

**City and Borough of Sitka  
Planning and Zoning Commission  
Minutes of Meeting  
April 19, 2011**

**Present:** Don Alexander (Chairperson), Jeremy Twaddle (Vice-Chairperson), Tom Rogers (Member), William Stortz (Member), Wells Williams (Planning Director), Melissa Henshaw (Planner).

**Members of the Public:** Cory Baggen, Jerry Jacobs, Lance Henrie (Municipal Senior Engineer), Jack Ozment, Rebecca Poulson, John Baird, Craig Giammona (Sitka Sentinel), Via telephone Kirk Payne, Kelly Waring (Enterprise Engineering), Melissa Mormilo (Enterprise Engineering)

Chairman Alexander called the meeting to order at 7:15 p.m.

**Consideration of the Minutes from the April 5, 2011 meeting:**

**MOTION: M/S STORTZ/TWADDLE** moved to approve the meeting minutes for April 5, 2011.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

Mr. Williams suggested a motion to move item B to be first due to technical difficulties for the recording of the minutes:

**MOTION: M/S STORTZ/PARMELEE** moved to approve moving item B to first on the agenda.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

**This evening's business:**

**CONDITIONAL USE PERMIT REQUEST  
BULK FUEL FACILITY  
5309 HALIBUT POINT ROAD  
SAMSON TUG AND BARGE INC. WITH DELTA WESTERN INC.**

*Public hearing and consideration of a conditional use permit request for a bulk fuel facility at 5309 Halibut Point Road. The request is filed by Samson Tug and Barge Inc., with Delta Western Inc. The property is also known as a 1.92 Acre portion of Lot 5 US Survey 3670.*

Mr. Williams reviewed this request by starting out to ask that the Commission change the order of the meeting to have the owner, Samson Tug and Barge, speak first and then Kirk Payne with Delta Western, followed by the design engineers. He also would like to cover under a staff report a few routine issues. First in regards to the comprehensive plan code sections and the findings all based off the code.

Cory Baggen representing Samson Tug & Barge came forward having nothing further to add, but rather offering answers if the Commission has any.

Via phone Kirk Payne told the Commission that they intend to bring in this facility with the letter of the law and will meet and/or exceed all permits. Future plans are to have a marine fuel facility on Japonski Island next to the Maritime Heritage Museum.

Mr. Williams explained that a further process will be necessary though the Commission at a later date for the future plans on Japonski Island.

Delta Western engineers from Enterprises Engineers out of Anchorage were available via phone. Mr. Waring informed the commission that the driveway permits have been submitted to DOT. The remainder of the permitting and review will come with the development of the plans. They will coordinate with the City and/or DEC on other permits needed. There will be a small building on site with sewer and water as well as site drainage.

Mr. Williams asked about the DOT dialog of the permit regarding having had any feedback yet from them.

Mr. Waring said that DOT has officially 60 days to get back with Delta Western and that they have not heard back yet.

Commissioner Twaddle raised the issue that this approval or denial to this request does not mean that for any future permits the applicant applies will or will not be approved.

Mr. Williams agreed and explained some history of the zoning text change and conditional use permit for such a facility. He further explained that other similar facilities in the downtown area are historical uses and are now considered as legal non-conforming uses.

Commissioner Twaddle had a question in regards to the maximum height and asked staff to clarify the principle structure and accessory structure.

Mr. Williams explained that the tanks and the office building on site would all be considered primary structures. He then referenced that this request has followed the Comprehensive Plan 2.1.1 contribute to a stable, long-term, local economic base and 2.5.2. to encourage commercial and industrial developments of a quality that does not adversely impact an adjacent recreational and residential areas. Also agency comments by Interim Building Inspector, Scott Brylinski was that the building department serves as the state fire marshal. He also mentioned Stephen Weatherman's comments on the permits need to be required. Mr. Williams reminded the Planning Commission that they are advisory to the Assembly and will recommend a motion with conditions. Mr. Williams further explained that the conditions are common for this type of permit.

**MOTION: M/S TWADDLE/ROGERS** moved to recommend approval to the Assembly of a conditional use permit request for a bulk fuel facility at 5309 Halibut Point Road. The request is filed by Samson Tug and Barge Inc., with Delta Western Inc. The property is also known as a 1.92 Acre portion of Lot 5 US Survey 3670 with the following conditions:

1. The project be completed in conformance with the plans submitted in the conditional use application to the Planning Commission;
2. Prior to the activation of the conditional use permit, the operator of the facility shall certify to the Municipality, in writing, that all necessary permits have been received including but not limited to:
  - a. State of Alaska driveway permits for the configuration shown in the application;
  - b. All Alaska Department of Environmental Conservation permits;
  - c. State Fire Marshall approval;
  - d. City and Borough of Sitka Building permits;
  - e. Any other permits considered necessary by the municipal Public Works Director;
3. In addition, prior to the activation of the conditional use permit, the Public Works Director shall indicate, in writing, that all permits have been received that the municipality considers necessary;
4. The applicant recognizes that other permits, not specifically mentioned by the municipality, may be required by state or federal agencies;
5. The applicant shall provide a narrative on the status of the operations nine months after the activation of the conditional use permit;
6. The Planning Commission has an annual review of the first nine to twelve months of operation of the facility within one year of the activation of the conditional use permit. The purpose of the annual review is to determine what, if any impacts of the operation need to be mitigated. The Planning Commission, by its own motion, may undertake a second annual review if the board considers it to be necessary;
7. The Assembly, at its discretion, may complete an annual review if any issues are not satisfactorily resolved at the Planning Commission level.

**AMENDMENT: TWADDLE** moved to make a friendly amendment to the motion by including the following conditions in addition to the other seven:

1. That the project will be completed in conformance to the plans submitted; and
2. That the project be operated in conformance with the narrative.

**PARMELEE** accepted the friendly amendment.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

Staff recommended findings in support of the approved request:

**MOTION: M/S TWADDLE/STORTZ** moved to approve the following findings in support of the conditional use request:

1. The Planning Commission finds that the site topography is suitable for the project as proposed and that the necessary slope and soil stability issues have or will be taken into account by the mandatory permitting;
  2. That the conditions are in place to ensure that adequate utilities for the proposed use will be in place;
  3. The lot characteristics including the size are suitable for the proposed conditional use permit;
  4. That the proposed operation of the facility will be sufficient to ensure that adjacent uses are adequately protected;
  5. Community appearance and screening is handled by the layout of the proposed use;
1. That the proposed use will not be detrimental to public health or welfare;
    - a. That the proposed use will not adversely affect the established character of the surrounding vicinity;
    - b. That the proposed use will not be injurious to adjacent improvements;
    - c. That the granting of the proposed conditional use permit is consistent and compatible with the goals and policies of the Sitka 2007 comprehensive plan 2.1.1 *The City and Borough of Sitka will strive to contribute to a stable, long-term, local economic base* and 2.5.2 *That encourages commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas and encourages sensitive master planning*;
  2. That all conditions necessary to lessen impacts of the of the conditional use are in the conditions and are monitored and forced specifically by permits by agencies that governs the use and the requirement for at least one annual review by the Planning Commission;
  3. That the proposed use will not adversely affect hazardous conditions that can not be mitigated and that those proposed conditions will be monitored through the Department of Environmental Conservation and other building codes;
  4. That the conditional use will be supported by, and not adversely affect, adequate public facilities and services; specifically the presence of the proposed facility being adjacent to Halibut Point Road;
  5. That the Planning Commission has met the burden of proof;
1. That the Planning Commission further finds that the following criteria have been considered in determining the impacts of the proposed bulk fuel facility on adjacent properties:
    - a. The Planning Commission has considered the amount of vehicular traffic to be generated and that amount of traffic was covered in the narrative;

- b. The Planning Commission has considered the amount of noise to be generated and the impact of adjacent land uses and anticipates that amount of noise to be generated by the facility to be fairly moderate in to the adjacent waterfront uses;
- c. The Planning Commission recognizes that some odors may be generated by the facility but that those will be regulated by the Alaska Department of Conservation and the building code;
- d. The Planning Commission has recognized that the facility will be operated during business hours;
- e. The Planning Commission has considered the location of the facility along a major collector street and has specifically required in the condition the driveway DOT permit;
- f. The potential use is not adjacent to a substandard street;
- g. It is not anticipated to have effect on vehicular or pedestrian safety;
- h. It is the finding of the Planning Commission that there is adequate ability of the police, fire, EMS personnel to respond to emergency calls on site since the property is located adjacent to the State highway;
- i. The Planning Commission has reviewed the traffic layout and considers it to be adequate;
- j. The Planning Commission recognizes that there the signs on the property with the sign ordinance section of the Sitka Zoning Code;
- k. The Planning Commission recognizes that there are going to be buffers on site provided in the outline plan and described in the narrative;
- l. The Planning Commission has previously addressed the relationship to the Comprehensive Plan in the conditional use permit and that there have not been any public comments that have surfaced.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

#### **ADJOURNMENT**

**MOTION: M/S STORTZ/TWADDLE** moved to adjourn at 9:52 p.m.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

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Don Alexander, Chair

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Melissa Henshaw, Secretary

**City and Borough of Sitka  
Planning and Zoning Commission  
Minutes of Meeting  
April 5, 2011**

**Present:** Don Alexander (Chairperson), Jeremy Twaddle (Vice-Chairperson), Tom Rogers (Member), William Stortz (Member), Wells Williams (Planning Director), Melissa Henshaw (Planner), and Crystal Duncan (Contract Secretary).

**Members of the Public:** Cory Baggen, Christopher Brewton, Jeffrey Jacobs, Connor Nelson, Mike Vieira, and Taylor Vieira.

Chairman Alexander called the meeting to order at 7:00 p.m.

**Consideration of the Minutes from the March 1, 2011 meeting:**

**MOTION: M/S TWADDLE/ROGERS** moved to approve the meeting minutes for March 1, 2011.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

**This evening's business:**

**CONDITIONAL USE PERMIT REQUEST  
BULK FUEL FACILITY  
5309 HALIBUT POINT ROAD  
SAMSON TUG AND BARGE INC. WITH DELTA WESTERN INC.**

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Ms. Henshaw stated the location for the conditional use request is located on the waterfront side of Halibut Point Road neighboring the ferry terminal. The applicants want to essentially clean up their property by removing two trailers, two huts, as well as relocating four bulk fuel storage containers. Additionally the applicant plans to build a small office building on the property.

Ms. Henshaw shared Mr. Weatherman, Municipal Engineer could not attend but provided comments via email suggesting conditions (permits: AK Dept of Transportation, AK Dept of Conservation, approval from the State fire Marshall) if you move forward to approve the conditional use.

Chairman Alexander called the applicant forward. Ms. Baggen stated their primary goal is to clean up the property by removing or relocating the existing structures property and landscaping. Further, Delta Western has taken on the bulk of this project as they are the leasees of the space; she reported unfortunately due to timing conflicts, a representative was not able to attend the meeting to answer questions. Ms. Baggen explained the

intent is not to sell or have products available for purchase (e.g. boat or vehicle gas station) but rather large fueling trucks will stop in to fuel up and transport the fuel to clients. She foresees the trucks coming on and off the property several times a day.

Mr. Williams suggested an engineer from Delta Western attend via teleconference at the next Planning meeting at which time the Commission will move forward with the request. Ms. Baggen agreed to have a representative from Delta Western participate via telephone.

Chairman Alexander opened the floor for public comments. Mr. Brewton stated he is from the Sitka Electric Department. He addressed a pole that conflicts with the proposed driveway. He shared after talking with the applicant, relocating the pole will not be an issue.

## **ADJOURNMENT**

**MOTION: M/S STORTZ/TWADDLE** moved to adjourn at 7:40 p.m.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

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Don Alexander, Chair

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Crystal Duncan, Contract Secretary