



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

Coast Guard City, USA

MEMORANDUM

To: Chair Spivey and Planning Commission Members

From: Amy Ainslie, Planning Director ~~AA~~

Date: April 2, 2021

Subject: Amendment to CUP 05-15 for Upper Granite Creek

CUP 05-15, a conditional use permit for landfill operations at Upper Granite Creek (see the first drawing in the Original CUP Information attachment done in 2002 for more detail on the location) was approved by the Planning Commission on February 7, 2006, and by the Assembly on February 28, 2006. The permit was for landfill operations at the site, which was needed as the Kimsham landfill was in the process of being closed. The conditional use permit primarily focused on demolition debris, asbestos waste, incinerator ash, solid waste, and bio-solid waste. Given our updated practices for solid waste disposal (i.e. primarily shipping off-island), there is space in the northern portion of the site for an overburden (land clearing landfill) site – this arose as a community need as CBS is currently in the process of closing the existing overburden site on lease lots 2 and 3 of Granite Creek.

The conditional use permit was approved with Operational Requirements which appear to serve as conditions of approval. Public Works has requested a few changes to the Operational Requirements that would best facilitate the additional overburden operations at the site. The most important changes are:

- Hours of operation: The original plan had operating hours listed from 9:00 am – 3:00 pm, Monday through Saturday. This leaves very little operational flexibility for both the operator as well as members of the public who need to access the site. The newly requested hours of operation are 7:00am – 7:00pm, all days of the week with guaranteed public access from 8:00am – 4:00pm, Monday through Saturday.
- Lessee responsibilities: When originally permitted, CBS envisioned that a Public Works Superintendent would be directly operating the site and therefore much of the language in the Operational Requirements speaks to responsibilities of Public Works personnel. Where responsibilities of Public Works personnel are noted, CBS would request that this be interpreted broadly to include the lessee's Superintendent.

Factors NOT changed/impacted from original permit approval:

Location, access, and traffic: The Granite Creek industrial site is zoned as Industrial, and therefore high levels of traffic (particularly from large vehicles/equipment) is expected. The site is accessed from a CBS maintained right-of-way and there are no realistic means of cut-through access to the site. There is ample room to maneuver and park vehicles/equipment on the site.

Health and safety: Site is readily accessible for emergency services. Site will be managed in accordance with all local, state, and federal environmental protection regulations.

Noise, odor, or other adverse impacts: Overburden site should not negatively impact the surrounding area to any greater extent than currently permitted operations. Site is buffered by distance from the main road and other commercial/residential development in the area, the high quarry walls, and vegetation. The site is still owned and managed by CBS – public oversight and remedy is available if complaints arose.

Recommendation

The No Name Mountain/Granite Creek Master Plan identified the Granite Creek area as a prime location for expansion of industrial activities. As there is an overburden site already in the vicinity, and this area is already permitted for landfill operations; this location appears ideal for a new overburden site. Having an available overburden site is critical for public and private development in Sitka and helps to reduce shipping/disposal costs for developers. Staff recommends approval of this amendment.

Attachments:

Attachment A: Aerial

Attachment B: Operational Plans

Attachment C: Original CUP Information

Attachment D: Applications

Recommended Motions:

“I move to approve the amendment to CUP 05-15 to include land clearing landfill operations to the approved uses for the Upper Granite Creek site in the Industrial district subject to the attached conditions of approval. The property is also known as a Portion of USS 5530 and a Portion of Lot 1, USS 3670. The request is filed by the City and Borough of Sitka, Public Works Department. The owner of record is the City and Borough of Sitka.”

Conditions of approval:

1. Operation of the site is consistent with the narrative and applications as presented in the amendment request.
2. The allowable hours of operation for the site are 7:00 am to 7:00 pm, excepting portions of the operation which are associated with low noise levels such as maintenance of equipment.
3. In the Operating Requirements document, all sections that refer to the “Public Works Superintendent” can also be interpreted as the “Lessee and their Superintendent.”

4. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties upon receipt of meritorious complaint or evidence of violation of conditions of approval.

“I move to adopt the required findings of fact for conditional use permits for this amendment as listed in the staff report.”

1. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.