



Planning Commission

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www.juneau.org/community-development/planning-commission

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: January 30, 2023

Case No.: USE2022 0015

CBJ Parks & Recreation, Juneau Off-Road Association
ATTN: Michele Elfers, Deputy Director
155 South Seward Street
Juneau, AK 99801

Proposal: Conditional Use Permit for an Off-Road Vehicle (ORV) Riding Park at 35-Mile in a Rural Reserve (RR) Zone.

Property Address: N/A

Legal Description: ASCS 96-13 96-14 96-15

Parcel Code No.: 3B4501000010

Hearing Date: January 24, 2023

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 17, 2023, and approved the Off-Road Vehicle (ORV) Riding Park at 35-Mile to be conducted as described in the project description and project drawings submitted with the application (and with the following conditions:)

1. A finalized management agreement by the CBJ Parks & Recreation Department shall be required prior to commencement of development. A copy of said agreement shall be provided to the Community Development Department (CDD) for inclusion in the file. If the agreement is modified at any time, a copy of the modified agreement shall be provided to CDD by the applicants no later than seven days after the agreement is modified, or the USE permit shall be suspended until such time as the agreement is provided to the CDD. CDD shall review the modified agreement and make a determination if a Modification Conditional Use Permit is required. If a Modification Conditional Use Permit is required, the Use shall not commence operation under the modified agreement until the modified USE permit is approved.
2. Use of the ORV riding park shall be permitted only during daylight hours.

3. Riding park site entry shall be secured when outside allowed hours.
4. Any food or beverages stored on site shall be contained in bear-proof containers or structures, and exterior bear-resistant public litter cans that meet the Interagency Grizzly Bear Committee Certification standards shall be provided.
5. The vault toilet and caretaker RV shall meet all Alaska Department of Environmental Conservation (ADEC) permitting requirements prior to commencement of use.
6. The applicants shall contact and apply for permits with CDD prior to installing signage.
7. Right-of-way permits off of Glacier Highway shall meet all DOT&PF permitting requirements prior to commencement of use.
8. The parking lot surface shall conform to ADA requirements and the entrance facility must be designed by a State of Alaska licensed Engineer.
9. Grading plans shall be submitted with an application for a permit, if required.
10. Wheel stops shall be placed in the parking lot to define the location of parking spaces prior to commencement of use.
11. CBJ-approved signage shall be posted for a minimum of two (2) accessible parking spaces prior to commencement of the proposed use.
12. The sound volume measured at the riding park shall be measured inside the riding park at the trail entrance to the parking lot—as opposed to the highway entrance to the parking lot—and shall not exceed 65 dBA during the day or 55 dBA at night.
13. All ORV's must be equipped with functioning brakes and muffler, with noise limit not to exceed 96dBA. Motorcycles and all-terrain vehicles must be equipped with a spark arrestor.
14. All ORV's must have a stock exhaust system; after-market systems will require testing and proof that they can meet the noise requirement.
15. If any ORV's on site are found to be excessively noisy, the applicants will require testing and proof that they meet the noise threshold.
16. Areas surrounding constructed features and facilities disturbed by construction shall be revegetated using native vegetation and native vegetation mats prior to use of the constructed feature or facility.
17. Soils, slopes, and vegetation beyond the riding park boundary shown in the project plans shall not be disturbed.
18. Trees shall be retained to the greatest extent practical and the general public and park users will not cut any trees.
19. Hardened stream crossings and managing erosion and sedimentation in the project area shall be required. Similarly, redirecting drainages will be avoided to ensure stream channels with fish habitat are not dewatered downstream.
20. The applicants shall ensure that all drainage, storm water, and stabilization improvements related to specific features and facilities are completed and functioning prior to public use of the features and facilities.
21. The applicants shall minimize disturbance to the natural course of streams and drainage ways. Where disturbance is unavoidable, the applicants will protect adjacent areas from contamination from storm water runoff and provide a drainage system or structures that will minimize the

possibility of sedimentation and soil erosion on-site and downstream and maintain or enhance the general stream characteristics of the stream and its receiving waters.

22. The applicants shall submit plans showing how these drainage conditions will be met for review and approval by the CBJ General Engineering Division.
23. The applicants shall install and maintain perimeter site controls to prohibit riding outside of the riding park.

Attachments: January 17, 2023, memorandum from Jennifer Shields, Community Development, to the CBJ Planning Commission regarding USE2022 0015.

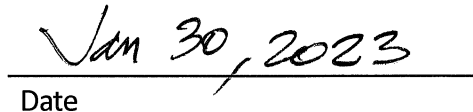
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

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

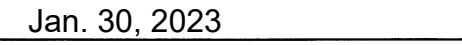
Effective Date: The permit is effective upon approval by the Commission, January 24, 2023.

Expiration Date: The permit will expire 18 months after the effective date, or July 24, 2023, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.


Paul Voelckers, Acting Chair
Planning Commission


Date


Filed With City Clerk


Date

cc: Plan Review

CBJ Parks & Recreation, Juneau Off-Road Association

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