



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Memorandum

TO: Jim Dinley, Municipal Administrator
Mayor Scott McAdams and Members of the Assembly

FROM: Jeremy Twaddle, Acting Chair, Sitka Planning Commission
Wells Williams, Planning Director

SUBJECT: Conditional Use Permit Request for Natural Resource Extraction and Mining Support Facilities on Lots 15 and 16 of Kasiana Island Subdivision

DATE: July 21, 2010

The Sitka Planning Commission is recommending approval, with conditions, of a conditional use permit for natural resource extraction on two parcels owned by Tim Eddy and Roger Sudnikovich on Kasiana Island. The request would allow for the operation of a quarry and sale of rock from the properties. The board's recommendations, based on a 4-1 vote, were made on July 6th, 2010 following a series of hearings. Findings were approved on July 8, 2010.

Kasiana Island consisted of three tracts prior to 2004. The Alaska Mental Health Trust owns the tracts on the north and south third of the island. Tim Eddy and Roger Sudnikovich acquired the middle third of the island which had previously been operated as a quarry by Constructors PAMCO. They completed a 19 lot major subdivision in 2004. The 2004 major subdivision involved an extensive review of herring habitat issues in the cove adjacent intertidal areas. The island is zoned GI General Island district.

The 19 lots on the island are currently owned by a variety of individuals. Those individuals include friends and family of the applicants, local residents, and others who live both in state and out of state. Finn Island is immediately across the cove and the north half of the island is privately owned. There are two residential structures on Kasiana. One is owned by Jon and Yvette Martin (on Lot 2) and the other is owned by Jimmy O'Brien (Lot 18). Keith Nyitray also has a residential structure on Finn Island.

The application for a conditional use permit would allow for the sale of between 50,000 and 130,000 cubic yards of rock from the middle of Lots 15 and 16. While the front one half of the two lots has been excavated; a rock source is behind it. The back portion of the lots has different terrain and excavation is not included in the conditional use request.

The application has generated significant interest. Several individuals expressed detailed concerns including Christian Fabian, Jon and Yvette Martin, Keith Nyitray, Dan Moreno, and Tom Mattingly. Several island property owners submitted written comments in support of the request.

The Sitka Tribe Alaska also submitted a detailed letter and was represented by Jeff Feldpauch. The concerns, which are detailed in the attached series of minutes, included the scale of the operation, adverse impacts on the cut on adjacent properties, noise, length of the operation, hours of operation, fly rock and impact on the herring habitat.

The Planning Commission requested additional detailed information based upon input received by the Municipal Engineer and comments from the public. The request resulted in the submittal of materials by Hugh Bevan dated June 24, 2010.

Two Planning Commissioners inspected the island with municipal staff and two others had access to personal boats.

The Planning Commission made a recommendation to the Assembly on June 6th, to approve the conditional use permit with the following conditions:

1. Five year sunset period for the conditional use permit;
2. Benches at a maximum elevation of 30 feet; if it exceeds 30 feet a second bench be put in place;
3. Active operations limited to an 18 month time period (from start to finish);
4. Hours of operation from 7 a.m. to 7 p.m. on Monday through Saturday with a restriction to light operations on Saturday;
5. All required state and federal permits are obtained prior to operation;
6. And the operation is followed as consistent with the seven page narrative plan submitted by Hugh Bevan to the planning office on June 24, 2010.
7. Further conditions be placed such that there is no construction and extraction allowed between March 1 and May 30th to allow for herring spawning, egg incubation, and larvae hatching and dispersal.

As indicated above, the recommendation passed on a 4-1 vote with Stortz opposed.

The Planning Commission approved findings in support of the recommended approval when the June 6, 2010 meeting was continued on June 8. Those detailed findings are attached.

While Planning Office staff encouraged the board to request additional information consistent with the Municipal Engineer's emails, the Planning Office specifically did not take a position on the request.

RECOMMENDED ACTION –

Consider testimony from the applicant, public, and board members.