



# CITY AND BOROUGH OF SITKA

## Minutes - Draft

### Planning Commission

*Chris Spivey, Chair*  
*Darrell Windsor, Vice Chair*  
*Randy Hughey*  
*Richard Parmelee*  
*Taylor Colvin*

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Wednesday, May 23, 2018

7:00 PM

Harrigan Centennial Hall

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#### I. CALL TO ORDER AND ROLL CALL

Chair Spivey called the meeting to order at 7:00 PM.

Present: Spivey, Windsor, Parmelee, Colvin (phone), Knox - Assembly liaison  
Absent: Hughey (excused)

#### II. CONSIDERATION OF THE AGENDA

#### III. CONSIDERATION OF THE MINUTES

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

Planning Director Michael Scarcelli shared that the Assembly approved the Comprehensive Plan, reported the June 14 meeting would be cancelled, and gave best wishes for Pierson whose last day with the city is Friday.

#### VI. REPORTS

#### VII. THE EVENING BUSINESS

##### A [CUP 18-10](#)

Public hearing and consideration of a conditional use permit for natural resource extraction and mining support facilities at 4660 and 4670 Halibut Point Road in the Industrial District. The properties are also known as Lot 1A USS 3670 Subdivision and Lots 61A and 62A S&S Subdivision. The request is filed by Roger Sudnikovich. The owners of record are Roger, John, and Judith Sudnikovich.

Scarcelli stated that no additional information was submitted prior to the meeting, but the applicant handed in additional information right before the beginning of the meeting. Scarcelli stated that additional information was provided by the public. Scarcelli drew attention to the wall, where staff had hung relevant maps and application material. Scarcelli pointed out the conditional use permit application and grading and demolition permits as submitted by the applicants. Scarcelli showed information submitted by the public and prepared by staff, including maps, plats, and correspondence related to prior

conditional use permits. Scarcelli wasn't able to digest the additional information prior to the meeting, so the recommendation still stands for postponement or denial.

Spivey asked Brian Hanson, Municipal Attorney to come forward. Spivey stated that he had asked Hanson questions via email and Hanson answered them satisfactorily. Windsor asked about the scope of the court order. Hanson stated that by the express words of the judge's 1994 order, after the 500,000th cubic yard was removed out of lot 1A, removal of rock from that lot will cease. Hanson stated that there are no additional lots cited in the judgement.

Scarcelli read a letter from Pat Swedeen, Building Official. Spivey asked for clarification of what the grading permit entails, as the conditional use permit does not pertain to the grading permit. Scarcelli drew the commission's attention to the grading permits on the wall.

Clarice Bayne and Troy Bayne from Troy's Excavation came forward to represent the project. C. Bayne talked through the newly submitted packet. C. Bayne stated that lot 1A, which is mentioned in the court order, is not part of this project. C. Bayne stated that work would be done in 4-5 increments. Hours of operation would primarily be 40 hour work weeks Monday through Saturday, understanding that they need to focus work when the traveling equipment is available. Most work would be Monday through Friday. C. Bayne believes the reclamation plan is addressed in the Lot 63 grading permit. The required 10 foot setback on the grading permit would deal with the slope. C. Bayne stated that she didn't believe a landslide plan was necessary as they're not proposing to quarry the high walls. C. Bayne stated that there is no intention to export rock. C. Bayne stated that there will be 2 lots involved in blasting in conjunction with the grading permits. C. Bayne stated that 24 hour notice will be given in advance of blasting, and the intent is to time blasting so that it has minimal impact for neighbors. C. Bayne stated that they're unaware of any prior traffic control problems related to quarrying. C. Bayne stated that the access road to the higher portions of the prior quarry is blocked off and no-trespassing signs will be posted. C. Bayne stated that any debris that may end up in the road would be cleaned up immediately. C. Bayne stated that any required signage will be posted in and around the site. C. Bayne does not believe the lot 1A court order is relevant to this request. C. Bayne stated that Troy's Excavation and Secon would be hired by Sudnikovich to do the work, and she believes those two entities do reputable work. C. Bayne stated that Secon would follow stormwater management requirements.

Windsor asked about the overburden. T. Bayne stated that overburden would likely stay on-site. Parmelee asked about plans to reclaim and reuse the land, as these properties are very visible from the road. T. Bayne stated that alders are starting to grow. T. Bayne stated that they could look at reclamation if that is required of other quarries in town. Scarcelli thanked C. Bayne for the new information. Scarcelli asked C. Bayne to describe the activities on the various lots and she talked through the site plan.

Hanson spoke to the January 24, 1994 order that required a conditional use permit also be received for a rock crusher, and the crusher was located on lot 61A. Hanson stated that it is the city's position that the prior conditional use permits have lapsed. Hanson recommended that the conditions of the judgement be applied to any new permits.

Scarcelli reiterated C. Bayne's presentation of the the proposed operations, by talking through the site plan.

When asked by Scarcelli, T. Bayne stated that AML chassis storage will still occur on site. When asked by Colvin, T. Bayne estimated that operations would be finished in two years. T. Bayne stated that Secon's estimate was that processing would require 40 days of crushing, which would be conducted in batches. Spivey wondered if there is a sunset on a grading permit, but acknowledged that the grading permit is not the Planning Commission's purview. Spivey stated that the drilling and blasting is part of the grading permit but he's more concerned with the quarrying and processing of the rock.

Scarcelli recommended a recess to allow the commission and public to digest the new information. Hanson stated that the applicant stated that a new application has just been submitted and it's problematic to make a decision on a new application without proper notice. Hanson recommended against taking action until proper public notice could occur. Scarcelli stated that he can't make a recommendation of approval without further time to digest the new materials. Scarcelli asked about taking public comment, and Hanson recommended that public comment be taken. Scarcelli stated that his recommendation will be to postpone.

Valorie Nelson pointed out that Sitka General Code states that applications must be in the Planning office for examination prior to the meeting. V. Nelson stated that the prior court judgement is still in effect for the proposed quarry. V. Nelson stated that she was called a liar by the applicant at yesterday's site visit.

Kris Pearson from K&E Alaska stated they do not care if competitors open up quarries. Pearson stated that they have opened up the Indian River quarry and rock is currently for sale for all who ask. Pearson stated that K&E has two quarries and Chuck McGraw has one. Pearson refuted the idea of a monopoly.

Richard Guhl stated that after the site visit and conversation with T. Bayne, he no longer opposes the proposal. Guhl has concern that Bayne's name is not on the conditional use permit, and has concerns for possible expansion without public hearings. Guhl would like to see quarry operations during normal business hours.

Connor Nelson stated that rock prices have only gone up 20% over the last 10 years. C. Nelson stated concern that the application is a moving target. C. Nelson read a publication about the value of zoning for long-term property values.

Roger Sudnikovich stated that from Granite Creek out, lands are zoned commercial, not residential. Sudnikovich stated that when he bought his property it was advertised as a quarry.

Lillian Feldpausch of STA Tribal Realty spoke about nearby restricted deed properties and stated concern for possible diminishment of value. Feldpausch pointed out that there is no fencing but it is still dangerous. Scarcelli clarified that STA has acknowledged that they received official notice.

Scarcelli read a letter from Chris McGraw, who stated concern for safety for the nearby cruise facility and the impacts that noise and dust may have for arriving tourists.

Spivey stated that the commission received significant additional detail at the meeting. Commissioners discussed postponement options.

**Windsor/Parmelee moved to postpone consideration to the June 28th meeting.  
Motion passed 4-0.**

BREAK 8:15-8:25

**B**      [ZA 18-08](#)

Discussion, direction, and decision regarding proposed amendments to Sitka General Code Title 21 Subdivision Code and Title 22 Zoning, specifically 21.40.030, 21.40.110, 21.40.120, 21.40.130, 21.40.140, 22.20.030, 22.20.035, 22.20.038, and 22.20.040. The proposal concerns amendments to zoning and subdivision development standards. The request is filed by the City and Borough of Sitka Planning and Community Development Department.

Scarcelli shared maps of nonconformities near Sitka Community Hospital and Baranof Elementary School. 83% and 90% of properties in these neighborhoods do not conform with development standards. Scarcelli shared charts of current and proposed development standards. Scarcelli talked through the proposed changes.

Recommended changes are consistent with Smart Growth America recommendations and Comprehensive Plan process input. Spivey asked why there isn't an R-1 high density zone. Scarcelli stated that development standard amendments will go through several steps. One of the low-hanging fruit is setback restrictions, so this is phase 1. Rezoning would take 6 months to a year with third party consultants, and that can be pursued at a later date. In addition to setbacks, another proposed amendment is to raise the height restriction in the Central Business District. While staff were initially in support of decreasing lot sizes on LI and GI, staff are no longer making this recommendation.

Windsor suggested making lots closer to 4000 square feet in the MH zones so that individual manufactured home lots could be sold, and Scarcelli stated that could be explored in a future phase. Scarcelli stated that the planned unit development process also provides lot size flexibility. Scarcelli discussed table notes that staff propose to remove, as outlined in the staff report. Scarcelli discussed contextual setbacks as recommended by SGA, and Scarcelli encouraged usage of formulaic setbacks. Scarcelli discussed a 5 foot - 9 foot split side setback and shared mock-up site plans. This proposal always preserves parking on one side. Windsor asked if any consideration was given to corner lots. Scarcelli discussed various options and stated that he could do more research and come back.

No public comment.

**Windsor/Parmelee moved to recommend approval of the proposed development standard amendments subject to planning and legal staff amending notes to be in line with the proposed tables. Motion passed 4-0.**

**VIII. ADJOURNMENT**

**Chair Spivey adjourned at 8:51 PM.**

**ATTEST: \_\_\_\_\_**  
**Samantha Pierson, Planner I**