

PLEASE NOTE: Application is to follow see attached message:

BOARD OF ADJUSTMENT

1)

I MOVE TO CONVENE AS THE BOARD OF ADJUSTMENT.

2)

I MOVE TO approve a temporary use permit for an asphalt plant filed by S&S General Contractors and Equipment Rentals, Inc. for Secon Southeast Alaska at 4660 Halibut Point Road (S&S rock pit). The request is to house an asphalt plant throughout the duration of the paving of Halibut Point Road (estimated September 15, 2014) at the S&S rock pit.

3)

I MOVE TO RECONVENE AS THE ASSEMBLY IN REGULAR SESSION

Colleen Ingman

From: Tyler Eddy <tyler.eddy@cityofsitka.com>
Sent: Wednesday, July 02, 2014 8:12 PM
To: Mark Gorman; welle@cityofsitka.com; maegan@cityofsitka.com; Colleen Ingman; Tyler Andrews
Cc: S&S General Contractors & Equipment Rental, Inc
Subject: S&S Pit Asphalt Plant Update

Mr. Mark Gorman,

I just wanted to touch bases with you today to keep you updated on the status of the S&S Pit and SECON. The application for the Board of Adjustment has been completed and all the paperwork is being reviewed by legal. It is still hopeful to get it in tomorrow, but I will not know until I get it back.


I will continue to keep you updated on the status of everything as much as possible, and as always feel free to contact me, (907) 756-1111

Tyler Eddy, Sec

S&S General Contractors and Equipment Rentals, Inc

MEMORANDUM

To: Mark Gorman, Municipal Administrator
Mayor McConnell and Members of the Assembly

From: Wells Williams, Planning Director 

Subject: Temporary Use Permit Request for an Asphalt Plant in the S&S Quarry

Date: July 2, 2014

S&S General Contractors is applying for a temporary use permit for the asphalt plant in their quarry across from Cove Marina. The asphalt plant, operated by Secon Southeast Alaska, is providing all the asphalt for the current Sawmill Creek Road, Halibut Point Road, and Harbor Drive paving projects.

The Sitka General Code allows the Assembly to issue temporary permits for asphalt plants specific projects in the Industrial and Public Lands Districts. The code authorization for these permits is in the zoning ordinance Supplemental District Regulations and is not a part of the traditional conditional use process. The procedure recognizes the short term nature of the plants that are connected to a specific project.

The asphalt plant has been in operation at the pit for approximately a month. There was an inadvertent approval of the facility at that location by the Planning Office due to confusion about the plant's location. The approval, which would have lasted until June 30th, 2014 has been revoked.

Valorie and Connor Nelson raised the issue of the asphalt plant in their letter to the Municipal Administrator dated June 6th, 2014. There have been a large number of communications between all the parties involved, including direct contact between Secon and the Nelsons, since that letter was received.

The asphalt plant has numerous components and activities.

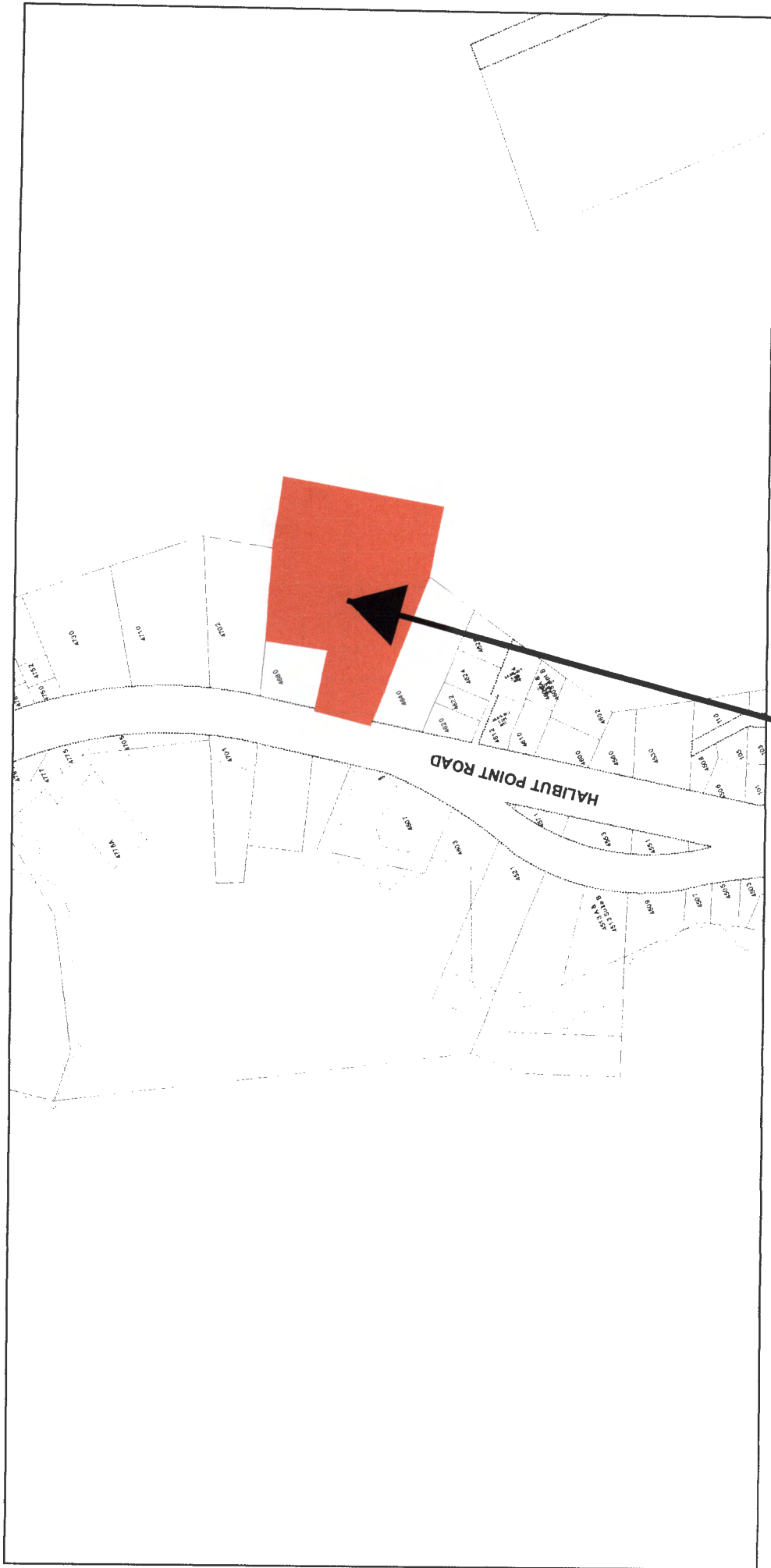
The majority quarry itself is surrounded by tall deciduous vegetation. There is an entrance directly onto Halibut Point Road. Truck scales are located at the left and side of the entry.

There are stock piles of materials, the plant itself, and truck traffic entering and exiting the quarry. The noise created through the process of creating asphalt is considered less than quarry and rock crusher activity that has previously occurred on the property. Planning Office staff inspected the property on July 1st and had a lengthy discussion with Secon employees about the operation and the noise inevitably from the equipment.

The potential off site impacts primarily involve truck traffic going to and from the parcels. The paving project often occurs at night to facilitate the completion of the work and to minimize the traffic delays along the highway. Secon responded to the Nelsons on June 8th concerning the use of compression truck brakes. It is the understanding of the Planning Office that the dialogue is ongoing.

The Planning Office prepared a public notice for the July 8th Assembly meeting and mailed it to property owners in the area.

Vicinity Map



S&S General Contractors
Temporary Use Permit
4660 Halibut Point Road

**Aerial Vicinity Map
(Approximate)**



S&S General Contractors
Temporary Use Permit
4660 Halibut Point Road



S&S General Contractors
Temporary Use Permit
4660 Halibut Point Road



S&S General Contractors
Temporary Use Permit
4660 Halibut Point Road



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

Notice of Public Hearings

The Assembly of the City and Borough of Sitka will hold a public hearing during a regular meeting scheduled Tuesday, July 8, 2014 on the following items:

Public hearing and consideration of a temporary use permit for an asphalt plant filed by S&S General Contractors and Equipment Rentals, Inc for Secon Southeast Alaska at 4660 Halibut Point Road (S&S rock pit). The request is to house a asphalt plant throughout the duration of the paving of Halibut Point Road (estimated September 15, 2014) at the S&S rock pit. The property is also known as Lot 61A S&S Minor Subdivision. The owner of record is John and Judith Sudnikovich.

Please see the hearing description on back of page. The Assembly may take action on July 8, 2014.

The Assembly meeting will begin at 6:00 pm in Harrigan Centennial Hall at 330 Harbor Drive in Sitka.

Interested residents are encouraged to make comments during the meeting and written comments can be submitted to the Municipal Clerk at 100 Lincoln Street.

Temporary use permit at 4660 Halibut Point Road:

The applicant is requesting a temporary use permit for an asphalt plant at 4660 Halibut Point Road. This would allow the applicant to operate the asphalt plant throughout the duration of the Halibut Point Road paving project, expected to be completed approximately September 15, 2014. The property is zoned Industrial and currently has an active conditional use permit for a rock crusher.

The I Industrial District is intended for industrial or heavier commercial uses including warehousing, wholesale and distribution operations, manufacturing, natural resource extraction, contractors' yards and other such uses that require larger property or larger water and sewer services.

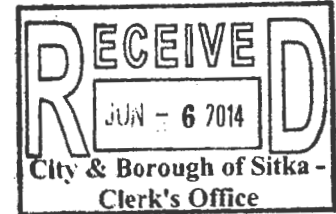
22.20.140 Asphalt plants and concrete batch plants.

A. The board of adjustment may issue temporary permits for asphalt and concrete batch plants, for specific named projects, in public lands and industrial districts except on park, school or hospital grounds. Such permits shall be for up to five months or the length of the project whichever is longer and may be renewed only once in any given calendar year.

B. The plant shall be removed upon completion of the project or within thirty days of the expiration of the permit.

C. Applicants shall address in their application neighborhood composition, traffic to and from the site, noise, dust, and stipulated hours of operation. A site plan shall also be provided.

Connor and Valorie Nelson
4608 HPR
Sitka, AK 99835
(907) 747-4589



June 6, 2014

City & Borough of Sitka
100 Lincoln St
Sitka, AK 99835

Attn: Municipal Administrator Gorman

Re: Violations of Stipulation for Judgement

Dear Mr. Gorman;

This letter is being sent to you per the stipulation for judgment and order in 1SI-92-440 CI. The intent of the stipulation was to "resolve all differences arising out of the ownership and use of Lot 1A, U.S. Survey 3670, and Lots 61A, 62A, and Lots 56A, B, and Cm U.S. survey 3475." This property is also referred to as the S&S rock pit and the hours of operation are limited from 7:00 a.m. to 5:30 p.m.. For the past week or so the operations appear to be going 24 hours per day in violation of item 1. of the agreement. Compression brakes are being applied as they crest the hill at 4600 HPR in violation of item 2. Per item 10, you the City & Borough of Sitka shall monitor and enforce that use permit, or any other law, in the same manner as with other use permits.

An asphalt plant is currently operating at the site (outside the permitted hours of use), yet we see no evidence of a permit as called for per SGC 22.20.140, therefore a stop work order should be issued immediately.

Per item 12 of the stipulation please be advised that this shall serve as your written notice that serious violations are occurring by both S&S and the City. S&S has been notified via telephone and will be sent a copy of this correspondence.

We look forward to a swift resolve to this issue.

Sincerely,
Connor Nelson
Valorie Nelson

Connor and Valorie Nelson

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
2 FIRST JUDICIAL DISTRICT AT SITKA

3 VALORIE L. and CONNOR K.
4 NELSON, individually, and
5 KEYSTONE ASSOCIATES, INC.,

6 Plaintiffs,

7 v.

8 CITY AND BOROUGH OF SITKA,
9 S&S GENERAL CONTRACTORS
and EQUIPMENT RENTAL, INC.,
and JOHN ROGER SUDNIKOVICH,
10 individually,

11 Defendants.

FILED in the Trial Courts
State of Alaska, First District
Sitka

JAN 24 1994

Clerk of the Trial Courts
By _____ Deputy

No. 1SI-92-440 CI

12
13
14 STIPULATION FOR JUDGMENT AND ORDER

15
16 The above parties have reached agreement in settlement of
17 their differences. This agreement was reached with assistance of
18 counsel following a lengthy discussion on January 20, 1994, and
19 January 21, 1994. Nelson as used herein refers to all plaintiffs,
20 City, as used herein, refers to the City and Borough of Sitka, and
21 S&S refers to S&S General Contractors and Equipment Rental, Inc, and
22 John Roger Sudnikovich. Judgment may be entered on the following
23 terms:
24
25

Alaska Court System



2 of 10

2008-000677-0

1
2 **I. Scope of this agreement:**

3 The intent of the parties is to resolve all differences
4 arising out of ownership and use of Lot 1A, U.S. Survey 3670, and
5 Lots 61A, 62A, and Lots 56A, B, and C, U.S. Survey 3475. This
6 agreement shall not be construed to apply to any other real
7 property.

8 The scope of this settlement includes, but is not limited to:
9 (1) the above entitled case, (2) any pending appeal by plaintiffs
10 from the Planning and Zoning Commission or Platting Board to the
11 City & Borough of Sitka Assembly, and any appeal from the Assembly
12 or the Assembly sitting as a Board of Adjustment to the Superior
13 Court, and (3) the existing conditional use process for Lot 1A and
14 the proposed conditional use permit for the rock crusher.

15 The parties agree as follows:

16
17 **1. Hours of Operation:**

18 From March through October of each year, S&S General
19 Contractors (S&S) shall conduct its operations from 7:00 a.m. to
20 5:30 p.m., Monday through Thursday. From November through February
21 of each year S&S shall conduct its operations from 7:30 a.m. to 4:30
22 p.m. Monday through Friday. It is recognized that the demand for
23 product and weather may vary these hours and days of operation.
24 These hours do not include the earlier starting of equipment in
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These hours do not include the earlier starting of equipment in preparation for work.

In the event that S&S obtains the contract for Thompson Harbor, or in the case of barge activities or any other similar contracts, these hours and days of operation may be modified.

S&S shall employ reasonable efforts to minimize the impact of its operations on the Nelsons' use and reasonable enjoyment of their property.

S&S will not operate on Sundays except for emergencies and occasional barge activity.

(2) Good Faith:

All parties realize that the future needs of S&S's business is uncertain but that mutual respect for S&S's business needs and Nelsons' quality of life needs can be made compatible with good faith effort. For example, S&S will talk with truck drivers hauling to and from their rock quarry in a way that will eliminate unnecessary use of compression brakes on their trucks so that noise will be reduced. These compression brakes are a significant cause of noise. S&S and Nelson agree that this problem will receive special attention.

(3) Dust:

STIPULATION FOR JUDGMENT
Nelson v City and Sudnikovich
1SI-92-440 CI



1
2 S&S has installed a fog nozzle on their rock crusher for the
3 purpose of keeping down the dust generated by the rock crusher. S&S
4 shall maintain this device in good working order so long as the rock
5 crusher is in operation and shall use reasonable efforts to reduce
6 the dust. It is understood some dust is inherent in S&S's
7 operation.

8 **(4) Rock Crusher:**

9
10 The rock crusher shall be moved. If S&S does not obtain the
11 Thomsen Harbor contract then rock will be taken from an area behind
12 the crusher with the crusher to be moved no later than October 1,
13 1994. This will permit the rock crusher to be moved back away from
14 the highway and Nelson's home so that the noise will be reduced.
15 However, if S&S obtains the Thomsen Harbor contract then the need
16 will be for shot rock rather than crushed rock and the effect will
17 be to minimize the use of the rock crusher which would remain in its
18 present location until the Thomsen Harbor contract is done and to
19 be moved by August 30, 1995.

20 **(5) Truck Traffic:**

21
22 The alleged noise and dust generated by truck traffic related
23 to S&S business has affected use of Nelson's property and their
24 enjoyment of their property. S&S will construct a ramp, at their
25



1
2 cost, by June 30, 1994, providing more direct access to the AML
3 barge loading area. This will reduce the trucks going by Nelsons'
4 property. This ramp will be constructed without regard to whether
5 or not S&S obtains the Thomsen Harbor job.

6 **(6) Future Operation of the Rock Quarry:**

7
8 Nelsons would be better able to plan the use of their land
9 if they knew how long the quarry operation would continue. The
10 parties have discussed how long it would take to extract rock from
11 Lot 1A. The estimate of rock available is approximately 500,000
12 cubic yards. The estimate of how long this will support a
13 commercial rock quarry depends on the demand. The Thomsen Harbor
14 job will need approximately 277,000 cubic yards. Without the
15 Thomsen Harbor contract the demand for rock from S&S's quarry is
16 uncertain.

17 When all the rock, estimated at 500,000 cubic yards have been
18 extracted and used, quarry operations on Lot 1A, U.S. Survey 3670
19 will cease.

20 **(7) Noise:**

21
22 The alleged noise from the rock quarry is produced by the
23 rock crusher, drilling, blasting, equipment, and truck operation.
24 The level of noise varies with weather and wind. City and S&S will
25



1 pay \$9,000.00 to Nelsons for noise remediation by February 27, 1994.
2

3 **(8) Drilling and Blasting:**

4 All drilling equipment operated by S&S shall have properly
5 installed and maintained mufflers.
6

7 S&S shall give 6 hours notice to Nelsons of any blasting of
8 rock. Notice may be either oral or written. If an emergency exists
9 or Nelsons are not at home then such good faith efforts of such
10 notice will be sufficient.

11 **(9) Information Sharing:**

12 S&S operations are monitored by various government agencies:
13 Bureau of Mines, OSHA, City & Borough of Sitka, etc. S&S shall give
14 to Nelsons copies, on request, of these reports that he has so they
15 may monitor S&S compliance with these standards.
16

17 It is recognized that Nelsons may contact the regulatory
18 authorities independently for this information if that information
19 is not available from and provided by S&S.

20 **(10) Conditional Use Permit:**

21 S&S shall apply for a Conditional Use Permit for the rock
22 crusher in addition to the application now pending as to use of Lot
23 1A for extraction of rock. Nelsons shall not oppose or appeal the
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issuance of the Conditional Use Permits consistent with this agreement.

The City & Borough of Sitka shall monitor and enforce that use permit, or any other law, in the same manner as with other use permits.

(11) Compliance:

S&S operations shall comply with all applicable Federal, State and local laws and regulations.

Parties agree to contact each other before contacting any governmental agency.

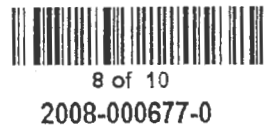
(12) Enforcement:

The intent of the parties is that this judgment of the Superior Court be capable of enforcement by either party at any time in the future that this agreement remains in effect.

The procedure to be followed by the parties is that if any party believes a serious violation has occurred then a petition for enforcement can be filed with the Superior Court.

This petition for enforcement must allege a serious violation of the judgment.

The burden of proof is on the petitioner to show by a preponderance of the evidence that a serious violation has occurred.



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A serious violation is one that is continuous and materially impacts those issues intended to be resolved by this agreement.

The petitioner shall give written notice to the other party detailing the alleged violation. Upon receipt of said notice, the other party shall commence, complete, and cure within 15 business days the alleged violation, or in the event the violation cannot be cured within the 15 days, both parties shall agree to a reasonable time to cure the violation. It is understood that matters beyond the control of the parties shall extend the time required to cure the violation. In the event the violation is not cured within the time period, then petitioner may file its petition.

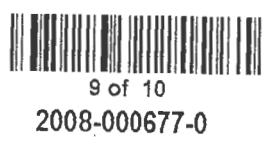
The petition must also allege that the claimed violation has not been corrected.

The petition must also allege that the moving party has acted reasonably and in good faith in the matter constituting the alleged violation.

(13) Public Communication

No communication to the public media of any kind shall be made by the parties, directly or indirectly without consent of all parties.

The purpose of this restriction is to avoid mistaken characterization of the agreement or any other conduct that will



1
2 exacerbate the unfortunate differences arising between the parties.

3 DATED at Sitka, Alaska, this 21st day of January, 1994.

4
5 Valorie L. Nelson
6 Valorie L. Nelson
7 Plaintiff

8 Stephen F. Sorensen
9 Stephen F. Sorensen
10 Attorney for Plaintiffs

11 Connor K. Nelson
12 Connor K. Nelson Individually
13 and on behalf of
14 Keystone Associates

15 John Roger Sudnikovich
16 John Roger Sudnikovich,
17 Individually and on behalf of
18 S&S General Contractors and
19 Equipment Rental, Inc.

20 Theron J. Cole
21 Theron J. Cole
22 Attorney for City & Borough
23 of Sitka

24 Edward A. Stahla
25 Edward A. Stahla
Attorney for Defendants
S&S General Contractors and
John Roger Sudnikovich

IT IS SO ORDERED

DATED this ^{24th} 21st day of January, 1994.

CERTIFICATION

I certify that on 24 day of Jan 1994
a true copy of this document was placed
in attorney's box / mailed to the following:

S. Sorensen / T. Cole /

Ed Stahla

By J. Young

Alaska Court System

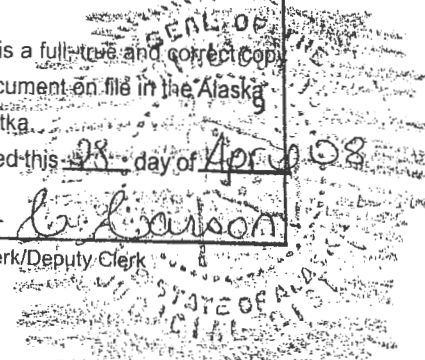
STIPULATION FOR JUDGMENT
Nelson v City and Sudnikovich
151-92-440 CI

Larry G. Zervos
Superior Court Judge

I certify that this is a full, true and correct copy
of an original document on file in the Alaska
Trial Courts at Sitka.

Signed and sealed this 28 day of Apr 1994

by Amy L. Larson
Clerk/Deputy Clerk





500 108th Ave. NE Suite 1740
Bellevue, Washington 98004
(425) 827-3193
Fax (425) 576-5113

P.O. Box 32159
Juneau, Alaska 99801
(907) 780-5145
Fax (907) 780-5896

P.O. Box 7038
Ketchikan, Alaska 99901
(907) 225-6491
Fax (907) 225-6492

June 8, 2014

Mr. Connor Nelson and Mrs. Valorie Nelson
4608 Halibut Point Road
Sitka, AK 99835

Re: Response to Letter Dated June 6, 2014

Mr. and Mrs. Nelson:

On behalf of Secon I would like to apologize for the use compression brakes by our trucks. When we first heard of this complaint we instructed our drivers to discontinue use of compression brakes while hauling. It is my hope that this has reduced the disturbance that you were experiencing. If the use of compression brakes continues to be a problem please feel free to contact myself or the project manager directly; so that your concerns may be resolved quickly and without excess involvement. I can be reached at 907-254-0085 or the project manager, Bill Cheeseman at 907-254- 2398.

Best Regards,

A handwritten signature in cursive script that reads "Thomas Mason".

TJ Mason
Project Engineer



**General Contractors
& Equipment Rentals, Inc.**

City and Borough of Sitka
100 Lincoln Street
Sitka, AK 99835

June 9, 2014

RE: Asphalt Plant at S&S Pit
Secon Operating Hours & Use

Attn: Mark Gorman

S&S General Contractors & Equipment Rentals Inc. received a copy of the letter to the City and Borough of Sitka from Connor and Valorie Nelson on 6-6-14 regarding Secon's asphalt plant operating in the S&S Pit. The Nelson's feel as if there has been a list of violations committed, not uncommon for them.

There are two main documents that govern how S&S does operations in the pit. The Conditional Use Permit (CUP) dated January 5, 1995 clearly states what activities can occur and when. Paragraph two, sentence three clearly states the hours of operation are for crushing activities only. Movement of rock and loading of equipment can happen outside those hours, such as loading and hauling. In the Stipulations of Judgment dated January 24, 1994, 1 year prior to the CUP, Item 12 explains the process the Nelson's need to follow if they believe a serious violation of the Stipulations of Judgement have occurred.

Since 1994 a lot has changed in this area of town. A barge terminal and cruise ship dock have been installed across the street that are right out their front door. Barges come and go at all times of day, including at night, and when they are in loading / offloading occurs. This combined with 24 hour a day delivery of fish vans and containers leads to a lot of noise. When the cruise ships are in buses constantly travel between here and town also creating a lot of noise. An asphalt plant has now been temporarily installed by Secon, and some night operations of the plant have occurred. Immediatley after receiving the letter Secon was contacted, and is doing what they can to keep noise limited, see attached letter from Secon. The Nelson's letter identifies 3 items that need to be addressed:

- Hours of operation:
 - o The S&S Pit is zoned industrial. Per the conditional use permit the limited hours of 7:00am to 5:30pm apply only to time that rock is physically processed by equipment. All other activities can occur outside this work window. In addition, both the judgment and conditional use permit allow for modifications to the work hours if weather or contracts require it.
 - o On 12-2-13 S&S submitted a conditional use variance for setting up Secon's asphalt plant that was approved by CBS. The variance specifically identified work would take place outside the hours of 7:00am to 5:30pm.



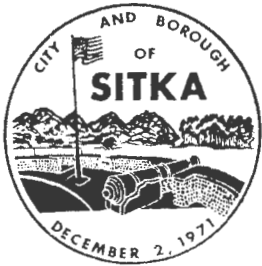
**General Contractors
& Equipment Rentals, Inc.**

- Compression Brakes:
 - o Upon receipt of the letter S&S immediately contacted Seccon regarding the use of compression brakes. Seccon notified their drivers, and all unnecessary compression brake use should now be limited.
- Asphalt Plant Permit:
 - o As identified above the S&S Pit is zoned industrial, and S&S submitted a variance that was approved for Seccon to setup the asphalt plant.

If you have any questions regarding this matter please don't hesitate to contact myself.

Sincerely,

Tim Eddy, President
S&S General Contractors and Equipment Rentals, Inc



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

June 13th, 2014

CC COPY

Tim Eddy, President
S&S General Contractors
P. O. Box 1440
Sitka, Alaska 99835

Dear Mr. Eddy,

Thank you for your letter to Municipal Administrator Mark Gorman dated June 9th, 2014.

The City and Borough of Sitka deeply appreciates your firm's prompt action on the asphalt plant in the S&S pit and looks forward to additional constructive dialogue.

Unfortunately, the approval of the facility for the S&S pit, in Ms. Bosak's email of December 2nd, 2013 was issued in error. It was the intent of the Planning Office to authorize the asphalt plant in the Granite Creek quarry area consistent with the phone conversation we had with S&S. The authorization was not intended to apply to the S&S pit across from the cove. The approval was inconsistent with Sitka General Code Section 22.20.140 Asphalt plant and concrete batch plants. The approval is herewith rescinded.

I sincerely apologize for any difficulties this rescinding of the approval generates.

The City and Borough understands the position you have taken in your letter of June 9th, 2014. It is the position of the municipality that the Stipulation for Judgment and Order, filed in Sitka Trial Courts January 24, 1994 does not supercede the requirement for Board of Adjustment approval, for an asphalt plant at the S&S pit, under SGC 22.20.140. An asphalt plant was not part of the extensive litigation that resulted in the agreement.

The City and Borough request that S&S General Contractors submit an application for Board of Adjustment approval of the asphalt plant. Once the application is received, it will be handled expeditiously.

There is a broad understanding of the importance of the asphalt plant to the major highway paving project and it is evident that the location of the plant adjacent a major road way has significant impacts.

Thank you for your willingness to continue to work to resolve the issues on this matter. The City and Borough looks forward to expressing our appreciation to Secon Southeast Alaska as well.



Wells Williams, AICP
Planning Director

Cc: Robin Koutchak, Municipal Attorney
Mr. and Mrs. Connor and Valorie Nelson

Maegan Bosak

From: Maegan Bosak [maegan@cityofsitka.com]
Sent: Monday, December 02, 2013 2:50 PM
To: 'Tyler Eddy'
Subject: RE: Conditional Use Variance

Tyler,

Thank you for forwarding the letter. Being that this request is concurrent with the historical use of the property and in line with the current zoning, the Planning Office approves this request.
I will hold onto a copy of the letter for our files.

Please let me know if you have any questions or if I can be of any other assistance.

Thanks,

Maegan Bosak, Planner I
City and Borough of Sitka
907-747.1814

From: Tyler Eddy [mailto:sandstyler@acsalaska.net]
Sent: Monday, December 02, 2013 12:41 PM
To: maegan@cityofsitka.com
Subject: Conditional Use Variance

Attached is a request for an conditional use variance for the S&S pit across from Alaska Marine Lines on Halibut Point Road. Please let me know if you have any questions.

Thanks, Tyler

To: City of Sitka
Attn: Maegan Bosak, Planner I
100 Lincoln Street
Sitka, Alaska 99835

November 29, 2013

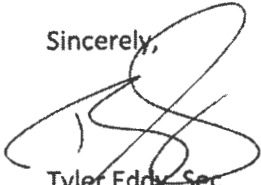
Re: Temporary Variance for Asphalt Plant

Maegan Bosak,

Secon has brought an asphalt plant to Sitka for providing paving services on Halibut Point Road and Sawmill Creek. Attached is Secon's letter requesting a temporary variance to operate out of the S&S pit.

Please let me know if there is anything else that you need with regards to this temporary variance request.

Sincerely,



Tyler Eddy, Sec
S&S General Contractors and Equipment Rentals, Inc



500 108th Ave. NE Suite 1740
Bellevue, Washington 98004
(425) 827-3193
Fax (425) 576-5113

P.O. Box 32159
Juneau, Alaska 99803
(907) 780-5145
Fax (907) 780-5896

P.O. Box 7035
Ketchikan, Alaska 99901
(907) 225-6491
Fax (907) 225-6492

November 27, 2013

Mr. Tyler Eddy
S&S General Contractors
P.O. Box 1440
Sitka, AK 99835

RE: Asphalt Plant at S&S Pit

Dear Mr. Eddy:

We have contacted the City of Sitka regarding the lease of S&S's pit on Halibut Point Road for the use and operation of our asphalt plant under S&S's conditional use permit. It was suggested by the City of Sitka that we send a letter through S&S requesting the variances to the conditional use permit we are seeking. The following information directly pertains to the variances we are requesting:

- The asphalt plant will be setup and operated from April through June of 2014. During this period the plant will operate for approximately 45 days to provide asphalt for paving operations on the Halibut Point Road Improvements, Sawmill Cove Upgrade, and Misc. paving projects
- Secon will vary from Condition 1a per 1c of the permit as follows:
 - During this time period Secon will be operating at nights for 2 weeks. Night shift will be from 7:00PM to 7:00AM.
 - Due to weather windows Secon may also operate on weekends if conditions permit.
 - Typical Work hours will be from 6:30 AM to 5:30PM Monday thru Sunday, but may vary from 4:00 AM to 10:00PM depending upon weather.
- These variances will allow Secon to proceed on the aforementioned projects while minimizing any interference with the general public.

We would appreciate you forwarding these temporary variance requests to the City of Sitka.

Thank you,

A handwritten signature in black ink that reads "TJ Mason". The signature is written in a cursive style and is followed by a horizontal line.

TJ Mason
Project Engineer

PAUL/LAMOYNE SMITH TRUST
SMITH, PAUL, J./LAMOYNE, K.
P.O. BOX 777
WALNUT GROVE CA 95690

JOHN/JUDITH SUDNIKOVICH
SUDNIKOVICH, JOHN/JUDITH
P.O. BOX 1171
SITKA AK 99835

PAUL/LAMOYNE SMITH TRUST
SMITH, PAUL, J./LAMOYNE, K.
P.O. BOX 1006
SITKA AK 99835

JOSHUA/BRIAN JOSHUA/BRIAN
JOHNSON/BLANKENSHIP
JOHNSON, JOSHUA/BLANKENSHIP, BRIAN
103 HORIZON WAY
SITKA AK 99835

4607 HALIBUT PT. ROAD, SITKA, LLC
4607 HALIBUT PT. ROAD, SITKA, LLC
P.O. BOX 3757
SEATTLE WA 98124

COVE MARINA, INC
7321 NE WM. Rogers Rd
Indianola, WA 98342

Richard/Marilyn Guhl
721 Sirstad St.
SITKA, AK 99835

Alfred Willard
202 N. Klein St, #A3
Anchorage, AK 99508

Connor/Valerie Nelson
107 Littlebyrd Way
SITKA, AK 99835

Assembly Mailing
July 1, 2014

S&S General Contractors
Temporary Use Permit
4660 Halibut Point Road