

**PLANNING COMMISSION**  
**NOTICE OF DECISION**

Date: October 24, 2007

File No.: USE2007-000051

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

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

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

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

Hearing Date: October 23, 2007

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

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

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


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

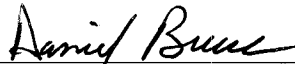
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain required building permits.

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

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

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

Project Planner:   
Daniel Sexton, Planner  
Community Development Department

  
Daniel Bruce, Chairman  
Planning Commission

 Deputy Clerk 10/25/07  
Filed With City Clerk Date

cc: Plan Review

**NOTE:** The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center 1 (800) 949-4232, or fax (360) 438-3208.