

**City and Borough of Sitka  
Planning and Zoning Commission  
Minutes of Meeting  
May 18, 2010**

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

**Members of the Public:** Burgess Bauder, Hugh Bevan, Tim Eddy, Christian Fabian, Jamal Floate, Jon Martin, Tom Mattingly, Keith Nyitray, Pat Parrish, Jack Fredrickson, Jim Steffen, Jon R. (*Roger*) Sudnikovich, Irenio (*Emy*) Sumauang, Tammy Sumauang, and Stephen Weatherman (Municipal Engineer).

Chairman Alexander was excused from this evening's meeting. Therefore Mr. Twaddle chaired the meeting calling it to order at 7:01 p.m.

**Consideration of the Minutes from the May 4, 2010 meeting:**

**MOTION: M/S PARMELEE/ROGERS** moved to approve the meeting minutes for May 4, 2010.

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

**This evening's business:**

**CONDITIONAL USE PERMIT REQUEST  
RESOURCE EXTRACTION AND MINING SUPPORT FACILITIES  
TIM EDDY & JOHN R. SUDNIKOVICH  
KASIANA ISLAND LOT 15 & 16**

*Public hearing and consideration of a conditional use permit request for natural resource extraction (rock quarry) & mining support facilities. The location area is on Kasiana Island. The request is filed by S&S General Contractors. The properties are also known as Lot 15 and 16 Kasiana Island US Survey 3926. Owner of record is Tim Eddy and Jon R. Sudnikovich.*

Mr. Williams stated that the planning staff's recommendation is to take no action on this item; rather Mr. Williams stated that a representative from the Public Works department would make recommendations for clarification on a number of requirements for the granting of a conditional use request. Should the applicant provide the planning office with the necessary information by Thursday, May 20, 2010 by 4:00 p.m., the request will be considered and acted upon at the next meeting scheduled for Tuesday, June 1, 2010.

He further provided the Commission with the following property summary. Kasiana Island is located close to the road system. Historically this property was owned by an extraction company which removed a significant amount of the rock on the island. The company then created a number of parcels through a subdivision process. Currently the owners are requesting a conditional use permit for natural resource extraction and mining support facilities. For

clarification purposes, Mr. Williams pointed out that the difference between site development and resource extraction is the sale of materials which is the intent of the applicants.

Vice-Chairman Twaddle called the City's Municipal Engineer forward for comments. Mr. Weatherman introduced himself to the Commission. He stated that in reviewing the request, he put together a number of comments that should be considered by the Commission prior to making a decision, those include:

- Buffers to adjacent properties, the area is located within a subdivision;
- Maintaining safe slopes during the extraction process;
- Final slopes for the property based off a geotechnical report;
- Design of support facilities during the process (i.e. roads, docks, fuel storage, etc.);
- Soil erosion and pollution control plan;
- A drainage study;
- The method for extraction;
- The method of transportation;
- A mining plan;
- Warning signs at the top of rock cut;
- A reclamation plan;
- Listed hours of operation;
- Noise generation;
- Visual screening to adjacent property;
- Fire protection plan, depending on the facilities being built;
- Vegetation removal and disposal plan; and
- State and federal permits in place.

Vice-Chairman Twaddle called the applicant forward. Mr. Bevan stated that their intent was not to create a commercial quarry but rather to clear the property so that the owners could build and enjoy their property that is currently encumbered by a rock knob. As a by-product of clearing, the rock the owners will sell the rock that was extracted from the area, as done previously on the island. He then offered to address Mr. Weatherman's comments.

Rather than address each issue in depth, Vice-Chair Twaddle requested the applicant provide the information in writing to the planning office so that the Commission could do a through review before rendering a decision at the next meeting.

Mr. Bevan inferred that the blasting would be periodic, completed by S&S Contractors, a company with experience in the field. He also stated that developing the property should take 1-2 summers, contingent there is a request for the stock piles of materials extracted from the site.

Mr. Stortz asked Mr. Williams how this request differs from the McGraw request on Halibut Point Road. Mr. Williams stated that he would look into it and report back to the Commissioners.

Vice-Chairman Twaddle opened the floor for public testimony.

Mr. Fabian stated that he is the property owner of Lot 13 on Kasiana Island. He stated that he loves living in Sitka and has invested a great deal into his property. As a writer, composer, and musical performer, he is opposed to the idea that drilling, mining, and blasting can occur within close proximity to his property. From his understanding, he mentioned that anywhere from 15,000 truckloads of rock will be removed, which to his calculations can take more than a year

to remove. Had he known that during the initial purchase of his property, he may have reconsidered the purchase; he then addressed a concern over his property value should the blasting and mining operation be approved. He feels that property owners should be given leniency to when it comes to decisions on their property until the point that it infringes upon the neighborhood. He closed by sharing that the owners of Lot 15 and Lot 16 share his sentiments.

Mr. Nyitray shared that he has been living on Finn Island for the last 13 years; from his kitchen window he is able to see the abandoned rock quarry. Because of the ability for sound waves to carry over great distances, especially over water, he has concern over approval of the conditional use permit. He wanted more details on a number of items including their definition of "periodic blasts". He further supported Mr. Fabian's concern over property value in an area that allows for resource extraction using blast techniques. He closed by pointing out that on his property alone, he knows of two Eagles nests; he therefore would like to see a biological survey conducted to see how many other nests on the island would be affected should a mine begin to operate.

Mr. Martin is the owner of Lot 2 on Kasiana Island. He too felt that there wasn't enough information to garner a clear understanding of the proposed extraction. He requested that the applicants provide a landscape architectural designed showing a three dimensional view of the final product. He also felt the engineer's request for more information would help paint a clearer picture of what will go on out at Kasiana if approved for the conditional use request.

Mr. Mattingly was the final member of the public to testify. He stated that he lives on Halibut Point Road. He enjoys sitting on the deck enjoying the solitude of nature and expressed concern over the length of the extraction process. He felt that the Commission needed more information with respect to conditional use request.

Vice-Chair Twaddle closed the floor for public testimony.

Mr. Williams reiterated a deadline of Thursday, May 20, 2010 by 4:00 p.m. for the applicants to submit a written response to the issues raised this evening and ensure that this item is included on the agenda for the next meeting.

1. of the permit is consistent with the economic goals and objectives of the comprehensive plan, specifically those that deal with a diverse economic base;
2. The conditions necessary to lessen the impacts of the proposed conditions can be monitored and enforced, specifically as evidenced by the request that all permits be submitted to the Planning Commission for the applicants permanent file; and
3. The proposed use will not introduce hazardous conditions that cannot be mitigated and there are adequate public facilities that are provided in the immediate area.

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

Mr. Williams stated that the conditional use permit request will be reviewed by the City Assembly at their regularly scheduled June 8, 2010 meeting.

## **ADJOURNMENT**

**MOTION: M/S PARMELEE/STORTZ** moved to adjourn the meeting at 8:50 p.m.

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

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Don Alexander, Chair

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Crystal Duncan, Secretary

**City and Borough of Sitka  
Planning and Zoning Commission  
Minutes of Meeting  
June 1, 2010**

**Present:** Don Alexander (Chairman), Jeremy Twaddle (Vice-Chair), Richard Parmelee (Member), William Stortz (Member), Tom Rogers (Member), Wells Williams (Planning Director), and Crystal Duncan (Contract Secretary).

**Members of the Public:** Hugh Bevan, Nancy Yaw Davis, Christian Fabian via telephone, Jon Martin, Yvette Martin, Daniel Moreno, and Keith Nyitray.

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

**Consideration of the Minutes from the May 18, 2010 meeting:**

**MOTION: M/S TWADDLE/PARMELEE** moved to approve the meeting minutes for May 18, 2010.

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

**This evening's business:**

**CONDITIONAL USE PERMIT REQUEST  
RESOURCE EXTRACTION AND MINING SUPPORT FACILITIES  
TIM EDDY & JOHN R. SUDNIKOVICH  
KASIANA ISLAND LOT 15 & 16**

*Public hearing and consideration of a conditional use permit request for natural resource extraction (rock quarry) & mining support facilities. The location area is on Kasiana Island. The request is filed by S&S General Contractors. The properties are also known as Lot 15 and 16 Kasiana Island US Survey 3926. Owner of record is Tim Eddy and Jon R. Sudnikovich.*

Mr. Williams provided the following summary of the conditional use request. The request covers two lots located on Kasiana Island. The applicants would like to do mineral extraction, or rock removal, on the property which requires approval for a conditional use permit from the City. Approximately 50% of the lots on the island are owned by persons unrelated to the Mr. Eddy or Mr. Sudnikovich. Mr. Williams referenced the previous meeting where the Municipal Engineer, Stephen Weatherman, provided an email that detailed additional information, pulled directly from the City code, which is necessary in order to show the applicant has taken proper steps to adequately mitigate off-site impacts. Mr. Williams recommended that this item be held over for a future meeting when all of the items requested by the Mr. Weatherman are submitted, examples included: mining plan, reclamation plan, drainage plan, vegetation and removal plan, all of which have not been addressed by the applicant.

Chairman Alexander called the applicant forward. Mr. Bevan had two statements: 1. This evening was the first he heard the comments put fourth by Mr. Williams and 2. He questioned whether the Commission has taken into account the costs associated with the suggested studies for what is a short-term quarry project.

Mr. Twaddle asked Mr. Bevan if the Mine Safety and Health Administration (MSHA) required him to touch on areas such as drainage. Mr. Bevan explained the MSHA was primarily concerned with safety issues. He elaborated that in this case, the building department is the regulatory body for the operation. He countered the Environmental Protection Agency also may stop by the site, in which case the operators would either be in good graces or not.

Mr. Stortz stated that he had not been out to the island but in looking at the maps and visuals provided; he asked for clarification on how the extraction of the rock materials will affect the properties along the southern lot line.

Mr. Bevan stated that final slope will be 2:1 and further explained that the applicants have a goal of developing and then selling the properties so working towards a safe and desirable slope is in their best interest.

Mr. Twaddle stated that one of the main issues is with visualization; he suggested that an aerial topographical map may be a cost affordable option that will help the Commission and neighboring residents visualize what the final results of extraction.

Chairman Alexander opened the floor for public comments.

Mr. and Mrs. Martin stated that they are half way through constructing their dream home on the Lot 2 of Kasiana Island. They support development on the island however they felt that the property can be developed to maintain the residential character of the island. Mr. Martin stated that based on previous conversations he still does not have a good sense of what the final results will look like. He explained that a topographical survey or site visit may aide in remedying the concerns of many in the area.

Mr. Martin had other questions such as the time frame for development and the applicant's water drainage plan specifically as it relates to the herring. Mr. Martin closed by emphasizing that he and his wife are not opposed to developing the area for residential purposes but a more detailed plan of the proposed operation should be provided before approval by the Commission.

Mr. Fabian participated via telephone. He stated that he is the owner of Lot 13. At the last meeting, the Commission requested that the applicant submit narrative in response to a number of concerns posed by the Municipal Engineer and public. Mr. Fabian was provided with the applicant's written response and stated a number of concerns including: environmental impacts from roads/buildings/barges/etc., lack of buffers, lack of third party assessment of the project, variation in the hours of operations, and lack of minimization of noise generation.

Mr. Nyitray stated that he owns a 4.69 acre lot on Finn Island; the view from his kitchen is in direct line with the old rock quarry. Mr. Nyitray brought four photographs which were projected on the screen for the Commission members.

He commended the Commission for taking the time to gather the necessary information to make an informed decision. He stated that the applicant has provided a lot of estimates instead of details for the project. On the issue of buffers, Mr. Nyitray questions Mr. Bevan's stance that tree buffers would blow down. He felt that if buffers are not in place, adjacent property owners will absorb the impact of the blasts. Additionally with the varying tides at Kasiana Island, he

shared his concern with the hours of operations from 7 a.m. – 5 p.m. Penalties for non compliance should be in place for the protection of nearby property owners.

Mr. Nyitray closed by stating that his property is currently on the market, the value to his property if the conditional unit is approved could greatly impact his asking price.

Mr. Moreno stated that this was the first opportunity he had to come and ask questions. His primary concern involved the impact that development, or mining, will have on the herring spawn. He wanted to know specifically if an assessment was performed and felt that prior to approval of the conditional use permit, a review of the environmental impact should be vetted to prevent a possible disaster.

Chairman Alexander closed the public comment period.

Mr. Twaddle recognized that the applicants are working on a time frame centered largely on the runway expansion project; however he stated there are legitimate concerns that need to be addressed, noting an impact study as it relates to the herring.

Mr. Williams confirmed that the goal of the Commission is to mitigate issues related to mining while allowing the property owners to make use of their property. When asked for their position, Mr. Parmelee and Mr. Rogers were in agreement. As such, the email from Mr. Weatherman was addressed point-by-point to generate the following:

<b>Condition of Approval</b>	<b>Submitted on or before June 22, 2010</b>
Safe and final slopes	Buffers.
Soil erosion and control plan.	Safe and final slopes (geotechnical report not required).
Drainage study/plan.	Design and support facilities (buildings, roads, docks, moorage facilities, fuel storage, stockpiles).
Fire protection plan.	Method of extraction.
Vegetation removal and disposal.	Transportation of rock from the island.
Federal and State permits.	Mining plan (phases of project).
	Reclamation plan.
	Hours of operation.
	Noise generation and mitigation.
	Visual screening.
	Detailed one page narrative on how impacts to adjacent properties will be mitigated.

**MOTION: M/S TWADDLE/PARMELEE** moved to request that the applicant submit the items two weeks prior to the next meeting or some point thereafter addressing issues for the board to consider, next time the item comes up with the recognition that the if the conditional use permit is ultimately approved, the board will also be asking for detailed conditions for additional items. As outlined with what the Commission has just recommended (see table).

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

Mr. Twaddle asked about the possibility for a site visit. Mr. Williams explained that he could take two Commissioners at a time to walk the site; however it is important that they not have ex-parte communications with interested parties during the visit.

**ADJOURNMENT**

**MOTION: M/S STORTZ/TWADDLE** moved to adjourn the meeting at 8:31 p.m.

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

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Don Alexander, Chair

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Crystal Duncan, Secretary

**City and Borough of Sitka  
Planning and Zoning Commission  
Minutes of Meeting  
July 6, 2010**

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

**Members of the Public:** Chris Balovich, Hugh Bevan, Amy Blair, Christopher Scott Bowen, Jim Case, Brandon Collins, Tim Eddy, Christian Fabian, Jeff Feldpausch, Peter Filkey, Nathan Foster, Anthony Guevin, Ron Hauck, Matthew Hunter, Bridget Kauffman, Ted Lauffenberg, Cindy Litman, Yvette Martin, Phil Mooney, Keith Nyitray, Tori O'Connell, Tom Pratt, Betty Richter, Cliff Richter, John Thielke, Karen Thielke, Peter Thielke, Richard Wein, Florence Welsh, and Nancy Yaw Davis (3 individuals signed in [handwriting illegible]).

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

**Consideration of the Minutes from the June 1, 2010 meeting:**

**MOTION: M/S TWADDLE/PARMELEE** moved to approve the meeting minutes for June 1, 2010.

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

**This evening's business:**

**CONDITIONAL USE PERMIT REQUEST  
RESOURCE EXTRACTION AND MINING SUPPORT FACILITIES  
TIM EDDY & JOHN R. SUDNIKOVICH  
KASIANA ISLAND LOT 15 & 16**

*Public hearing and consideration of a conditional use permit request for natural resource extraction (rock quarry) & mining support facilities. The location area is on Kasiana Island. The request is filed by S&S General Contractors. The properties are also known as Lot 15 and 16 Kasiana Island US Survey 3926. Owner of record is Tim Eddy and John R. Sudnikovich.*

Due to technical difficulties, the computer was unable to display graphics for the Kasiana request.

Mr. Williams noted that in the past few weeks the applicant has been working to provide the planning department with the information requested at the previous two Planning and Zoning Commission meetings. Additionally Mr. Williams was able to arrange a visit to the island in which Mr. Twaddle and Mr. Rogers participated.

Mr. Williams' recommendation was to proceed in the following order: comments from Mr. Weatherman, Municipal Engineer, comments from the applicant, comments from the public,

concluding comments from planning staff, deliberation, and findings based on motion to approve or deny. He stated that the planning office does not have a recommendation with regards to this request.

Chairman Alexander called the Municipal Engineer forward. Mr. Weatherman stated that since the last meeting, the applicant submitted additional information for his review including clarification with regards to: fire protection and drainage, soil erosion control, buffers, methods, hours of operation, transportation of materials, conceptual mining plan, reclamation for screening, etc. He stated that a topographical map will paint a clear picture of what the lots will look like at the end of the project including the final slopes from adjacent properties and at this point it is at the discretion of the Commission to take action or request a topographical survey be completed.

Chairman Alexander called the applicants forward. Mr. Bevan and Mr. Eddy were both on hand to respond to questions posed by the Commission. Mr. Bevan started off by stating in reference to the topographical map that in order to complete that, the surveyor would have to survey both of their lots as well as surrounding properties which may be bothersome to adjacent neighbors. Also because of the concern over slope lines to the adjacent properties the applicants are willing to put a larger buffer of 25 feet on the property line thus giving up a chunk of their land. He closed by stating that two additional letters of support were received earlier in the day.

Mr. Williams asked the applicants if they could narrow down a time frame for the rock extraction and removal. Mr. Eddy stated that if they were awarded a contract for the breakwater or airport expansion project he foresees completing the rock removal within 8 months. He added that the maximum time would not likely exceed 24 months.

Mr. Williams then inquired as to whether the applicants had completed the Coastal Project Questionnaire Process to assess which permits would be required for this project. Mr. Bevan stated that they did not; Mr. Eddy added that they would not be doing anything on the beach. Additionally the only changes to the water front would be the planting of some trees once the project has been completed.

Mr. Twaddle had a question about visual screening stating that it seemed to be the biggest obstacle to granting the permit. Mr. Bevan agreed that once the project is completed, visual screening efforts will commence. Mr. Eddy felt that as the land owner of two private lots there is a delicate line between requiring visual screens be put in place but nonetheless agreed that efforts to provide screens was part of the proposal.

Mr. Stortz clarified that the reason for the screening is because the two lots are not zoned for a rock quarry. As part of the process for the granting of a conditional use permit, the applicant may have to agree to things that will mitigate the impacts of the rock quarry operations.

Chairman Alexander opened the floor for public comments.

Mr. Nyitray stated that this was his third time testifying before the Planning Commission. After hearing Mr. Weatherman's report, Mr. Nyitray agreed with him explaining that there are still things in the proposal which are unclear to him. He further stressed that the two lots are located in a residential zone which was created and sold by the applicants. He posed a question to the Commission as to whether a rock quarry is an appropriate use in a residential zone.

Mr. Nyitray went on to point out that the proposal from the initial meeting to now has changed quite a bit. He pointed out that the most updated drawings reflect a second ridge behind it thus an estimate of 130 thousand cubic yards, in his opinion, was called into question; another factor affecting the project length. He echoed concern that was raised by Sitka Tribe regarding the herring spawn around the island and how it might be affected by a mining operation; he ended with encouragement for the Commission to follow the City code with regards to this important decision.

Mr. Fabian is the property owner of Lot 13. He thanked the Commission for showing concern for Kasiana and the surrounding environment by making a trip out to see first hand the area being proposed for use as a commercial rock quarry. As similar to previous testimony, he referenced the evaluation criteria used in granting of conditional use permit requests. He then stated how he felt the rock quarry failed to meet the requirements for mitigating factors associated with the rock quarry. He requested that a reclamation plan be provided including the width, not just length as pointed out by Mr. Nyitray. Furthermore Mr. Fabian shared in agreement that the applicant is responsible for demonstrating that there would not be disturbances to the herring spawn. Finally Mr. Fabian stated that large island districts only allow for a commercial rock quarry if it is located a substantial distance from residential properties.

Mr. Williams clarified that Mr. Fabian's statements about large island districts do not apply to Kasiana Island which is zoned as a general island district.

Mr. and Mrs. Martin shared their concerns with the Commission. Mr. Martin stated that the criteria used to evaluate if a conditional use request maintains "residential character" is an issue of importance to him. He then expressed interest in having the applicants provide a definite timeline in which the project will be completed and would go a long way in helping to clear up some of the questions still lingering with the request. Finally he brought up flying rock and whether that is something residence should be cautious of.

Mrs. Martin added that when they bought their property it required signing a contract which limited their activities to "residential" in nature. For example, the Martin's are not allowed to own and operate a lodge on the island so in that respect, why should the applicants be able to operate a mine.

Mrs. Martin requested that the Commission follow up with not only the issue of flying rock but also the sediment pool that will be created and the storage of toxic chemicals. She concluded her comments by stating that in her opinion, the hours are excessive (6 days/week for 12 hours of the day).

Mr. Feldpausch stated that he is the resource protection director for Sitka Tribe of Alaska. The Tribe submitted a letter which addressed concerns over the potential affects of a rock quarry on the herring and subsistence harvesters especially during the spawning months of March through May. He stressed that if the Commission moves to approve the conditional use request they should seriously consider tight restrictions during the herring season.

Ms. Henshaw read submissions from the following: Janet Weekly Eddy, Pat Parrish, James O'Brien, Ray Carrier, and Mara Sudnikovich. These were part of the correspondence received after packets had been delivered to the Commissioners, as such, a copy of each letter was provided to the Commissioners at the start of the meeting.

Chairmen Alexander closed the floor for deliberations.

Mr. Twaddle addressed the safety concerns raised by Mrs. Martin (sediment pool, flying rock, etc.). Mr. Bevan stated that S&S controls flying rock with great efficiency. Also a number of safety precautions are taken such as: orange fencing, signs, notification to people in the area, pre-blast survey (if relevant), etc.

Mr. Stortz shared his comments regarding the mitigating factors that seem to stand in the way of approval for the conditional use request. He stated that noise was a mitigating factor that he wasn't sure could be addressed in a satisfactory manner as required by the code.

Mr. Eddy addressed the issue of noise generation with regards to work hours. He stated that on weekends it would be possible for the S&S crew to only work on "low noise operations". Furthermore the shooting, or blasting, would be done 4-5 times per week with a blast period of 3 seconds maximum.

Mr. Eddy also agreed on a maximum time period of 18 months from the time S&S started the project through completion. As far as the amount of rock, Mr. Bevan stated that until the overburden is stripped off they can only do an estimate, thus while they guesstimate 150,000 cubic yards of rock, there can be anywhere from 80,000 to 180,000 cubic yards.

The applicant stated a willingness to complete a topographical survey however because of the high costs associated with it; they requested that it be listed as a condition to the granting of a conditional use permit.

Mr. Stortz stated that as the original subdividers of the property, this request would sit better with property owners had they been made aware that a rock quarry would be in their residential neighborhood. Mr. Eddy responded that a verbal indication was given at the time of sale.

Chairman Alexander polled the Commissioners to see if they were in favor of taking action on this agenda item. They unanimously agreed to move forward with a motion.

**MOTION: M/S TWADDLE/PARMELEE** moved to recommend approval to the assembly for natural resource extraction located at Kasiana Island filed by S&S General Contractors 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. – 7 p.m. on Monday – 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.

**ACTION:** Motion **PASSED 4-1** on a voice vote with Stortz opposed.

**MOTION: M/S ALEXANDER/TWADDLE** moved to amend that 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.

**ACTION:** Motion **PASSED 4-1** on a voice vote with Stortz opposed.

**MOTION: M/S STORTZ/ROGERS** moved to recess the item for the sole purpose of making findings on July 8, 2010 at 5:30 p.m.

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

#### **RECESS MEETING**

**MOTION: M/S STORTZ/PARMELEE** moved to recess the meeting at 10:28 p.m. until Thursday, July 8, 2010 at 5:30 p.m. in the Centennial Hall's Rousseau Room.

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

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Don Alexander, Chair

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Crystal Duncan, Secretary

**City and Borough of Sitka  
Planning and Zoning Commission  
Minutes of Meeting  
July 8, 2010**

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

**Members of the Public:** Hugh Bevan, Christian Fabian.

Chairman Alexander called the meeting to order at 5:33 p.m.

**MOTION:** Reconvene recessed meeting from Tuesday, July 6, 2010.

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

**ORIGINAL MOTION(S):**

**MOTION: M/S TWADDLE/PARMELEE** moved to recommend approval to the Assembly for natural resource extraction located at Kasiana Island filed by S&S General Contractors 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 to 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.

**ACTION:** Motion **PASSED 4-1** on a voice vote with Stortz opposed.

**MOTION: M/S ALEXANDER/TWADDLE** moved to amend that 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.

**ACTION:** Motion **PASSED 4-1** on a voice vote with Stortz opposed.

**MOTION: M/S TWADDLE/ROGERS** moved to approve the following findings in support of the Planning Commission's July 6, 2010 recommendation of a conditional use permit for a rock quarry on Kasiana filed by the S&S Contractors with the following findings:

1. A conditional use permit with conditions will not be detrimental to the public health, safety, and general welfare and not adversely affect the established character or be injurious to the uses, property, or improvements adjacent to, and in the vicinity;
2. Granting is consistent and compatible with intent of the goals, objectives and policy of the comprehensive plan and any implementing regulations specifically following policies of current comprehensive plan apply: **2.1.1** (foster a stable long term economic base), **2.7.2 C.** (encourages planned and minimal impacts on nearby residential properties), **2.5.2.A.** (encourage sensitive site cleaning for industrial and site developments) **2.5.2.D.** (encourages projects that minimize conflicts between new commercial development and surrounding land uses);
3. Attached conditions that are necessary to lessen any impacts of proposed use and those conditions can be monitored and enforced;
4. The granting will not introduce hazards conditions at the site that cannot be mitigated in the vicinity of health;
5. A conditional use permit is supported by and will not adversely affect the necessary public facilities, as public facilities are not in immediate area.

The Planning Commission further moves that the general approval criteria in the General Code 22.160.C. which were considered prior to the Commissions motion to recommend approval on July 6, 2010, specifically:

Furthermore the Planning Commission has considered criteria outlined in 22.24.010.E.1.:

- A. Vehicular traffic impacts were considered and barge traffic was discussed;
- B. Noise to be generated by the facility and impacts was discussed along with hours of operation and modifications being proposed by the Planning Commission to decrease hours of operations as submitted;
- C. Odors were generally considered in hazardous materials on-site;
- D. Hours of operations were considered and modified;
- E. *Does not apply:* Location along a collector street;
- F. *Does not apply:* Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario;
- G. *Does not apply:* Effects on vehicular and pedestrian safety;
- H. Ability for emergency personnel to respond was covered in the narrative provided by the applicant covering fire suppression;
- I. *Does not apply:* Internal traffic layout;
- J. *Does not apply:* signage on nearby users;
- K. Buffers was discussed and are contained in biding narrative;
- L. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan was discussed in section 22.30.160;

- M. Other criteria and public comments have been considered and addressed by the planning commission.

The Planning Commission further finds that the evaluation criteria for a conditional use on islands have been considered by the planning commission specifically:

- A. Location on the island was considered;
- B. Generation of noise was considered;
- C. Number of guest load and employees was considered along with hours of operation;
- D. Visibility from adjacent islands is *not applicable*;
- E. Use of common access easements is *not applicable*;
- F. Ability of necessary moorage in reference to barge traffic was considered;
- G. Screening of buffers was considered;
- H. Availability of municipal power is *not applicable*;
- I. The distance from adjacent parcels or islands in the planning commission review and on individual site visits; and
- J. Removal of vegetation was considered along with a vegetation plan.

The Planning Commission in recommending approval and placing conditions finds the impacts of the conditional use permit can be mitigated.

**ACTION:** Motion **PASSED 3-1** on a voice vote with Stortz opposed.

#### **ADJOURNMENT**

**MOTION: M/S TWADDLE/STORTZ** moved to adjourn at 5:47 p.m.

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

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Don Alexander, Chair

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Crystal Duncan, Secretary