) are not similar enough to this proposal due to the average number of dwelling units (most samples had approximately 500 units). Further, AKDOT finds that this development could generate approximately thirty-five (35) trips in the peak hour. On its own, it would not rise to the level of requiring a TIA; however, when combined with other nearby developments, it could complicate access onto and off of Egan Drive.

Staff notes that if Ninth Street is not utilized, the proposed ROW would be forty (40) feet wide. CBJ 49.35.240 Improvement Standards (b) Right-of-way minimum width reductions (2), allows for the Director to reduce the width for streets with less than 500 average trips by up to twenty five (25) feet. Although the approximate ADT may not trigger the threshold, given that Ninth Street is used extensively during the tourist season for charter buses, and with the construction of the Bridge Park increasing visitors to this area, the Director may not support the reduction in width to forty (40) feet. If a proposal of this nature was to proceed, a TIA may be required.

Habitat

No known habitats that are protected by the Land Use Code exist on the site. The site is partially located within a Flood Zone AE at Elevation twenty (25) feet. The development would need to comply with flood regulations, which may require additional elevating standards.

Property Value or Neighborhood Harmony

While the housing development conforms to the directly abutting property that is single-room occupancy buildings, the intensity of the proposed single-use (housing) project is out of harmony with the surrounding public uses of the waterfront and the priorities identified through the public process undertaken to develop the Waterfront Plan. The lack of connectivity to the waterfront and future Bridge Park, and the lack of public access to the waterfront, conflict with the Waterfront Plan. The Plan identifies new developments consisting of a mix of renovated and new structures that are mixed-use and comprised of office, residential, and

Planning Commission
 File No.: CSP2016 0004
 April 28, 2016
 Page 8 of 14

small-scale community services, with new streetscapes and walking areas of appropriate character.

CONFORMITY WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN

The 2013 Comprehensive Plan (Comp Plan) Chapter 4 identifies appropriate locations for CBJ-owned lands to be developed for housing and provides direction for the development of waterfront lands in Chapter 10.

Chapter 4 – Housing Element

“In 2006, the CBJ government embarked on an investigation to find buildable lands within the area that is provided municipal water and sewer service and that can have roads extended to the property. The study focused on vacant lands located within or near the Urban Service Area Boundary (USAB) and to which municipal sewer service could be extended within a 20-year planning horizon. The CBJ Community Development Department (CDD) looked at vacant and underutilized lands within the USAB that were one-quarter acre or more in size. An underutilized parcel is one with a structure or other improvement that is assessed at \$50,000 or less by the CBJ Assessor.

*That query found 847 vacant or underutilized parcels of a quarter-acre or more in size within the USAB; of these, 119 are CBJ-owned. **Eliminated from consideration as buildable sites were CBJ- owned parcels that were designated for parks, open space/natural areas or greenbelts and parcels zoned for commercial, industrial or waterfront commercial uses** (emphasis added). Thirty-one (31) CBJ- owned parcels were reviewed for consideration and were analyzed for proximity to access roads, steep slopes, airport flight safety hazards and avalanche and mass-wasting hazard potential. It was determined that parcels that were predominantly steeply sloped would not be suitable for affordable housing due to the increased engineering costs associated with providing access and building pads. Of the 31 potential parcels, 12 sites qualified as CBJ-owned buildable sites that were the subject of on-site reconnaissance for land use suitability and wetlands evaluation and delineation”.*

Chapter 10 – Land Use

POLICY 10.12 TO DESIGNATE AND RESERVE WATERFRONT LAND WITH ADEQUATE SERVICES AND IN APPROPRIATE LOCATIONS FOR WATER-DEPENDENT RECREATION, PUBLIC ACCESS AND COMMERCIAL/INDUSTRIAL ACTIVITIES WHILE PROTECTING IMPORTANT FISH AND WILDLIFE HABITAT AND OTHER COASTAL RESOURCES.

Standard Operating Procedures

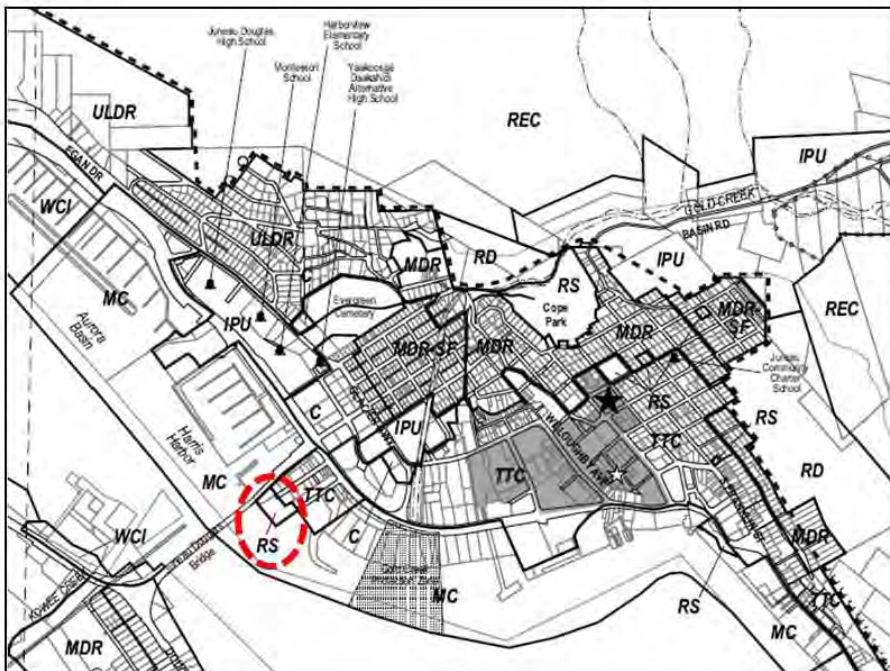
Planning Commission
File No.: CSP2016 0004
April 28, 2016
Page 9 of 14

10.12 - SOP1 As part of a careful planning analysis of the uses of shoreline areas, designate lands on the Comprehensive Plan Land Use Maps that are suitable for water-dependent uses such as new or expanded docks, harbors and port facilities, marine drayage facilities, cruise ship facilities, recreation and tourism boat facilities, marine fuel depots, fisheries gear and vessel repair facilities, ice plants, landing and loading facilities, marine gear sales and service outlets, and public access to the water and shoreline facilities. Designate these areas as Marine Commercial (MC) or Waterfront Commercial/Industrial (WCI) lands on the Land Use maps in this Plan, and as appropriate zones in the zoning maps, to prohibit non-water-dependent uses such as office or non-maritime-related commercial uses within those districts. ***Allow residences above water-dependent uses in MC-designated lands, and prohibit permanent residences other than caretaker units in WCI-designated lands. Assure public access to the shoreline and waters for passive and active recreation uses*** (emphasis added).

Further, the 2013 Comprehensive Plan Land Use Maps (below) designate the proposed project site and surrounding area as Recreational Service Park (RS).

The Comp Plan states:

*“Recreational Service Park (RS) Zoning District includes CBJ-owned lands with parks developed for active recreation, programmed use, and/or community gardens. Recreation, parking, playgrounds and fields, ski lifts, All-Terrain Vehicle (ATV) riding parks, rifle ranges, operations and maintenance-related structures are possible uses or components of RS designated lands. These lands **should be zoned to prevent residential** (emphasis added), commercial, and industrial development, as well as resource extraction activities beyond those accessory to park development. The CBJ should retain ownership of these lands. As many of*



the existing RS designated lands are smaller than the minimum area required for a unique zone, these lands must be within the zoning district that surrounds or abuts them”.

Planning Commission
 File No.: CSP2016 0004
 April 28, 2016
 Page 10 of 14

While the 2013 *Comp Plan Land Use Maps* designate this site as RS, the current zoning is zoned Waterfront Commercial (WC).

Given the inconsistency in uses, staff also reviewed the Comp Plan definition of Waterfront Commercial/Industrial (WCI). The Comp Plan defines WCI as:

*“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 processing plants, ice plants, marine hatcheries, and **marine parks. Residential uses would not be allowed** (emphasis added) in Waterfront Commercial/Industrial Districts, with the exception of caretaker units”.*

Given the discrepancies in zoning definitions of Waterfront Commercial / Industrial (Comp Plan), and Waterfront Commercial (Title 49), in combination with the RS designation of the *Comp Plan Land Use Maps*, the project does not conform to the 2013 Comp Plan.

TITLE 49

Title 49 (CBJ 49.25.250) defines the Waterfront Commercial zoning district, as *“intended to provide both land and water space for uses which are directly related to or dependent upon a marine environment. Such activities include private boating, commercial freight and passenger traffic, commercial fishing, floatplane operations, and retail services directly linked to a maritime clientele. Other uses may be permitted if water-dependent or water-oriented. Residential development is allowed in mixed- and single-use developments in the waterfront commercial district”* (emphasis added). Per CBJ 49.25.300 Table of Permissible Uses (TPU), the WC zoning district allows for residential uses at eighteen (18) units per acre.

The project is consistent with the TPU.

Again, this project would be considered a major development and require a Conditional Use Permit. Staff notes that although this type of housing development is a permitted use in WC, it is not allowed by-right. Per CBJ 49.15.330, the CUP purpose is to determine whether or not a use is appropriate in a particular zoning district according to character, intensity, or size of the surrounding uses. Given the designs presented in Option 1 and Option 2, the intensity of the project may not be in harmony with the surrounding public uses of the waterfront. The lack of connectivity to the waterfront and future Bridge Park, the proximity to the Juneau-Douglas Bridge, and the lack of public access to the waterfront, to be inappropriate for the site.

As stated above in the *Parking and Circulation* analysis, a portion of the existing Ninth Street ROW is proposed to be utilized in this proposal in order to provide parking on site and allow for traffic circulation into the ground level parking garages, as well as, provide for public safety access.

Planning Commission
 File No.: CSP2016 0004
 April 28, 2016
 Page 11 of 14

It should be noted that if Ninth Street is not utilized for parking, Option 1 cannot meet the parking requirements per CBJ 49.40.210. Further, the proposed Ninth Street ROW measures forty (40) feet wide, not sixty (60) feet wide as prescribed in CBJ 49. 35.240.

If a portion of Ninth Street is utilized for parking, the proposed ROW would be forty (40) feet wide. CBJ 49.35.240 Improvement Standards (b) Right-of-way Minimum Width Reductions (2) allows for the Director to reduce the width for streets with less than 500 average trips by up to twenty-five (25) feet. Given that Ninth Street is used extensively during the tourist season for charter buses, and with the construction of the Bridge Park increasing visitors to this area, the Director may not have the discretion to reduce this width to forty (40) feet. Additionally, a reduction of this degree creates a jog in the Ninth Street layout (see Attachment A), and forces vehicles to move around the proposed ADA parking spaces and other parking spaces along the south side of Ninth Street.

HOUSING ACTION PLAN (DRAFT) 2015

The recently completed, but not yet adopted, Housing Action Plan speaks specifically to CBJ-owned lands for housing development. The Plan, in Part 2: Solutions – Solution 6. CBJ Owned Land recommends that the CBJ should:

Develop New Policies for the Use of CBJ-owned Land and Assets

*1. First, public land should be thought of not only as a means by which Juneau can encourage “beneficial private economic activity” and guide “a rational growth pattern,” but also, importantly, as a means by which Juneau can achieve key policy goals. These goals include **filling key housing gaps** – by making public land available more cheaply for projects that promise to provide **affordable** (emphasis added) or senior housing, for example. These goals also include preserving land for future generations – by allowing developers to “pay for” their environmental mediation requirements, in part or whole, by “buying” city owned land for permanent conservation.*

The development of waterfront housing at this site is likely to be market-rate, and given that, the proposal would not likely fill key housing gaps (senior housing, affordable housing, workforce housing), and would not be in conformity with the draft Housing Action Plan.

THE FUTURE OF JUNEAU’S WATERFRONT – THE SEAWALK & JUNEAU’S LONG RANGE WATERFRONT PLAN (2004)

The Waterfront Plan identifies new developments consisting of a mix of renovated and new structures that are mixed-use and comprised of office, residential, and small-scale community services, with new streetscapes and walking areas of appropriate character. The Plan visualizes the future uses of the waterfront from the bridge south to the Rock Dump. Connecting each of these areas is a seawalk with diverse uses for recreation, mobility, and social features for visitors and residents. The Plan, in section Area A, Bridge Park/Seawalk, specifies that the area

Planning Commission
 File No.: CSP2016 0004
 April 28, 2016
 Page 12 of 14

adjacent to the bridge should be reserved for 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.

The proposed housing development with ground level parking consisting of garages and no windows or pedestrian uses, is not in conformity with the Waterfront Plan.

DEPARTMENT/AGENCY REVIEW AND PUBLIC COMMENT

The application was provided to applicable CBJ departments and external agencies for review and comment.

CBJ Docks & Harbor (04/18/16):

The CBJ Docks & Harbor Board heard this proposal for housing on the land managed by D&H. The Board found the proposal to be in direct conflict with their adopted Waterfront Plan. Specifically, D&H does not find that this development takes into account the waterfront in a holistic manner and further, the complex would prevent traffic flowing under the bridge to the north side where D&H intends to develop a direct sales fisheries dock. The Board voted unanimously to protest CSP2016 0004 (see Attachment D Page 6).

CBJ Parks & Recreation (04/15/16):

Parks and Recreation objects to this proposal for following reasons:

- The park was designed in a fashion to make the most out of a limited area. By reducing the area even further, the proportion of open space to the fountain would be problematic.
- Possible conflicts between residential owners and park users with such limited area for both activities.
- There is limited public land on the waterfront in downtown Juneau and to reduce the land we have available is not in the best interest of the public.

The Parks and Recreation Department prefers the original design of the park without the residential units.

Alaska Dept. of Transportation & Public Facilities Southcoast Region (04/15/16):

- This development could generate ~35 trips in the peak hour. On its own, this does not rise to the level of requiring a TIA; however, when combined with other nearby developments it could complicate access onto/off of Egan Drive. If and when a permit application comes in, this will need to be addressed. If trips from this development contribute to traffic exceeding the 100 trips/peak hour threshold onto/off of Egan Drive, then ADOT&PF would expect a TIA to be completed.
- During the winter snow removal operations there will be debris that will hit the roof top and sides of the property grounds. If there is pedestrian access, parking or storage on the sides, they should be covered areas.

Planning Commission
File No.: CSP2016 0004
April 28, 2016
Page 13 of 14

- Heavy equipment and personnel must be able to continue to easily access the entry hatch into the bridge at the Juneau end. This is presently the main access area into bridge for DOT maintenance and inspection, as well as for utility owners (CBJ water and sewer, AELP, GCI, ACS). The DOT will need to be included in further discussion regarding development plans to ensure that a drivable road surface to the Juneau abutment is maintained.

FINDINGS

A review of adopted plans and codes indicates that the proposed disposal of CBJ-owned land for housing at the Bridge Park location does not comply with the Comprehensive Plan, Draft Housing Action Plan, and 2004 Long Range Waterfront Plan. The proposal is consistent in part with Title 49 TPU, but not with the Conditional Use Permit review.

- The project does not conform to the 2013 Comp Plan.
- The development of a waterfront housing development is likely to be market-rate, and would not fill key housing gaps, and therefore does not conform to the Draft Housing Action Plan.
- The proposed housing development does not conform to with the Waterfront Plan.
- Throughout the eight (8) year public planning process undertaken for the Bridge Park and Seawalk, the desire for a housing complex at this site was not identified and was not included in the site design. Further, a public process has not been undertaken to provide an opportunity for the public to weigh in on such a proposal.
- The intensity of the project is found to be out of harmony with the surrounding public uses of the waterfront and may not meet the requirements of a Conditional Use Permit as proposed.
- If Ninth Street is not utilized, Option 1 cannot meet the parking requirements per CBJ 49.40.210.
- The project is consistent with the CBJ 49.25.300 Table of Permissible Uses.

Planning Commission
File No.: CSP2016 0004
April 28, 2016
Page 14 of 14

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.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 2/26/16
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <u>Explore possibility for 17 dwellings on site.</u>		
	PROPERTY LOCATION		
	Street Address <u>1300 West Ninth Street</u>		City/Zip <u>Juneau</u>
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)		
	Assessor's Parcel Number(s) <u>1.C06.O.K58.006.O</u>		
PROJECT / APPLICANT	LANDOWNER / LESSEE		
	Property Owner's Name <u>City of Juneau</u>		Contact Person: <u>Greg Chaney</u>
	Mailing Address <u>155 S. Seward St.</u>		Work Phone: <u>586-0205</u>
	E-mail Address <u>greg.chaney@juneau.org</u>		Home Phone: <u>Don Bleidorn</u>
			Other Contact Phone Number(s): <u>586-0224</u>
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>Greg P. Chaney</u>		<u>Feb 26 2016</u>	
Landowner/Lessee Signature		Date	
X _____		_____	
Landowner/Lessee Signature		Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name		Contact Person:	Work Phone:
Mailing Address <u>Same</u>		Home Phone:	Fax Number:
E-mail Address		Other Contact Phone Number(s):	
X <u>Greg Chaney</u>		<u>Feb 26 2016</u>	
Applicant's Signature		Date of Application	

Permit Type	City/State	Date Received	Application Number(s)
☒ Building/Grading Permit			
☒ City/State Project Review and City Land Action		2/26/16	CSP 20160004
☐ 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)			
☐ Wetlands Permits			
☐ Zone Change Application			
☐ Other (Describe)			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials

TC

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Packet Page 1 of 2

Project Number	Project Name (15 characters)	Case Number CSP20160004	Date Received 2/26/16
----------------	------------------------------	----------------------------	--------------------------

TYPE OF PROJECT REVIEW:

☒ City Project Review
 ☐ City Land Acquisition /Disposal
 ☐ State Project Review

DESCRIPTION OF PROJECT

See attached.

Potential for 17 dwelling units to be placed on lot 1060K580060.

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

CURRENT USE OF LAND OR BUILDING(S):

Vacant

PROPOSED USE OF LAND OR BUILDING(S):

17 multifamily building.

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ☒ No ☐ Yes Case No.: N/A

Capital Improvement Program # (CIP) N/A

Local Improvement District # (LID) N/A

State Project # N/A

ESTIMATED PROJECT COST: \$ - Concept Only -

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.

CITY/STATE PROJECT FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ -	-	-	-
Total Fee	\$ -	-	-	-

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

&

EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS APPLICATION MUST BE FILLED OUT

Attachment A

TO BE COMPLETED BY THE APPLICANT

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
 155 S. Seward St., Juneau, Alaska 99801
 Greg.Chaney@ci.juneau.ak.us
 Voice (907) 586-0205
 Fax (907) 586-5385

TO: CBJ Planning Commission

FROM: Greg Chaney, Lands and Resources Manager



DATE: February 26, 2016

SUBJECT: CSP Evaluating Concepts For Housing on CBJ Land Near Juneau
 Douglas Bridge

"Whale Park" Residential Housing Options Existing Lot 1C060K580060

Current Zoning WC: 18 units per acre
 0.9583 acres x 18 = 17 dwelling units

Setbacks: 10' All Lot Lines
 Maximum Lot Coverage: 100%
 Maximum Height: 35'

The concept sketches submitted with this CSP application are intended to explore the possibility of building the maximum number of dwelling units on lot 1C060K580060 (aka LND-1103) as allowed by zoning. This exercise is not intended to yield a building design and does not advocate for a particular outcome. Placing a building on the lot will block potential circulation under the bridge, be located in close proximity to the bridge and place a bank of garage doors at street level. Furthermore the design does not accommodate a mix of uses that would commonly be expected adjacent to a busy visitor attraction.

In this conceptual plan, parking is accommodated on site with ground floor single and stacked parking. Some 1 bedroom units would only need 1 parking space while 2 bedroom units would have 2 stacked spaces per unit. Small storage units would also be available on the first floor. Circulation for parking would be provided in a CBJ owned parking area in front of the building with 6 parallel public parking spaces along the park property line and two accessible spaces.

Option 1 – Four Stories

4 Stories with layout as shown on attached diagrams. This allows for larger units but would require low ceilings and special attention to design details in order to achieve a building that would comply with the 35' height limit. A market analysis would be required to determine if large floor plans with low ceilings would sell better than smaller floor plans with high ceilings.

Option 2 – Three Stories

3 Stories with layout as shown on attached diagrams. This concept would allow for standard construction methods to be utilized with high ceilings but the units would have significantly less floor space.

Waterfront Commercial
18 Units per Acre
Maximum Height 35'
Lot Coverage Allowed 100%
Setbacks - All Lot - Lines 10'
Vegetative Cover 10%

1C060K580060:

0.9583 acres x 18 = 17 dwelling units



Seawalk Plan



Attachment A

3

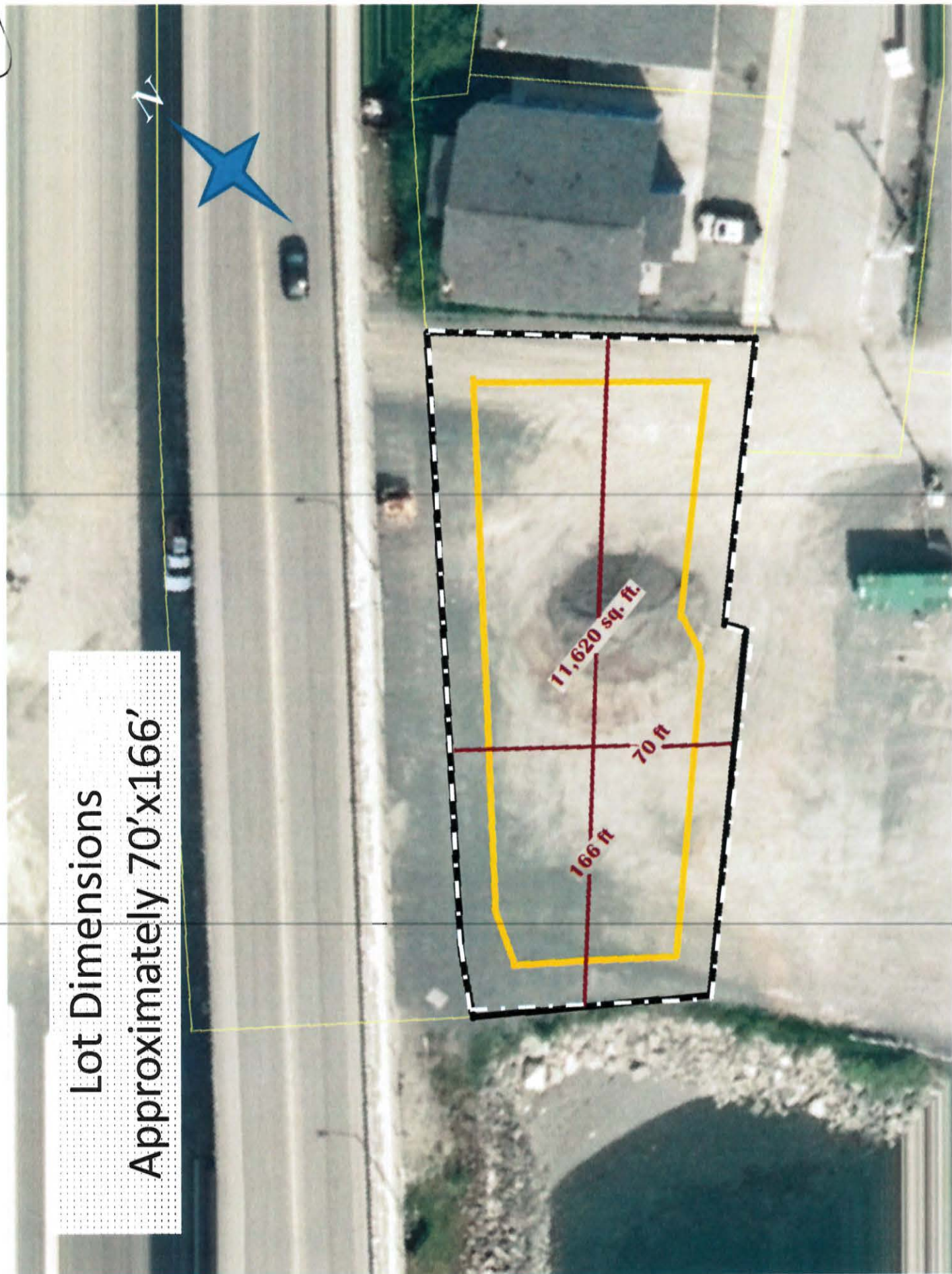
Seawalk Plan w/ New Housing



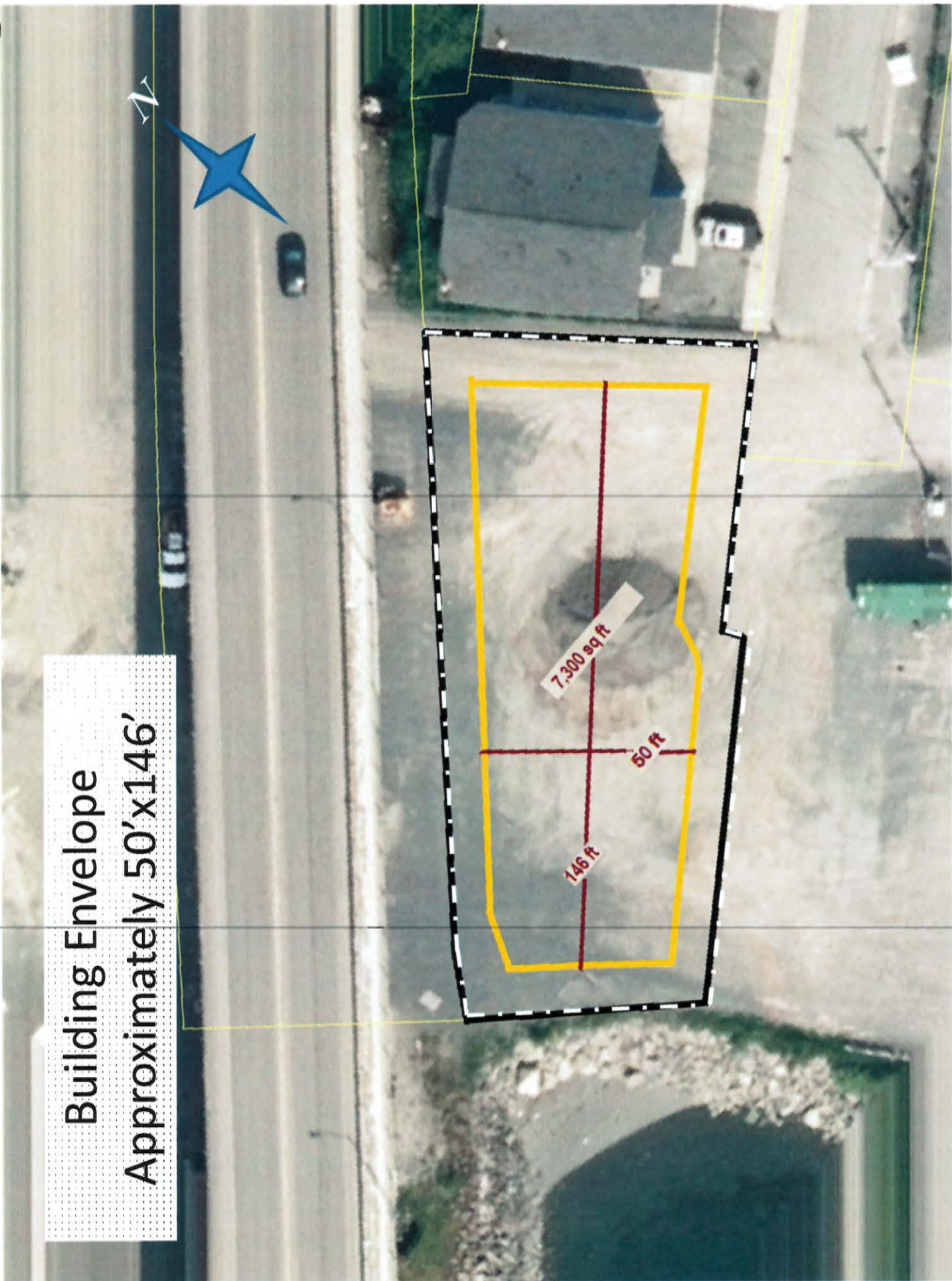
Attachment A

(5)

Lot Dimensions
Approximately 70'x166'



6



Building Envelope
Approximately 50'x146'

7

Property Lines With
First Floor Parking Layout

Attachment A



8

Property Lines With
Circulation Area And
Exterior Parking



Attachment A

9

Property Lines With
Second Floor
Apartment Layout

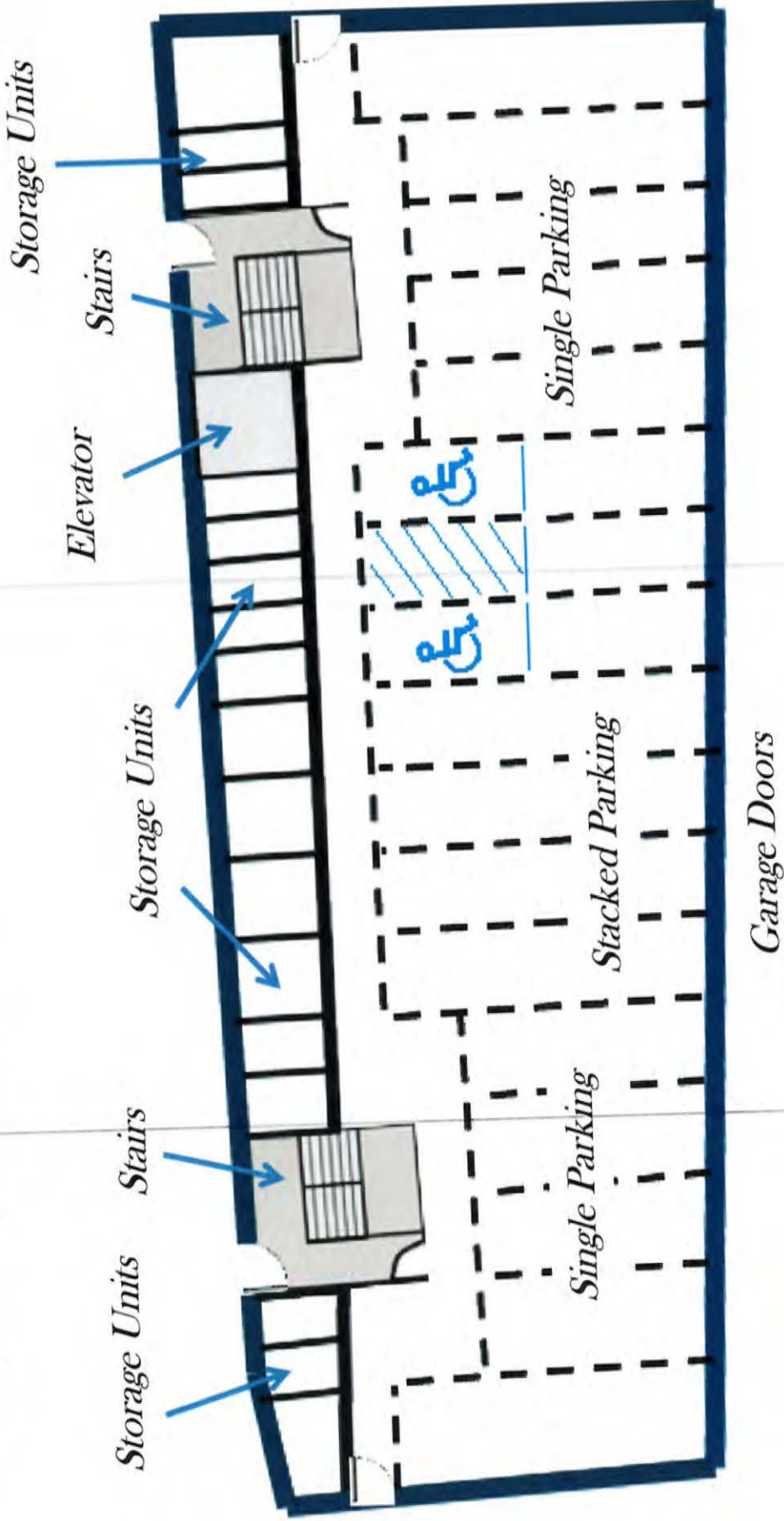


10

Property Lines With
Top Floor Apartment
Layout



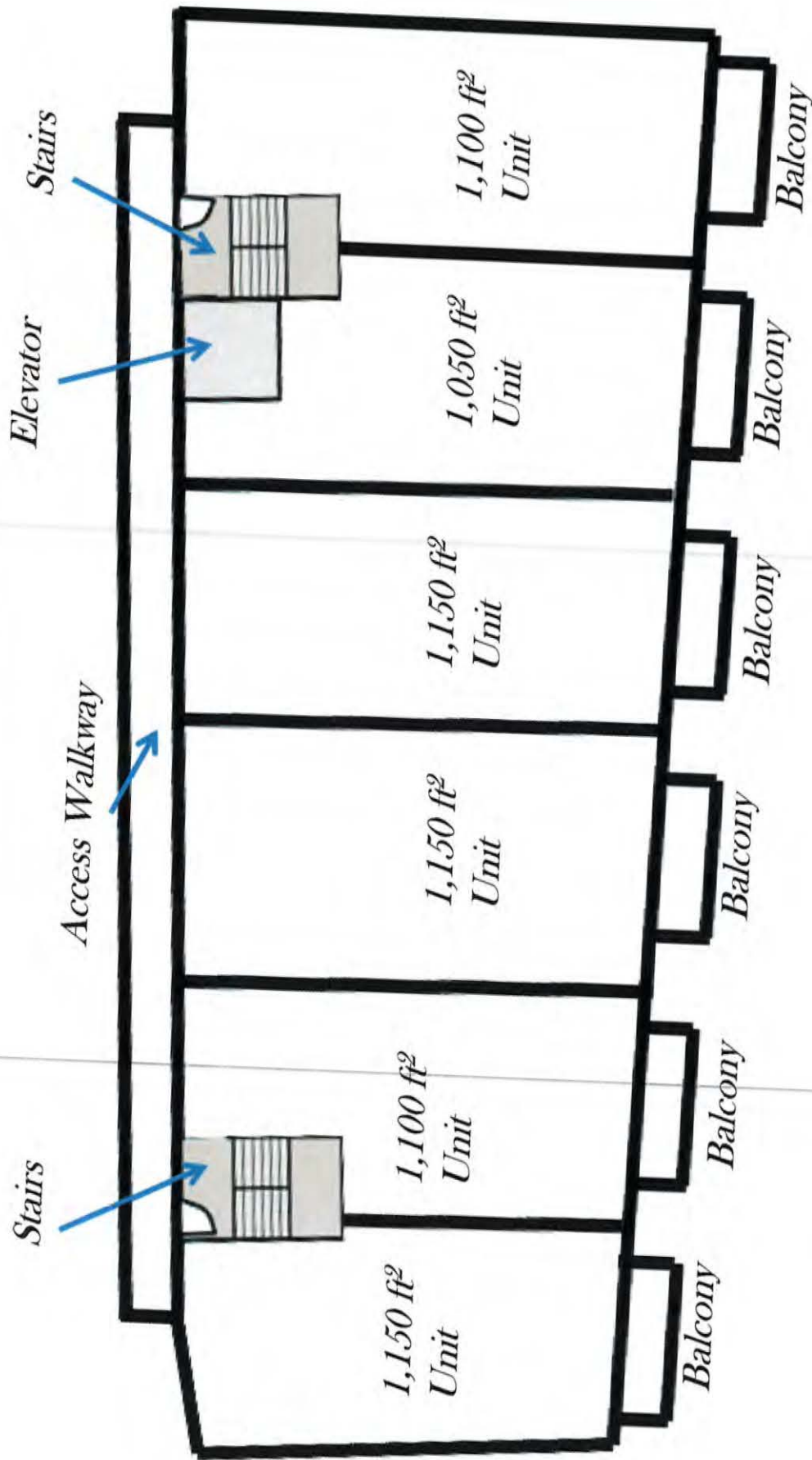
Ground Floor



Potential Layout For Interior Accessible Parking

12

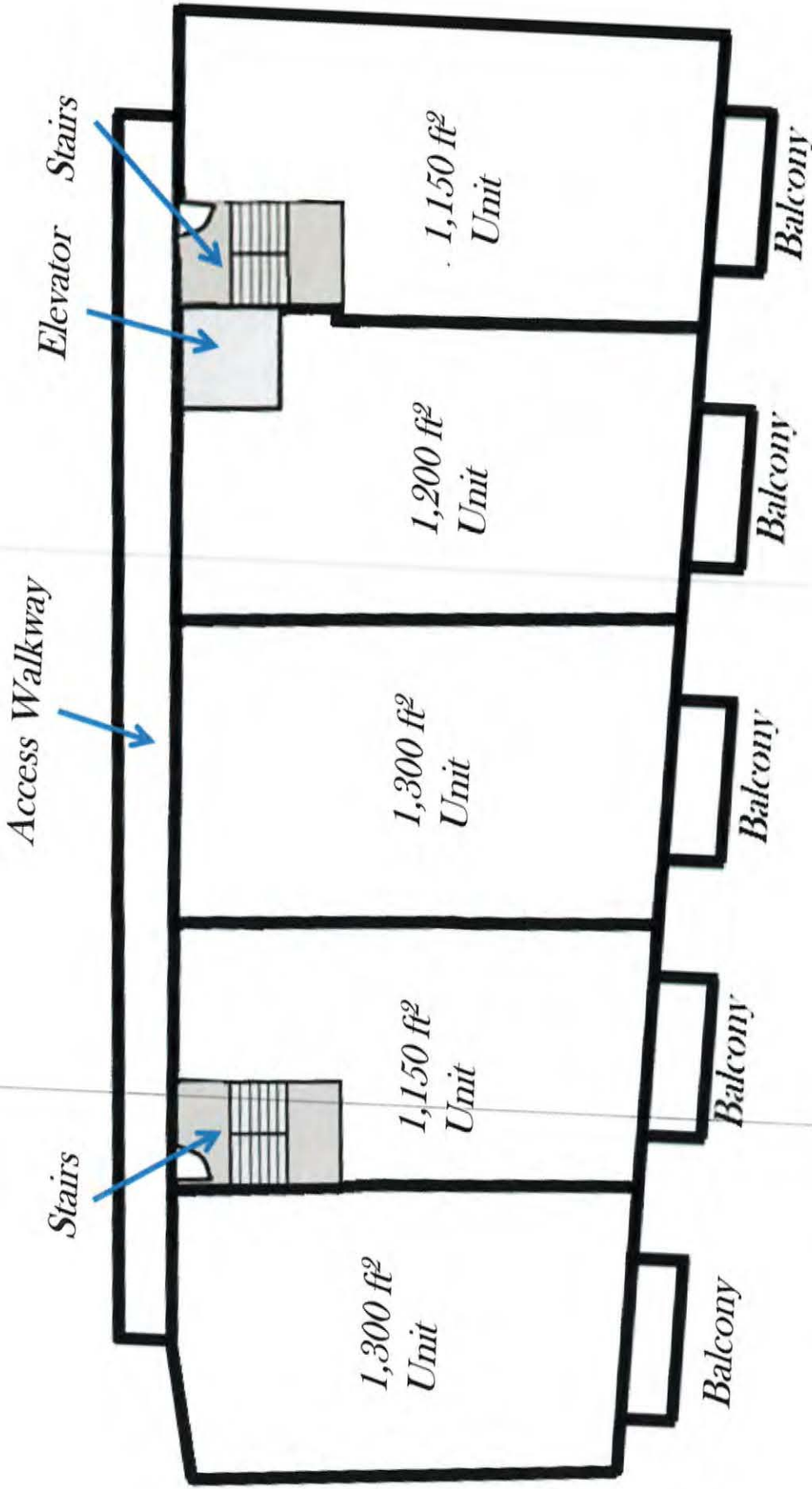
Second and Third Floors



Potential Layout 4 Story Building

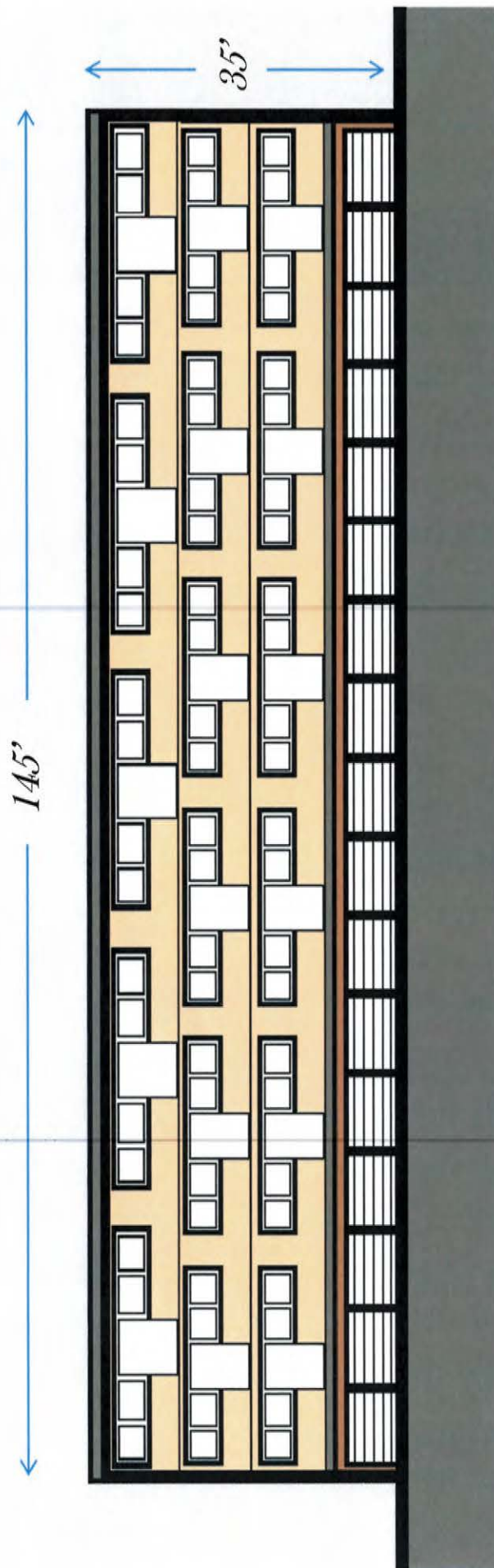
13

Forth Floor



Potential Layout 4 Story Building

Potential Four Story Elevation

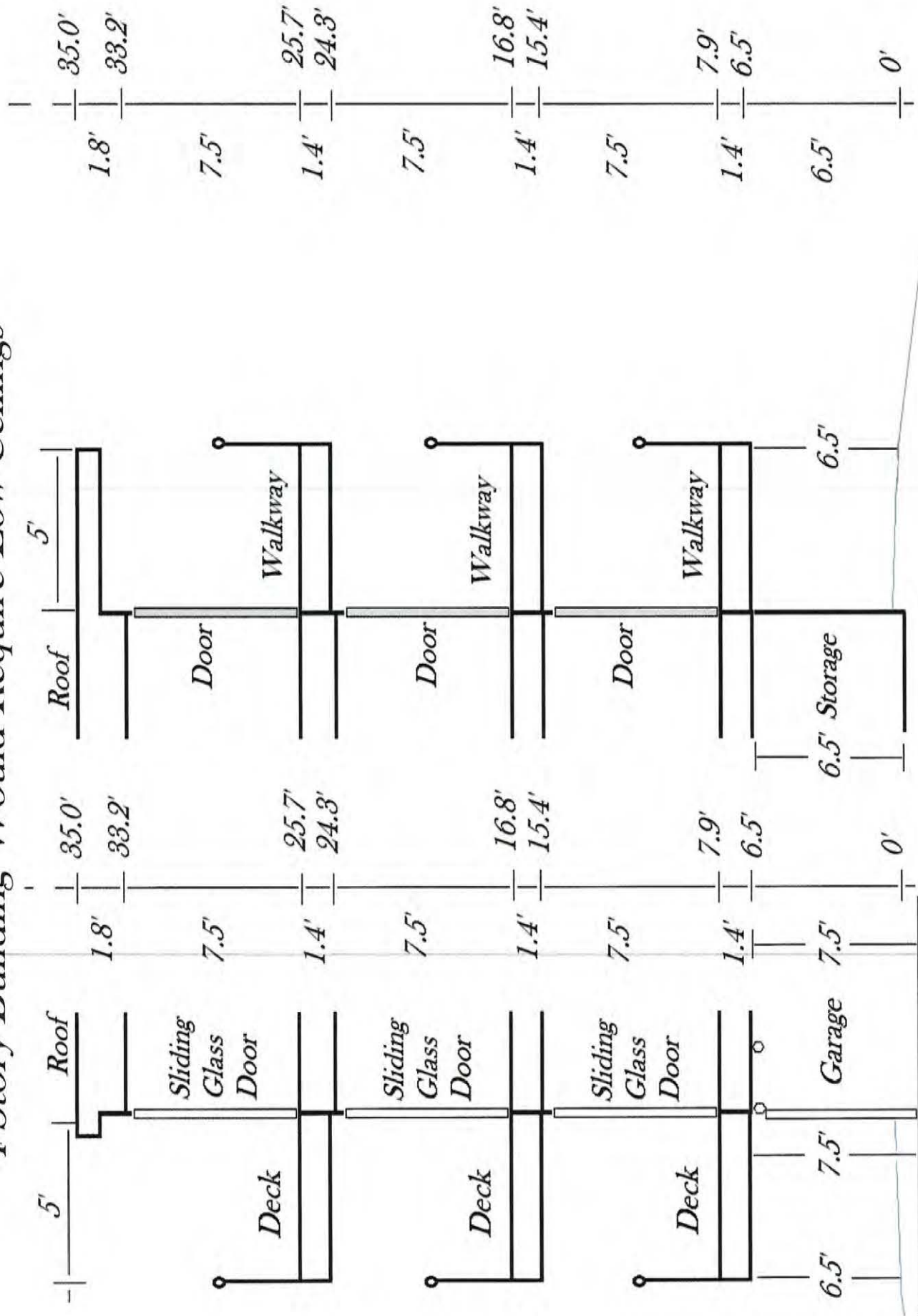


Attachment A

14

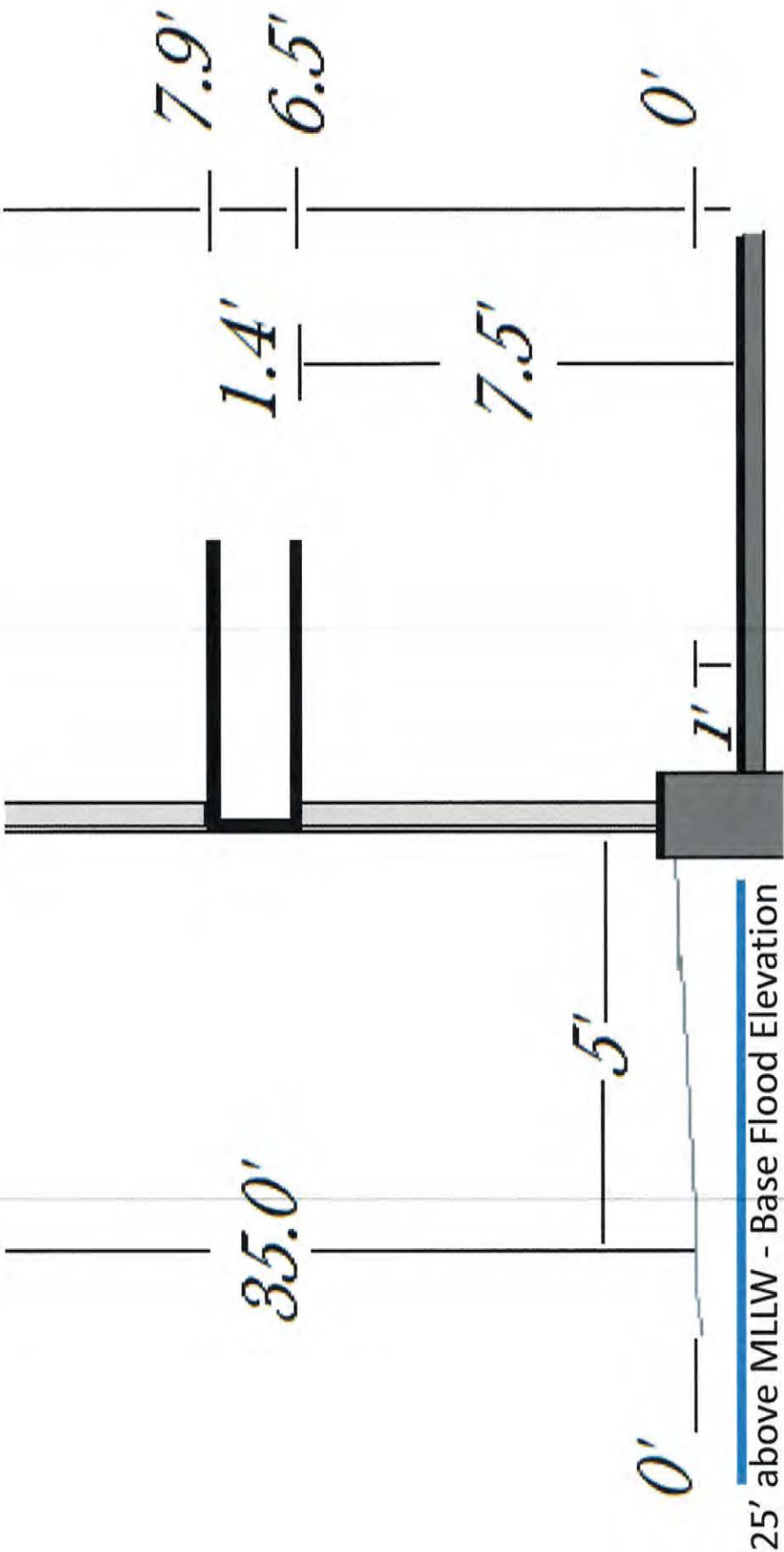
15

4 Story Building Would Require Low Ceilings



Attachment A

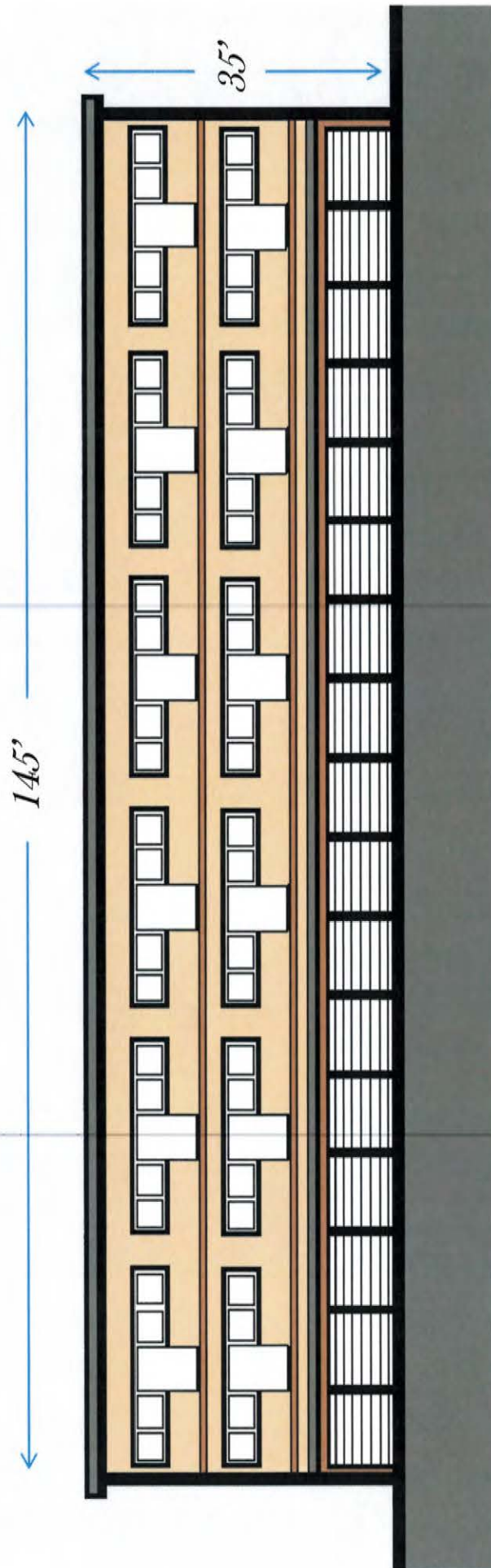
Datum for Building Height



(16)

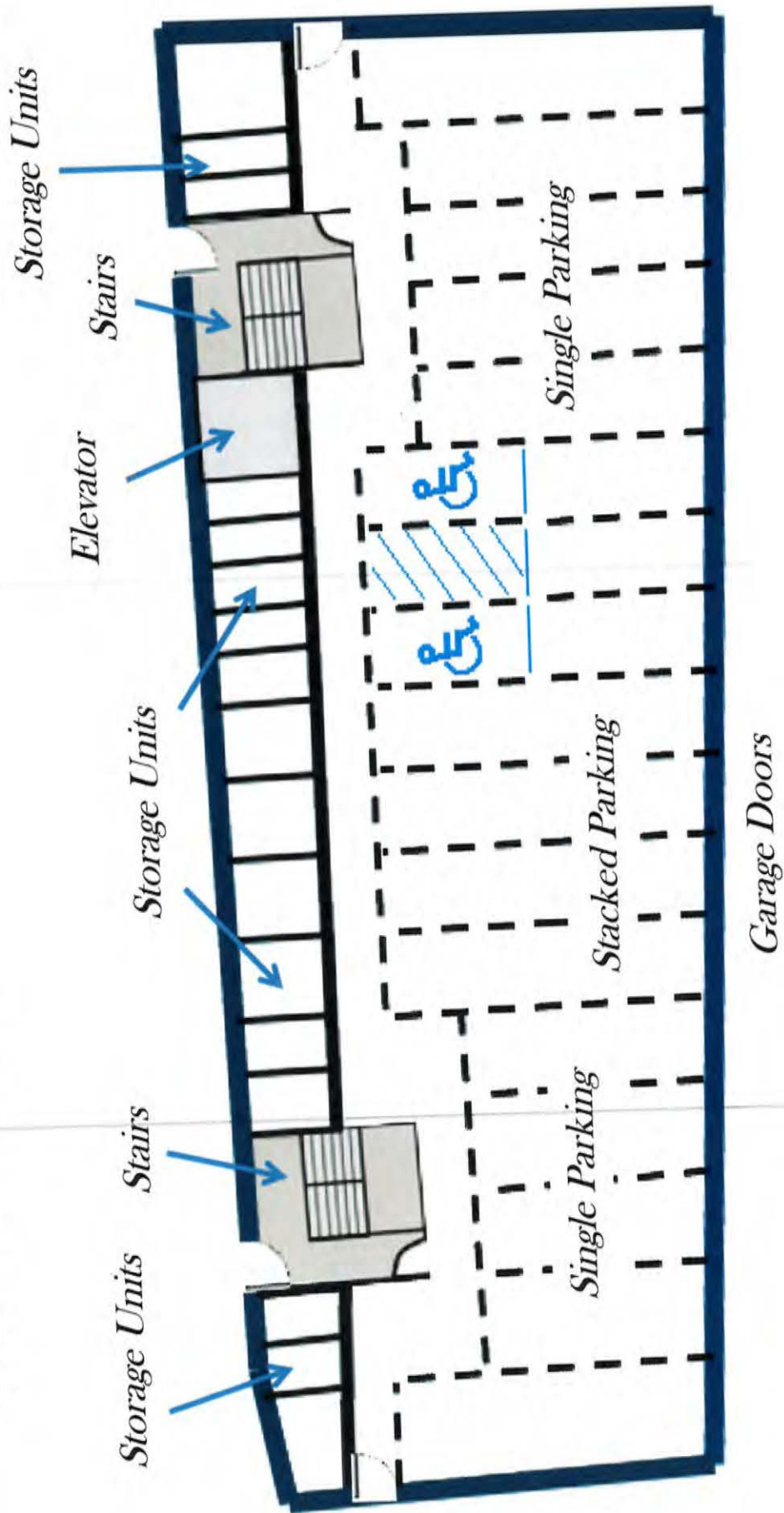
17

Alternative Three Story Elevation



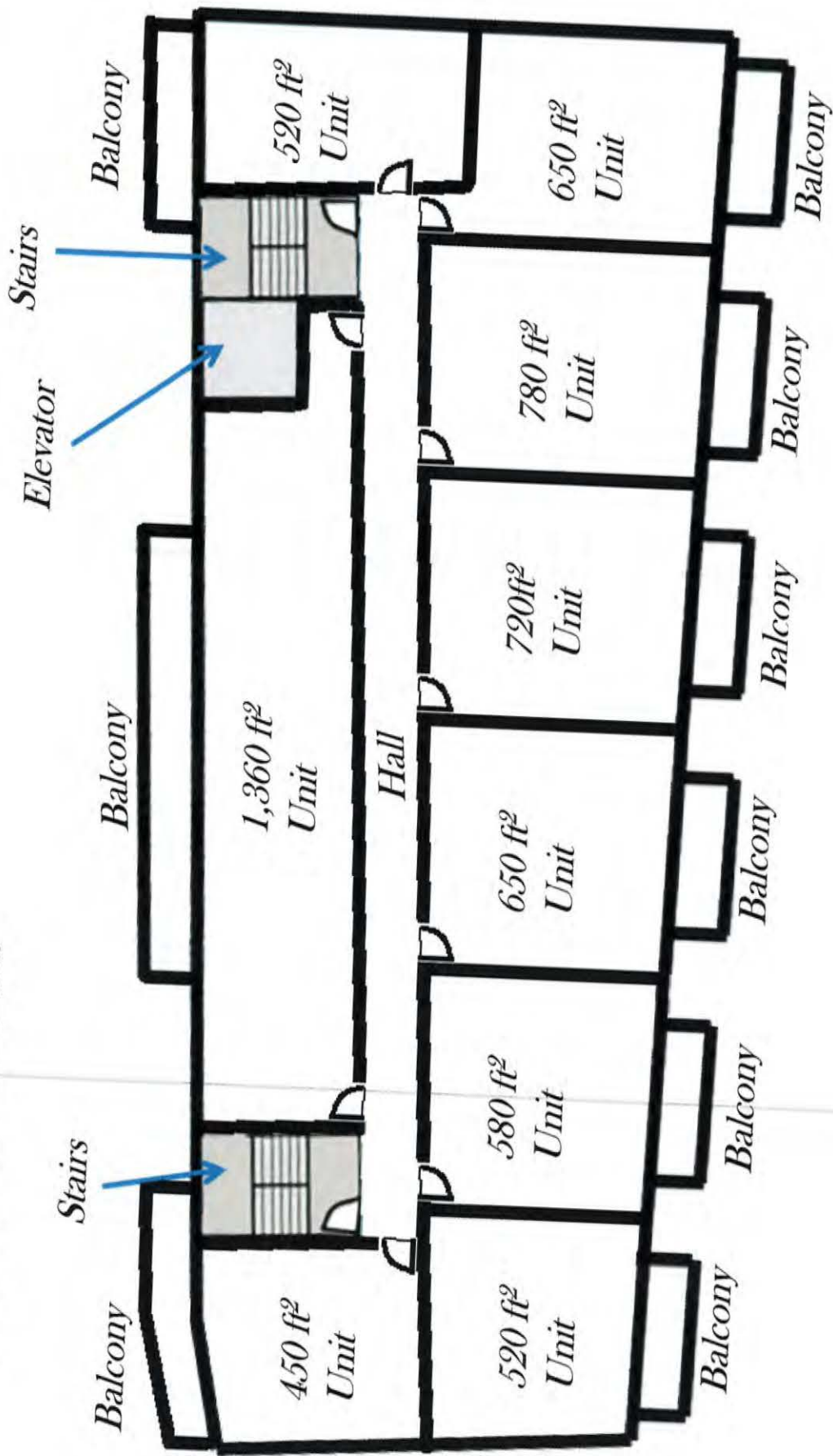
Attachment A

Ground Floor



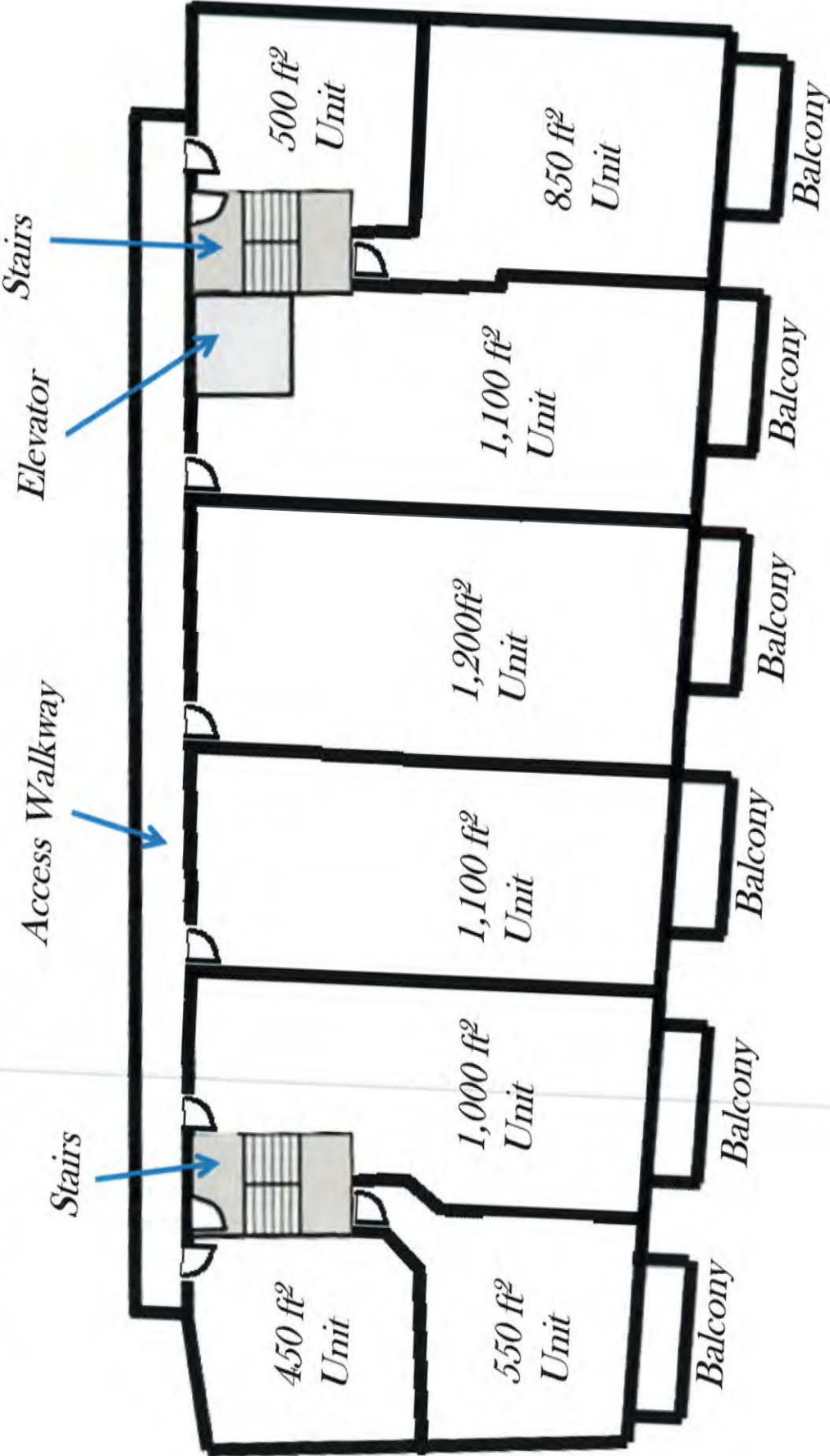
Potential Layout For Interior Accessible Parking

Second Floor



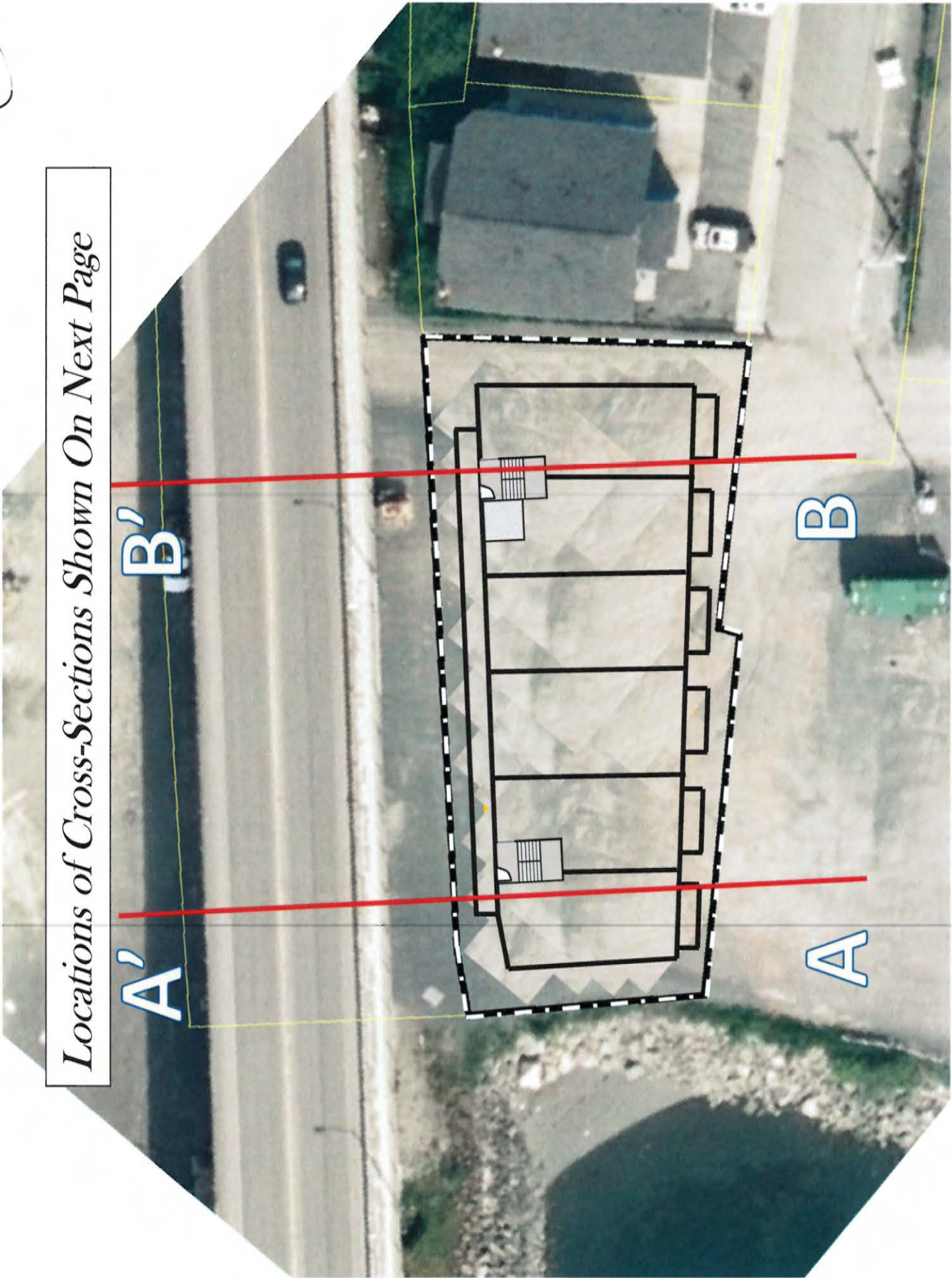
Potential Layout 3 Story Building

Third Floor



Potential Layout 3 Story Building

Locations of Cross-Sections Shown On Next Page

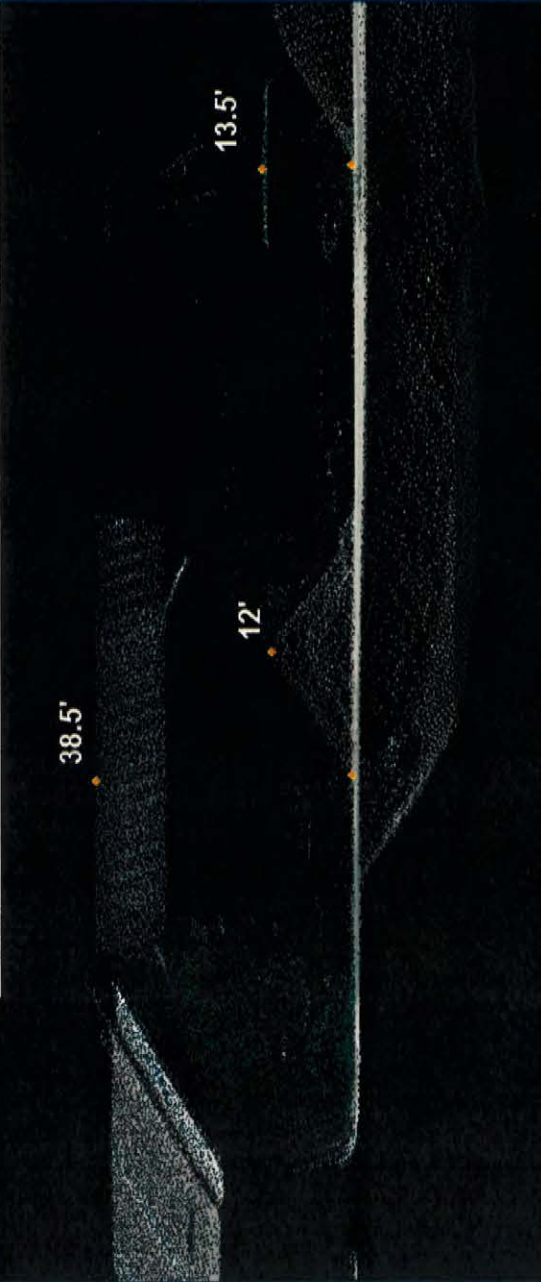


Attachment A

(21)

22

LiDAR Measured Cross-Sections of Existing Bridge

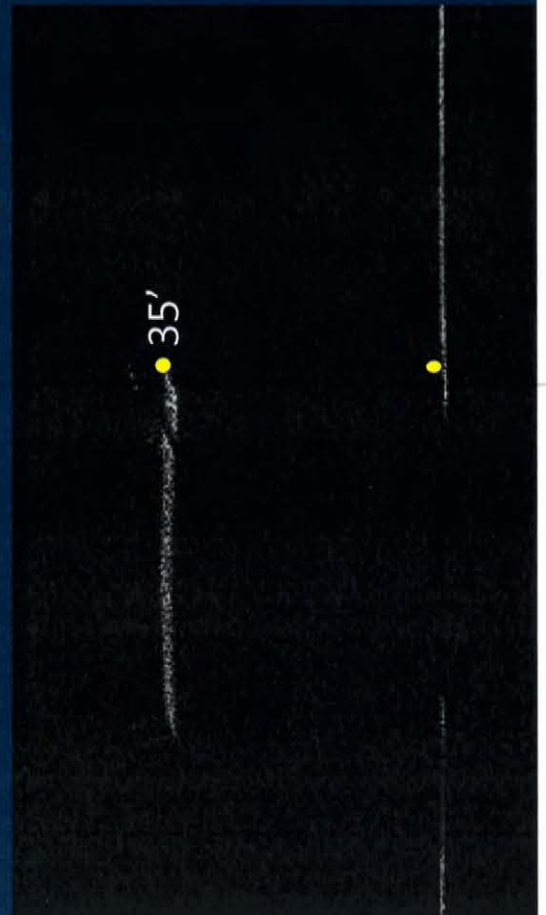


A'

A

B'

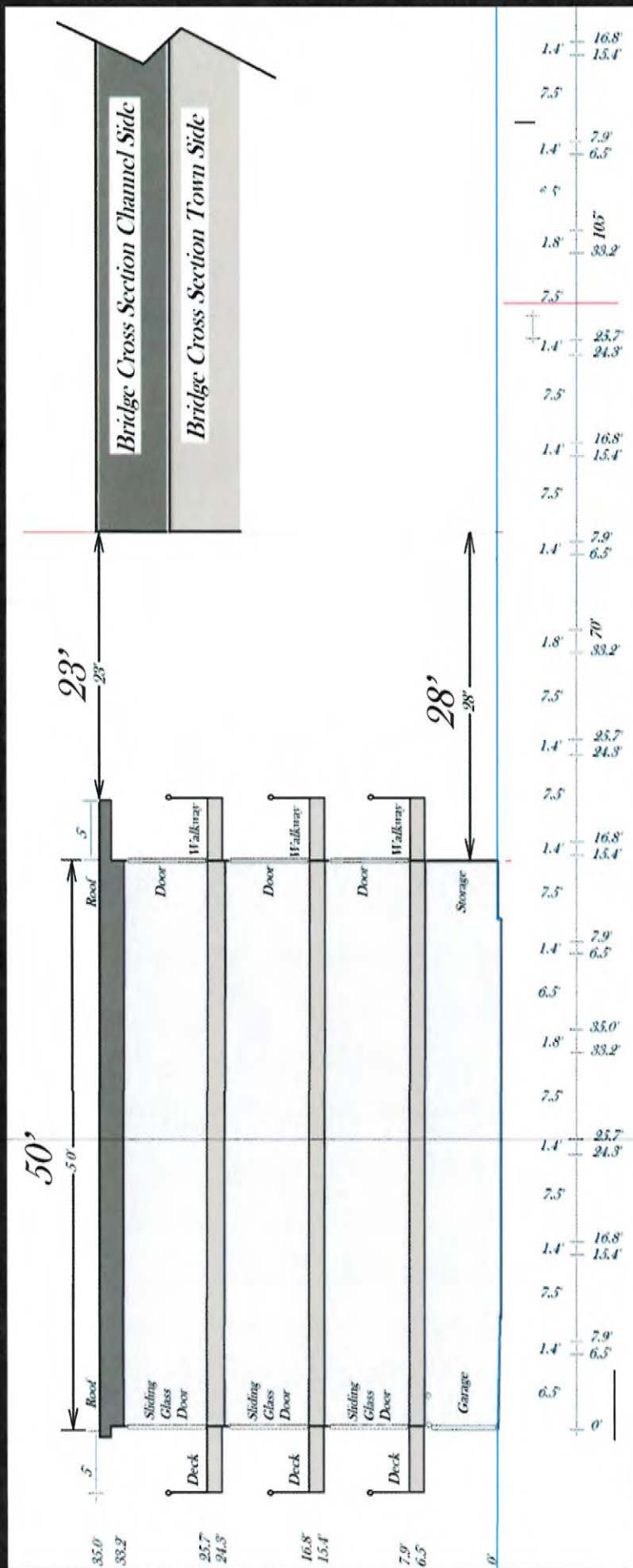
B



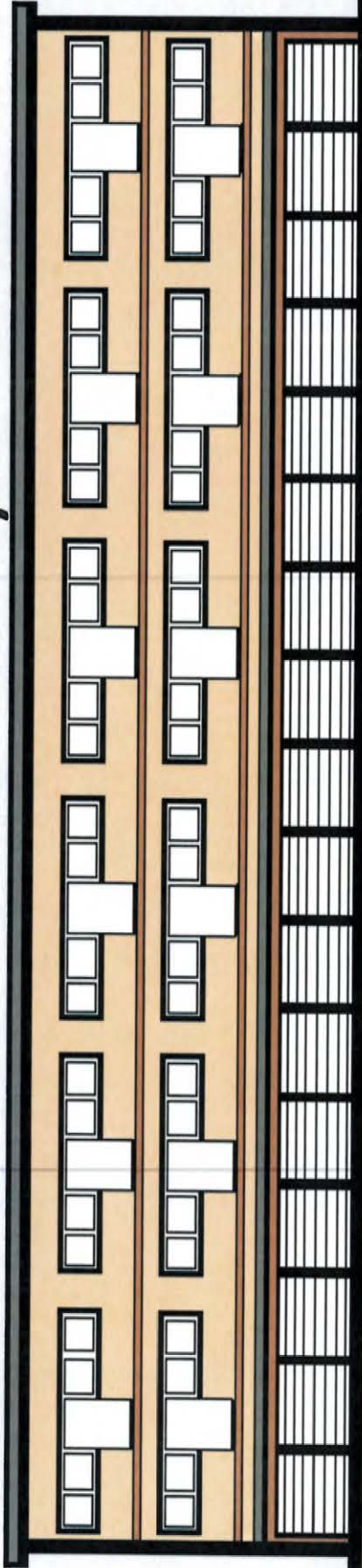
35'

27'

Cross-Section Proximity to Bridge



Alternative Three Story Elevation

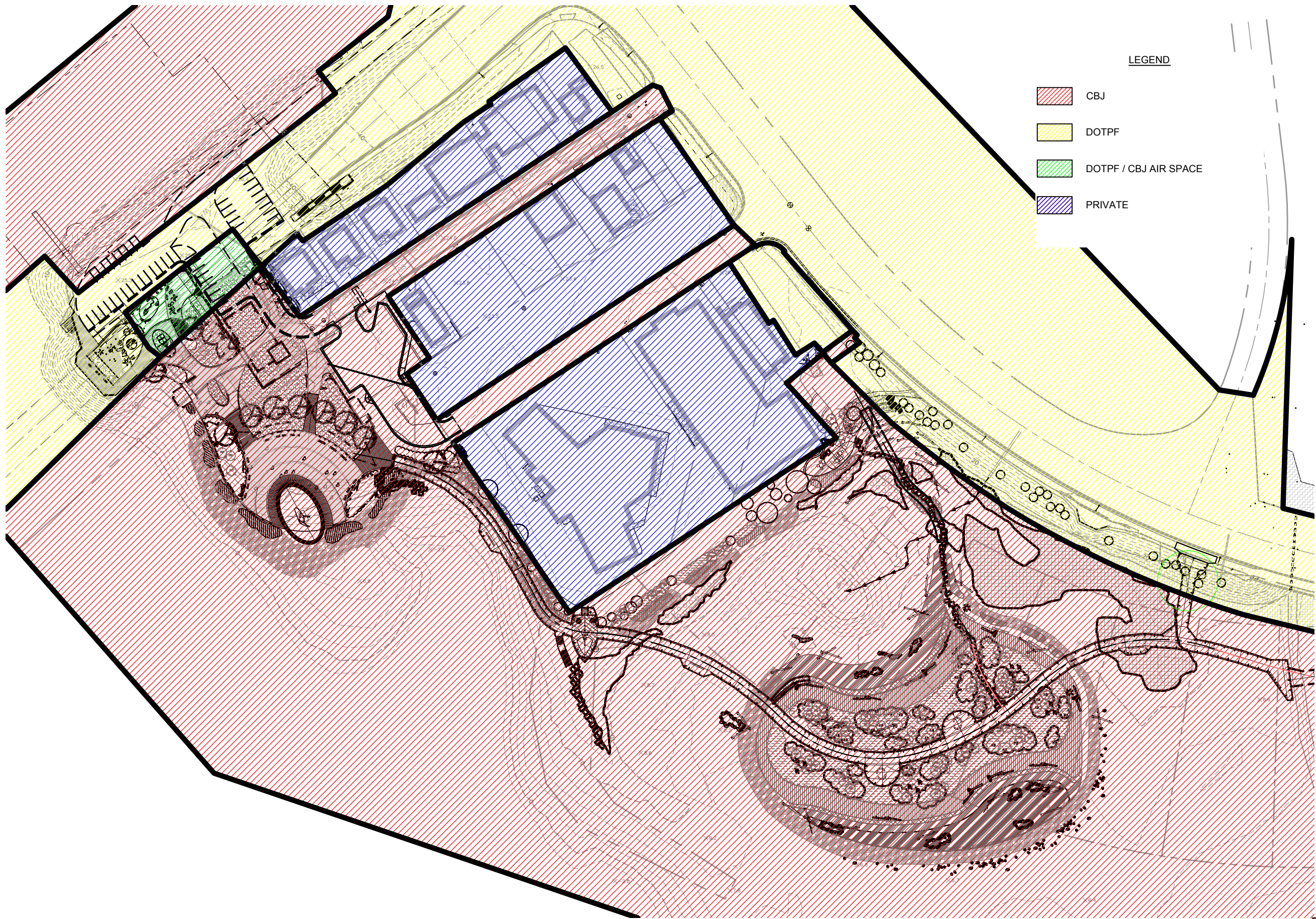


Alternative Four Story Elevation





7/20/2015 1:43:16 PM - P:\12554\135-12554-15003\CAD\SHEETFILES\G-010- PROPERTY OWNERSHIP.DWG - ONEILL, SEAN



LEGEND

- CBJ
- DOTPF
- DOTPF / CBJ AIR SPACE
- PRIVATE

**TETRA TECH**

www.tetratech.com
217 SECOND STREET, SUITE 207
JUNEAU, AK 99801
MAIN: (907) 586-6400 FAX: (907) 463-3677

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
E16-011, DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK

PROPERTY OWNERSHIP

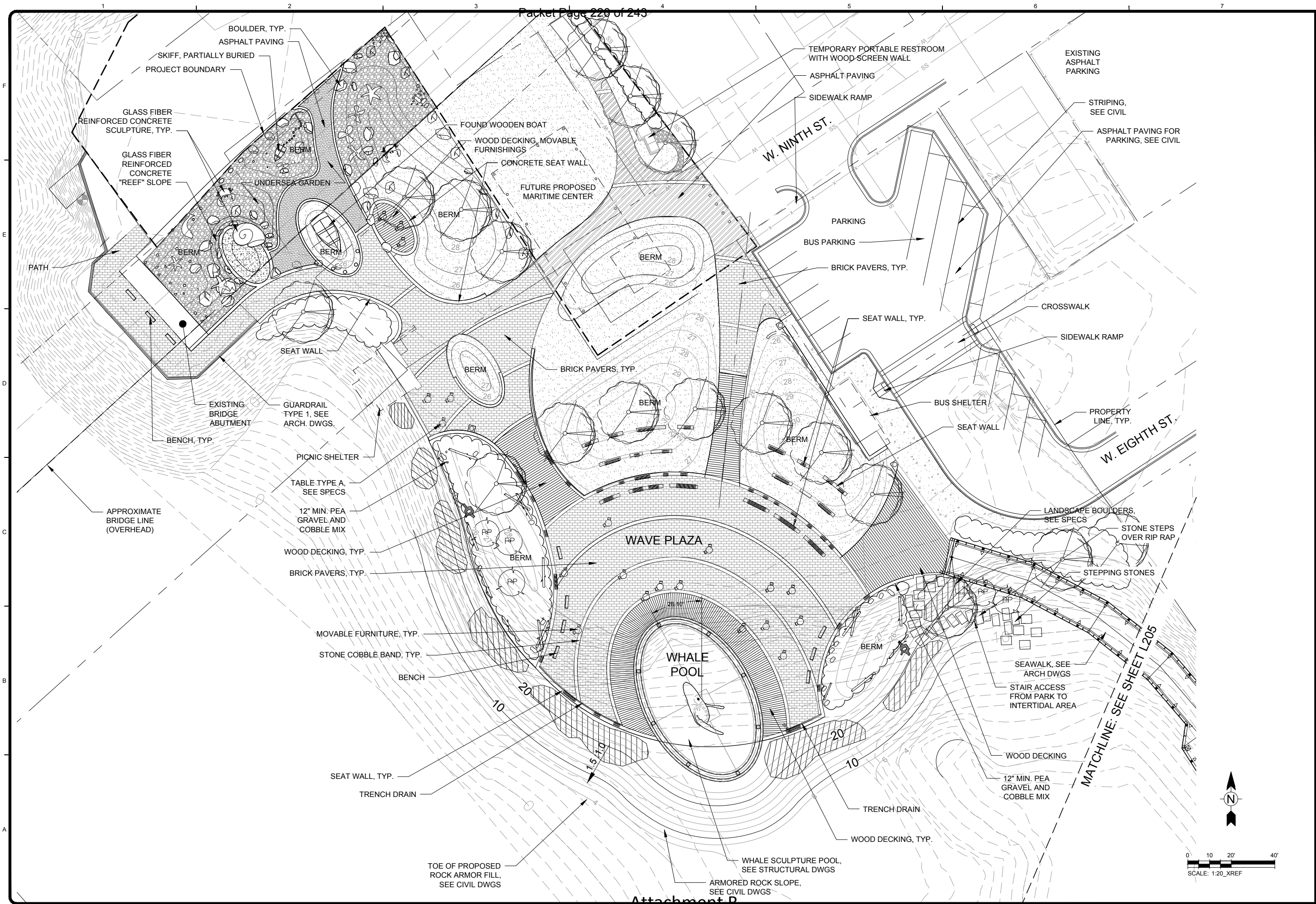
Project No.:	135-12554-15003
Designed By:	DRB
Drawn By:	SRO
Checked By:	DRB

G-010

Bar Measures 1 inch

Copyright: tetra tech

7/21/2015 12:08:18 PM - P:\JUNEAU DOWNTOWN SEAWALK\K2015\CAD\PERMITTING\JUNEAU L-101 MATERIALS PLAN - BRIDGE PARK.DWG - DAN SHAW



TETRA TECH



www.tetratech.com
217 SECOND STREET, SUITE 207
JUNEAU, AK 99801
MAIN: (907) 586-6400 FAX: (907) 463-3677



JAMES A. BRENNAN
LANDSCAPE ARCHITECT
CERTIFICATE NO. 433



j.a. brennan
associates LLC
Landscape Architects & Planners
100 South King Street, Suite 200
Seattle, WA 98104
T 206.583.0620 F 206.583.0623

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
E:16-011, DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK

LANDSCAPE MATERIALS
PLAN - BRIDGE PARK

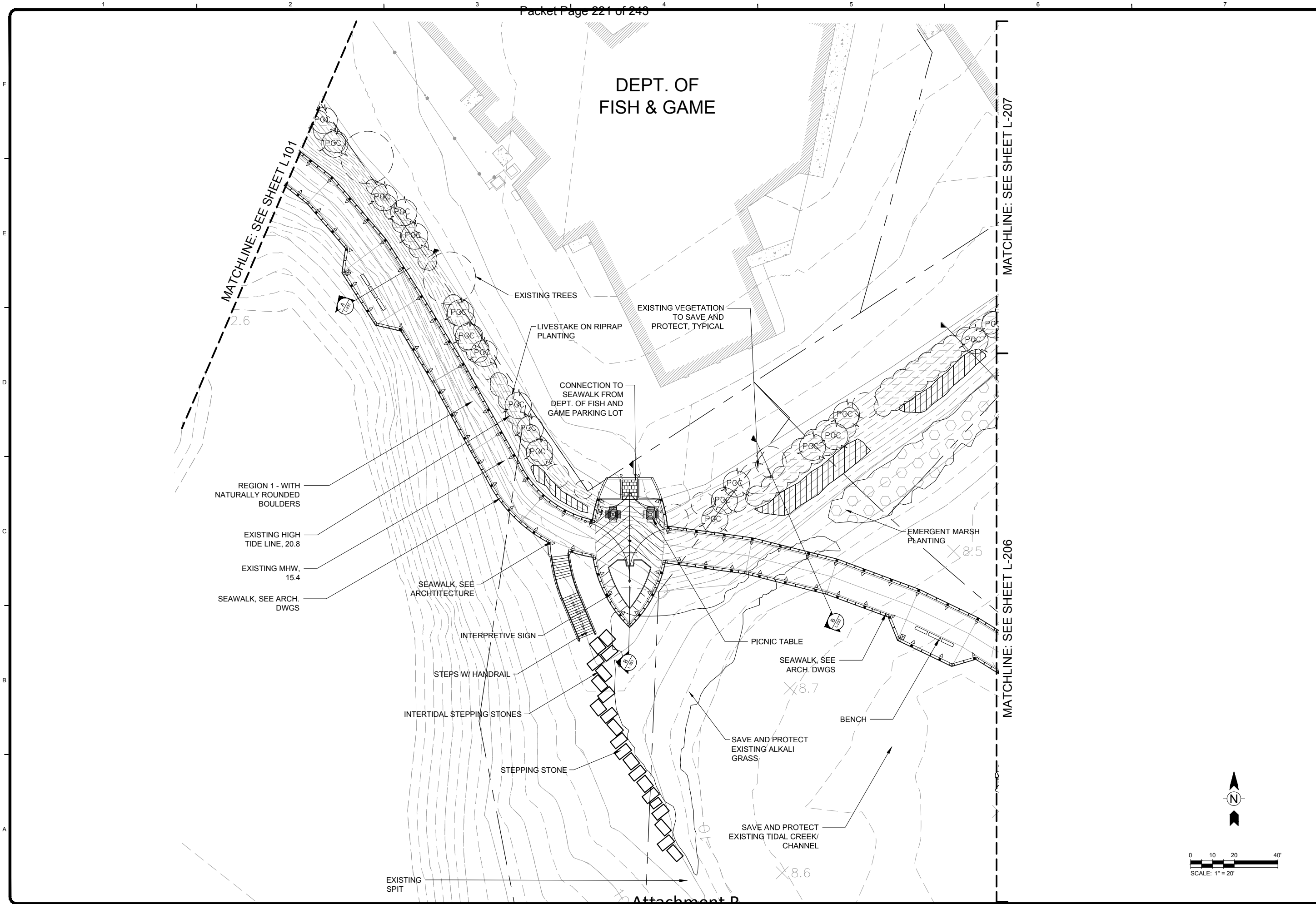
Project No.: 135-12554-15002
Designed By: MP
Drawn By: DS
Checked By: JB

L-101

Bar Measures 1 inch

Copyright: Tetra Tech

7/21/2015 12:08:23 PM - P:\JUNEAU DOWNTOWN SEAWALK\K2015\CAD\PERMITTING\JUNEAU L-205.206.207.208 SEAWALK PLANTING SHEETS.DWG - DAN SHAW



Attachment B

TETRA TECH

www.tetratech.com

217 SECOND STREET, SUITE 207
JUNEAU, AK 99801
MAIN: (907) 586-6400 FAX: (907) 463-3677

WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

JAMES A. BRENNAN
CERTIFICATE NO. 433

j.a. brennan
associates LLC

Landscape Architects & Planners
100 South King Street, Suite 200
Seattle, WA 98104
L-206.583.0620 F-206.583.0623

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
E-16-011, DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK

**LANDSCAPE
PLANTING PLAN
SEAWALK WEST**

Project No.: 135-12554-15002
Designed By: MP
Drawn By: DS
Checked By: JB

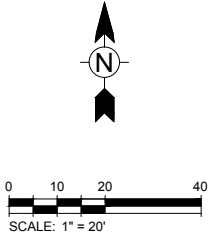
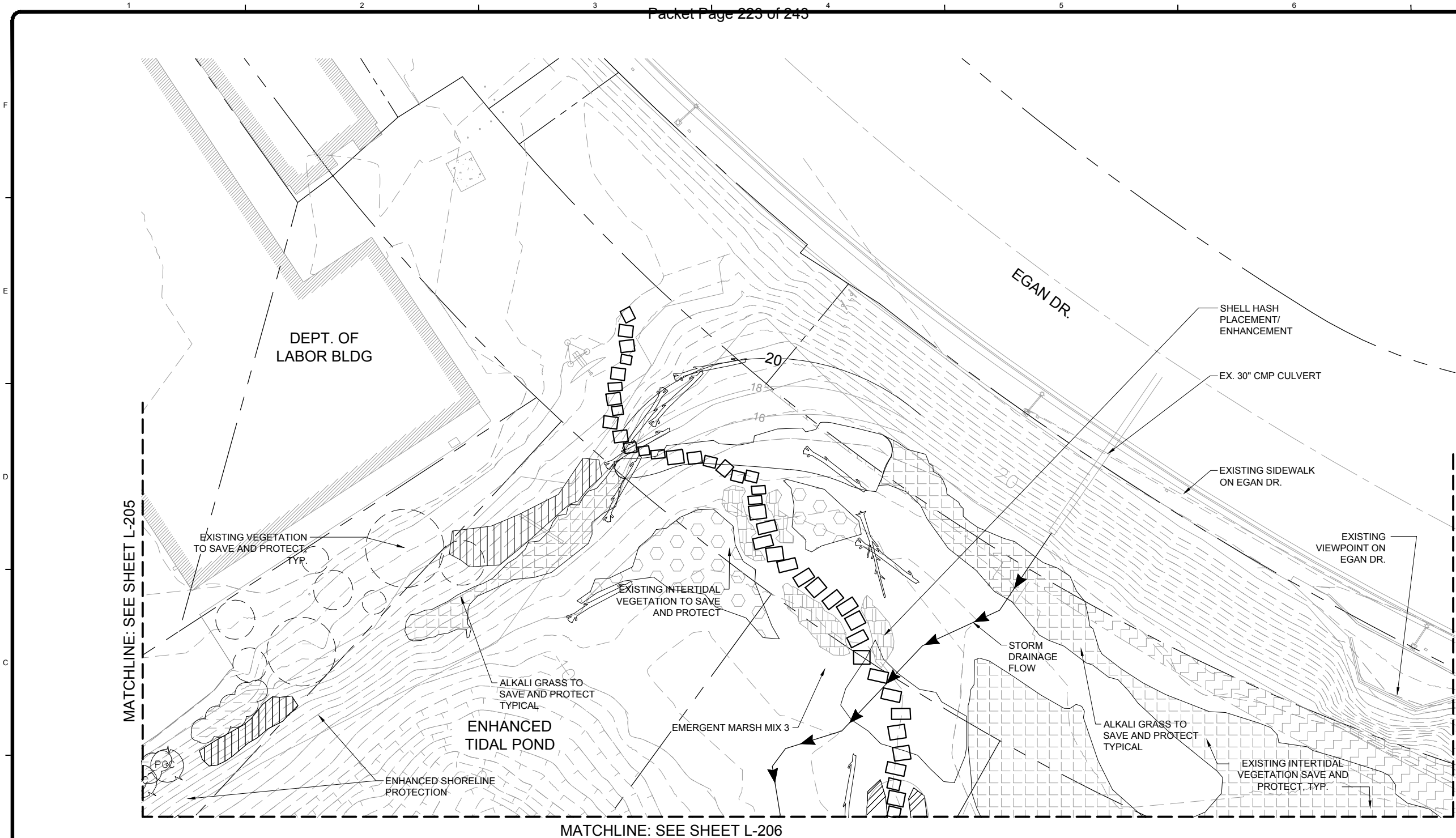
L-205

Copyright: Tetra Tech

Bar Measures 1 inch



7/21/2015 12:08:35 PM - P:\JUNEAU DOWNTOWN SEAWALK\K12015\CAD\PERMITTING\JUNEAU L-205.206.207.208 SEAWALK PLANTING SHEETS.DWG - DAN SHAW



TETRA TECH
www.tetra-tech.com
217 SECOND STREET, SUITE 207
JUNEAU, AK 99801
MAIN: (907) 586-6400 FAX: (907) 463-3677

WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT
JAMES A. BRENNAN
CERTIFICATE NO. 433

**j.a. brennan
associates LLC**
Landscape Architects & Planners
100 South King Street, Suite 200
Seattle, WA 98104
L: 206.583.0620 F: 206.583.0623

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
E:16-011, DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK

**LANDSCAPE
PLANTING PLAN
COVE BEACH**

Project No.: 135-12554-15002
Designed By: MP
Drawn By: DS
Checked By: JB

L-207

Copyright: Tetra Tech

Bar Measures 1 inch

7/21/2015 12:08:40 PM - P:\JUNEAU DOWNTOWN SEAWALK\K2015\CAD\PERMITTING\JUNEAU L-205.206.207.208 SEAWALK PLANTING SHEETS.DWG - DAN SHAW

A B C D E F

1

2

3

4

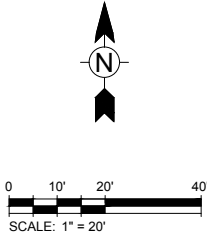
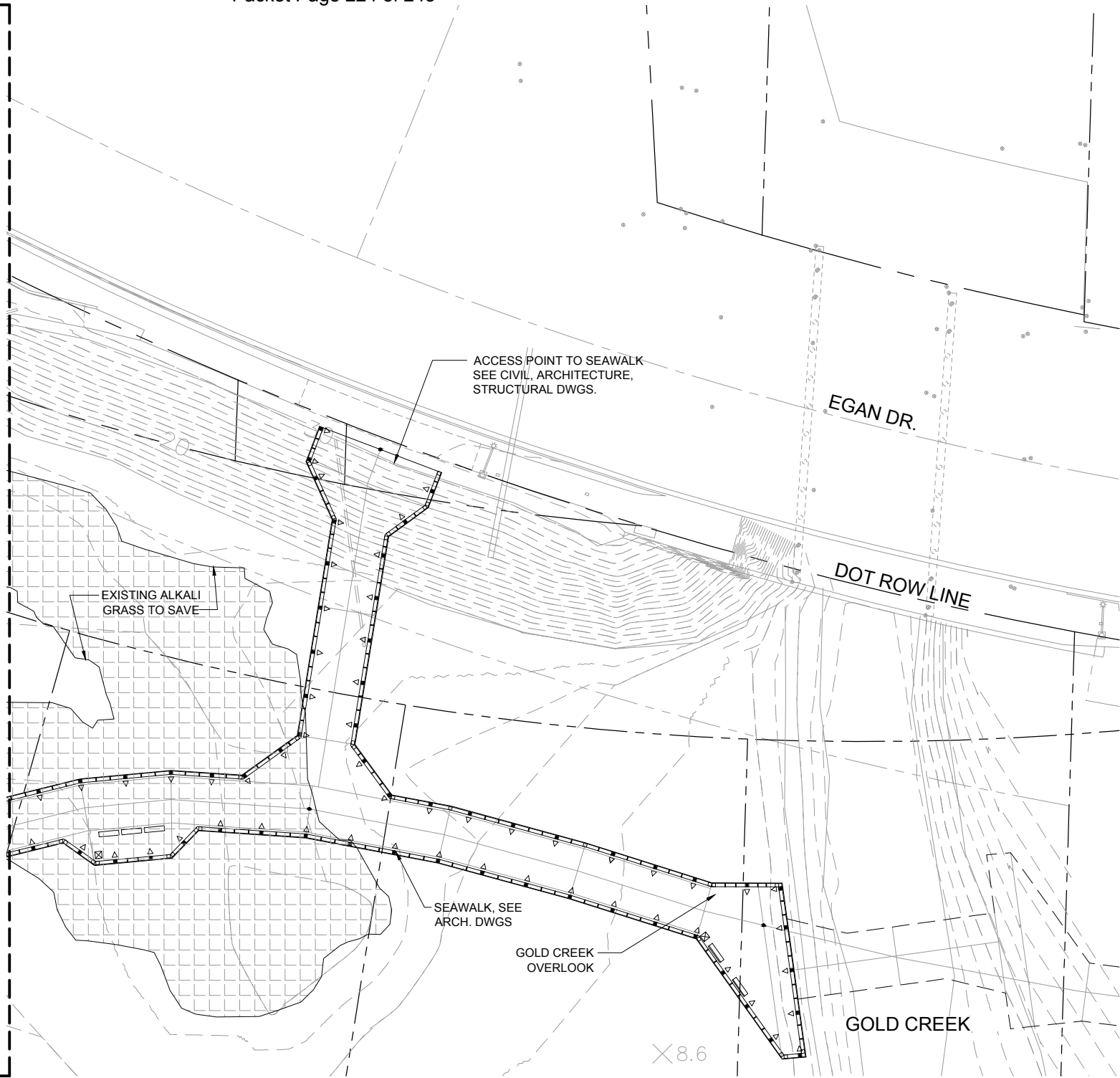
5

6

7

Packet Page 224 of 243

MATCHLINE: SEE SHEET L-206



Attachment B

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
E-16-011, DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK

LANDSCAPE
PLANTING PLAN
SEAWALK EAST

Project No.: 135-12554-15002
Designed By: MP
Drawn By: DS
Checked By: JB

L-208

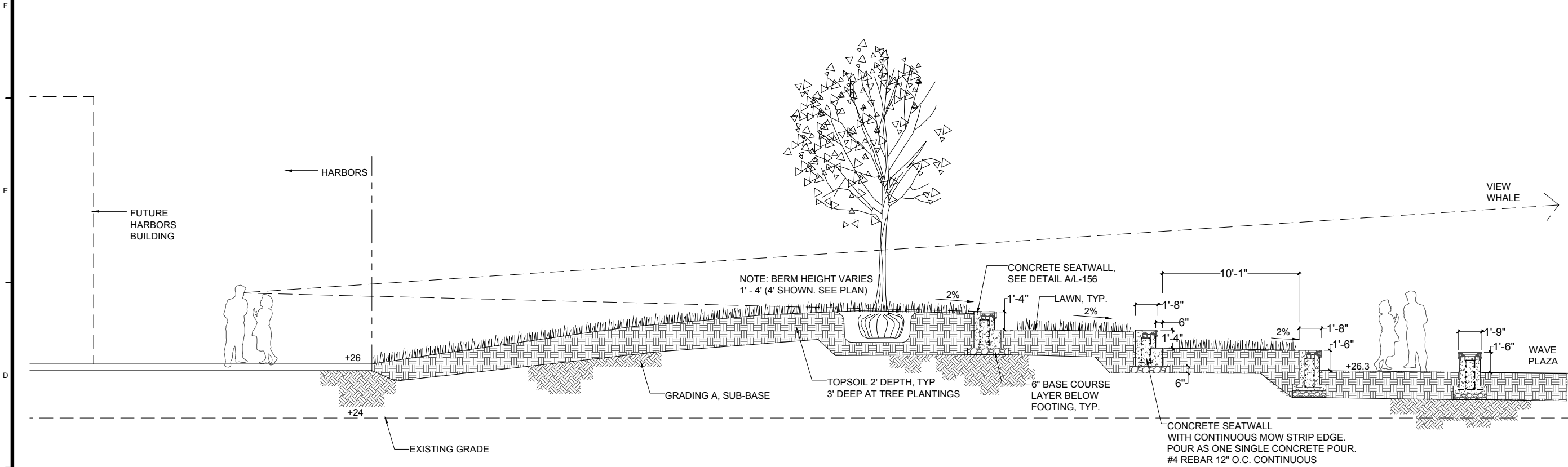
Bar Measures 1 inch

j.a. brennan
associates LLC
Landscape Architects & Planners
100 South King Street, Suite 200
Seattle, WA 98104
L-206.583.0620 F-206.583.0623

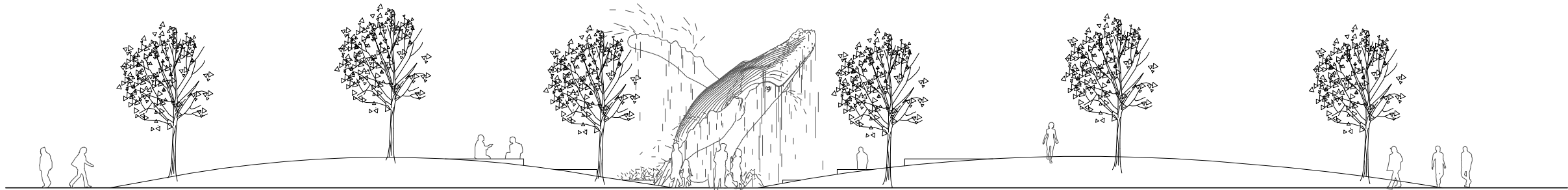
WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT
JAMES A. BRENNAN
CERTIFICATE NO. 433

TETRA TECH
www.tetratech.com
217 SECOND STREET, SUITE 207
JUNEAU, AK 99801
MAIN: (907) 586-6400 FAX: (907) 463-3677

7/21/2015 12:09:01 PM - P:\JUNEAU DOWNTOWN SEAWALK\K12015\CAD\PERMITTING\JUNEAU L-130S SECTIONS - BRIDGE PARK.DWG - DAN SHAW



A WAVE PLAZA SEATING BERM SECTION
L-131 SCALE: 1/4" = 1'-0"



B ELEVATION VIEW TOWARDS BRIDGE PARK FROM PARKING AREA
L-131 SCALE: 1/8"=1'-0"

TETRA TECH

www.tetra-tech.com

217 SECOND STREET, SUITE 207
JUNEAU, AK 99801
MAIN: (907) 586-6400 FAX: (907) 463-3677

JAMES A. BRENNAN
LANDSCAPE ARCHITECT
CERTIFICATE NO. 453

j.a. brennan
architects llc
Landscape Architects & Planners
100 South King Street, Suite 200
Seattle, WA 98104
L: 206.583.0620 F: 206.583.0623

MARK	DATE	DESCRIPTION	BY

CITY AND BOROUGH OF JUNEAU
E-16-011, DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK

LANDSCAPE
SECTIONS
BRIDGE PARK

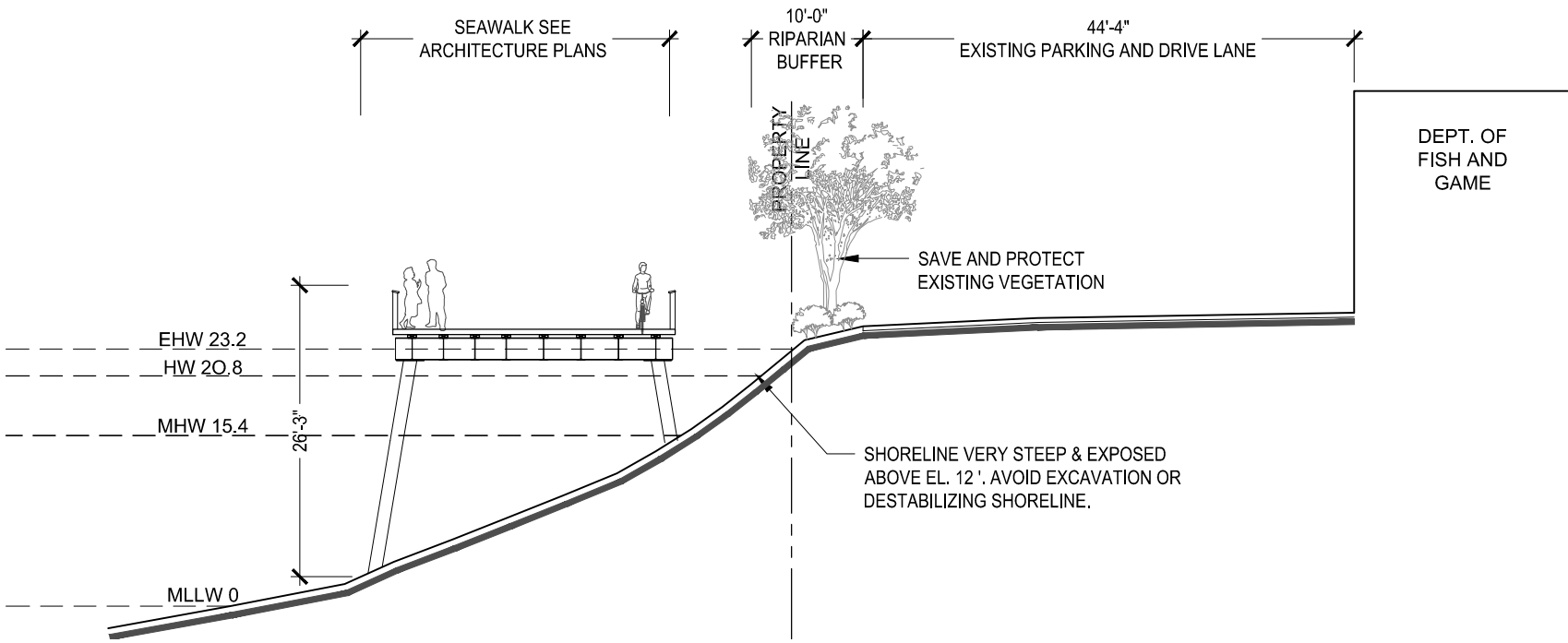
Project No.:	135-12554-15002
Designed By:	MP
Drawn By:	DS
Checked By:	JB

L-131

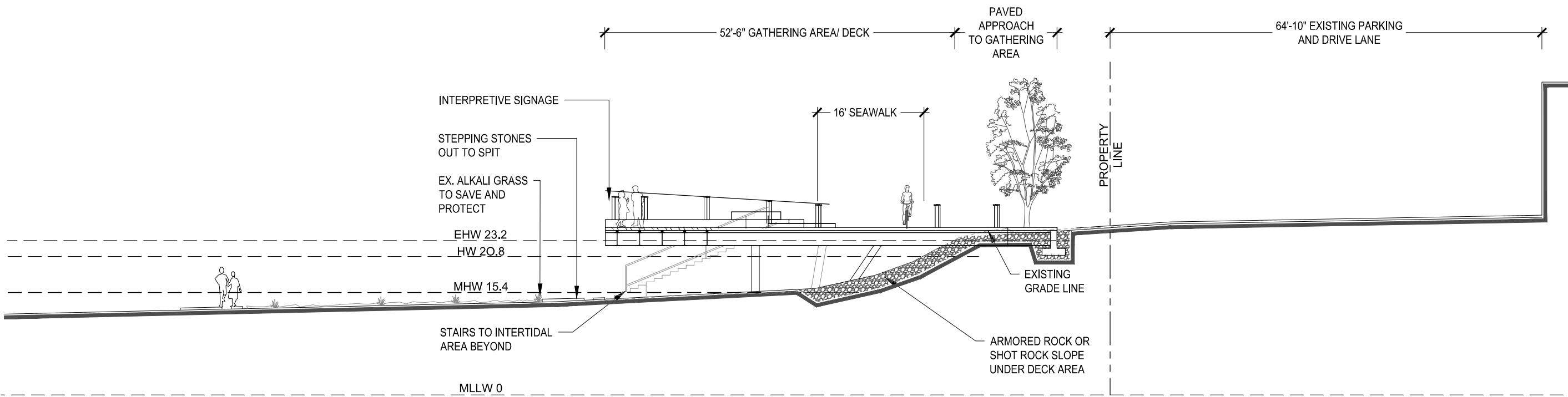
Copyright: Tetra Tech

Bar Measures 1 inch





A SEAWALK SECTION AT DEPT. OF FISH AND GAME
SCALE: 1/8"=1'-0"



B SECTION AT COASTAL INTERPRETIVE AREA
SCALE: 1/8"=1'-0"

TETRA TECH
www.tetra.tech.com
217 SECOND STREET, SUITE 207
JUNEAU, AK 99801
MAIN: (907) 586-6400 FAX: (907) 463-3677

WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT
JAMES A. BRENNAN
CERTIFICATE NO. 453

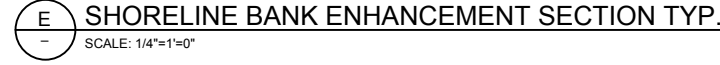
j.a. brennan
associates llc
Landscape Architects & Planners
100 South King Street, Suite 200
Seattle, WA 98104
L 206.583.0620 F 206.583.0623

BY	DATE	DESCRIPTION

E:16-011, DOWNTOWN SEAWALK - BRIDGE TO GOLD CREEK	LANDSCAPE SECTIONS SEAWALK WEST
---	---------------------------------

Project No.: 135-12554-15002	Designed By: MP
Drawn By: DS	Checked By: JB

L-231



Presented by: The Manager
Introduced: 09/17/2012
Drafted by: J.W. Hartle

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2628

A Resolution Expressing Assembly Support for the Location of "The Whale Project," a Sculpture of a Breaching Humpback Whale, in the Vicinity of the Former City Shop Under the Juneau-Douglas Bridge.

WHEREAS, the Assembly, at its August 6, 2007, regular meeting expressed its support for the breaching humpback whale sculpted by Skip Wallen ("The Whale Project") as an appropriate way to commemorate the 50th anniversary of statehood, and authorized the Manager to:

- (1) accept and maintain The Whale Project on behalf of the City and Borough of Juneau;
- (2) approve the placement of the sculpture in Marine Park; and
- (3) prepare the site to receive and properly position the sculpture, subject to an engineering evaluation and the normal City and Borough budgeting process; and

WHEREAS, potentially competing uses and space configuration make placement of the whale sculpture at Marine Park impractical; and

WHEREAS, the Docks and Harbors Board and the Parks and Recreation Advisory Committee have both approved a Preferred Site Plan for the former City Shop location under the Juneau-Douglas Bridge, which includes The Whale Project.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

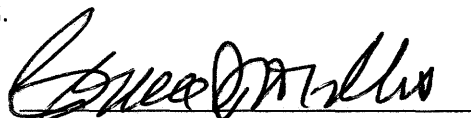
Section 1. The Assembly expresses its support for the Preferred Site Plan in the vicinity of the former City Shop under the Juneau-Douglas Bridge, and the inclusion of The Whale Project.

Section 2. The Assembly reaffirms its authorization to the Manager to:

- (a) accept and maintain The Whale Project on behalf of the City and Borough of Juneau; and
- (b) prepare the site to receive and properly position the sculpture, subject to an engineering evaluation and the City and Borough budgeting process.

Section 3. Effective Date. This resolution shall be effective immediately upon adoption.

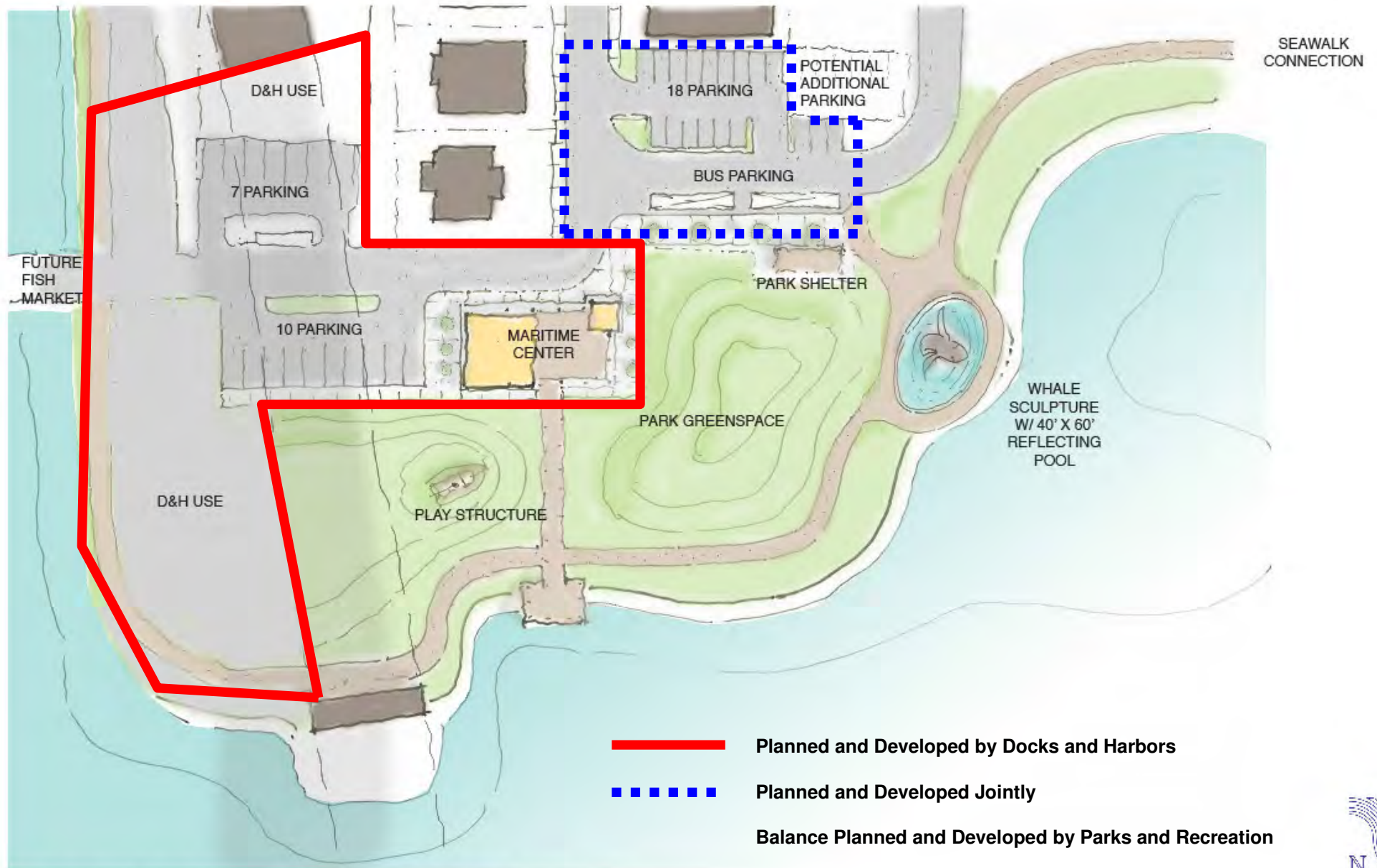
Adopted this 17th day of September, 2012.


Bruce Botelho, Mayor

Attest:


Laurie J. Sica, Clerk

PREFERRED SITE PLAN



I. Call to Order.

Mr. Donek called the Regular Board Meeting to order at 5:06p.m. in the CBJ Assembly Chambers.

II. Roll Call.

The following members were present: John Bush, Weston Eiler(arrived at 5:37 pm), Bob Janes(arrived at 5:07pm), Robert Mosher, Budd Simpson, David Summers, Tom Zaruba, and Tom Donek.

Absent: David Lowell.

Also present were the following: Carl Uchytel – Port Director, David Borg- Harbormaster, Gary Gillette – Port Engineer, and Jerry Nankervis – Assembly Liaison.

III. Approval of Agenda.

Mr. Simpson recommended to move the New Business Action Items 1-4, 6 and 7 to the consent agenda.

MOTION By MR. SIMPSON: TO APPROVE THE AGENDA AS AMENDED AND ASK FOR UNANIMOUS CONSENT.

Motion passed with no objection

IV. Approval of February 25th, 2016 Regular Board Meeting Minutes.

Hearing no objection, the February 25th, 2016 Regular Board Meeting Minutes were approved as presented.

V. Public Participation on Non-Agenda Items – None

VI. Consent Agenda

- A. Public Requests for Consent Agenda Changes - None
- B. Board Members Requests for Consent Agenda Changes – None
- C. Items for Action - None

1. Public Hearing for Regulation Change 05CBJAC20.020 Special Annual Moorage Fee for Skiffs

RECOMMENDATION: TO APPROVE AMENDING THE SPECIAL ANNUAL MOORAGE FEE FOR SKIFFS TO \$300 AND ELIMINATING ANY CPI ADJUSTMENTS; AND, RECOMMEND THE ASSEMBLY ADOPT THE CHANGE IN REGULATION.

2. Public Hearing for Regulation Change 05CBJAC20.160 Parking Lot Fees

RECOMMENDATION: TO APPROVE AMENDING THE PARKING LOT FEES TO INCLUDE A \$1.00 PARKING HOUR RATE FOR STATTER HARBOR; AND, RECOMMEND THE ASSEMBLY ADOPT THE CHANGE IN REGULATIONS.

3. Enforcement Regulation for User Fee Collection (Passenger for Hire Non-Payment Issue)-05CBJAC20.080

RECOMMENDATION: TO APPROVE THE PROPOSED REGULATION CHANGES ESTABLISHING PENALTIES FOR CHARTER OPERATORS FAILING TO REPORT AND SUBMITTING TIMELY PAYMENTS; AND, THAT THE PORT DIRECTOR BEGIN THE 21-DAY PUBLIC NOTICE PERIOD NECESSARY FOR REGULATION CHANGES.

4. CPI Adjustment for Moorage Fees during FY17-05 CBJAC20.030, 05 CBJAC20.040 & 05 CBJAC20.041

RECOMMENDATION: TO WAIVE THE AUTOMATIC CONSUMER PRICE INDEX (CPI) MOORAGE FEES INCREASE FOR THE PERIOD OF JULY 2016 THROUGH JUNE 2017.

6. Moorage Discounts for Advance Payment – 05 CBJAC 20.042

RECOMMENDATION: TO PROVIDE A 10% DISCOUNT ON 12 MONTH ADVANCE PAYMENT FOR PAYMENTS MADE FOR THE FY MOORAGE BEFORE JULY 1ST AND 5% DISCOUNT ON 6 MONTH ADVANCE PAYMENTS FOR PAYMENTS MADE BEFORE JULY 1ST FOR JULY 1-DECEMBER 31ST MOORAGE AND FOR PAYMENTS MADE BEFORE JANUARY 1ST FOR JANUARY 1 – JUNE 30TH MOORAGE AND, THAT THE PORT DIRECTOR BEGIN THE 21-DAY PUBLIC NOTICE PERIOD NECESSARY FOR REGULATION CHANGES.

7. IVF/Reservations Moorage Rates

RECOMMENDATION: FOR IVF/RESERVATIONS RATES TO REMAIN UNCHANGED FOR FY17.

MOTION By MR. SIMPSON: TO APPROVE THE CONSENT AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

VII. Unfinished Business - None

VIII. New Business

5. CPI Adjustment for Moorage Fees following FY17-05 CBJAC20.041

Mr. Uchytel said on page 27 in the packet is a graph of how the moorage fee change would be affected with the proposed adjustment. Statter Harbor rates would be adjusted the same as the downtown rates are adjusted. Docks & Harbors has received complaints because

Statter Harbor's rates are higher and it is continually increasing more with the CPI adjustment and the rounding in regulation. This fee change is an attempt to not raise the Statter Harbor rates more than downtown rates.

Board Questions

Mr. Donek said with using the same adjustment as downtown, this year Docks & Harbors will be losing \$.05 from the Statter Harbor rate.

Mr. Uchytel said that is correct.

Mr. Simpson said this has all been discussed at great length and the Committee is being responsive to the disparity between the Auke Bay and downtown harbors. The Committee wasn't willing to make Statter Harbor the same rate as downtown, but the Committee was willing to compromise by adjusting the amount of increase so it is the same as downtown. Mr. Simpson asked Mr. Uchytel if he was recommending to have the CPI adjusted to the nearest \$.01 or \$.05.

Mr. Uchytel said he was just showing options.

Public Comment - None

Board Discussion/Action

MOTION By MR. SIMPSON: FOR SUBSEQUENT CPI ADJUSTMENTS, TO ADJUST AURORA, HARRIS, AND DOUGLAS FEES BY THE APPLICABLE CPI PERCENTAGE AND ADJUST STATTER FEES BY THE DOLLAR AMOUNT APPLIED TO THE DOWNTOWN HARBORS; AND, THE PORT DIRECTOR BEGIN THE 21-DAY PUBLIC NOTICE PERIOD NECESSARY FOR REGULATION CHANGES AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

8. Andrew's Marina New lease Application

Mr. Uchytel said this was a State tideland lease which was transferred to CBJ in 2001. It is a 55 year lease that began in 1961 and expires April 25th, 2016. Andrew's Marina indicated they would like their preferential right to renew their lease. Our Term Contractor, Horan & Company conducted an appraisal of the 1.2 acres and recommended \$.10 SF which is going from \$5,300.00 to \$5,549.50/annually. Mr. Uchytel said he is asking the Board to approve the process to begin a new lease with Andrew's Marina.

Board Questions

Mr. Janes asked if the 35 year renewal is a set renewal time?

Mr. Uchytel said in regulation 35 years is the maximum amount of years for a lease.

Mr. Janes said with the state of repair at Andrew's Marina on some of the floats, they may not make it 35 years. Can Docks & Harbors be looking at a shorter lease term? This might be better for Docks & Harbors if the Marina ever becomes a public hazard.

Mr. Uchytel said regarding the hazard, Docks & Harbors does not have any liability for the Andrew's Marina condition. He said he has received complaints from members of the public and he directed them to let Charlie Ford the building inspector know. Docks & Harbors just leases this area and does not validate the condition of the infrastructure.

Mr. Donek said he has seen other lease holders with existing time on their lease to have it renewed to be able to recapitalize their investment. In order to rebuild the Marina, they will need 35 years lease.

Mr. Uchytel said with all the lease holders, they also have the right to assign their lease to someone else.

Mr. Donek said this is just a portion of the Marina, what is the rest of the Marina on?

Mr. Uchytel said some of the other area is also Docks & Harbors.

Mr. Janes said he understands Docks & Harbors doesn't have any liability. But he feels Docks & Harbors has a duty to the public to make sure the area being leased should be clean and safe. This might be a good time to push for more improvements at this facility.

Public Comment - None

Board Discussion/Action

Mr. Simpson said the point is well taken that if Docks & Harbors is going to expect a Marina to be developed and approved they will need a lease with a lengthy term for financing purposes. It would make sense to rectify the two leases to get on the same time frame.

Ms. Larson said their second lease expires in 2044.

Mr. Simpson suggested to cut the time back on this lease.

Mr. Donek asked if he is proposing to cut the time back on this lease to match the 2044 expiration date?

Mr. Simpson said yes.

Mr. Zaruba said that could prove to be problematic if they are trying to get a loan.

Mr. Simpson suggested to do 35 years on this lease and they can come back to the Board for an extension on the other lease.

Mr. Summers said he would like to see improvement requirements before agreeing to a 35 year lease. Their Marina, in the state of dis-repair, has a negative impact on our community and is unsightly and unsafe. He would not recommend a new lease with Andrew's Marina at this time. However, that could be changed if Andrew's Marina came to the meeting and said their intent is to improve the property and disclose the improvements they intend to make.

Mr. Bush asked if they are good tenants and pay their lease payments on time.

Ms. Larson said yes.

Mr. Uchytel said he doesn't see anything in the current lease that gives authorization for Docks & Harbors to compel safety or repairs on the existing condition of the Marina.

Mr. Janes said he is unsure of the time frame for this renewal, but he would like staff to contact Andrew's Marina to find out what their plans are. He said he feels Docks & Harbors has a duty to ensure or attempt to keep things in a safe and serviceable condition for residence of this community. He would like to put pressure to make things better.

MOTION By MR. SIMPSON: TO REQUEST THE PORT DIRECTOR BEGIN THE PROCESS TO ENTER A NEW 35-YEAR LEASE WITH ANDREW'S MARINA AND ASK FOR A VOTE.

John Bush - Y
 Tom Donek - Y
 Robert Janes - N
 Robert Mosher - Y
 Weston Eiler - Y
 Budd Simpson - Y
 David Summers - N
 Tom Zaruba - Y

Motion Passed 6 Yes 2 no.

9. Nordic Tug (Alaska Memories) Sublease Application

Mr. Uchytel said this is a 1400 SF sublease to Nordic Tug behind Maritime Hydraulic in the Fisheries Terminal adjacent to the Aurora Harbor Office. This is the first three year renewal after a five year lease. The lease value is tied to the assessed value which is provided by the City Assessor. Mr. Uchytel said with Docks & Harbors pending land use master plan between Norway Point and Bridge Park there is a good chance in three years there will be a new plan for the uplands so this could potentially be the last sublease and Docks & Harbors would redevelop all the uplands.

Board Questions

Mr. Simpson asked if it was in the terms of the existing lease that Docks & Harbors does not have to renew this sub-lease after this time.

Mr. Uchytel said we have the option to not renew it.

Mr. Zaruba asked what the Assessors value is for this area? What is the annual lease rate?

Ms. Larson said \$4,365.00 annually.

Mr. Zaruba asked if that included the dock?

Mr. Uchytel said not the dock. This lease is only for the uplands area.

Mr. Zaruba asked if Docks & Harbors was receiving additional revenue for the dock?

Mr. Uchtyl said yes because they are paying moorage. They move to the float if the Harbor needs their space and the space is not berthed.

Mr. Borg said four of the Nordic Tug vessels are assigned to the float.

Mr. Uchtyl said the sub lease rate is 10% of the Assessed value. This area is leased to us from UAS.

Public Comment - None

Board Discussion/Action

MOTION By MR. ZARUBA: TO REQUEST THE PORT DIRECTOR TO EXTEND THE SUBLEASE WITH ALASKA MEMORIES FOR 3 YEARS AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

10. Protest of Plan for Apartments Proposed on Docks & Harbors managed lands

Mr. Uchtyl said this item was added today. Greg Chaney, Lands and Resources Manager, put together a City/State Project (CSP). This is a detailed plan for 17 apartments adjacent to the bridge. The proposed area has been given to Docks & Harbors for planning and managing purposes. CDD and Mr. Chaney was given direction from an Assembly member that this would be appropriate use of City land to solve a portion of the housing issue. Docks & Harbors is trying to look holistically from this area to Norway Point and we will include looking at housing to see if it would be the right thing here. Absent having our public input and our planning for this narrow strip of land it is premature to move forward with the CSP for apartments. Mr. Uchtyl said he intends to protest this.

Board Questions

Mr. Simpson said presently you can drive under the bridge. Will this housing plan block off that access under the bridge?

Mr. Gillette said it looks like it will be blocked off.

Mr. Simpson said this CSP is not appropriate at this point.

Mr. Gillette said the selection committee has selected a consultant and they are finalizing their fee proposal. Staff should have it within the next day or two and be able to give them the go ahead to move forward. We did also specify that housing was to be looked at.

Mr. Uchtyl said this CSP is exactly opposite of what Docks & Harbors wants to do with the master plan. We want to look at everything and how they all tie together and not just say this is a good place for a building.

Mr. Janes asked what is the timeline for the study to be completed for this area?

Mr. Gillette said the plan is to start immediately and have some public meetings. Take the summer off and then come back in September for the final public hearing and final plan.

Public Comment - None

Board Discussion/Action

Mr. Donek said he has a problem with this CSP. Under the bridge is a route to get to an area that Docks & Harbors has been looking at for a direct sales area for fisherman. He also wants to leave the waterfront area open.

Mr. Bush said he wants to protest this.

Mr. Summers said he acknowledging the need for housing, but this housing plan is a bad idea.

MOTION By MR. ZARUBA: TO PROTEST THE CSP (CITY/STATE PROJECT) AND LAND ACTION REVIEW APPLICATION FOR 17-UNIT APARTMENT PROPOSED ON DOCKS & HARBORS MANAGED PROPERTY AND ASK FOR UNANIMOUS CONSENT.

Motion passed with no objection

IX. Items for Information/Discussion - None

X. Committee and Member Reports

1. Harbor Fee Review Committee Meeting- Wednesday, March 9th, 2016

Mr. Simpson reported the Committee discussed and acted on the items that were on the consent agenda tonight.

2. Operations/Planning Committee Meeting- Wednesday, March 9th, 2016

Mr. Simpson reported the Committee discussed and acted on the Andrew's Marina lease.

3. Finance Committee Meeting- Thursday, March 24th, 2016

Mr. Zaruba reported the Committee discussed the fee issues and the Andrew's Marina lease.

4. Docks Fee Review Committee Meeting- Thursday, March 24th, 2016

Mr. Bush reported the Committee discussed cruise ship per foot moorage rates. The Committee decided to see if changes are needed after the new dock is completed. The Committee also discussed the Port Maintenance fees and the Port Dues which are basically the same but separated with a 200 ton rule. Staff was directed to ask CBJ Law if the two can be combined. After staff gets word from Law, the Committee will look at changes at that time.

5. Member Reports -

Mr. Janes said he was at Statter Harbor today and there were no parking spaces for his truck and trailer and the dumpster was full. He is really happy the new Statter Harbor parking is under construction.

XI. Port Engineers Report

Mr. Gillette said his written report is in the packet.

XII. Harbormaster's Report -

Mr. Borg reported

- Staff is doing spring cleaning and pressure washing.
- A big issue dealing with currently is working on hiring Harbor Technicians. We've had past employees decide to move on and we are going to have five or six new employees this year.
- Staff is working on the power cord replacement program and customers are slowly turning in their unapproved power cords.
- We obtained a 800 Case Loader from CBJ Streets Department which is going to help with the snow removal of the new Statter Harbor parking lot. It has been well maintained with about 5,000 hours on it.
- The OSHA checklist is almost complete with the last items being the power cord issue.

XIII. Port Director's Report

Mr. Uchytel reported

- Mr. Robert Clauder, the downtown Operations Maintenance Supervisor, submitted a retirement letter after 33 years and his last day is April 29th.
- The seasonal employees return on Monday. Lots of training is being planned. Customer service training is scheduled for April 20th.
- April 11th at 5:00 pm is the Statter Harbor pre-season meeting. The purpose of this meeting is to get the different user groups together to try to make the Statter Harbor operations more efficient.
- He is working on a business plan to ensure the use of Marine Passenger funds for Phase III of the Statter Harbor master plan is appropriate.
- Thursday April 14th the Vendor Booth Permit holders meeting is at 9:00 am and the Loading Zone Permit holders at 10:30 am.
- Statter Harbor project is going good with substantial completion July 8th. There is an issue with paving. Miller has a contractual agreement with SECON to pave, but Miller indicated they intend to do the paving in house.
- He said he will be attending a Harbormaster conference in Vancouver and will be out of the office Tuesday through Friday.
- Goldbelt intends to have Petro Marine put a 5,000 gallon fuel tank by the Seadrome building on their leased property from CBJ. The Port Office rents space out of the Seadrome and has seven parking spaces so the staff parking will move down from where we have been parking. Goldbelt also intends to remove a

lot of green space from that area to increase parking. Mr. Uchytel said he referred them to CDD to make sure they have the 10% of green space required.

- The 16B project is going good.
- On Wednesday April 13th he will be presenting the Docks & Harbors budgets for FY17 and FY18 to the Assembly Finance Committee.

XIV. Assembly Liaison Report

Mr. Nankervis reported -

- The Channel Construction lease was on the Assembly consent agenda on March 21st for introduction and was approved. The public hearing will be April 11th.
- The Assembly met with Bartlett Regional Hospital on March 14th and the Juneau School District Board of Education on March 7th.
- On February 29th the Douglas Harbor Renovation Bid was awarded to Trucano Construction for \$5M.
- The Whittier Street reconstruction project was funded and the construction began this week.
- The seawalk phase II bridge park to gold creek construction bid was awarded to North Pacific Erectors.
- 2015-20AF is an ordinance appropriating \$4M for the cruise berth improvements. \$2.5M came from the Port Development fees and \$1.5M came from Docks fund balance.
- 2015-AG was an ordinance appropriating \$3.3M in additional funding for Douglas Harbor renovations. CIP grant funded \$2M and \$1.3M came from the Harbors fund balance.
- March 15th was the election for the new mayor Ken Koelsch. He has 2 ½ years on his term.
- Barb Sheinberg's temporary appointment to the Assembly has now been filled because Mary Becker is now moving back into her district one seat.
- Jamie Bursell will continue to fill in on Karen Crane's district two seat until the fall elections in October.
- On Monday the managers budget will be presented to the Assembly, and on Wednesday it will be presented in more detail.

XV. Board Administrative Matters

- a. Harbor Fee Review Meeting - Wednesday, April 13th, 2016 at 12:00pm
- b. Ops/Planning Committee Meeting - Wednesday, April 20th, 2016 at 5:00pm
- c. Finance Committee Meeting -Thursday, April 21st, 2016 at 5:00pm

d. Docks Fee Review Meeting - Thursday, April 21st, 2016 following Finance
Mr. Bush said he will be out of town.

e. Board Meeting - Thursday, April 28th, 2016 at 5:00pm

XVI. Adjournment - The regular Board Meeting adjourned at 6:17 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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: May 11, 2016
File No.: CSP2016 0004

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Application For: Planning Commission Recommendation to the City and Borough Assembly regarding a City Project Review for the Disposal of CBJ-Owned Land for Housing.

Legal Description
or ROW name: TIDELANDS ADDITION BL 58 LTS 11 & 12 FR & BL 87

Property Address: 1300 West Ninth Street

Parcel Code No.: 1-C06-0-K58-006-0

Hearing Date: May 10, 2016

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 28, 2016, and recommended that the Assembly DENY CSP2016 0004, as prescribed in CBJ 49.15.580(a) and in accordance with the following recommendations:

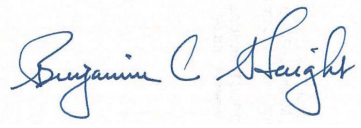
1. Should the CBJ develop this site, it should lease the land for a mixed-use development, with green space and ground level retail/commercial space as prescribed in the Comp Plan and the Waterfront Plan, with public access and connectivity to the waterfront and future Bridge Park, and with housing or 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.

Attachments: April 28, 2016 memorandum from Jill Maclean, Senior Planner, Community Development, to the CBJ Planning Commission regarding CSP2016 0004.

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

City and Borough of Juneau
CBJ Assembly
File No.: CSP2016 0004
May 11, 2016
Page 2 of 2

Project Planner: 
Jill Maclean, Senior Planner
Community Development Department


Benjamin Haight, Chair
Planning Commission



May 17, 2016

Filed With City Clerk

Date

cc: Plan Review

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