



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

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

Thursday, May 10, 2018

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Chair Spivey called the meeting to order at 7:00 PM.
Present: Spivey, Windsor, Hughey, Colvin, Knox (Assembly liaison)
Absent: Parmelee (excused)

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

- A [PM-45](#) Approval of the April 26, 2018 meeting minutes.

Windsor/Colvin moved to approve the April 26 meeting minutes. Motion passed
4-0.

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

- B [MISC 18-15](#) Director's Report - May 10

Scarcelli reported on the Certified Floodplain Manager training that he attended last week. The next agenda includes four short-term rentals. The office has been receiving an increase in requests for food and other mobile vending. Scarcelli reported that for a period, Finance was not consulting Planning on business registrations, so an audit will need to take place. Scarcelli reported that the Comprehensive Plan will be on the May 22 Assembly agenda. Scarcelli reported that he will be out of the office in early June. Scarcelli reported that the Assessor is out on vacation and the Building Department is looking for a new inspector, so projects may be delayed.

VI. REPORTS

VII. THE EVENING BUSINESS

- C** [CUP 18-07a](#) Approval of findings of fact in support of denial of a conditional use permit for a short-term rental at 116 Knutson Drive in the R-2 multifamily residential district. The property is also known as Lot 17A Knutson Subdivision Phase III Lot Line Adjustment. The request is filed by Michael Finn. The owners of record are Michael and Elizabeth Finn.

Pierson reported that the short-term rental was considered at the last meeting, and a motion to approve failed on a 1-2 vote. Findings were not voted on at that meeting, and that is what is on the agenda this evening. Pierson noted that there is not a quorum of those individuals who voted on the denial present at this meeting to vote on the findings. The advice of the clerk was that those three commissioners should be the ones to vote on findings. Staff recommend postponement until a quorum of those individuals can be gathered.

Hughey/Windsor moved to postpone consideration until the next available quorum. Motion passed 4-0.

- D** [ZA 18-09](#) Discussion, direction, and decision regarding proposed amendments to Sitka General Code Title 22 Zoning, specifically 22.08.025, 22.16.015, 22.20.035, and 22.20.160. The proposal concerns amendments to accessory dwelling unit standards. The request is filed by the City and Borough of Sitka Planning and Community Development Department.

Scarcelli handed out copies of a memo regarding proposed amendments to Sitka General Code in relation to accessory dwelling units (ADUs). Scarcelli stated that currently, if the 14 standard conditions are not met, a conditional use permit can be pursued. If the 14 conditions can be met, the applicant can go straight to a building permit. Scarcelli reviewed proposed amendments as outlined in the memo. Spivey stated concern for allowing ADUs to be taller than the primary structure, which might not fit in with the neighborhood and block views. Hughey stated that two story houses can already be built and obstruct views, and Spivey clarified that it is true for primary structures but not ADUs. Colvin stated support for a 30 foot height which could result in a smaller footprint. Windsor stated that he has heard people say they want to build ADUs above garages. Scarcelli gave an overview of proposed changes to definitions. Scarcelli shared about a property owner who recently built an ADU and is currently living in it, but clarified that technically, code doesn't permit ADUs to be owner occupied but rather used for long-term rentals. Hughey stated concern for tiny homes, travel trailers, and RVs being used as ADUs because of aesthetics and impacts on residential areas. Scarcelli stated that statement was included because of Comprehensive Plan discussion, but Scarcelli recommends striking that one. Colvin stated support for the RVs and travel trailers as a conditional use, giving the Planning Commission opportunity to weigh in on individual cases. Scarcelli clarified that tiny homes on wheels on wheels are travel trailers, and Hughey stated disagreement. Hughey stated that he would not be in favor of travel trailers and RVs as ADUs but would be in favor of tiny homes on wheels as ADUs. Scarcelli clarified that they are currently the same under current code, and additional design requirements would need to be added to differentiate them in consultation with the building department. Scarcelli acknowledged that there are aesthetic differences of tiny homes on wheels such as Tumbleweed versus RVs, and that future design standards should be pursued. Scarcelli discussed the proposed square footage increase from 800 to 1050 square feet and proposed parking reduction from 2 spaces to 1 space. Amendments will also clarify that car parking is not required on the small islands. Scarcelli recapped that the commission had some concern with the height increase, square footage, and travel trailers as ADUs.

Richard Wein stated that if a structure is liveable, it should be an option. Wein encouraged leeway with allowing structures. Wein requested that item E be moved to the end of the agenda so the items with public attendance can be addressed earlier.

Hughey stated that he can accept ADUs as short-term rentals. Hughey asked if the commission should have staff work on height and travel trailers as ADUs. Colvin clarified that the travel trailers as ADUs would be a conditional use permit as proposed. Scarcelli recommended keeping standard condition 6 as-is for now and move the other changes forward to the Assembly. Commissioners stated support for this plan. Spivey stated that he would like to have more discussion on height.

Hughey/Windsor moved to recommend approval of the proposed amendments to Sitka General Code regarding accessory dwelling units with the exception of proposed changes to standard condition 6 (travel trailers and RVs as ADUs) and changes to ADU height, which will be revisited by the Planning Commission at a later date. Motion passed 4-0.

Commissioners agreed to move Item E to the end of the agenda.

F [CUP 18-13](#)

Public hearing and consideration of a conditional use permit for a short term rental on Kasiana Island in the LI Large Island zone. The property is also known as Lot 19 Kasiana Island Subdivision. The request is filed by Jack Fredrickson. The owner of record is Jack Fredrickson.

Pierson described the request for short-term rental of an off-grid cabin on Kasiana Island for up to 6 guests. The owner will continue to use the cabin for personal recreation use. Renters will bring in their own water. There is no mooring buoy or dock. Scarcelli stated that a neighbor had shared concern for access and potential for encroachment on other properties who may use the common mooring area. Pierson shared that there is no toilet, and staff recommend a condition of approval to require installation of a DEC permitted toilet.

Jack Fredrickson and Melanie Robinson represented the request. Fredrickson stated that he did a trial run with a local short-term renter and it went well, and he'd like to expand the use. Robinson stated that she spoke with DNR and was pointed to AAC which outlines use of state lands for travel. Robinson stated that they can cancel in the event of bad weather. Fredrickson stated that others have gravel roads but he does not, so anyone traveling from the common mooring area to his lot would be following deer trails. Hughey stated that inexperienced people anchoring up can create impacts, and suggested that the applicant install a mooring buoy.

Windsor left the room, and Scarcelli recommended a brief recess. Spivey called a recess. Windsor returned within a moment.

Fredrickson stated that out of towners are unlikely to have a boat but may rent kayaks. Fredrickson stated that he talked with DEC and stated he was informed that DEC permits aren't required unless it rises to the level of a lodge. Fredrickson stated that they use a 5 gallon bucket lined with kitty litter, and it's thrown overboard. Fredrickson stated that DEC informed him that outhouse material ends up at the beach. Fredrickson stated that he will take care of waste for renters who are not familiar. Scarcelli spoke to moorage concerns and stated that there are several ways to

mitigate concerns for access. Scarcelli stated that a condition of approval requiring proper disposal of waste could mitigate concerns for waste.

Hughey stated the applicants have thought this through.

Hughey/Windsor moved to approve the conditional use permit for a short term rental on Kasiana Island in the LI Large Island zone subject to conditions of approval. The property is also known as Lot 19 Kasiana Island Subdivision. The request is filed by Jack Fredrickson. The owner of record is Jack Fredrickson. Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
3. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
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.
5. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. To mitigate against the risk and impact of wildlife from the short term rental, the property owner shall assure all trash is kept indoors and disposed of properly upon leaving the unit. Should this condition not be followed the CUP shall be revoked.
8. Any signs must comply with Sitka General Code 22.20.090.
9. A detailed rental overview shall be provided to renters detailing directions to the unit, appropriate access, moorage, trash management, noise control, and a general admonition to respect the surrounding neighborhood.
11. Applicant shall confirm that the commercial use of the state tidelands is acceptable with DNR.
12. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.
13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion passed 4-0.

Hughey/Windsor moved to find that:

1. ...The granting of the proposed conditional use permit as conditioned will not:
 - a. Be detrimental to the public health, safety, and general welfare specifically, conditions of approval require responsible garbage management;
 - b. Adversely affect the established character of the surrounding vicinity specifically, detailed directions will help renters find the property; 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, specifically, conditions of approval mitigate potential injurious uses.
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, specifically, conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing property owners to participate in the tourism industry and Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, by operating a short-term rental with requirements to mitigate concerns for septic, odors, and noise.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically that the owner continues to visit the property for personal recreational use and rules violations are grounds for eviction.

Motion passed 4-0.

G [VAR 18-07](#)

Public hearing and consideration of a variance request for 106 Naomi Kanosh Lane in the R-2 MHP zone. The request is for the reduction in the front setback from 20 feet to 10 feet for the construction of a covered porch. The property is also known as Lot 14 Ashaak Subdivision. The request is filed by Andrew Callistini. The owners of record are Andrew and Donna Callistini.

Pierson gave an overview of the property and request for covered deck. The lot is constrained by location of existing house, three front setbacks, and a 10 foot utility easement around three sides. The request is to reduce the front setback on one side from 20 feet to 10 feet for a covered deck. The sight triangle will not be impeded by the proposed structure. Staff recommend approval.

Andrew Callistini stated that staff covered the request.

No public comment.

Spivey stated that it's pretty cut and dried.

Colvin/Windsor moved to approve the variance request for 106 Naomi Kanosh Lane in the R-2 MHP district. The request is for the reduction in the front setback from 20 feet to 10 feet for the construction of a covered porch. The property is also known as Lot 14 Ashaak Subdivision. The request is filed by Andrew Callistini. The owners of record are Andrew and Donna Callistini.. Motion passed 4-0.

Colvin/Windsor moved to adopt and approve the required findings for major structures or expansions. Before any variance is granted, it shall be shown:

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, here, the lot is constrained by 10 foot utility easements and front setbacks on three sides;
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, here, the economical development of a covered deck;
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, here, placement of the deck will avoid utility easements;
- d) That the granting of such will not adversely affect the Comprehensive Plan: specifically, the variance is in line with Comprehensive Plan Section 2.4.1 which states, “To guide the orderly and efficient use of private and public land in a manner which maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations,” by allowing for the cost-effective

development of a covered deck while preserving the integrity of existing utility easements and maintaining sight lines for motorists.

Motion passed 4-0.

H [VAR 18-06](#)

Public hearing and consideration of a variance request for 2206 Sawmill Creek Road in the R-1 LDMH district. The request is for the reduction in the side setback from 15 feet to 9.5 feet for the construction of a sunroom. The property is also known as Lot 3 Keith Bartow Subdivision. The request is filed by Pete Weiland. The owner of record is Mary Anne Maxon Revocable Trust.

Pierson gave an overview of the property and variance request for the conversion of a portion of an existing deck to an enclosed sunroom. The proposal would result in an increased encroachment on the side setback of an additional 2 feet for eaves. The house is located near the waterfront and access is via easement. The property is constrained by the placement of the existing house. Foliage provides a buffer between properties. The enclosure of the portion of deck could result in a decrease in noise impacts experienced by neighbors. The adjacent neighbor submitted a letter of support. Staff recommend approval.

David Moore and Peter Weiland represented the request. Moore clarified that he is co-owner with his wife Lisa and Mary Anne Maxon. Moore stated that he was unaware that the deck encroached on the setback when he purchased the property.

No public comment.

Spivey stated that the request is straight forward. Windsor noted that he had recently been to the property and it's remote.

Hughey/Windsor moved to approve the variance request for 2206 Sawmill Creek Road in the R-1 LDMH district. The request is for the reduction in the side setback from 15 feet to 9.5 feet for the construction of a sunroom. The property is also known as Lot 3 Keith Bartow Subdivision. The request is filed by Pete Weiland. The owner of record is Mary Anne Maxon Revocable Trust and David and Lisa Moore.
Motion passed 4-0.

Hughey/Windsor moved to adopt and approve the required findings for major structures or expansions. Before any variance is granted, it shall be shown:

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, here, the primary structure and decks are already constructed;
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, here, the economical development of an enclosed sunroom on the footprint of an existing deck;
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, here, foliage and a drainage ditch provide buffering from the adjacent parcel;
- d) That the granting of such will not adversely affect the Comprehensive Plan: specifically, the variance is in line with Comprehensive Plan Section 2.4.1 which states, "To guide the orderly and efficient use of private and public land in a manner which maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations," by allowing for the cost-effective development of an enclosed sunroom on the footprint of an existing deck

while not negatively impacting the neighboring property's access to light and air.

Motion passed 4-0.

BREAK 8:20-8:28

I [MISC 18-16](#)

Public hearing, comment, and concurrence regarding the Katlian Bay Road project. The applicant is Alaska Department of Transportation and Public Facilities.

Pierson gave an overview of the request for comment by DOT. The road is 9 miles long, with 1.35 miles in the Public Lands District and the remainder in unzoned lands. Scarcelli stated that the staff have submitted comments during the agency review period, and shared some of these points with the commission. Pros include support for native lands, recreational access, job creation, and future development potential. Cons include impacts to environment, possible cultural resources, and public safety (increased emergency response time, limited road width, etc.). Scarcelli clarified that the project has undergone extensive review for potential impacts.

Chris Goins from DOT represented the request for public comment.

Garry White from SEDA stated support for the project and stated that Sitkans voted for the project on a 2-1 ratio.

Richard Wein asked about the maintenance plans for the road and who will be paying for it. Wein stated that it could be a great opportunity for recreation but has concerns that tourists might be diverted to this area, reducing visitor traffic to downtown businesses. Wein would like to hear more about the possible economic impact.

Joel Hanson acknowledged that the project has received extensive public review and support but asked that DOT take into consideration the carbon footprints of projects.

Valorie Nelson stated that Sitka needs to continually develop its tourism. Nelson stated support for the possible future access road to Rodman Bay.

Faleene Worrell of Shee Atika stated support for the project and stated that the corporation has worked extensively with DOT on the project.

Scarcelli read a comment submitted by Ben Mitchell expressing concern for the cost of the project and slope stability.

Scarcelli stated that the Comprehensive Plan 2030 addresses use of the Katlian Bay area. Scarcelli stated that the downtown is an area that should be supported. Scarcelli stated that while the road will be maintained by the state, the city may have additional costs due to police and other emergency response.

Goins stated that DOT does not intend to do winter maintenance on the road. The road will be open year-round but will not be snow plowed. Hughey asked Goins to address Mitchell's concerns. Goins stated that DOT worked with well-esteemed firms LEI and Landslide on engineering analysis. Goins stated that considerable work went into addressing slope stability and appropriate routing of the road. Goins stated that by going with a bench approach, they can keep the slope around 12%, whereas by routing

by the beach would result in slopes in excess of 20%. Goins discussed the engineered culverts designed to withstand 50 year flood events, 100 year flood events, and 500 year flood events. Windsor asked why the state is pursuing this project. Goins stated that the project was bond-funded and intended to support recreation and subsistence. Windsor asked if there will be a gate to close off for the winter, and Goins stated that he believed there would be a gate to be closed. Spivey asked Goins to further explain the bond voting procedure. Goins stated that the state sells bonds which provides funding for the project, and the bonds will be paid back over time through revenue. Goins stated that the projects are funded by the voters. Knox stated that the project was part of the 2012 general obligation bond that went through the state. Knox stated that a statewide vote would be required to shift the funding from this project.

Commissioners discussed whether to make a motion or to let the comments stand on their own. Goins stated that DOT is looking for a motion that the project meets local planning regulations.

Hughey/Windsor moved that the project meets local planning and zoning regulations. Motion passed 4-0.

J [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 shared that the item was pulled from the April 12 agenda due to lack of supporting documentation, including but not limited to geotechnical analysis and stormwater management plan. Scarcelli stated that there were technical difficulties in uploading the packet. Scarcelli discussed the property, zoning, and historical use as a quarry. The aerial appears to indicate that a portion of the C-2 zoned parcel has been quarried, which does not comply with zoning. Scarcelli clarified that the prior agenda indicated that the item was "quarry," but this agenda calls it "natural resources extraction and mining support facilities" because that is a more accurate match to the zoning code use tables. Scarcelli stated that there is ambiguity in the legal addresses written in the application. The property and proposal do not appear to be consistent with the prior conditional use permits and potentially court judgements, including but not limited to fencing and hours of operation. Additional information required includes but is not limited to remediation plan and stormwater management plan. The list of additional documentation requested is in the written staff report. Staff recommend denial or postponement. Scarcelli stated that prior conditional use permit files were in disarray and there are many records related to the historical use that need to be analyzed. Scarcelli estimated that he has already spent 80 hours making sense of the files. Scarcelli acknowledged that the community needs rock but stated that code also needs to be followed and the public health, safety, and welfare must be considered. Scarcelli reviewed a list of application materials submitted by the applicant as detailed in the staff report. Scarcelli discussed possible impacts and recommended conditions of approval as written in the staff report. Scarcelli gave an overview of historical memos including prior conditions of approval. Scarcelli clarified that "natural resources extraction and mining support facilities" includes the whole gamut of quarrying activities. If approved, state and federal regulations and permit requirements will apply, including but not limited to EPA and MSHA. Scarcelli briefly shared input from Municipal Engineer Dan Tadic. Scarcelli stated that it is the Municipal Attorney's opinion that since the prior permit has sunsetted, a new conditional use permit can be looked at freshly and without necessarily following all of the requirements of the court

order. Scarcelli stated that the burden is on the applicant, and more information is necessary. Hughey asked for clarification on the zoning map, and Scarcelli showed the aerial zoning map. Hughey noted that the C-2 zoned lot appears to have been quarried and asked about the yellow zone uphill of the project area. Scarcelli stated that the uphill property is Residential, which was historically developed as a holding zone. Scarcelli discussed the surrounding zones and developed uses. Spivey asked if the type of information being requested by staff has been submitted for prior permits, and Scarcelli stated that information now requested has been provided for past permits. Spivey asked how much time staff have given applicants to provide the requested information. Scarcelli stated that discussions with the applicant began last June or July, and staff have repeatedly requested the information. Colvin observed that the quarry does not appear to have much rock left, according to the aerial. Scarcelli stated that the aerial is not exact, but he's pretty confident that quarrying has gone beyond the property line. Scarcelli pointed out that quarrying is an abnormally dangerous activity, and there have been slides and excavator slips on the site in the past. Hughey stated appreciation to Scarcelli's thorough attention to the matter.

Troy Bayne spoke on behalf of Roger Sudnikovich. Bayne stated that this proposal is being overthought. Bayne stated that he has grading permits to drill and shoot the rock. Hughey asked for clarification on the meaning of drilling and shooting rock. Bayne stated that other quarries should be shut down because none of those operational are properly benched. Windsor asked if the lot with the house will be excavated, and Bayne stated that the amount of rock from grading of the house parcel would be sufficient for his needs. Bayne stated that right now there's a control on rock and there's a lack of rock that will impact the community in the near future. Hughey asked for clarification on mining the pit floor. Bayne stated that he would not be mining the pit floor, but there's a build up of 2-3 feet of already crushed material that could be run through a screen. Hughey asked about quantity, and Bayne estimated 3000 yards. Bayne stated that the lot is terraced better than other operational quarries, and Hughey stated that this one has the disadvantage of being more public. Hughey asked if the site may be further developed in the future to be terraced for homesites, and Bayne stated that it could only be terraced for safety. Hughey asked about the height of the quarry and the ridge, and Bayne stated that they're about the same. Spivey called point of order. Windsor asked if Sudnikovich will be in town soon, and Bayne stated probably not. Bayne stated that there has been a lack of communication, often on his part. Bayne stated that a meeting or two has gone sour. Windsor asked if Bayne can provide information requested by staff, and Bayne stated that he could. Bayne stated that he can go through another meeting before giving up. Scarcelli asked for a site plan showing the AML lease and Bayne stated yes. Scarcelli discussed that without an aesthetic screen, cruise ship passengers will see the open pit. Scarcelli requested a site visit to be open to the Planning Commission and public, and Bayne stated support for that.

Spivey requested a 3 minute limit for each public comment.

Valorie Nelson stated that she has battled quarrying in this area since 1992 and gave an overview of the history of permits and litigation. Nelson stated that according to the court judgement, quarrying must cease once the prior quarry ceased operation. Nelson discussed prior property damages associated with the quarry.

Paul Smith lives and operates a business at 4620 and 4622 HPR. Smith has concern that the quarry will operate endlessly, spreading further into additional land. Smith would consider a time-limited operation to bring down the knob and clean the floor.

Richard Guhl owns lot 60, adjacent to the Sudnikovich property. Guhl stated that in 1979, rock came through the roof of their trailer and came into his daughter's crib. One piece of rock was about the size of a child's football. Guhl stated that his property and Sudnikovich's properties were zoned low-density residential, and at some point were rezoned without notice. Guhl stated that the city previously considered creating a road through the property but the Assembly decided against it. Guhl is opposed to the project. Guhl stated that overburden was piled on the boundary line marker.

Bayne stated that there are survey markers on the property and the lots have been freshly surveyed. Bayne stated the belief that this is being overthought. Bayne stated that he simply wants to process rock. Bayne stated that Sudnikovich will not be involved with future operations.

Scarcelli asked Guhl to clarify the date of the rock coming through his roof, and Guhl estimated October 1979. Guhl stated that the damage was related to blasting. Guhl stated that he re-roofed the trailer shortly afterward. Guhl estimated that the damage was about the size of a football, and it would have killed her if it hit her. Guhl stated that his daughter is now a geologist and provided him with a contact with MSHA. Scarcelli asked Guhl to see the documentation he has, and Guhl stated that he would provide it.

Spivey noted that there are legal and geotechnical issues at play, and he would like to have legal and engineering staff present to answer questions. Spivey stated that he can't support moving forward without the opportunity to address these concerns.

Clarice Bayne stated that Sudnikovich has asked Bayne to clean up the property in preparation of a future sale of the land. C. Bayne stated that the intent is not to mine further into the wall but would like to drill and blast the house lot and process the rock on the floor. C. Bayne apologized for the lack of clarity. Spivey stated that a decision has to be made based on what is in front of the commission. C. Bayne stated understanding of the neighbor's concerns. Scarcelli stated that the applicant materials indicate a wide array of activities. Scarcelli recommended postponement so the applicant can work with staff.

Windsor/Hughey moved to postpone the item to allow the applicant to work with staff. Motion passed 4-0.

E [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.

Windsor/Hughey moved to postpone to the next meeting. Motion passed 4-0.

VIII. ADJOURNMENT

Chair Spivey adjourned at 10:11 PM.

ATTEST: _____
Samantha Pierson, Planner I