

# MEMORANDUM

CITY/BOROUGH OF JUNEAU  
155 South Seward Street, Juneau, Alaska 99801

**DATE:** April 6, 2012

**TO:** Planning Commission

**FROM:** Beth McKibben, Planner *BMW*  
Community Development Department

**FILE NO.:** SGE2011 003

**PROPOSAL:** A Conditional Use permit for sand and gravel extraction activity along Montana Creek Road at the West Glacier Borrow Pit Lot 1

## GENERAL INFORMATION

**Applicant:** Coogan General LLC

**Property Owner:** Coogan General LLC

**Property Address:** 5611 Montana Creek Road, Juneau AK

**Legal Description:** Glacier Lands Lot 1

**Parcel Code Number:** 4-B29-0-115-004-0

**Site Size:** 17.35 acres

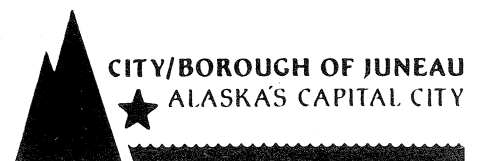
**Zoning:** D-3

**Utilities:** CBJ Water & Sewer

**Access:** Montana Creek Rd.

**Existing Land Use:** Prior gravel extraction

**Surrounding Land Use:** North - D-1, Single-Family Dwellings, Storage; Rural Reserve (RR)  
South - D-3, Single-Family Dwellings; Skaters Cabin Rd R.O.W  
East - D-3, Montana Creek Rd. ROW; Gravel Extraction/Reclamation  
West - Rural Reserve (RR); Vacant CBJ



## **PROJECT DESCRIPTION**

The applicant requests a Conditional Use permit for sand and gravel extraction at the Montana Creek borrow pit on Montana Creek Road. Sand and gravel extraction at this location was permitted with USE-CU88-13, which expired in 2008. The applicant does not anticipate the depletion of reserves within the ten-year time frame of the requested conditional use permit, and therefore does not include reclamation in this request. The applicant will post a performance bond for reclamation. The application is for sand and gravel extraction, washing and crushing of borrow material on site. Rock crushing is limited to crushing of materials extracted on site only. No new material will be brought to the site for crushing or other processing.

## **BACKGROUND**

The West Glacier Borrow Pit opened in the mid-1950's and has been an important source of sand, gravel, and rock for the community for over 40 years. In 1961, the Green Construction Company (GCC) established an asphalt plant at the West Glacier pit and extracted materials for the general construction fill and as asphalt aggregate. The site was operated by GCC until the mid-1970's, at which time it was leased to various other local contractors until its sale in 1983.

The BARANA Company received a Conditional Use permit (USE-CU88-13) from the CBJ to continue the gravel extraction operations in 1988. However in 1989, Glacier Lands, Inc. purchased the property. At this time, the Conditional Use permit did not transfer to the new owners since BARANA retained a business interest. Due to a change in business arrangements, Glacier Lands, Inc. submitted an application to the CBJ Community Development Department (CDD) in July of 1996 to transfer USE-CU88-13 to their company.

On August 30, 1996, CDD approved the transfer of USE-CU88-13 to Glacier Lands, Inc. with the following conditions: Glacier Lands had to submit a site restoration plan and post a performance bond to sufficiently cover the cost of restoration. On September 12, 1996, Glacier Lands, Inc. submitted the requested restoration plan and posted a \$100,000 bond, based on an itemized restoration cost estimate of \$93,175.

In November of 1997, the Planning Commission approved a new Conditional Use permit (USE1997-00075) for a ten-year and nine-month gravel and sand extraction permit, which expired on August 25, 2008. During this time, the adjacent land uses included the residential developments of Brigadoon Estates Subdivision and Montana Creek Subdivision to the southeast, recreational use of nearby U.S. Forestry Service (USFS) land to the north, and recreational use of the Juneau Gun Club to the northwest.

However, since the approval of USE1997-00075, the Montana Creek West Subdivision, a residential development to the southwest, has been developed. In 2003, Glacier Lands, Inc. subdivided the property onto three lots and then began restoration work on Lot 3, as it outlined in the restoration plan. Portions of the gravel pit were refilled, graded, and reseeded. The area was rezoned from a D-1 to D-3 in 2004 (CBJ2004-26).

In 2000, a conditional use permit (USE1999-00070) was approved, allowing the stabling of 16 to 20 horses each May through September. That permit expired in September 2001.

In April of 2007, Lot 3 was sold to WGDLLC. The gravel pit on Lot 3 continued to operate under USE1997-00075. This permit allowed the mining and processing of gravel; this permit also allowed crushing and screening of the material.

In 2007 the Planning Commission approved USE2007-00042. This permit approved the Conditional Use permit for the continuation of sand and gravel extraction, including rock crushing and reclamation landfill activity at the West Glacier Borrow Pit on Lot 3. This site, Lot 1, was not included in that application.

Today, nearby developments include Brigadoon Estates Subdivision and Montana Creek Subdivision to the south, undeveloped USFS land to the west, recreational use of the Juneau Gun Club and the Juneau Community Garden to the north and Bicknell Enterprises, Inc. borrow pit, which is currently inactive, to the south. Immediately to the north, on Lot 2, the applicant recently received a conditional use permit for storage units.

#### Public Comment

Staff received a significant amount of public comment in response to this proposal. All comments received at the writing of this staff report are included in attachments A-N. Several commenters ask that the hearing be postponed. One asks that the Commission not make their decision the night of the hearing. Most of the comments express concern about noise, particularly noise from the crusher. Increased truck traffic and speeding trucks and drainage are other concerns raised. Several request the application be denied. Some comments suggest that the crusher is not accessory processing of excavated materials and should not be allowed because it has a separate line in the Table of Permissible Uses.

Staff notes the concept of a crusher as an accessory use to the primary use of sand and gravel operations, which is also listed in the Table of Permissible Uses (14.500) as a conditional use in the D-3 zoning district was given substantial consideration by Community Development staff, as well as the CBJ Law Office.

CBJ §49.65.200 Extraction permit required, as noted in the analysis section below, includes the processing of materials. The use listed in the Table of Permissible Uses (TPU) uses the term “operations” not “extraction” which indicates more than excavating. Item 4.150 in the TPU is rock crusher, which applies as the crushing is the primary principal use taking place on the site.

Furthermore, CDD staff researched 23 sand and gravel permits back through 2000.

Of the 23 only 3 were not in Rural Reserve (RR) or Industrial (I) zoning districts. One, USE2000-00015 was in the D-18 zone. It was not an extraction site—only crushing. This Conditional Use request was denied.

USE 2007-00051 covered 2 zoning districts, RR and D-5. For this case the crushing was limited to only what was required for development of the access road.

USE 2007-00042 is in the D-3 zoning district, across the street from this proposal. It was an extension of a 1997 Conditional Use permit. A crusher was described in the application and the staff report. No conditions specifically address the crusher, but there are limits on noise levels at the property line.

The rest of the permits reviewed include the term crushing; some include a crusher in the description (not all), and some speak to crushing of reclaimed asphalt.

### **ANALYSIS**

This permit has been reviewed and processed according to Title 49 section 49.65.210(a) *Extraction Permit*, as stated below in italics.

#### ***49.65.200 Extraction permit required.***

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

As required with every Sand and Gravel permit, stated below in italics, the applicant shall provide the following description list for Planning Commission review.

#### ***49.65.210 Contents of application.***

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

The application materials (narrative and site plans) submitted by the applicant respond to all of the criteria listed below.

#### **(1) A graphic and legal description of the property;**

The location of the property is documented in the vicinity map on sheet 1 of 3. This western portion of the West Glacier Borrow Pit is located at 5611 Montana Creek Rd. (Attachment O). The legal description of the property is: Lot 1, Glacier Lands Subdivision, Plat 2003-27,

Juneau Recording District.

- (2) **A topographic map showing the existing topography, vegetation, drainage features, ground water level, structures, significant natural and artificial conditions of the land, on-site and off- site geophysical hazards which may affect or be affected by the proposed operation, proposed structures, roads, stockpiling and operation;**

Sheet 1 “Topographic Survey of Glacier Lands Material Source” shows the existing conditions at the project site. This plan has been reviewed by CBJ Engineering to verify completeness.

- (3) **A topographic map and a typical cross section showing the proposed finished contour on the land, vegetation, drainage features, limits of overburden clearing, structures, and significant natural and artificial conditions of the property which will exist upon completion of the site restoration plan;**

Sheet 3 of 3 is titled “Restoration Plan.” It illustrates the proposed condition of the site after completion of the restoration plan. Because it is not expected that all the usable borrow reserves will be depleted within the 10-year time frame of this permit, it is not expected that complete restoration will be undertaken. The applicant will post a performance bond to ensure restoration can be completed. The amount of the bond is determined by the CBJ Engineering Department.

- (4) **Topographic mapping required in subsections (2) and (3) of this section for areas having a slope of less than five percent shall show spot elevations at all breaks in grade, drainage channels or swales and at selected points not more than 100 feet apart in all directions. For areas having a slope of greater than five percent, contours shall be shown at an interval of not more than five feet where the ground slope is regular; however, contour intervals of not more than two feet may be required where necessary to adequately show irregular land features or drainage details;**

Sheet 1 of 3 illustrates the required information, as reviewed and approved by CBJ Engineering Department.

- (5) **The plan shall include a map showing ingress and egress points for trucks and other equipment;**

Ingress and egress is shown on sheet 3A. The work plan shows one access point on Montana Creek Road will be used. A second driveway is shown also accessing Montana Creek Road. Staff recommends that the unused driveway be bermed and vegetated.

- (6) **The plan shall include a map showing all buildings and structures to be located on the site; and,**

Sheet 3A entitled “work plan” shows all proposed buildings and improvements to be located on the site. The applicant notes that the “work plan” will be relocated periodically as the material is used up. Equipment will be maintained at the Coogan construction yard east of

Montana Creek Road. Work will begin at the north end of the site and move towards the south. Staff recommends a condition that the crusher location be permanently maintained at the location noted on the site plan, or farther north on the site. At no time shall the crusher be moved further south on the site than is shown on the site plan.

**(7) A narrative statement describing the operation, on-site processing, stockpiling, and site restoration shall be included showing:**

Page 3 of the project narrative describes the operation. The basic operation is described as the use of excavators and a drag line crane to excavate and gather borrow material. Excavation typically occurs at and below the ground water table in the borrow pits. The cleaned material will be screened and crushed as needed and stock piled on site. Material will be primarily trucked off site for use in other construction projects. Topsoil will be stockpiled for use in site restoration. As stated, above the material is crushed as needed, the crusher does not operate daily. The applicant has suggested limiting crusher operations to between the hours of 9 a.m. and 3 p.m. Monday –Friday, as needed. Staff recommends this be added as a condition.

**(A) A site drainage plan;**

Stormwater from the operation is regulated by the Alaska Department of Environmental Conservation (DEC), which requires a Storm Water Prevention Plan (SWPP). Page 17 of the application materials indicates the applicant will submit a SWPP for review prior beginning gravel extraction. Page 3 of the narrative describes the drainage plan, and page 17 provides the supplemental information requested by the CBJ Engineering Department.

Sheet 3 of 3 illustrates the drainage plan, showing drainage swales and sheet 3A shows the extraction pond.

In accordance with CBJ§49.65.215(a) *Sand and Gravel*, staff provided a copy of the application to the CBJ General Engineering Department for review. Mr. King, Chief Regulatory Engineer, requested additional information (Attachment P). The applicant submitted a revised application and Mr. King noted that his concerns/questions were addressed (Attachment Q).

CBJ Engineering will conduct a final review of drainage and stormwater measures when the grading permit for the project is submitted. Engineering's review will include consideration of relevant requirements in the CBJ August 2010 Manual of Stormwater Best Management Practices.

**(B) A method of securing the area, including installation of gates at access points, posting, and fencing;**

Page 4 of the narrative describes the method of securing the access point and posting. The applicant is not proposing the use of any fencing. Security gates will be installed at the driveway to the site and No Trespassing signs posted every 100 feet. The second driveway will be bermed and planted. The signs will be replaced annually on an as-needed basis.

**(C) Methods to be used to minimize noise pollution and visual blight;**

Page 4 and 5 of the project narrative describes the methods to be used to minimize noise pollution and visual blight.

The proposed project has various pieces of equipment throughout the site that will generate noise; these include but are not limited to a crusher, screener, dragline crane, excavators, and trucks. Blasting may be required occasionally to break up large rocks, prior to extraction and shipping. For USE2007-00042, located on Lot 3 immediately across Montana Creek Road from the subject site, CDD staff requested that the applicant conduct a sound test, document sound readings at peak usage during worst conditions, or at least a level of activity that represents the anticipated daily use. The sound readings were conducted from various locations: the pit, averaged less than 63-dBa; in the driveways of residences along Arctic Circle and Slim William Way, averaged between 60-62 dBa; at the stop sign of Arctic Circle and Skaters Cabin Rd., averaged 60 & 61 dBa (Attachment R).

Furthermore, the application includes information about sound readings that were taken in 1997. According to the information provided by the applicant, the highest readings from this study at the nearest residence (at the time of the testing—site 15, Arctic Circle) were 52 dBa when a truck was discharging rock into the crusher. CBJ § 40.15.330(g)(11) require that sound generated by the pit operation not exceed 65dBa at the property line during the day.

According to the applicant, the closest residence to the proposed operation is approximately 175 feet from the edge of the borrow pit and approximately 1,700 feet from site shown as “possible crusher.” A vegetated buffer more than 30 feet wide is to be maintained adjacent to Montana Creek Road. A large, heavily treed berm is located on the northern end of the lot and will be maintained. Another berm, proposed to be 20 feet wide and 10 feet high, will be installed on the south side of the property adjacent to Bicknell Inc. This berm will be planted with small trees and mixed indigenous seeds. Staff notes that in order for the berm to be 10 feet high it may need to be more than 20 feet wide. There is currently a vegetated buffer along the southern lot line. Furthermore, the applicant indicates that crane operators will be instructed in operation that prevents “slapping” of the line on the crane.

Public comments show heavy concern with noise impacts from this proposal, particularly with noise generated by the crusher.

Staff recommends the following conditions to minimize the affects of noise and visual disturbances on nearby properties:

- The applicant shall limit the hours of operation between 7am to 6pm, Monday through Saturday.
- All blasting operations shall be conducted during the day light hours of operation.
- No Blasting operations will be permitted on Saturdays and Sunday or official Federal and State holidays.
- The proposed project shall not generate sound levels which exceed 65 dBa at the property

line during the day or 55 dBa at night, per CBJ§49.15.330(g)(11).

- Furthermore, the crusher will only be operated between the hours of 9 a.m. and 3 p.m. Monday–Friday.

For general reference, attachment S provides a list of decibel levels for various types of sounds. For example, normal conversation and laughter are in the 60-65dBa range.

Visual blight will be avoided through the use of vegetated buffers and berms along the perimeter of the property. No exterior lighting is proposed.

**(D) The proposed hours and days of operation during the year;**

The hours of operation are described on page 5 of the narrative. They will be Monday through Saturday, 7 a.m. to 6 p.m. Furthermore, the crusher will only be operated between the hours of 9 a.m. and 3 p.m. Monday–Friday. The applicant notes the usual season of operation is April through freeze up. The previous permit allowed for year-round operation.

**(E) The estimated amount and general type of material present and to be removed from the site;**

Approximately 210,900 cubic yards (316,500 tons) of quality sand and gravel material is located at the Montana Creek West site. The borrow pit is an area of recent recessional moraines and glacial outwash deposits, made up of cobbles, gravel and silty sand, underlain by outwash channel alluvium consisting of sand gravel and boulders. The material will have to be washed to remove the silt. The applicant anticipates up to 25,000 tons of sand and gravel to be excavated annually. (See page 6 of the narrative.) This is the equivalent of 2,500 10-ton dump truck trips per year.

**(F) The results of test holes which show the water table level, if any, and the general type and location of materials to be removed;**

The applicant indicates (page 6 & 7 of the narrative) that soils exploration were done at this site in 1988 and 1995. The locations of the test holes and graphics of the soil logs are shown on sheet 2. The ground water elevation varies from 70 to 74 feet (sheets 1 & 3). The water table elevation is dependent of rainfall, runoff and season.

**(G) The date by which it is anticipated the extraction and processing operation will be completed;**

With an estimated 316,500 tons of marketable material and an expected 25,000 tons of annual rate of extraction it is not expected the borrow pit reserve will be depleted within the 10 year permit time frame. (Page 7 project narrative)

**(H) A schedule for completion of necessary site restoration work;**

Because the resources are not expected to be depleted within the permit time period, a full restoration of the site will not be completed. The applicant will post a bond as required to ensure full restoration



of the site. Restoration will be completed in phases and will begin at the north end of the site and proceed towards the south. Restoration work will include:

- Removal of equipment, buildings, materials and stockpiles;
- Refilling of excavated areas to create uplands;
- Grading to establish final contours and surface drainage patterns;
- Soil stabilization and reseeded of uplands;
- Retention of selected area for possible future residential use or other appropriate development.

The applicant expands in an email dated November 15, 2011 (Attachment V) that material used for filling excavated areas will be made up of overburden, including stumps, and waste soil. The timing of this work will be dependent on sales of sand and gravel. Restoration is described in more detail on pages 10 and 11 of the narrative.

Public comment received concern about the odor that has occurred in the area the past few winters. Some are of the opinion that decaying stumps used for filling and reclamation at the gravel extraction site across Montana Creek Road, on Lot 3, is the cause of this smell. Attachment T includes an email from an Alaska Department of Environmental Conservation and correspondence from the CBJ General Engineer about this odor. It was determined the odor was not caused by a CBJ lift station. It was concluded that the odor is organically caused. Iron bacteria is the primary suspect as well as decomposing organic material. It was also noted that this odor has been experienced in other locations in Juneau. Staff is not aware of any determinations as to whether the stumps used in reclamation on Lot 3 are related or cause the odor.

Staff notes that noxious and invasive species of plants has become an issue in Juneau and recommends a condition that native plants be used for replanting and native seed mixes be used when hydroseeding.

**(I) Operating procedures for control of airborne particulates and other pollutant emissions from the site and equipment used at the site that may affect areas beyond the site boundaries;**

On page 7 of the narrative, the applicant indicates the borrow material is taken from excavated ponds and is wet when processed. Material will be wetted as needed to minimize dust. Trucks will be routinely washed. Mud tracked onto Montana Creek Road will be washed away as needed. Page 17 of the narrative, in response to the request for additional information from the CBJ Engineer, explains that there is a 4,000 gallon water tank on-site with spray bars that can be used to mitigate dust as needed. This tank can also be used to mitigate dust when backfilling.

**(J) The identification of any geophysical hazards which may affect or be affected by the proposed operation. A statement of the possible impact of the hazard on the operation and of the operation on the hazard including methods of reducing the impact shall be included;**

The applicant states there are no known geophysical hazards at the project site or off-site that will affect or be affected by operations at the West Montana Creek borrow pit. (See Narrative, page 8)

**(K) The date of establishment of the operation and history of adjacent land development; and,**

The history of the Montana Creek borrow pit is included in the application narrative, and is discussed at length in this staff report, above under “Background.” The borrow pit was established in the mid-1950’s.

The history of surrounding development is also included in the application. Residential development in the area includes Brigadoon Subdivision, which was in place when the 1988 Conditional Use was approved (USE-CU88-13). Since then the Montana Creek and Montana Creek West subdivisions have been developed. The Juneau Community Garden has been developed to the north of the project site.

**(L) Such additional relevant information as the Commission or Department may request.**

The application includes significant discussion about traffic and road impacts. This is discussed in depth later in this staff report. Staff solicited comments from the CBJ Streets Department and Alaska Department of Transportation & Public Facilities (ADOT&PF) regarding traffic issues and/or concerns related to this proposal. Neither department submitted any comments or concerns regarding the proposed project.

Public comments include concerns about increased truck traffic in the area as well as concerns about truck drivers speeding.

**49.65.230 Commission action on Application.**

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

**(1) The hours, days, and times of year of operation;**

The application indicates the hours of operation as Monday through Saturday, 7am to 6pm. Staff recommends the following conditions (consistent with USE2007-00042, West Glacier borrow pit on Lot 3) to minimize the affects of noise and visual disturbances on nearby properties: The applicant shall limit the hours of operation between 7am to 6pm, Monday through Saturday. All blasting operations shall be conducted during the day light hours of operation. No blasting operations will be permitted on Saturdays and Sunday or official Federal and State holidays. The proposed project shall not generate sound levels, which exceed 65 dBA at the property line during the day or 55 dBA at night, per CBJ§49.15.330(g)(11). Furthermore, the crusher will only be operated between the hours of 9 am and 3 pm. Monday –Friday.

**(2) Screening, whether natural or artificial, to reduce or eliminate adverse visual, audible or other impacts of the operation;**

The drawings and narrative indicate 20-foot wide vegetated berms along all the property lines to minimize audible and visual impacts off site. Staff recommends a condition that the 20-foot wide vegetated berm be maintained with living trees and shrubs.

**(3) Measures to protect the public from the dangers of the operation or site, to prevent casual or easy access to the area, or to prevent the operation or area from being an unprotected attractive nuisance;**

A security gate will be used at the entrance of the driveway along Montana Creek Road, as listed as a condition of this permit. The application narrative on page 3 indicates that blasting will take place occasionally and only during daylight hours, in accordance with CBJ Standard Specifications for Civil Engineering Projects and Subdivision Improvements, December 2003, Section 1290, Blasting Controls.

Staff recommends the following conditions, which are consistent with USE2007-00042, for sand and gravel extraction at West Glacier, Lot 3, across Montana Creek road from this proposed project, to ensure public safety:

- Blasting operations be conducted by an Alaska Department of Labor certified powder-man and all operations shall conform to MSHA, ATF and OSHA standards as applicable and all other applicable standards.
- All blasting operations shall be conducted during the day light hours of operation.
- Warning signs with the time and date of the blast will be posted 24-hours prior to blasting on either side of the pit on Montana Creek Road.
- 24-hour notice will be provided to the Juneau Flight Service Station and the Police and Fire Departments.
- Public Service Announcement's will be broadcast on local radio 24-hours prior to blasting.
- Three air horn blasts will be made at 5 minutes prior to blasting.
- No Blasting operations will be permitted on Saturdays and Sunday or official Federal and State holidays.

**(4) Final and working slope ratios of the face of any extraction area to the extent necessary to protect abutting public and private property, and to protect the future beneficial uses of the property as described in the applicant's plan for development and restoration;**

The final and working slopes of the face of the quarry are shown on Sheet 3 of 3, as reviewed and approved by CBJ Engineering. Staff recommends a condition ensuring that the slopes of the quarry walls are secure and do not pose a threat to the public, according to language approved on previous quarry operations, as follows:

The applicant shall reclaim the quarry site with finished faces and established benches, and remove loose rock during the period between projects, even if the entire quantity of rock has not been removed.

**(5) Measures to protect private and public property adjoining the operation and to guarantee orderly and safe traffic circulation both on the public streets and within the permit application area;**

The application materials include a number of operating procedures intended to protect the adjoining public and private property during operations. Furthermore, staff has recommended a number of conditions with this intention.

**(6) Measures which will ensure adequate drainage or collection and storage of surface waters to protect surrounding property, eliminate dangers to the public, or to protect the future beneficial use of the property as described in the applicant's plan for development and restoration;**

The drainage plan has been reviewed and approved by CBJ Engineering. Additional and final review will take place when the grading permit is submitted. The applicant will also develop a final Stormwater Pollution Plan for DEC. No additional measures appear to be necessary.

**(7) Measures to protect the water level and water quality;**

This criterion has been addressed above under subsection 7(F). No additional measures appear to be necessary.

**(8) Measures to minimize or eliminate airborne particulates, visual blight, noise and other adverse environmental effects;**

This criterion has been addressed in subsection 7(I) above. No additional measures appear to be necessary.

**(9) Restoration measures and schedule;**

As noted above, resources are not expected to be depleted within the permit time frame. Pages 10 and 11 of the narrative describe site restoration in more detail. A bond will be posted to ensure complete restoration of the site.

**(10) Other measures designed to protect the public health, safety and welfare, including preservation of neighboring property; and,**

Measures to protect the public health, safety, and welfare, including preserving neighborhood property, have been addressed in this memorandum. All of the recommended conditions are intended to protect the public health, safety and welfare and preservation of neighboring property.

**(11) Present development and past history of the neighboring property.**

Past and present development has been discussed at length in this staff report. The recommended conditions are intended to protect present development of neighboring property.

**49.65.235 - Mandatory conditions of permit.**

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

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

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

**Traffic** - The traffic associated with the proposed project is from trucks hauling material to and from the pit for other construction projects throughout the CBJ. Trucks access the site from a single driveway located on Montana Creek Road and then travel south eventually connecting to Back Loop Road. The trucks that are hauling the material generally hold 20-yards of material; however, ten-yard trucks occasionally are used to haul material to smaller projects. There is some traffic generated by employees and retail sales.

Assuming this average activity is consistent with that permitted by USE2007-00042 on Lot 3 an average of 22 daily round trips travel along Montana Creek Road is expected. The applicant states that drivers will be instructed to not exceed the 30 mph speed limit along Montana Creek Road and to exercise due caution around the Skaters Cabin Spur Rd. intersection. Tour buses, personal vehicles, bikers, and pedestrian traffic heavily use this area. Road improvements were made to Montana Creek Road and Skaters Cabin Road in 2005 (CSP2005-00001), which included widening of the road and shoulder, additional streetlights, and a separated pedestrian pathway. CBJ §49.40.300 states that a traffic impact analysis is NOT required when a development is projected to generate less than 250 average trips in a day.

As part of this Conditional Use permit process, staff solicited comments from the CBJ Streets Department and Alaska Department of Transportation & Public Facilities (ADOT&PF) regarding traffic issues and/or concerns related to this proposal. Neither department submitted any comments or concerns regarding the proposed project.

**Parking and Circulation** - The CBJ Land Use Code has no parking requirement for gravel and sand extraction facilities. However, due to the nature of the use, the primary users are off-site excavation companies, which are only present on the site for the timeframe required to load and unload trucks. Employees that will work at the pit will likely park in various locations on the site depending on the area of extraction. The circulation of the site follows a single route between the stockpiled material and the driveway to Montana Creek Road.

**Exterior Lighting** - Exterior lighting is not proposed at this time. Lighting may not produce glare on the roadway.

**Public Health or Safety** - **There** are several public health and safety concerns that are typical of a quarry operation, including blasting, explosive storage, site access conditions, and truck traffic. No evidence has been presented indicating the proposal will have a negative impact on public health and safety provided the applicant operates within the constraints of their proposed project description and with the conditions recommend in this report.

**Property Value or Neighborhood Harmony** - The proposed activities have been conducted on the site and across the street for the past 40-years; property values should not be significantly affected provided the applicant operates within the constraints of their proposed project description and with the conditions recommended in this report. The CBJ Assessor reviewed the draft staff report and with conditions proposed by CDD staff, the project will not significantly negatively impact nearby property values (Attachment U).

**Conformity With Adopted Plans** – Chapter 5 - Economic Development, of the 2008 Comprehensive Plan addresses the various economic sectors of Juneau. The plan states there are opportunities for modest growth in basic sector industries. Page 58 of the plan states that smaller gravel extraction operations offer a critical resource to the CBJ's private and public sector development and maintenance operations.

*POLICY 5.1 IT IS THE POLICY OF THE CBJ TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.*

*POLICY 5.9 IT IS THE POLICY OF THE CBJ TO SUPPORT THE EXTRACTION AND PROCESSING OF MINERAL RESOURCES IN AN ENVIRONMENTALLY-SOUND MANNER, GIVING PROPER RECOGNITION TO THE UNIQUE VALUES OF THIS COMMUNITY.*

Implementing action 5.9DG5 recommends that where gravel resources have been depleted by extraction activities these areas be used to the most efficient extent possible by filling open pits with construction debris or other non-toxic materials and engineering the lands to be suitable for other uses such as habitat mitigation, public facilities, recreation, residential, commercial or industrial development.

The proposed development complies with this policy while implementing the necessary protections to ensure protection of water quality and public safety. The recommended conditions will minimize negative affects to adjacent property value and the environment while preserving adequate operations of the quarry. The project is consistent with the 2008 Comprehensive Plan.

**Habitat** – The project does not impact salmon streams, wetlands, or any other key habitats identified in the Juneau Coastal Management Program.

Stormwater issues have been addressed in the approved drainage plan and will have additional review under the CBJ Grading Permit and development of a new Stormwater Pollution Prevention Plan.

### **ENGINEERS REPORT AND RECOMMENDATIONS**

CBJ §49.65.215 requires an independent review made by the CBJ Engineering Department. Mr. Ron King, Chief Regulatory Engineer, requested additional information (Attachment P). The applicant submitted a revised application and Mr. King noted that his concerns/questions were addressed (Attachment Q).

### **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.** We find 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 14.500 for the D-3 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 March 30, 2012, and April 9, 2012, issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 1800 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.** With the operation plan and recommended conditions the sand and gravel operation can operate in a way as to not 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 this report the proposed development use should not substantially decrease the value or quality of life for surrounding properties, under the CBJ §49.25.300, Section 14.500 for the Residential (D-3) zoning district the proposed use is allowable with a Conditional Use Permit.

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



**Yes.** As discussed above, the proposed development is in general conformity with the land use plan.

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

**Yes.** As discussed above, the proposed project, with the operation plan and recommended conditions complies with the Juneau Coastal Management Plan.

**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 sand and gravel extraction activity along Montana Creek Road at the West Glacier Borrow Pit Lot 1.

The approval is subject to the following conditions:

1. The crusher location will be permanently maintained at the location noted on the site plan, or farther north on the site. At no time shall the crusher be moved further south on the site.
2. The crusher will only be operated between the hours of 9 a.m. and 3 p.m. Monday–Friday, as needed.
3. The hours of operation for other sand and gravel extraction operations (other than the crusher) will be between 7am to 6pm, Monday through Saturday. All blasting operations shall be conducted during the day light hours of operation. No Blasting operations will be permitted on Saturdays and Sunday or official Federal and State holidays. The proposed project shall not generate sound levels, which exceed 65 dBa at the property line during the day or 55 dBa at night, per CBJ§49.15.330(g)(11).
4. A security gate will be used at the entrance of the driveway along Montana Creek Road.
5. Blasting operations be conducted by an Alaska Department of Labor certified powder-man and all operations shall conform to MSHA, ATF and OSHA standards as applicable and all other applicable standards.
6. All blasting operations shall be conducted during the day light hours of operation.
7. Warning signs with the time and date of the blast will be posted 24-hours prior to blasting on either side of the pit on Montana Creek Road.
8. 24-hour notice will be provided to the Juneau Flight Service Station and the Police and Fire Departments.
9. Public Service Announcement's will be broadcast on local radio 24-hours prior to blasting.
10. Three air horn blasts will be made at 5 minutes prior to blasting.
11. No Blasting operations will be permitted on Saturdays and Sunday or official Federal and State holidays.

12. The applicant shall reclaim the quarry site with finished faces and established benches, and remove loose rock during the period between projects, even if the entire quantity of rock has not been removed.
13. The abandoned driveway be bermed and vegetated.
14. A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support.
15. If the bank of any extraction area within the permit area is above the high water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind composing it, or such other angle as the Commission may prescribe. If extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to a water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.

## Attachments

- A. Email – Tim Hall
- B. Letter – John Thedinga, Juneau Community Garden
- C. Letter – Chris Zimmer, Trout Unlimited
- D. Email – Jeff Ottesen
- E. Email – Linda Shaw
- F. Email – Todd & Sharon Cameron
- G. Email – David Robinson
- H. Email – Jackie Stewart
- I. Email – Vicki & Jon Torrella
- J. Email – Lisa Worl
- K. Emails – George Danner
- L. Emails – Michelle Kaelke
- M. Email – Rich & Peggy Mattson
- N. Email – Patricia Obrien
- O. Regional & Vicinity Maps
- P. Email – Ron King, CBJ Engineer (July 7, 2011)
- Q. Email – Ron King, CBJ Engineer (October 20, 2011)
- R. 2007 Sound tests for USE2007-00042
- S. Sound Ruler (National Institute on Deafness and Other Communication Disorders)
- T. Series of Correspondence, DEC & CBJ regarding odors at Skater's Cabin
- U. Email – Robin Potter, CBJ Assessor
- V. Email – Coogan General LLC, Applicant (November 15, 2011)

## Beth McKibben

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**From:** Tim Hall [thall@alexcoresource.com]  
**Sent:** Thursday, April 05, 2012 8:14 PM  
**To:** Beth McKibben  
**Cc:** Maureen Hall  
**Subject:** Montana Creek neighborhood by Coogan General LLC - conditional use permit

Dear Planning Commissioners:

Please consider my comments below prior to your decision on the conditional use permit for gravel extraction in the Montana Creek neighborhood by Coogan General LLC.

First of all the proposed area has a high density of new development from an established neighborhood of Arctic Circle / Slim Williams when we (family) arrived here in 1993 to what you see today approximately 200 new single family homes in multiple neighborhoods on Montana Creek for an estimated 300 residential homes and another 160 planned!. What was once acceptable practice in the late 80-90's to early 2000's is not compatible with branding and footprint of the area today. This area has morphed from a outback industrial area to an esthetic residential area of which a conditional use permit for extraction of gravel, crushing / screening plant cannot continue to co-exist. In addition, the CBJ has granted industrial use permits for soil remediation, gun range, previous aggregate extraction etc. Now another gravel pit to add to cumulative impact of the area.

How can the CBJ even consider the proposal viable considering the high density of residential housing. The proposal for gravel extraction and a rock crusher and I assume this would include a screen plant, blasting, dredging in addition to heavy equipment to move materials and rock trucks or dump trucks to convey product. The noise alone will be horrific and change the face of this residential neighborhood. Historic noise surveys pre-housing expansion in the area had a range of 50 to 75 dba, I would like to see a new noise survey and I expect there would be a significant shift with a starting baseline of 60 to 70 dba. Once you add a rock crusher operating six of seven days this range will increase to 75 to 85 dba. OSHA and MSHA require hearing protection to noise exposure in excess of 85dba for and 8 hr period. At the crusher, noise levels will be 150 plus. You have residential housing within a 100m of the proposed site. What are the proposed noise mitigation measures. Enclosed crusher, muffled back up alarms or strobes, restricted crushing in cold conditions, restricted crushing in early morning hours and evening hours, Saturday? I pity anyone who has had to work night shift , they'll be no rest for them. What is the proposed total horsepower on mobile equipment and run-up power or breakout power when the equipment is engaged. This increase in RPM's will generate significant noise during the extraction and loading phase ,

Dust: As with any crushing/ excavating / conveyance operation you have dust. I don't care how wet Juneau is, you'll have dust and you'll have respirable dust which will contain silica. As you are mining sand, aggregate and crushing boulders the chemical composition of the smaller particulate will be silica. What are the proposed respirable dust mitigation measures?

Traffic: As the residential area has grown exponentially. How do you propose to integrate the increased heavy and large mobile equipment for the pit extraction and conveyance and the protection and safety of the residents, children, tourists, bikers, runners, skiers, dog walkers, school buses etc?

Water and Hydrology: The current pit which free discharges into Mendenhall lake has been compromised with H2S (hydrogen sulfide) commonly associated with a rotten egg smell, not pleasant and analogous to ethyl mercaptan which is what you smell as your propane leaks or is near empty. This condition of H2S showed up two years ago and is very prevalent in the areas proximal to Skaters Cabin and especially prevalent in the winter months when the temperature inversions settle and concentrate the gas into the lower topographic areas (H2S sg is heavier than air). The CBJ cannot say what has caused this and until the conditions are understood as to what the catalyst is which is conducive to the generation of this H2S it is not professional nor appropriate to propose or support an additional pit. As the new pit is proximal to the old pit I would expect comingling of contaminated water from one to pit to another. I suspect the CBJ and the proponent in this case has not done any work associated with groundwater hydrology, modeling and its dynamics. Does anyone know where the REDOX (oxidation / reduction) zone is, what are the effects of oxidation on newly exposed reduction fronts...I suspect the generation of H2S may be one!

Regulatory: What permits are required, who regulates the pit, who inspects the pit and enforces mitigation, compliance and reporting? Who and what are the inspection agencies, who inspects water quality? Who are the

responsible persons. I would like to know and ask them specifically if they would like this in their backyard and what level of regulation, inspection and compliance was done in the previous pits.

Closure: What are the conditions to closure. Apparently the old pit is let it fill, stagnate and free drain at high water conditions! This is not a plan and this is not responsible mining or industrial use.

Socio Economic: What are the impacts of cumulative industrial packaging to the property values of local home owners? I can tell you with all the press associated in the last two years relative to concerns of H<sub>2</sub>S, the smell, the degradation of quality of life and future noise, water, dust, traffic, pollution, my property values have declined significantly and is proven by my assessed value decreasing. Not that I'm complaining about a lower tax rate and I very concerned about the capital investment and resale value of my home. It's a fact I'm paying less taxes and my house and land have been devalued!

I am very opposed to this project and be what it may my voice may not be heard! Proposed mitigative measures if you are going to ignore the voice of local residents, I would propose the following:

If a crusher is allowable according to the CBJ code and the city chooses to proceed and approve with this operation and this is considered conditional use the following conditions be included in the permit and any associated operating agreements:

Material from other locations should not be allowed to be brought to this site to be crushed...period. The material that will be crushed, dredged, blasted must be characterized as to its silica content, acid generating potential and industrial use (LA abrasion and Alaska degradation). i.e. quality of product.

The crusher should be placed at the northern most location of the property (furthest away from residential housing) and it should be considered fixed once the site is fixed.

Noise mitigation measures and a cap placed on hourly levels of noise generation, i.e. an rolling threshold of TLV not to exceed. No crushing, mining, extraction, hauling prior to 9 am and after 5pm. No crushing, mining etc (including stripping on weekends and holidays). Proactive noise monitoring system would be constructed and paid for by the proponent. If noise levels exceed the TLV (threshold limit value) at site and proximal to site then their operation needs to be shunted until the problem is mitigated.

Hydrologic Study: As paid for by the proponent via third party professional consultant. This has to been done to understand the subsurface hydrologic conditions and associated risk to the residential neighborhood and cumulative effects from previous operations. Especially the generation of H<sub>2</sub>S.

Water treatment: Effluent treatment for suspended solids, turbidity, including metals, petrochemicals, gas (H<sub>2</sub>S). To comply with federal regulations and to the same level as hard rock mining. Tests could be conducted on the existing pit to characterize at least the gas (H<sub>2</sub>S) as this is a huge problem. Other deleterious materials will have to be done by sampling the material to be mined and test mined. Water treatment alone cannot be considered viable if it consists of just settlement, aeration and decant.

Pit Closure: Would include contouring, re-vegetation, backfilling with non-organic material and stabilization of water infiltration and effluent. A bond should be posted to cover pit closure cost and reflect 20% of net earnings.

The conditional use permit should be limited to 5 years with a potential 5 year extension provided the first five years did not demonstrate significant impacts to the residential area and its residents.

Please consider the opinion of this writer. Again I'm very opposed to this project as the cumulative effects of yet another industrial project is not compatible with the residential areas as it has changed over the last 20 years. This area is no longer an industrial site but a place that people have gravitated to as it is a special place with esthetic value. Otherwise please consider the terms and conditions as prescribed above to mitigate the conditional use.

Regards;

Tim and Maureen Hall and Family, i.e. local resident  
1073 Arctic Circle  
Juneau, Alaska

4/6/2012

907-790-2245

Tim Hall  
VP Operations and General Manager, Alexco Resource Corp  
Bellekeno Mine and AKHM  
Tel Elsa: 867.996.2330 x5901  
Tel Home: 907.790.2245  
Cell: 604.340.5832  
Fax: 867.995.2600

Dear Planning Commissioners:

The Juneau Community Garden (JCG), 5669 Montana Creek Road, is located adjacent to the land (map) that is proposed by Coogan Construction for gravel extraction and has concerns about the project. The JCG consists of 157 garden plots (mostly organic) and is used by approximately 75 members.

The JCG has three concerns about the proposed gravel extraction project:

1. Noise from gravel extracting and crushing
2. Air quality degradation including increased dust levels
3. Smell from restoration of borrow pits

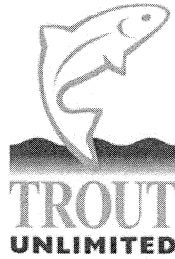
Each of these three items would be detrimental to gardening at JCG. Increased noise, dust and smell would make gardening at JCG less desirable and could cause people to not want to garden at the JCG. Increased dust levels could also impair plant growth by coating the leaves of fruits and vegetables at the garden.

The proposed hours of operation would overlap with the highest use periods at the JCG. Most gardening occurs on weekends and after work during Monday through Friday. If the proposed permit is granted, limiting working hours to 8 am to 5 pm Monday through Friday would help reduce impacts to the JCG.

Thank you considering our concerns and suggestions.

John Thedinga

President, Juneau Community Garden



April 5, 2012

Dear Planning Commission,

The Juneau Chapter of Trout Unlimited would like to submit these comments regarding an application from Coogan LLC for a CBJ Special Use permit for gravel extraction and crushing operations on Coogan's site next to the Community Garden.

The healthy populations of salmon, trout and char in Montana Creek support significant sport and commercial fisheries in the Juneau area. Maintaining the clean water and healthy habitat of Montana Creek will ensure the economic and recreational benefits of Montana Creek's productive fisheries for future generations. The Planning Commission and the Assembly clearly recognized the value of Montana Creek and the need to protect its water quality and habitat when the Assembly established a conservation corridor covering the CBJ lands along the creek back in 2008.

Our understanding is that Coogan plans to excavate a drainage ditch from a settling pond in the middle of their property to the southwest. Such a drainage ditch will almost certainly direct water discharge to the wetland/pond complex that is connected by several small creeks to the main stem of Montana Creek, which is only about 400 yards from the Coogan property.

There are apparently no plans for water quality monitoring associated with this proposal. We are concerned that in addition to surface water, the settling pond is apt to be a catch-basin for diesel fuel, hydraulic fluid, oil and other contaminants which will not settle and will likely be transported to Montana Creek and associated off-channel habitat. We are also concerned about the potential for long-term issues associated with drainage from back-filling of the pit and the potential for Montana Creek flooding the operation site itself.

We believe that the potential water quality impacts of this proposed gravel extraction be specifically analyzed and mechanisms developed to monitor water quality and respond to any pollution. We urge you to require a water quality discharge and monitoring plan, meeting all State and Federal water quality standards for water bodies supporting anadromous and resident fish populations, be made a part of any CBJ Special Use permit issued for gravel extraction activities in the Montana Creek Watershed.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Zimmer", is written over a horizontal line.

Chris Zimmer, President,  
Juneau Chapter of Trout Unlimited

**ATTACHMENT C**



**Beth McKibben**

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**From:** Jeff Ottesen [jeff\_ottesen@yahoo.com]

**Sent:** Thursday, April 05, 2012 8:19 AM

**To:** Beth McKibben

**Cc:** 'Michelle Mark Kaelke'

**Subject:** Montana Creek rock crushing

Esteemed members of the Planning Commission:

Due to no effort on the part of the City Planning staff, I have become aware of a incompatible land use proposal in my neighborhood. From the limited facts at my disposal, and limited time to prepare my comments, I believe you are considering an application to allow a rock crushing operation in a zoned residential district on Montana Creek Road.

How imcompatible! Noise, heavy truck traffic, dust, and polluted runoff are the first order concerns. The neighborhood already has been dealt a blow from prior activities that now seem to have produced a highly noticable, but not well explained water quality and odor source problem from previous permitted, but questionable allowances.

In previously zoning for and permtting nearly 300 residences to be constructed in the adjacent neighborhood, you have clearly and without ambiguity suggested to the families that live there and have invested there that this is a neighborhood. One should be able to rely upon the city planners to not later pull the rug out from underneath these considerable investments. If the 300 number is correct and assuming a rough average value of \$1/3 of million per home, this is \$100 million of private, family-based investment. Since the family home is typically the largest investment a family can afford, it is obvious that you are placing not only the quality of life at risk, but also the financial health of these 300 families.

My quick review of CBJ codes identifies that a rock crusher is only allowed under City Code 49.25 Art III, 4.150 when it is *"...in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project."* Further, should such be permitted, there are clear time limitations.

As a senior official with the Alaska Department of Transportation and Public Facilities, the only major road construction project this season is beyond Mile Post 25 Glacier Highway, more than 16 miles from the Montana Creek site. I do not believe there is any CBJ road project planned to use the rock from this crusher. If so, then why is this application even properly before you for consideration?

I trust that you will see the error in even considering this application and take the appropriate action to not permit such use.

Jeff C. Ottesen  
9605 Moraine Way  
Juneau, AK 99801

(907) 321-8756  
[jeff\\_ottesen@yahoo.com](mailto:jeff_ottesen@yahoo.com)

**Beth McKibben**

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**From:** Linda Shaw [lindarshaw@yahoo.com]  
**Sent:** Thursday, April 05, 2012 8:15 AM  
**To:** Beth McKibben  
**Cc:** flyfish@ak.net  
**Subject:** Gravel Pit

Dear Ms. McKibben,

My husband and I live on Moraine Way and I am writing about the proposed gravel extraction at the intersection of Montana Creek and Skater's Cabin Road.

This area is both residential and recreational in nature and the use of a rock crusher in D3 residential areas is only allowed by City Code 49.25, Article II, 4.150, as follows:

"Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise."

The proposed gravel extraction is therefore incompatible with City Code and should not be allowed. We are disappointed that CBJ is apparently violating its own code to our personal detriment as the proposed activity is absolutely incompatible with the residential and recreational usage of the area.

Thank you for the opportunity to comment.

Linda and Bob Shaw  
9684 Moraine Way

**Beth McKibben**

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**From:** Todd and Sharon Cameron [akmtndogs@gci.net]

**Sent:** Thursday, April 05, 2012 7:46 AM

**To:** Beth McKibben

**Subject:** Coogan Permit Montana Creek

Hello~

Since time is pressing, I wanted to express some quick concerns about the conditional use permit submitted by Coogan in Montana Creek. First, please consider that this area is more developed as a neighborhood than it was years ago. There are areas much more appropriate for such industrial use rather than this family based neighborhood. Also, there has been a very pungent odor present in the immediate area of the gravel pit for a couple of years now. The origin of that odor has yet to be found, so I'm not saying it is relative to the construction area, but until that is resolved, why allow more earth removal to be done? I urge you to please deny this application.

Thanks,  
Sharon Cameron

4/5/2012

**ATTACHMENT F**

**Beth McKibben**

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**From:** David Robinson [akpsycon@gci.net]  
**Sent:** Thursday, April 05, 2012 7:01 AM  
**To:** Beth McKibben  
**Cc:** David B., M.D. Robinson  
**Subject:** Fwd: More info on Gravel Pit

**Importance:** High

Dear Ms. McKibben,

Having reviewed the issue described in the email thread below, I write to join my neighbors such as Ms. Kaelke in expressing in the strongest possible terms my opposition to the use of a rock crusher near our neighborhood.

Best regards,

David B. Robinson, MD  
 9041 Ninnis Drive, Juneau, AK

Begin forwarded message:

**From:** Michelle and Mark Kaelke <flyfish@ak.net>  
**Date:** April 4, 2012 6:01:17 PM AKDT  
**To:** 'Michelle and Mark Kaelke' <flyfish@ak.net>  
**Cc:** 'Beth McKibben' <Beth\_McKibben@ci.juneau.ak.us>  
**Subject: More info on Gravel Pit**

Please take time tonight to send in your comments to Beth McKibben at CBJ.

I question the use of a rock crusher (very noisy heavy equipment) next to populated residential property—we currently have about 300 homes in this area. Thanks to one of our neighbors and his search of the city code, he found:

According to the City Code 49.25 Art III, 4.150  
 The allowable use of a rock crusher in land zoned D3 residential  
 "Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise."

When I read this code, I do not think a rock crusher is allowed to be permitted nor compatible in our D3 residential neighborhood.

I spoke with Beth McKibben at CBJ planning today and learned the following determination made by the CBJ Planning Director and City Attorney.  
 The proposal includes a crusher. It has been determined that crushing on site of materials excavated on site is processing of materials.  
 A stand alone crusher w/out excavation or when materials are brought to the crusher from off site would not be allowed.

**49.65.200 Extraction permit required.**

(a) *The use of property for the excavation, removal or other extraction of stone, sand, gravel, clay or other natural deposits and formations, including the processing of the*

**Beth McKibben**

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**From:** Jackie Stewart [s2art@acsalaska.net]

**Sent:** Wednesday, April 04, 2012 7:48 PM

**To:** Beth McKibben

**Subject:** Conditional Use for Gravel Extraction

*Dear Planning Commissioners:*

*Please do not allow a conditional use permit for gravel extraction on Glacier Lands Lot 1 applied for by Coogan Construction. This area has become a neighborhood with several hundred houses. This operation will be extremely noisy and not appropriate to be located at the edge of a neighborhood. The front end loaders, trucks and especially the rock crusher will all cause an excessive amount of noise and will be disruptive to the entire neighborhood.*

*I work from home and live very near the proposed site. I cringe at the thought of hearing the rock crusher all day long, six days a week. The gravel extraction is not compatible with the residential area that Montana Creek has become. It will significantly lower the quality of life for all residents while also lowering our property values.*

*I beg you to please not approve this permit.*

*Sincerely,*

*Jackie Stewart  
1024 Arctic Circle  
Juneau AK 99801*

**Beth McKibben**

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**From:** Vicki [vj@gci.net]  
**Sent:** Wednesday, April 04, 2012 7:06 PM  
**To:** Beth McKibben  
**Subject:** Rock Crusher on Montana Creek Rd.

## To Whom it May Concern:

We are sending you this email in hopes that you will not allow the rock crusher on Montana Creek Road. I have lived on Arctic Circle for 15 years-within a short walk of where this crusher is to be put. I ride my bike every day in front of this area. There are so many large trucks going on Montana Creek Road that don't even want to stop at the stop signs. I have had many close calls with them and I think this will just make the situation worse.

We are very worried about the noise. We put up with tourist buses at all times of the day. This crusher would add to the noise. The hours you are thinking of okaying would mean we would get no rest in our own homes. In the 15 years I have lived here, we just get more and more noise in this neighborhood with bikers and all that goes on. This is a very special area-not many live next to a glacier-that is why I moved here in the first place. I feel the zoning meant it would not turn into a zoo like it is doing. The trucks alone are loud and smokey and diesel stinky.

We believe the gravel pit is the cause of the smell in this area in the winter and spring. We see very nasty water draining from that area all the time. I talked to a gentlemen in our area one day-he was trying to find out where the smell was coming from. He said there was all

sorts of old stumps and such rotting away from the gravel pit. He said all of this was just piled-with who knows what put in there. Then when the snow melts this rotting stuff flows out and into our neighborhood and into Mendenhall Lake. I feel this new gravel pit area is going to add to the smell.

Also Coogan Construction already has a huge area full of construction material out in the elements. There is wood and metal and all sorts of construction equipment. It does not make the area look very nice-in fact rather dumpy in my opinion. Also some of the area has old nails and things that I would never think of leaving laying around in my own property.

Also, I understand the sand and gravel permit expired in 2008. I don't think it is right to 4 years later decide to renew a permit. I see it as bad business that it was not done sooner.

We do not like the idea of rock from other places be trucked into our area. As before, I mentioned these trucks are getting to be a pain in the butt.

Please think of this unique residential area when you make your decision on this matter. We don't think this is the right area to be allowing all of this noise, smells and truck traffic.

Sincerely,  
Vicki and Jon Torrella  
1007 Arctic Circle  
PO box 34006

Juneau, AK 99803  
907-723-3534



**Beth McKibben**

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**From:** Lisa Worl [worl@gci.net]  
**Sent:** Thursday, April 05, 2012 10:02 AM  
**To:** Beth McKibben  
**Subject:** Gravel pit extraction permit--West Mendenhall Neighbor area  
**Importance:** High

Ms. McKibben,

I'm writing to express my concern and opposition to allowing the gravel pit extraction under review in Montana Creek neighborhood.

I am concerned about the noise and hours of operation. However what I am most concerned about is the increased traffic in our residential neighborhood of large commercial trucks. Our neighborhood has a large number of homes with families. Children enjoy biking, walking and playing in our neighborhoods. Our neighborhood also is used largely by tourists and the community at large as they come to the community garden, run, hike and bike in our neighborhood and local trails, river raft, camp at the campgrounds and participate in bike tours with Cycle Alaska tours.

What I have witnessed with the traffic already is very large trucks cutting dangerously to pedestrians as they cut onto the shoulder of the bike path as they turn onto Montana Creek and driving way too fast in what is supposed to be 35 MPH or slower as the commercial drivers think of the road as a highway/work area and not the residential area that it is. We are fortunate that we have a bike path along a part of the road; however, children (and others) do not always stay on the bike path, in particular during heavy snow days when the path is not clear and often is dark well before the 5pm close of business. Note that the school buses drop a large number of children outside of Montana Creek subdivisions for after school activity routes due to time constraints.

It is my understanding that CBJ has a City Code 49.25, Article III 4.150 that specifically addresses the use of rock crushers in D3 residential areas. I urge the commission to please adhere to the code and please ensure the safety of our community by not approving this permit.

I ask that this letter please be included among your packet for the planning commission.

Respectfully,

Lillian M. Worl  
Resident of Montana Creek