

**ADDITIONAL MATERIALS FOR THE
PLANNING COMMISSION MEETING**

Assembly Chambers

7:00 PM

MEETING DATE: April 10, 2012

1. SGE2012 0003

- a. E-mail from Ron King, CBJ Chief Regulatory Surveyor, dated April 5, 2012
- b. E-mail from Michelle Kaelke, dated April 7, 2012 – Coogan’s gravel pit and some history
- c. Letter from Patricia O'Brien
- d. E-mail from Michelle Kaelke, dated April 9, 2012 – Stump Dump
- e. Letter from Brian Erickson
- f. Petition regarding site drainage plan
- g. E-mail from Michelle Kaelke, dated April 9, 2012 – Mt Creek gravel pit and drainage issues
- h. E-mail from Michelle Kaelke, dated April 9, 2012 – D5 in Mt Creek & former USE1999-00016 permit
- i. E-mail from Ron King, CBJ Chief Regulatory Surveyor, dated April 10, 2012

Beth McKibben

From: Ron King
Sent: Thursday, April 05, 2012 11:10 AM
To: Beth McKibben
Subject: RE: URGENT-Gravel Extraction/ Water Quality in Montana Creek

You will have to supply an updated plan. I reviewed the drainage plan several months ago and I don't have an updated copy.

-----Original Message-----

From: Beth McKibben
Sent: Thursday, April 05, 2012 10:39 AM
To: Ron King
Subject: FW: URGENT-Gravel Extraction/ Water Quality in Montana Creek

Ron

Do you have any thoughts as the reviewer of the drainage plan? Thanks

Beth McKibben, AICP
Senior Planner, CDD
City & Borough of Juneau
(907)586-0465 phone
(907)5863365 FAX
P Please consider the environment before printing this email.

-----Original Message-----

From: Mark Kaelke [mailto:MKaelke@tu.org]
Sent: Thursday, April 05, 2012 10:40 AM
To: chris zimmer; Brad Elfers; Glynn, Brian J (DFG); Neil_Stichert@fws.gov
Cc: Beth McKibben
Subject: URGENT-Gravel Extraction/ Water Quality in Montana Creek

<<GoogleEarth_Image.jpg>> Coogan LLC is applying for a CBJ Special Use permit for gravel extraction and crushing operations on their site next to the Community Garden. There are a host of zoning, noise, and traffic issues associated with the proposal which neighborhood residents are addressing, however there also appear to be some significant water discharge/quality issues and implications for Montana Creek and associated wetlands/tributaries.

The attached map shows the approximate boundaries of the Coogan property. Their plan is to excavate a drainage ditch from a settling pond in the middle of the property to the southwest (they mistakenly state the lands to the southwest are owned by the USFS when they are in fact CBJ). A drainage ditch to the southwest will almost assuredly direct water discharge to the wetland/pond complex you'll see on the attached map. These ponds are 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. My concern is 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. I think there's also potential for long-term issues associated with drainage from back-filling of the pit (like we're now seeing at Skater's cabin) and the potential for Montana Creek flooding the operation site itself.

This proposal appears to be on a fast-track. Comments for the Planning Commission packet are due today and the meeting is next Tuesday April 10 at 7pm in Assembly Chambers. Comments can be submitted until Tuesday morning. I hope you'll consider commenting and passing this along to others who would do likewise. I have copied Beth McKibben with CBJ who is the contact for comments.

Beth McKibben

From: Michelle and Mark Kaelke [flyfish@ak.net]
Sent: Saturday, April 07, 2012 2:49 PM
To: Beth McKibben
Cc: 'Michelle and Mark Kaelke'
Subject: Coogan's gravel pit and some history
Attachments: History of MT Creek Area.doc

Planning Commissioners:

In reading the CBJ staff report, I have two additional concerns.

The report does not give a reason why the specific city code regarding the operation of a rock crusher in residential area.

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."

In 2006 Bicknell Construction requested the use of a rock crusher on their site and due to residential opposition, it was denied. They were also denied a permit to operate a gravel pit in 1999. While Glacier Lands currently is operating a gravel pit and crusher, this operation was in business well before the higher density housing started happening. In my eyes Glacier Lands was grandfathered in. However, we do not need two pits and rock crushing operations. Like Bicknell, Coogan should not be given a conditional use permit.

In talking to staff member Beth McKibben I was told that **no material from other sites** would be allowed to be brought to Coogan's site for crushing and/or processing. I request this stipulation be part of the conditional use permit.

Attached you'll find a **Montana Creek neighborhood history** of the changes that have occurred over the past 15 years. As you can see this area has changed from a rural/semi industrial area to a thriving and growing residential area. The Planning Commission has been the governing body in making the decisions to change this area to a denser residential area. Now that we have more people living in this area, industrial operations are no longer compatible.

I strongly urge you to deny Coogan this conditional use permit.

Thank you,
Michelle Kaelke
9723 Trappers Lane
789-5550

4/9/2012

ATTACHMENT B

History of WMVNA West Mendenhall Valley Neighborhood Association

1990	Community Garden created	Providing gardening opportunity to Juneau residents
1995	Montana Creek Rezone & Housing Develop	Changed MT Creek area from rural to medium density— Bicknell's Wolfram/Ninnis new housing development
1999	Gravel Pit	Bicknell's property-denied
2000	Rock Quarry	Upper Mt Creek area—denied
2000	Trappers Lane vacate	New housing development wanted road punched thru Trappers
2000	Rifle/Pistol Range	New facility across from community garden
2001	Rifle Range Fill	Used toxic fill for berm and then covered with clay
2001	Helicopter Noise Study	Study was trying to establish a heliport in upper Mt Creek
2001	Hunter Education Facility	New facility new community garden
2001	Horse Stables	Stopped year round stabling of horses for MT Creek horse tour
2002	Montana Creek—park status/buffer zone	Proposed for the City to re-designate MT Creek as a natural area park—loss, but did get larger buffer zones along the creek
2004	Glacier Lands Rezone	Rezoned to allow a gated high end condominium development with higher density zoning--approved
2005	Montana Creek Road and Bike Path	Road turned over ownership from State to City and we pushed for upgrade of road and segregated bike path
2005	CBJ Rezone Montana Creek Area	Higher density approved
2006	Bicknell Land Rezoning—higher density	Bicknell's later housing phases—Lone Wolf was re-designated higher density from 1 to 5 units/acre
2006	Rock Crusher	Bicknell's property-- denied
2006	Bike Path/Non-Motorized Transportation Plan	Lots of proposed new bike paths, but no movement/action
2005-2007	Heliport	Neighborhood was extremely active in stopping a heliport being built in upper MT Creek area
2007	CBJ Comprehensive Plan	Joke of a process, but we did get the MT Creek buffer zone
2009	Wireless Tower	Proposed wireless tower to be at the Y in the MT Creek Road-denied
2010-2011	Sulfur Smell-Glacier Lands Pit	Due to years of dumping stumps and landscape waste into the pit, during cold periods it releases obnoxious sulfur odor due to

History of WMVNA
West Mendenhall Valley Neighborhood Association

		limited oxygen
2011	Coogan Gravel Extraction/Rock Crusher	

Hello Beth,

I wrote back in November when the Coogan proposed gravel pit off Montana Creek Road was raised and then cancelled. I was disappointed to see it back and wholeheartedly support the comments of our neighborhood representative, Michelle Kaelke, including her questioning the legality of a rock crusher and her list of issues.

Having lived just off Montana Creek road for more than 30 years, I have watched extensive growth in the area. The existing gravel pit across from the proposed new one already has huge double load trucks on the road. Changes to higher density lots have resulted in four or five additional housing developments and resulting increased traffic. Tourism (group bikers, river rafting rides, canoe rides, hikers, and campers) have all increased using Montana creek road. Do we want to leave this kind of impression on out of town visitors?

More large dump trucks are of particular concern. I read somewhere that DOT doesn't consider the road of high use and Coogan expressed the idea that the bike path would take care of foot traffic, so 30 miles per hour for those oversized dump trucks was okay. For years I have adapted to watching for them and waiting, because they can't stop quickly. Foot traffic, dog walking and bikes (including daily tourism biking) occurs on that path. Existing large trucks don't belong in this area, let alone adding more traveling at 30 miles per hour.

I don't understand why a rock crusher would even be considered. The noise can't be adequately muted and the hours proposed are unacceptable. The community garden (just off the planned rock crusher area) is a favored getaway for gardeners who don't have growing opportunities at their homes. I often like to visit in the summer to see the results of gardener's efforts. The pounding of the rock crusher will ruin this cherished area and experience for locals. The sound may be close enough to spoil the outdoor experience at nearby camp sites. It is a popular area also for recreation for locals and tourists alike. Crushing noise would ruin the outdoor experience for all at the campground and Mendenhall Recreation Area. I live far enough away that I will be spared the sound at my home. We have had rock crusher problems previously in this area, so neighbors will not take kindly to another encroachment. As stated earlier, I don't understand why a rock crusher would even be considered.

Environmental issues are a concern. I volunteer (in part) to help fish habitat, so I have learned how destructive projects like this can be. In addition to small streams, often ditches in this area have anadromous salmonids in them. I can't imagine approving this project without recognizing that you would also be approving destruction of fish habitat. Even eventually dumping into Montana Creek is unacceptable. Why approve development at cost to habitat and our fisheries industry?

It just doesn't make sense to add a crusher and new gravel pit in this area. In short this area is too populous, too popular for recreation for locals and tourists, and it contains valuable fish habitat. My recommendation is to move toward ceasing allowing gravel pits in this area and the rock crusher is out of the question. We are wondering why it is even being considered given existing ordinances.

Patricia OBrien
(907) 789-9405
PO Box 35451
Juneau, Alaska 99803-5451

ATTACHMENT C

Beth McKibben

From: Michelle and Mark Kaelke [flyfish@ak.net]

Sent: Monday, April 09, 2012 6:41 PM

To: Beth McKibben

Subject: Stump Dump

CDD staff and Planning Commissioners

In talking to contractors, hearing gravel availability reports on the radio and receiving an email from Jeff Ottesen of DOT, there really is no immediate need for gravel or sand in Juneau.

While I know the Commission does not approve/deny conditional use permits based on market demands, I am concerned that Coogan's property could turn into a stump dump.

This is not a welcomed use of property in our residential area. Glacier Lands next door has filled their pit with stumps and organic material, which causes a rotten egg odor during the winter months and low water levels. We don't need another one of these dumps in our neighborhood.

Could the Commission add a condition of the permit that the storage of overburden (stumps and other organic material) not be allowed to be stockpiled?

Thank you,
Michelle Kaelke
9723 Trappers Lane

Planning Commissioners:

I'm writing in general support of the Gravel Pit proposal put forth by Coogan Construction for the Montana Creek West site however, there are items in the plan that need to be considered before this proposal is approved.

1. There should be specific language in the permit that outlines how the performance bond will be calculated and there needs to be some consideration on the schedule to reevaluate the amount of the performance bond to account for expanded activities that may occur at the site over time.
2. There are comments in the Coogan Construction proposal about the retention of water at the property. CBJ and other agencies should be interested in investigating the surface and groundwater conditions at the site considering what has occurred at the existing pit on the other side of the road. Surface water flowed into the north side of the site and was intercepted and directed out the northeast corner into a roadside ditch. The first year water was diverted, the roadside ditch overflowed onto the roadway near the campground entrance creating traffic hazards and damage to the newly build road. Is ground water and surface flow understood well enough in all conditions to ensure that a similar condition will not occur with the new development, specifically?
 - a. Is groundwater flow understood at the site? Do artesian conditions exist that may result in flow from the site that is not currently expected?
 - b. Can surface flow be successfully diverted as planned in the Coogan proposal?
 - c. Can surface flow be successfully diverted in the event of a large storm event?
 - d. Will the road side ditches that currently exist along the road handle potential surface flow from the site?
 - e. Will road side ditches have the capacity to handle storm water volumes from the site?
3. Hay bales are not considered a good media for filtering sediments from water. I would ask that more modern sediment control features be required.
4. The Proposal indicates that equipment maintenance work will be done across the road at the existing shop and it also specifies that absorbents will be kept on hand to clean up spills. Both measures are appropriate however, the statement that no spills have occurred and none are expected are way out of line with reality. There is virtually no chance that a construction site with heavy equipment running will not have spills of some sort; glycol, fuel, lubricants. The regulating agencies should require spill prevention, containment, and cleanup kits in the immediate vicinity of equipment working at the site.
5. The impacts to traffic seem to be underestimated. It may be true that traffic levels in the immediate vicinity of the proposed pit are low but not on Montana Creek Road. Haulage vehicle traffic has been less in recent years due to completion of extraction activities at the existing pit however, traffic related to tourism (summer), recreation (all seasons), and local population increases (all seasons) has increases steadily in the last several years. I would expect that traffic volume and flow is better understood by CBJ but the statements in the Coogan proposal do not appear to be accurate and may be outdated.

ATTACHMENT E

6. CBJ and regulatory agencies should be very concerned about any plan to backfill these areas with any material containing significant organics. While it doesn't sound like it has been proven, to the logical person, it sure seems as though the disposal of organics in the existing pit may be causing water quality issues and the resulting rotten egg smell that dominates the Skaters Cabin area for several months each year. It would be some time before backfilling occurs in the proposed pit but studies should be done to determine if backfilling with organics is the best approach.

Thanks for considering my comments.

Brian Erickson

1062 Arctic Circle

789-6372

Dear CBJ Planning Commission:

The site drainage plan proposed by Coogan General LLC in their application for a CBJ Conditional Use permit for sand and gravel extraction notes a ditch to the southwest of the pit will be employed to divert water from the settling pond. The area directly to the southwest of Coogan's property contains a series of ponds, wetlands and small streams which drain some 400 yards and meet the main stem of Montana creek southwest of the Community Garden. Given the substantial anadromous and resident fish populations and recreation values of Montana Creek and the potential negative impacts to water quality in Montana Creek, we, the undersigned users of the area, urge you to require that 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 this location.

Name Signature Affiliation Contact Phone

<u>Name</u>	<u>Signature</u>	<u>Affiliation</u>	<u>Contact Phone</u>
Roger Harding	<i>Roger Harding</i>	RainCountry Fly Fishers	209-8904
Anthony J. Solix ANTHONY SOLIX	<i>Anthony J. Solix</i>	RainCountry Flyfishers	789-9159
Charles Caldwell	<i>Charles Caldwell</i>	RainCountry Flyfishers	789-0341

ATTACHMENT F

Beth McKibben

From: Michelle and Mark Kaelke [flyfish@ak.net]
Sent: Monday, April 09, 2012 8:14 PM
To: Beth McKibben; Ron King
Cc: 'Michelle and Mark Kaelke'
Subject: Mt Creek gravel pit and drainage issues

Beth, Ron and Planning Commissioners,

In talking to a water flow expert, I learned a bit about the water drainage issues and safeguards for gravel pit operations.

It was recommended that 100% of the surface water flowing towards the pit area should be diverted. A ditch along all of the upslope side of the property (the road and NW property line) should be built to control and diver water away from the pit operation. Keeping surface water out of the pit operation is very important.

Another recommendation is to build tall thick berm/dike of clean gravel around the pit and settling pond (s). This will allow no/little water to escape out of the pit & settling ponds without being filtered to remove fine silt.

The SWPP needs to be maintained and enforced to safeguard against oil and other contaminants from leaking into the water.

Another issue is allowing overburden material from decomposing and causing obnoxious odors. If stumps are allowed to be dumped into the pit, then the pit should be capped with material to prevent air exposure and exchange.

These recommendations would be a desired conditions of Coogan's conditional use permit.

Michelle Kaelke
9723 Trappers Lane

Beth McKibben

From: Michelle and Mark Kaelke [flyfish@ak.net]
Sent: Monday, April 09, 2012 9:07 PM
To: Beth McKibben
Cc: 'Michelle and Mark Kaelke'
Subject: D5 in Mt Creek and former USE1999-00016 permit

Attachments: Bicknell.jpg; Bicknell 1.jpg; Bicknell 2.jpg

Beth McKibben, CDD staff member, and Planning Commission Members,

Former Bicknell gravel pit and rock crusher:

Former USE1999-00016 permit of Bicknell. On Oct 11, 2006 Director Pernula issued a notice of expired conditional use permit to Bicknell.

The reason the City allowed Bicknell to operate a gravel pit in our residential area in the first place was to use the material for his residential development. However, the attached Nov 13, 2006 letter Cert #7000 0520 0018 0853 1688, states the CBJ decided the Montana Creek subdivision was complete and Bicknell's conditional use permit for the gravel pit and rock crusher had expired.

If the City decided in 2006 that a gravel pit and rock crusher were only allowed in our area because they were associated with supplying material for the developing residential area and were then terminated upon completion, how can you now justify a new gravel pit and operation of a rock crusher given there is no need for this material in our residential area?

Note: I do understand Glacier Lands currently operates a gravel extraction pit and rock crusher, however, they have been in operation well before the zoning change from D1 to D3, thus they are somewhat grandfathered in. I do not support their operation, but wanted to bring up this point in case it is questioned.

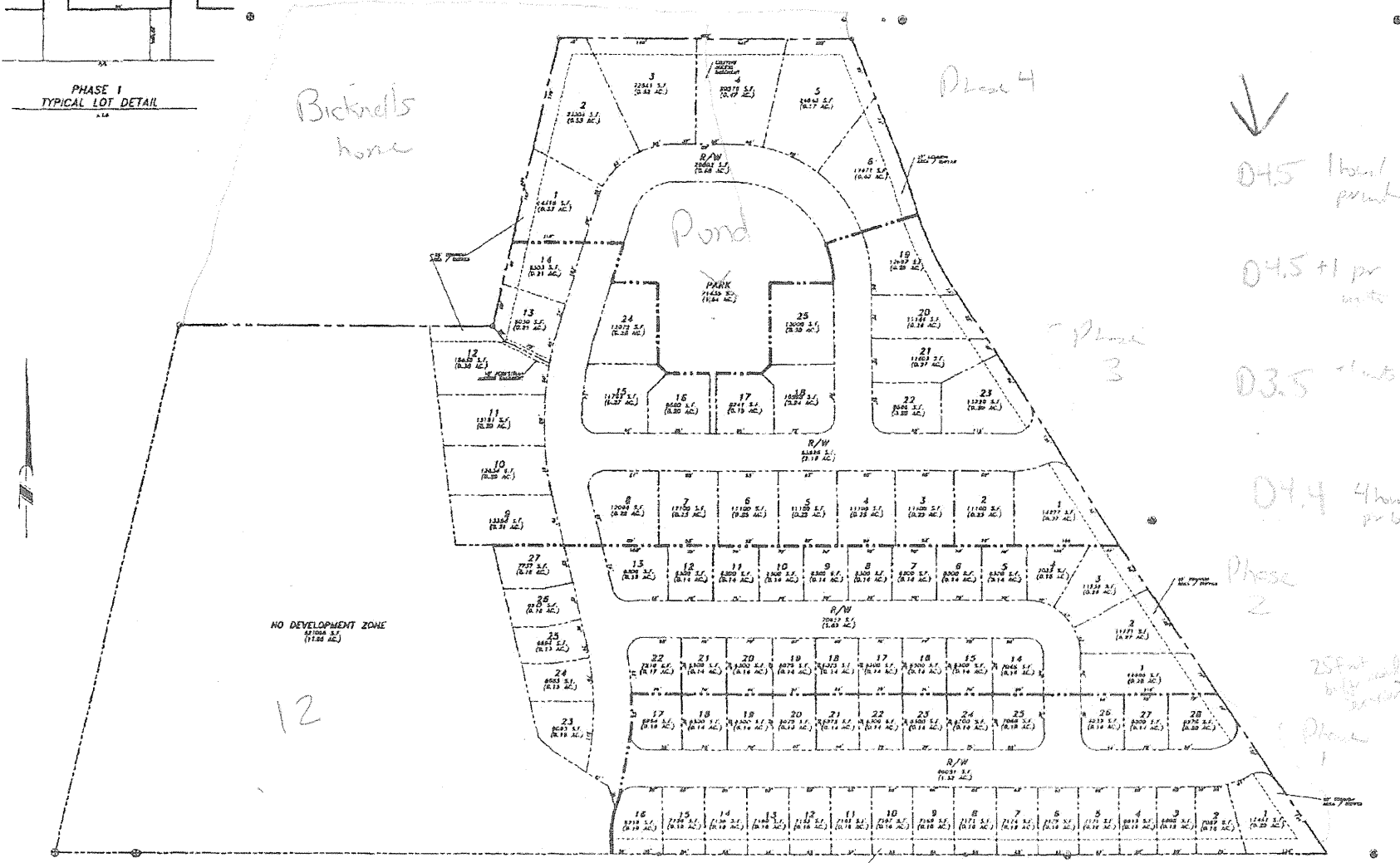
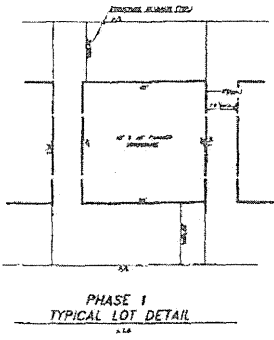
D5 zoning?

Can you take a closer look on the possibility of Bicknell's PUD future development—Phase 4 & 5. My notes along with talking to the Bicknells suggest this future development is zoned up to D5. See attached diagram.

Can you confirm?

If that is the case, then there is even more reason to not allow the crusher.

Michelle Kaelke
 9723 Trappers Lane
 321-2633



Pole/pole/gal

Phase 4

Phase 3



0.45 1/2 acre/pond

0.45 + 1 pr units

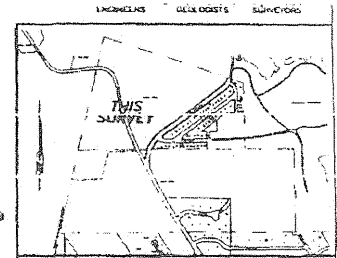
0.35 + 1/2 acre

0.44 4 houses per lot

Phase 2

25 ft wide by 100 ft long

Phase 1



SOURCE: ALASKA ELECTRIC LIGHT & POWER CO. MAPPING
SCALE: 1" = 1,000'

SUBDIVISION SUMMARY

PHASE 1	28 LOTS
PHASE 1	28 UNITS
PHASE 1 RIGHT-OF-WAY	1.52AC.
PHASE 1 COMMON SPACE	0.75AC.
PHASE 2	27 LOTS
PHASE 2	30 UNITS
PHASE 2 RIGHT-OF-WAY	1.63AC.
PHASE 2 COMMON SPACE	0.18AC.
PHASE 3	25 LOTS
PHASE 3	32 UNITS
PHASE 3 RIGHT-OF-WAY	2.16AC.
PHASE 3 COMMON SPACE	0.45AC.
PHASE 4	6 LOTS
PHASE 4	24 UNITS
PHASE 4 RIGHT-OF-WAY	0.58AC.
PHASE 4 COMMON SPACE	0.60AC.
PHASE 4 PARK SPACE	1.84AC.
TOTAL LOTS	86
TOTAL UNITS	114
TOTAL AREA	38.14AC.
TOTAL RIGHT-OF-WAY	5.99AC.
TOTAL COMMON SPACE	1.96AC.
TOTAL PARK	1.64AC.
TOTAL NO DEVELOPMENT	11.96AC.

A PRELIMINARY SUBDIVISION PLAT
OF
TRACT 1A, U.S. SURVEY NO. 2178
DENOTING
**MONTANA CREEK WEST
PHASES 1, 2 AND 3**
WITHIN
THE CITY & BOROUGH OF JUNEAU, ALASKA

CLIENT: BICKNELL INCORPORATED
P.O. BOX 3337
JUNEAU, ALASKA 99803

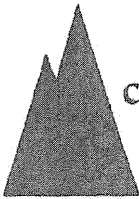
SUBVERTOR: RAW ENGINEERING, INC.
6203 GLADIER HIGHWAY
JUNEAU, ALASKA 99801

DATE: FEB. 6, 2006

SHEET 1 OF 1

RAW PROJ. NO. 041741

Phase 1/2
1300-2200 Sq ft houses



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

November 13, 2006

Parcel No.: 4-B29-0-116-030-0

Case No.: ENF2006-00083

Certified Return Receipt Number:

7000 0520 0018 0853 1688

Roscoe Bicknell III, &
Roscoe Bicknell IV
P.O. Box 033317
Juneau, AK 99803

Re: **Compliance Order**

Operation of a rock crusher on residential land located at 5401 Montana Creek Road,
Conditional Use Permit expired.

Dear Mr. Bicknell:

This **Compliance Order** is being issued to you today because the land use code requires that a Conditional Use permit be obtained prior to the use of a rock crusher in a residential zoning district as per CBJ 49.25.300. CBJ records do not show that you have applied for a conditional use permit for the operation of a rock crusher at this site; CBJ records also show that your permit, USE1999-00016, for the operation of a sand and gravel pit has expired, as explained below.

On September 27, 2006, after many complaints from your residential neighbors about the rock crusher being used at this site, staff met with you and your son and explained that permit USE1999-00016 has been terminated as of September 1, 2006. You were further informed that you are to cease operation of this rock crusher as of September 1, 2006. You explained to staff that you disagreed with this finding because you had not completed the construction of the gravel walkways required by the subdivision process. Staff informed you that the CBJ had accepted the subdivision for maintenance purposes and therefore the subdivision was considered complete and your conditional use permit was now expired. Staff directed you to stop the operation of the rock crusher based on the following condition of this use permit:

“9. The permit shall be valid for a period of ten (10) years, or until the subdivision on Tract 2, U.S. Survey 2178 is complete, whichever is sooner.”

On October 11, 2006, the Director of the Community Development Department, Dale Pernula, provided you with a letter referenced as:

Re: Request to extend time to complete required pathway and Notice of Expiration of Conditional Use Permit.

You responded in a letter of October 19, 2006, proposing a date of November 22, 2006, to cease all crushing operations. In light of the outstanding issues with the completion of the pedestrian walkways, CBJ accepts your suggested date of November 22, 2006 as the final date for the operation of the rock crusher. As per this letter, the days of operation are limited to Monday through Friday, from 8:00A.M. To 5:30P.M. In addition, you are further regulated to 70dba's of noise that can enter the residential zoning districts as per 04CBJAC 050.020. Any deviation from these specific regulations will result in the withdrawal of this letter as a temporary permit, and will require that rock crushing operations cease immediately.

This **Compliance Order** shall serve as notice that you must cease the operation of the rock crusher on or before November 22, 2006.

Failure to comply with the notice above could result in your being charged with an infraction or a misdemeanor under the CBJ Land Use Code. An infraction is punishable by a \$100 fine for the first offense, and a \$200 fine for the second offense. A willful violation of the CBJ Land Use Code or Building Code is a Class A misdemeanor, punishable by a fine of up to \$5,000 or up to one year in jail, or both.

This Compliance Order is effective upon receipt. A copy of CBJ Ordinance 49.10.620, Compliance, is enclosed; it explains your rights with respect to this compliance order. You have a right to appeal this Compliance Order as set forth in the enclosed ordinance, CBJ 49.10.620(d).

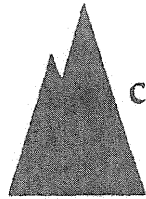
If you have any questions regarding this Order, please contact me at the telephone number listed below.

Sincerely,



Stephen G. Hanis, Environmental Zoning Inspector
Community Development Department
(907) 586-0763
E-Mail: Stephen_Hanis@ci.juneau.ak.us

cc: Dale Pernula, CBJ CDD Director
John Hartle, CBJ Borough Attorney
Peggy Boggs, CBJ Assistant Borough Attorney
Roger Healey, CBJ Engineer
Rod Swope, CBJ Borough Manager
Kim Kiefer, CBJ Deputy City Manager
Greg Browning, CBJ Police Chief



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

November 13, 2006

Parcel No.: 4-B29-0-116-030-0

Case No.: ENF2006-00083

Certified Return Receipt Number:

7000 0520 0018 0853 1688

Roscoe Bicknell III, &
Roscoe Bicknell IV
P.O. Box 033317
Juneau, AK 99803

Re: **Compliance Order**

Operation of a rock crusher on residential land located at 5401 Montana Creek Road,
Conditional Use Permit expired.

Dear Mr. Bicknell:

This **Compliance Order** is being issued to you today because the land use code requires that a Conditional Use permit be obtained prior to the use of a rock crusher in a residential zoning district as per CBJ 49.25.300. CBJ records do not show that you have applied for a conditional use permit for the operation of a rock crusher at this site; CBJ records also show that your permit, USE1999-00016, for the operation of a sand and gravel pit has expired, as explained below.

On September 27, 2006, after many complaints from your residential neighbors about the rock crusher being used at this site, staff met with you and your son and explained that permit USE1999-00016 has been terminated as of September 1, 2006. You were further informed that you are to cease operation of this rock crusher as of September 1, 2006. You explained to staff that you disagreed with this finding because you had not completed the construction of the gravel walkways required by the subdivision process. Staff informed you that the CBJ had accepted the subdivision for maintenance purposes and therefore the subdivision was considered complete and your conditional use permit was now expired. Staff directed you to stop the operation of the rock crusher based on the following condition of this use permit:

“9. The permit shall be valid for a period of ten (10) years, or until the subdivision on Tract 2, U.S. Survey 2178 is complete, whichever is sooner.”

On October 11, 2006, the Director of the Community Development Department, Dale Pernula, provided you with a letter referenced as:

Re: Request to extend time to complete required pathway and Notice of Expiration of Conditional Use Permit.

Beth McKibben

From: Ron King
Sent: Tuesday, April 10, 2012 2:18 PM
To: Beth McKibben

Subject: USE2011-12 GRAVEL EXTRACTION

Beth, I have reviewed the USE case plan once again in reference to several emails that were received questioning drainage. The active pit should not be influenced by surface water runoff. The detailed site topography verifies that existing surface water drains to the southwest. Drainage ditches/swales will be constructed to divert clean surface runoff away from the extraction area. There is to be a berm constructed along the south property line to increase retention on the property. In the case of extreme rainfall 50 to 100 year storm amounts any surface water that may escape retention is directed to swales that will filter runoff toward the road side ditch.

Gravel extraction activities are required to comply with Title 19.12.120 Erosion Control and Storm Water Quality, CBJ Manual of Stormwater Best Management Practices and CBJ Standard Details. The developer will be cited with a Stop Work order if the code is violated in any manner. In addition a SWPPP is required by ADEC to verify and require monitoring of the surface runoff.

Beth McKibben

From: Ron King
Sent: Tuesday, April 10, 2012 2:28 PM
To: Beth McKibben
Subject: 19.12.120

From muni-code ... doesn't copy so well.

19.12.120 - Erosion control and stormwater quality.

19.12.120.1 Best Management Practices. All grading, excavation and removal or destruction of natural topsoil, trees or other natural vegetation shall conform to an erosion and sedimentation control plan prepared by the applicant and approved by the building official before the work may commence. The plan shall conform to the guidelines as stated in the City and Borough of Juneau Manual of Stormwater Best Management Practices as well as the following:

1.
The smallest practical area of land should be exposed at any one time during development.
2.
When land is exposed during development, the exposure should be kept to the shortest practical period of time.
3.
Sediment and other pollutants, including but not limited to oil, grease, nutrients, bacteria and heavy metals generated by development activity, should be removed from stormwater runoff waters and from land undergoing development, by means of appropriate water quality control measures, before the runoff waters are permitted to be discharged into natural streams, lakes or other approved drainages.
4.
Wherever feasible, natural vegetation should be retained and protected.
5.
Ground cover should be replaced as soon as practical in the development.
6.
The development plan should be fitted to the topography and soil conditions to create the least erosion potential.
7.
Provisions should be made to effectively accommodate the increased runoff and pollutant loads caused by changed soil and surface conditions after development. Such provisions to include both stormwater and water quality control measures.