



# Petersburg Borough

12 South Nordic Drive  
Petersburg, AK 99833

## Meeting Agenda Planning Commission Regular Meeting

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Tuesday, August 11, 2026

12:00 PM

Assembly Chambers

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You are invited to a Zoom meeting.

When: Tuesday, August 11, 2026, 12:00 PM Alaska

Topic: Tuesday, August 11, 2026, Regular Planning Commission Meeting

Please click the link below to join the webinar:

<https://petersburgak-gov.zoom.us/j/84801275474?pwd=4bABVkwKlor0Ayca5aReCIEE5b6Q3v.1>

Passcode: 770026

Webinar ID: 848 0127 5474

Or Telephone:

(253) 215 8782 US (Tacoma) or (720) 707 2699 US (Denver)

1. **Call to Order**
2. **Roll Call**
3. **Acceptance of Agenda**
4. **Approval of Minutes**

A. Meeting Minutes 7/14/2026

5. **Public Comments**

*Public comments are welcome on matters not appearing on the Public Hearing or Consent Calendar but are within the Borough's jurisdiction. Persons wishing to speak should come forward and state their name and address. Issues raised may be referred to staff and, if action by the Commission is needed, may be scheduled for a future meeting.*

6. **Consent Calendar**

7. **Public Hearing Items**

- A. Consideration of an application from Wes Davis and Ken Howard for a minor subdivision at 1004 and 1006 N NORDIC DR (PID: 01-002-230/229).
- B. Recommendation to the Borough Assembly regarding an application for a special use permit from Kito's LLC dba Kito's Public House at 200 CHIEF JOHN LOTT ST (PID: 01-007-382).
- C. Consideration of an application from Aaron Buller and Rachel Welde for a variance from the front yard setback requirement at 705 HAUGEN DR (PID: 01-006-836).

- D. Consideration of an application from David Thynes (agent) for a minor subdivision at 1206 and 1208 N NORDIC DRIVE (PID: 01-002-202/200).

## **8. Non-Agenda Items**

### A. Commissioner Comments

1. Communications Facility Overlay Ordinance
2. Data Center Ordinance

### B. Staff Comments

Zoning Practice

### **C.** Next Meeting is September 8, 2026

## **9. Adjournment**



# Petersburg Borough

12 South Nordic Drive  
Petersburg, AK 99833

## Meeting Minutes Planning Commission Regular Meeting

Tuesday, July 14, 2026

12:00 PM

Assembly Chambers

### 1. Call to Order

The meeting was called to order at 12:00PM.

### 2. Roll Call

#### PRESENT

Commission Chair Chris Fry  
Commission Vice-Chair Heather O'Neil  
Commission Secretary Sarah Fine-Walsh  
Commissioner Joshua Adams  
Commissioner Mika Cline  
Commissioner Thomas Kowalske  
Commissioner Jim Floyd

### 3. Acceptance of Agenda

Motion made by Commission Secretary Fine-Walsh, Seconded by Commission Vice-Chair O'Neil.

Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commission Secretary Fine-Walsh, Commissioner Adams, Commissioner Cline, Commissioner Kowalske, Commissioner Floyd

### 4. Approval of Minutes

#### A. Meeting Minutes 6.9.2026.

The June 9, 2026, meeting minutes we unanimously approved.

Motion made by Commission Secretary Fine-Walsh, Seconded by Commissioner Adams.

Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commission Secretary Fine-Walsh, Commissioner Adams, Commissioner Cline, Commissioner Kowalske, Commissioner Floyd

### 5. Public Comments

None

## 6. Consent Calendar

- A. Acceptance and scheduling of an application from Kitos LLC for a special use permit for use of a borough ROW for a landing, porch, and wheelchair ramp at 200 CHIEF JOHN LOTT ST (PID: 01-007-382).

Accepted as a public hearing item for the August 11, 2026, meeting.

Motion made by Commission Secretary Fine-Walsh, Seconded by Commission Vice-Chair O'Neil.

Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commission Secretary Fine-Walsh, Commissioner Adams, Commissioner Cline, Commissioner Kowalske, Commissioner Floyd

## 7. Public Hearing Items

- A. Consideration of an application from Central Council Tlingit & Haida Indian Tribes of Alaska (CCTHIA) for a minor subdivision at 1200 HAUGEN DR (PID: 01-012-010).

Nicole McMurren spoke representing herself in opposition of the subdivision.

Judy Ohmer spoke on her own behalf, expressing concerns regarding the proposed subdivision.

Becky Knight spoke on her own behalf, expressing concerns regarding safety, aesthetics, and privacy.

Motion made by Commissioner Floyd.

Motion fails for lack of second.

- B. Recommendation to the Borough Assembly regarding an application to rezone borough-owned property from Open Space Recreational to Single Family Mobile Home in preparation for sale of Lots 26 and 27, Section 33, T58S, R79E. (PID: 01-028-100 and 01-028-150).

Motion made by Commission Secretary Fine-Walsh, Seconded by Commissioner Floyd.

Commission Vice-Chair O'Neil spoke regarding static population and her concerns with open space recreational land going away.

Donna Marsh spoke representing herself with concerns regarding the development of the two lots and the potential of surplus housing.

Commissioner Floyd discussed affordable housing and concerns related to the aging housing inventory within the community.

Commission Secretary Fine-Walsh mentioned the housing needs assessment and the number of homes the community needs within 10 years.

Commissioner Vice-Chair O'Neil mentioned the saturation of development in one neighborhood.

Commissioner Kowalske spoke in support of this mentioning the economic benefits for the Borough.

Commissioner Cline mentioned it would be nice to see a development plan.

Voting Yea: Commission Chair Fry, Commission Secretary Fine-Walsh, Commissioner Adams, Commissioner Cline, Commissioner Kowalske, Commissioner Floyd

Voting Nay: Commission Vice-Chair O'Neil

- C. Consideration of an application from Eric Grundberg for a variance from the rear yard and side yard setbacks to construct a garage within 3' of the property line at 304 HOGUE ALLEY (PID: 01-011-092).

Eric Grundberg spoke as the owner of this property. He made himself available for any questions.

Motion made by Commission Secretary Fine-Walsh, Seconded by Commission Vice-Chair O'Neil.

Commission Secretary Fine-Walsh mentioned the staff recommendation to approve the variance allowing construction no closer than 5' to the property line. This recommendation is consistent with past practice.

Commissioner Floyd questioned the two separate lots and building a garage on a lot without having an apartment. Mr. Grundberg spoke to say that the two lots are being consolidated, Director Cabrera confirmed.

Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commission Secretary Fine-Walsh, Commissioner Adams, Commissioner Cline, Commissioner Kowalske, Commissioner Floyd

## 8. Non-Agenda Items

### A. Commissioner Comments

Communication Facility Overlay ordinance

The Commissioners discussed tower overlay ordinance and proposed additions and changes.

Commissioner Kowalske reviewed his proposed data center ordinance.

### B. Staff Comments

Director Cabrera said that there will be a meeting in August.

C. Next Meeting is August 11, 2026.

## 9. Adjournment

The meeting adjourned at 1:06PM.

Motion made by Commission Secretary Fine-Walsh, Seconded by Commission Vice-Chair O'Neil.

Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commission Secretary Fine-Walsh, Commissioner Adams, Commissioner Cline, Commissioner Kowalske, Commissioner Floyd

## PLANNING COMMISSION STAFF REPORT

### MINOR SUBDIVISION – REPLAT – 1004/1006 N NORDIC DR

|                               |                                                                                                  |                           |                                        |
|-------------------------------|--------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------|
| <b>Action #:</b>              | 2026-801                                                                                         | <b>Meeting Date:</b>      | August 11, 2026                        |
| <b>Applicant(s):</b>          | David Thynes                                                                                     | <b>Property Owner(s):</b> | Wes Davis & Ken Howard                 |
| <b>Agent/Representative:</b>  | Central Southeast Surveyors                                                                      | <b>Property Address:</b>  | 1004 & 1006 North Nordic Drive         |
| <b>Legal Description:</b>     | A replat of a PTN Lot 1 & PTN Lot 2 of Block 82, U.S. Survey 1252, Petersburg Recording District | <b>Parcel ID:</b>         | 01-002-230 / 01-002-229                |
| <b>Acreage / Lot Size:</b>    | Total ± 16,040 SF (0.37 ac).<br>Proposed Lot 2A = 8,032 SF; Proposed Lot 2B = 8,008 SF           | <b>Current Zoning:</b>    | Single-family Residential (SFR)        |
| <b>Comp Plan Designation:</b> | Waterfront B                                                                                     | <b>Request Type:</b>      | Minor Subdivision (Replat) – PMC 18.20 |

#### A. EXECUTIVE SUMMARY

|                             |                                                                                                                                                                                                                                                                                                                      |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant Request</b>    | The applicant requests approval of a minor subdivision (replat) to eliminate the existing internal lot line between a portion of Lot 1 and a portion of Lot 2, Block 82, U.S. Survey 1252, and create two new parcels, Lot 2A (8,032 SF) and Lot 2B (8,008 SF), each containing an existing single-family residence. |
| <b>Staff Recommendation</b> | Recommend approval with conditions                                                                                                                                                                                                                                                                                   |
| <b>Key Issues</b>           | [Staff to identify any key issues; none apparent from the submitted preliminary plat]                                                                                                                                                                                                                                |

#### B. PROJECT DESCRIPTION

|                                |                                                               |
|--------------------------------|---------------------------------------------------------------|
| <b>Subdivision Name</b>        | Davis-Howard Subdivision                                      |
| <b>Intended Use</b>            | Continued single-family residential use of each resulting lot |
| <b>Total Acreage</b>           | ± 16,040 SF (0.37 acres)                                      |
| <b>Number of Lots Proposed</b> | 2 (Lot 2A and Lot 2B)                                         |
| <b>Lot Size Range</b>          | 8,032 SF – 8,008 SF                                           |
| <b>Phasing (if applicable)</b> | N/A                                                           |
| <b>Timeline</b>                | [Timeline, if provided by applicant]                          |

#### C. SITE CHARACTERISTICS

|                                          |                                                                                                             |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <b>Topography</b>                        | Lots are fully developed.                                                                                   |
| <b>Existing Structures</b>               | Lot 2A: single-family residence and accessory shed.<br>Lot 2B: single-family residence with porch and deck. |
| <b>Legal Access</b>                      | North Nordic Drive and Wrangell Avenue                                                                      |
| <b>Utilities</b>                         | Municipal power, water, and sewer                                                                           |
| <b>Flood Zone</b>                        | n/a                                                                                                         |
| <b>Anadromous Streams / Watercourses</b> | None                                                                                                        |
| <b>Soils / Environmental Constraints</b> | None                                                                                                        |

#### D. ZONING AND LAND USE

|                                 |                         |
|---------------------------------|-------------------------|
| <b>Zoning District:</b>         | <b>Actual Land Use:</b> |
| Single-family Residential (SFR) | Residential             |

#### Surrounding Area

| Direction | Zoning District           | Actual Land Use |
|-----------|---------------------------|-----------------|
| North     | Public Use                | Public Use      |
| South     | Single-family Residential | Residential     |
| East      | Single-family Residential | Residential     |
| West      | Single-family Residential | Residential     |

## E. MINOR SUBDIVISION SUBMISSION CHECKLIST (PMC 18.20.010)

| Submission Requirement (PMC 18.20.010)                                                       | Submitted / Met? | Comment                                                 |
|----------------------------------------------------------------------------------------------|------------------|---------------------------------------------------------|
| Plat prepared by registered Alaska land surveyor, drawn to scale (§ 18.20.010.C.1)           | Yes              | Prepared by Central Southeast Surveyors, Petersburg, AK |
| Application and fee submitted ≥ 30 days before platting board meeting (§ 18.20.010.C)        | Yes              | Application dated 6/23/2026 for August 11, 2026 meeting |
| DEC approval for on-site sewer/water, if not connected to municipal system (§ 18.20.010.C.2) | N/A              |                                                         |

## F. REVIEW CRITERIA (PMC 18.20.010.A)

Per PMC 18.20.010, the minor subdivision plat procedure is available for the subdivision of a single parcel into no more than four parcels, subject to the general conditions of PMC 18.20.010(A). Staff analysis of each condition follows:

### 1. Number of Lots Created (PMC 18.20.010.A.1)

The replat resubdivides a portion of Lot 1 and a portion of Lot 2, Block 82, U.S. Survey 1252 into two new parcels, Lot 2A and Lot 2B, consistent with the four-lot maximum under the minor subdivision procedure.

### 2. Legal and Physical Access (PMC 18.20.010.A.2)

Both proposed lots have legal and physical access to public streets – North Nordic Drive and/or Wrangell Avenue – as shown on the preliminary plat.

### 3. No Street or Right-of-Way Dedication Required (PMC 18.20.010.A.3)

The preliminary plat does not depict or require dedication of any new street, right-of-way, or other public area.

### 4. No Vacation or Variance Required (PMC 18.20.010.A.4)

No vacation of a public dedication and no variance from subdivision regulations are required to accomplish the proposed replat.

### 5. Monumentation (PMC 18.20.010.A.5)

The preliminary plat identifies existing and established survey monuments at the outside corners of the subdivision tract, consistent with the monumentation requirement.

## G. DEPARTMENT REVIEWS (PMC 18.20.010(A)(6))

| Department   | Comments                                                                      |
|--------------|-------------------------------------------------------------------------------|
| Public Works | No objection.                                                                 |
| PMP&L        | Requests utility line easement if there is aerial encroachment of power line. |
| Police       | No objection.                                                                 |
| Fire         | No objection.                                                                 |

## H. PUBLIC NOTICE

The borough provided public notice consistent with applicable subdivision notice requirements. Notice was mailed by first class mail to owners of record of property within six hundred (600) feet of the exterior boundary of the subject property, and posted as required. See Attachment D for sample notice letter.

## I. FINDINGS AND CONDITIONS OF APPROVAL

(See resolution on following page for findings and conditions.)

**Proposed Motion:**

I move to approve RESOLUTION 2026-801 recommending approval of the Davis-Howard Subdivision minor subdivision (replat) creating Lot 2A and Lot 2B, Block 82, U.S. Survey 1252, subject to the conditions set forth in the resolution.

**J. ALTERNATIVES**

The Planning Commission has the following options:

- Approval of the minor subdivision (replat) as submitted.
- Approval of the minor subdivision (replat) with staff-recommended conditions.
- Approval of the minor subdivision (replat) with modified or additional conditions.
- Continue the hearing to allow for additional information or public input.
- Deny the minor subdivision (replat) application.

**K. ATTACHMENTS**

|                                               |                                                     |
|-----------------------------------------------|-----------------------------------------------------|
| A. Vicinity Map                               | D. Public Notice Letter (Mailing list upon request) |
| B. Applicant Materials / Land Use Application |                                                     |
| C. Public Comments                            |                                                     |

**L. APPEAL (PMC 19.92)**

If approved by the Planning Commission, this decision may be appealed to the Borough Assembly within 10 days of the Planning Commission's decision by the Applicant; a property owner within 600 feet of the subject property; or any governmental agency that may be adversely affected by the decision. Appeal forms are available at the Borough Clerk's office and must be accompanied by the required fee.

**PLANNING COMMISSION RESOLUTION NO. 2026-801**  
**A RESOLUTION OF THE PETERSBURG BOROUGH PLANNING COMMISSION**  
**RECOMMENDING APPROVAL OF A MINOR SUBDIVISION (REPLAT) FOR THE**  
**DAVIS-HOWARD SUBDIVISION – 1004 & 1006 NORTH NORDIC DRIVE**

WHEREAS, on August 11, 2026, the Planning Commission conducted a duly and properly noticed public hearing to consider a minor subdivision (replat) application for the Davis-Howard Subdivision, legally described as a replat of a portion of Lot 1 and portions of Lot 2, Block 82, U.S. Survey 1252, Petersburg Recording District, creating Lot 2A and Lot 2B; and

WHEREAS, the applicant and staff presented testimony and evidence, and all interested persons were given the opportunity to provide public testimony regarding the application; and

WHEREAS, the Planning Commission has reviewed the staff report, attachments, and all relevant documents and materials, and has heard all testimony presented at the public hearing; and

WHEREAS, the Planning Commission has considered the proposed request in light of the requirements of PMC Chapter 18.20; and

WHEREAS, the Planning Commission has made the following findings of fact, based on substantial evidence in the record:

**Finding 1: Number of Lots**

The proposed replat subdivides portions of Lot 1 and Lot 2, Block 82, U.S. Survey 1252 into two (2) lots, consistent with the four-lot maximum for minor subdivisions under PMC 18.20.010(A)(1).

**Finding 2: Access**

Each resulting lot, Lot 2A and Lot 2B, has legal and physical access to a public street.

**Finding 3: No Dedication, Vacation, or Variance Required**

The proposed replat does not require dedication of a street or right-of-way, vacation of a public dedication, or a variance from subdivision regulations.

**Finding 4: Monumentation and Departmental Review**

The outside corners of the subdivision tract are marked and referenced to recorded survey monuments, and required departmental approvals have been obtained as of the date of this resolution.

**NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the Petersburg Borough hereby recommends approval of the minor subdivision (replat) application, subject to the following conditions:**

- The final plat shall bear all required certificates per PMC 18.24.050(B), to the extent applicable to minor subdivisions.
- The mylar plat shall be prepared by a registered Alaska land surveyor and filed with the Petersburg Recording District within thirty (30) days after issuance of fully executed certificates of approval, per PMC 18.20.020(D).
- Any plat restrictions required by the platting board concerning improvements shall be noted on the final plat per PMC 18.20.020(C).
- Final plat shall include utility easement if there is aerial encroachment of power line.

**ADOPTED this 11th day of August, 2026, by the following vote:**

AYE:

NAY:

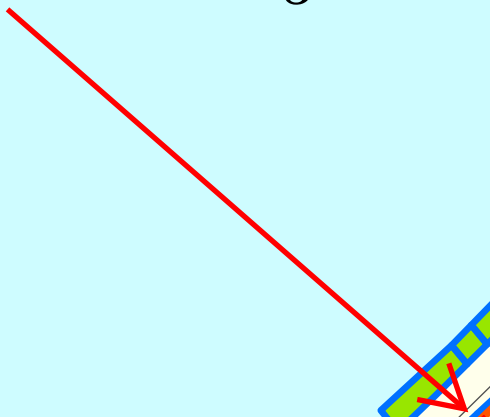
ABSENT:

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**Chair, Planning Commission**

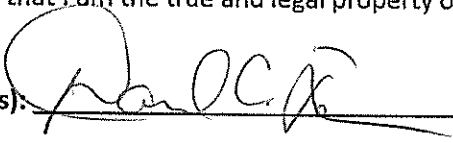
ATTACHMENT A

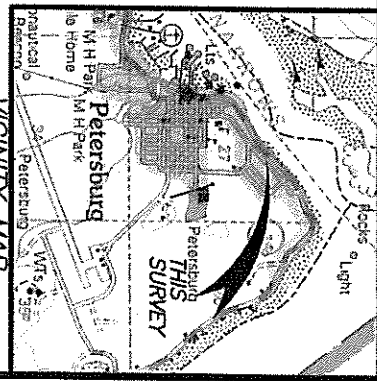
Davis & Howard Properties  
1004 & 1006 North Nordic Drive  
01-002-229 & 01-002-230



**Zoning Classification**

|  |                                                    |
|--|----------------------------------------------------|
|  | C1 - Commercial 1                                  |
|  | C2 - Commercial 2                                  |
|  | C3 - Commercial 3                                  |
|  | I - Industrial                                     |
|  | MIO - Marine Industrial Overlay                    |
|  | MHP - Mobile Home Park                             |
|  | SFM - Single Family Mobile Home                    |
|  | MF - Multi-Family Residential                      |
|  | RR - Rural Residential                             |
|  | SF - Single Family Residential                     |
|  | SF2 - Single Family Special Use                    |
|  | PU - Public Use                                    |
|  | OSR - Open Space Recreational                      |
|  | U - Undeveloped Land Pending Future Classification |

|                                                                                                                                                                                                                                             |                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
|  <b>PETERSBURG BOROUGH</b><br><b>LAND USE APPLICATION</b>                                                                                                  |                         |
| <b>For Borough Use</b>                                                                                                                                                                                                                      | Date:                   |
| Base Fee:                                                                                                                                                                                                                                   | Check No. or CC:        |
| Public Notice Fee: \$70                                                                                                                                                                                                                     | Received by:            |
| Total:                                                                                                                                                                                                                                      | Code to: 110.000.404110 |
| <b>APPLICANT INFORMATION</b>                                                                                                                                                                                                                |                         |
| NAME: David C. Thynes as agent                                                                                                                                                                                                              |                         |
| <b>PROPERTY INFORMATION</b>                                                                                                                                                                                                                 |                         |
| PHYSICAL ADDRESS or LEGAL DESCRIPTION: 1004 & 1006 NORTH NORDIC                                                                                                                                                                             |                         |
| LOT: PTN L1, PTNS L2                                                                                                                                                                                                                        | Lot Size: 7983          |
| BLOCK: 82                                                                                                                                                                                                                                   | PLAT #: 66-38           |
| SUBDIVISION: 1252                                                                                                                                                                                                                           | OVERLAY:                |
| PARCEL ID: 01002230/010022289                                                                                                                                                                                                               | ZONE: SFR               |
| Current Use of Property: RESIDENTIAL                                                                                                                                                                                                        |                         |
| Proposed Use of Property: RESIDENTIAL                                                                                                                                                                                                       |                         |
| <b>LEGAL ACCESS AND UTILITIES</b>                                                                                                                                                                                                           |                         |
| WASTEWATER SYSTEM: What is the current or planned system? <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> DEC-approved on-site system                                                                                |                         |
| WATER SOURCE: What is the current or planned system? <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Cistern/Roof Collection <input type="checkbox"/> Well                                                           |                         |
| LEGAL ACCESS TO LOT(S) (Street Name): North Nordic/Wrangell Ave.                                                                                                                                                                            |                         |
| <b>TYPE OF APPLICATION AND BASE FEES</b>                                                                                                                                                                                                    |                         |
| <input type="checkbox"/> 18.18 Record of Survey (\$50) (Note: No Public Notice Fee)                                                                                                                                                         |                         |
| <input checked="" type="checkbox"/> 18.20 Minor Subdivision/18.24 Preliminary Plat/18.19 Replat (\$75 + \$10 per lot)                                                                                                                       |                         |
| <input type="checkbox"/> 18.24 Final Plat (\$25 per lot)                                                                                                                                                                                    |                         |
| <b>SUBMITTALS</b>                                                                                                                                                                                                                           |                         |
| For Subdivision applications, please submit a prepared plat map as required by borough code.                                                                                                                                                |                         |
| <b>SIGNATURE(S)</b>                                                                                                                                                                                                                         |                         |
| I hereby affirm all the information submitted with this application is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or authorized agent thereof for the property subject herein. |                         |
| Applicant(s):                                                                                                                                            | Date: 6/23/2026         |
| Owner (if different from applicant):                                                                                                                                                                                                        | Date:                   |
| Owner (if different from applicant):                                                                                                                                                                                                        | Date:                   |



REGISTERED PROFESSIONAL LAND SURVEYOR AEL No. 10390

**SURVEYOR**  
**CENTRAL SOUTHEAST SURVEYORS**  
P.O. BOX 533, PETERSBURG AK 99833  
PH (907) 518-0075  
DRAWING COMPLETED 06/23/26  
DRAWING NO. DAVIS-HOWARD 2026

# CERTIFICATE/NOTES PAGE

## CERTIFICATE OF PAYMENT OF TAXES

STATE OF ALASKA }  
 FIRST JUDICIAL DISTRICT } ss.  
 I, THE UNDERSIGNED, BEING DULY APPOINTED AND  
 QUALIFIED, AND ACTING ASSESSOR FOR THE PETERSBURG  
 BOROUGH, DO HEREBY CERTIFY THAT, ACCORDING TO THE  
 RECORDS OF THE PETERSBURG BOROUGH, THE FOLLOWING  
 DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN

THE NAME OF:

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION,  
 ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF  
 THE PETERSBURG BOROUGH ARE PAID IN FULL. THAT CURRENT  
 TAXES FOR THE YEAR \_\_\_\_\_ WILL BE DUE ON OR BEFORE

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 AT PETERSBURG, ALASKA

TREASURER - PETERSBURG BOROUGH

## CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT THE PETERSBURG BOROUGH IS THE OWNER OF THE  
 PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HEREBY ADOPT THIS  
 PLAN OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL  
 STREETS, ALLEYS, WALKS, PARKS, EASEMENTS AND OTHER OPEN SPACES TO  
 PUBLIC OR PRIVATE USE AS NOTED.

DATE \_\_\_\_\_ LAURA HOWARD

DATE \_\_\_\_\_ KENNETH HOWARD

## NOTARY'S ACKNOWLEDGMENT

U.S. OF AMERICA  
 STATE OF ALASKA  
 PETERSBURG BOROUGH  
 THIS IS TO CERTIFY THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR  
 THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY

APPEARED \_\_\_\_\_ TO ME  
 KNOWN TO BE THE IDENTICAL INDIVIDUAL MENTIONED AND WHO EXECUTED THE  
 WITHIN PLAT AND HE ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME  
 FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.  
 WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE  
 FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA  
 MY COMMISSION EXPIRES: \_\_\_\_\_

## CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT THE PETERSBURG BOROUGH IS THE OWNER OF THE  
 PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HEREBY ADOPT THIS  
 PLAN OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL  
 STREETS, ALLEYS, WALKS, PARKS, EASEMENTS AND OTHER OPEN SPACES TO  
 PUBLIC OR PRIVATE USE AS NOTED.

DATE \_\_\_\_\_ ANGELA DAVIS

DATE \_\_\_\_\_ WESLEY A. DAVIS

## NOTARY'S ACKNOWLEDGMENT

U.S. OF AMERICA  
 STATE OF ALASKA  
 PETERSBURG BOROUGH  
 THIS IS TO CERTIFY THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR  
 THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY

APPEARED \_\_\_\_\_ TO ME  
 KNOWN TO BE THE IDENTICAL INDIVIDUAL MENTIONED AND WHO EXECUTED THE  
 WITHIN PLAT AND HE ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME  
 FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.  
 WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE  
 FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA  
 MY COMMISSION EXPIRES: \_\_\_\_\_

## CERTIFICATE OF APPROVAL BY THE PLATTING BOARD

I, HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN  
 HEREON HAS BEEN FOUND TO CONFORM WITH THE SUBDIVISION  
 REGULATIONS OF THE PETERSBURG BOROUGH, AND THAT SAID  
 PLAT HAS BEEN APPROVED BY THE PLATTING BOARD, AND  
 THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR  
 RECORDING IN THE OFFICE OF THE DISTRICT RECORDER,  
 PETERSBURG RECORDING DISTRICT, PETERSBURG, ALASKA.

DATE \_\_\_\_\_ CHAIRMAN, PETERSBURG PLATTING BOARD

## NOTES:

1. THE BASIS OF BEARING FOR THIS SURVEY IS THE LINE BETWEEN A  
 1.5" BRUN ALUMINUM CAP MONUMENT, LS 5485 TURNING THE  
 SOUTHWEST CORNER OF LOT 1 AND THE 1.5" BRUN ALUMINUM CAP  
 MONUMENT MARKING THE NORTHWEST CORNER OF LOT 1, BLOCK 82 OF  
 U.S.S. 1252. THE RECORD BEARING ACCORDING TO PLAT No. 66-38  
 IS N 38.12° W.
2. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 15.000.
3. ALL BEARINGS SHOWN ARE TRUE BEARINGS ORIENTED TO THE BASIS  
 OF BEARING. DISTANCES SHOWN ARE HORIZONTAL DISTANCES.
4. THE PURPOSE OF THIS SURVEY IS TO CORRECT THE GAP AND OVERLAP IN  
 THE BOUNDARY BETWEEN TWO PORTIONS OF BLOCK 82, U.S.S. 1252  
 THE BOUNDARY BETWEEN TWO PORTIONS OF BLOCK 82, U.S.S. 1252  
 REBUILT REPRESENTS A CHOICE AGREED UPON BY THE OWNERS  
 OF BOTH PORTIONS OF LOT 2.

- (a) U.S. SURVEY 1252, PLAT No. 66-38
- (b) U.S. SURVEY 1252, PLAT No. 66-38
- (c) A.D.O.I. S-0937 (10) SHEET 6
- (d) A.D.O.I. R.O.W. PROJ. No. 57P-0005128) 71394/71487
- (e) PLAT No. 2008-26
- (f) R.O.S. BY BEAUM, LS 5485 OF A.D.O.I. P/F PROJ. No. 68076 SHOWING  
 18 CONTROL MONUMENTS ALONG N. NORTON DR. AND SANDY BEACH RD.
- (g) UNRECORDED R.O.S. BY BEAUM, LS 5485 OF A PIN. OF LOT 1, BLOCK 82
- (h) U.S.S. 1252 COMPLETED 5/9/2002
- (i) U.S.S. 1252 COMPLETED 5/9/2002
- (j) WARRANTY DEED DOC# 2015-000592-0
- (k) WARRANTY DEED DOC# 59 PG. 423-252 REC DIST.
- (l) WARRANTY DEED DOC# 2024-00026-136
- (m) WARRANTY DEED DOC# 11 PG. 11, 12, 136
- (n) WARRANTY DEED, DOC# 1975-00030-08K 4, PG. 514

## SURVEYOR

## CENTRAL SOUTHEAST SURVEYORS

P.O. BOX 533, PETERSBURG AK 99833

PH (907) 518-0075

DRAWING COMPLETED

06/23/26

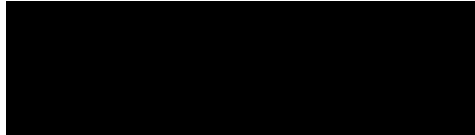
DRAWING No.

DAVIS-HOWARD 2026

## ATTACHMENT D



July 27, 2026

**NOTICE OF SCHEDULED PUBLIC HEARINGS**

The Petersburg Borough Planning Commission has scheduled a public hearing to consider:

**An application from Wes Davis and Ken Howard for a minor subdivision at 1004 and 1006 N NORDIC DR (PID: 01-002-230/229).**

|                                                                                                               |                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| The public hearing and consideration of the application will be held:                                         | <b>Tuesday, August 11, 2026, at 12:00 PM</b><br>Assembly Chambers, Municipal Building<br>12 South Nordic Drive, Petersburg, Alaska. |
| The meeting is open to the public.<br>To attend via <b>ZOOM</b> , please contact Anna Caulum at 907-772-5409. |                                                                                                                                     |

Interested persons desiring to present their views on the applications, either in writing or verbally, will be given the opportunity to be heard during the above-mentioned hearing. Said hearing may be continued from time to time as necessary. If the Planning Commission is unable to meet at the date and time stated above, this application will be considered at a future meeting with no further notice provided except for the general notice provided to the public.

| <b>TO SUBMIT WRITTEN COMMENTS TO THE PLANNING COMMISSION</b> |                                                                        |
|--------------------------------------------------------------|------------------------------------------------------------------------|
| By Mail:                                                     | PO Box 329, Petersburg, Alaska 99833                                   |
| By Email:                                                    | <a href="mailto:acaulum@petersburgak.gov">acaulum@petersburgak.gov</a> |
| Hand-Deliver:                                                | Petersburg Municipal Building, 12 S. Nordic Dr.                        |

The Petersburg Municipal Code (PMC) provides for an appeal of a Planning Commission decision to the Borough Assembly by the property owner or a governmental agency, or any property owner within 600' of the applicant property and requires that such an appeal be filed within 10 consecutive calendar days of the date the decision is made. For more information regarding appeal requirements, please see PMC Chapter 19.92.

Sincerely,

Liz Cabrera  
Community & Economic Development Department

Community & Economic Development

PO Box 329, Petersburg, AK 99833 – Phone (907)772-4042 Fax (907)772-3759

[www.petersburgak.gov](http://www.petersburgak.gov)

## PLANNING COMMISSION STAFF REPORT SPECIAL USE PERMIT – 200 CHIEF JOHN LOTT ST

|                               |                                                                    |                           |                            |
|-------------------------------|--------------------------------------------------------------------|---------------------------|----------------------------|
| <b>Action #:</b>              | 2026-802                                                           | <b>Meeting Date:</b>      | August 11, 2026            |
| <b>Applicant(s):</b>          | Kitos LLC                                                          | <b>Property Owner(s):</b> | Kito's LLC                 |
| <b>Agent/Representative:</b>  | -                                                                  | <b>Property Address:</b>  | 200 Chief John Lott Street |
| <b>Legal Description:</b>     | Lot 1B, Block B,<br>Kito's/Lock's Subdivision,<br>Plat No. 2005-13 | <b>Parcel ID:</b>         | 01-007-382                 |
| <b>Lot Size:</b>              | 8,463 sf                                                           | <b>Current Zoning:</b>    | Commercial-2 (C-2)         |
| <b>Comp Plan Designation:</b> | Downtown Historic                                                  | <b>Request Type:</b>      | Special Use Permit         |

### A. EXECUTIVE SUMMARY

|                             |                                                                                                                                                                                                                                                                                                                          |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant Request</b>    | The applicant requests a Special Use Permit to authorize the continued use of a portion of the Chief John Lott Street right-of-way, adjacent to the subject property, for the ground landing of an existing exit stairway, porch, and wheelchair ramp serving Kito's Public House.                                       |
| <b>Staff Recommendation</b> | Recommend approval to the Borough Assembly                                                                                                                                                                                                                                                                               |
| <b>Key Issues</b>           | The stairway, porch, and ramp are existing improvements that have occupied a portion of the right-of-way since at least 1992 under a prior Special Use Permit issued to Kito's Kave, Inc. The permit is not transferable to a new permittee; a new Special Use Permit is required under the current ownership/operation. |

### B. PROJECT DESCRIPTION

|                                 |                                                                                                                                                                                                                                                                                            |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Type of Request</b>          | Use of Borough right-of-way for private improvements — PMC 19.76.010                                                                                                                                                                                                                       |
| <b>Description of Use</b>       | Ground landing of an exit stairway, porch, and wheelchair ramp extending from the structure on Lot 1B, Block B, into a portion of the Chief John Lott Street right-of-way. The improvements are already constructed and in use, having been carried forward from a prior ownership/permit. |
| <b>Current Use of Property</b>  | Commercial                                                                                                                                                                                                                                                                                 |
| <b>Proposed Use of Property</b> | Same (commercial); no change in use                                                                                                                                                                                                                                                        |
| <b>Site Improvements</b>        | Existing exit stairway, porch, and ADA-compliant wheelchair ramp                                                                                                                                                                                                                           |
| <b>Timeline</b>                 | Improvements are already in place; no new construction proposed                                                                                                                                                                                                                            |

### C. SITE CHARACTERISTICS

|                     |                                           |
|---------------------|-------------------------------------------|
| <b>Legal Access</b> | Chief John Lott Street                    |
| <b>Utilities</b>    | Municipal water, wastewater, power in use |

|                            |                                                                                                                               |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Structures</b> | Kito's (existing commercial building) with exit stairway, porch, and wheelchair ramp encroaching into the street right-of-way |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------|

## D. ZONING AND LAND USE

|                                            |                                                                                                                                                                                                   |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Zoning District: Commercial-2 (C-2)</b> | <b>Actual Land Use: Commercial</b>                                                                                                                                                                |
| <b>District Purpose</b>                    | The purpose of this district is to provide a commercially oriented environment that is considered heavy or vehicle commercial, including wholesale and warehousing, and light industrial.         |
| <b>Principal Uses</b>                      | A. Warehouses and storage;<br>B. Transportation and transshipment facilities;<br>C. Manufacturing, fabricating and assembling of a light industrial nature;<br>F. All uses permitted in C-1 zone. |

### Surrounding Area

| Direction | Zoning District | Actual Land Use        |
|-----------|-----------------|------------------------|
| North     | Commercial 2    | Commercial             |
| South     | Commercial 2    | Commercial/Residential |
| East      | Commercial 2    | Commercial             |
| West      | Commercial 2    | Commercial             |

## E. PERMIT HISTORY

The City of Petersburg issued a Special Use Permit in 1992 (recorded in the Petersburg Recording District, Book G040, Pages 112–114) to Kito's Kave, Inc., authorizing use of a portion of the Chief John Lott Street right-of-way adjacent to Lot 1 of Block B, Petersburg Tidelands Subdivision (1957), and Lots 4 and 5 of Block 26 within U.S. Survey 1252, for the ground landing of an exit stairway, porch, and handicap ramp. That permit states it is not transferable and is for the use of the named permittee only. The stairway, porch, and ramp remain in place and in continuous use under subsequent ownership, including the current operation as Kito's. Because the 1992 permit is non-transferable, a new Special Use Permit is required to formally authorize the current permittee's continued use of the right-of-way for these improvements.

## F. SPECIAL USE PERMIT CRITERIA (PMC 19.76.020)

Under PMC 19.76.020, the Borough Assembly shall issue the permit if the request is found to be (1) of a beneficial nature to the community and (2) adjacent and surrounding properties will not be adversely impacted.

**1. Beneficial nature to the community:** Staff analysis: The stairway, porch, and wheelchair ramp provide required accessible egress and access for a commercial establishment. Continued authorization maintains ADA accessibility for the public.

**2. No adverse impact to adjacent and surrounding properties:** Staff analysis: The improvements are existing and have occupied this location since at least 1992 without documented complaint. No change in footprint or use is proposed.

## G. DEPARTMENT REVIEWS

| Department        | Comments     |
|-------------------|--------------|
| Public Works      | No comments. |
| PMP&L             | No comments. |
| Fire              | No comments. |
| Police            | No comments. |
| Building Official | No comments. |

## H. APPLICATION SUBMITTAL (PMC 19.76.030–19.76.040)

A written application was filed with the Planning Commission through the building official, stating the nature of the request and addressing the standards of PMC 19.76.020. A sketch plat showing the area to be used and its approximate size was submitted with the application, consistent with PMC 19.76.040.

## I. PUBLIC NOTICE (PMC 19.76.060)

The borough provided public notice consistent with PMC 19.76.060. Notice was posted at three public places at least fifteen days before the hearing and mailed at least fifteen days before the hearing to all parties in interest and to all property owners within six hundred (600) feet of the subject property. See Attachment D for sample notice letter.

## J. FINDINGS AND CONDITIONS OF APPROVAL

(See resolution below for findings and conditions.)

**Proposed Motion:** I move to recommend approval of draft RESOLUTION 2026-xx to the Borough Assembly authorizing a Special Use Permit to Kito's LLC for the ground landing of an exit stairway, porch, and wheelchair ramp within the Chief John Lott Street right-of-way at 200 Chief John Lott Street, subject to the following conditions of approval.

### Conditions of approval:

1. The Permittee shall assume full control and responsibility for all activities connected with the permit and shall defend, indemnify, and hold harmless the Borough from any liability, claim, or expense arising from the use.
2. No future claim or real property interest is granted to the Permittee in the area described. The permit is not transferable and is for the use of the named Permittee only.
3. The Permittee shall be wholly responsible for the maintenance and upkeep of the stairway, porch, and ramp; the Borough shall have no responsibility for maintenance, upkeep, or repair.
4. The permit language and general liability insurance coverage amounts shall be updated to current requirements
5. The permit shall be duly recorded in the Petersburg Recording District at the Permittee's expense.

## K. ALTERNATIVES

- Recommend approval of the application as submitted.
- Recommend approval of the application with staff-recommended conditions.
- Recommend approval of the application with modified or added conditions.
- Continue the hearing to allow for additional information or public input.
- Recommend denial of the application.

**L. ATTACHMENTS**

|                        |                         |
|------------------------|-------------------------|
| A. Vicinity Map        | D. Public Notice Letter |
| B. Applicant Materials |                         |
| C. Public Comments     |                         |

**M. APPEAL**

If approved, this decision may be appealed within the time and to the body specified by the applicable Borough Code appeal provisions. Appeal forms are available at the Borough Clerk's office and must be accompanied by the required fee.

**DRAFT  
PETERSBURG BOROUGH  
RESOLUTION #2026-XX**

**A RESOLUTION AUTHORIZING A SPECIAL USE PERMIT FOR A  
PORTION OF THE CHIEF JOHN LOTT STREET RIGHT-OF-WAY**

WHEREAS, Kito's LLC owns and/or operates a commercial establishment on Lot 1B, Block B, Kito's/Lock's Subdivision, Plat No. 2005-13, a parcel located directly adjacent to the Chief John Lott Street right-of-way ("the ROW"); and

WHEREAS, in 1992, the predecessor-in-interest to Kito's LLC, Kito's Kave, Inc., acquired a special use permit to use a portion of the ROW for the ground landing of an exit stairway, porch, and handicap ramp; and

WHEREAS, that special use permit is non-transferrable and Kito's LLC is required to apply for a new permit to continue use of the ROW; and

WHEREAS, on June 30, 2026, Kito's LLC filed an application for a special use permit under Petersburg Municipal Code (PMC) 19.76, for the nonexclusive use of a portion of the ROW for the ground landing of an exit stairway, porch, and wheelchair ramp; and

WHEREAS, on August 11, 2026, a duly noticed public hearing was held before the Petersburg Borough Planning Commission on the application; and

WHEREAS, the Planning Commission considered and reviewed applicant materials, staff comments, and public comments, and issued a Report and Findings of Fact, recommending that the Assembly approve the application with conditions, including the conditions to update permit language and general liability insurance coverage amounts to current requirements; and

WHEREAS, the Assembly has determined that the permit will not adversely impact on any of the surrounding properties and is of community benefit by ensuring continued accessible egress from Kito's for the general public and by providing accountability for necessary maintenance and upkeep of the ROW.

**THEREFORE, BE IT RESOLVED by the Assembly of the Petersburg Borough, as follows:**

Section 1. The Assembly hereby approves the issuance of a special use permit to Kito's LLC to use a portion of Chief John Lott Street right-of-way, more specifically described in Attachment A, for purposes of the ground landing of an exit stairway, porch, and wheelchair ramp.

Section 2. The Borough Manager is hereby authorized to execute, on behalf of the Borough, the permit authorized under this Resolution.

PASSED and APPROVED by the Assembly of the Petersburg Borough, Alaska this [X] day of August, 2026.

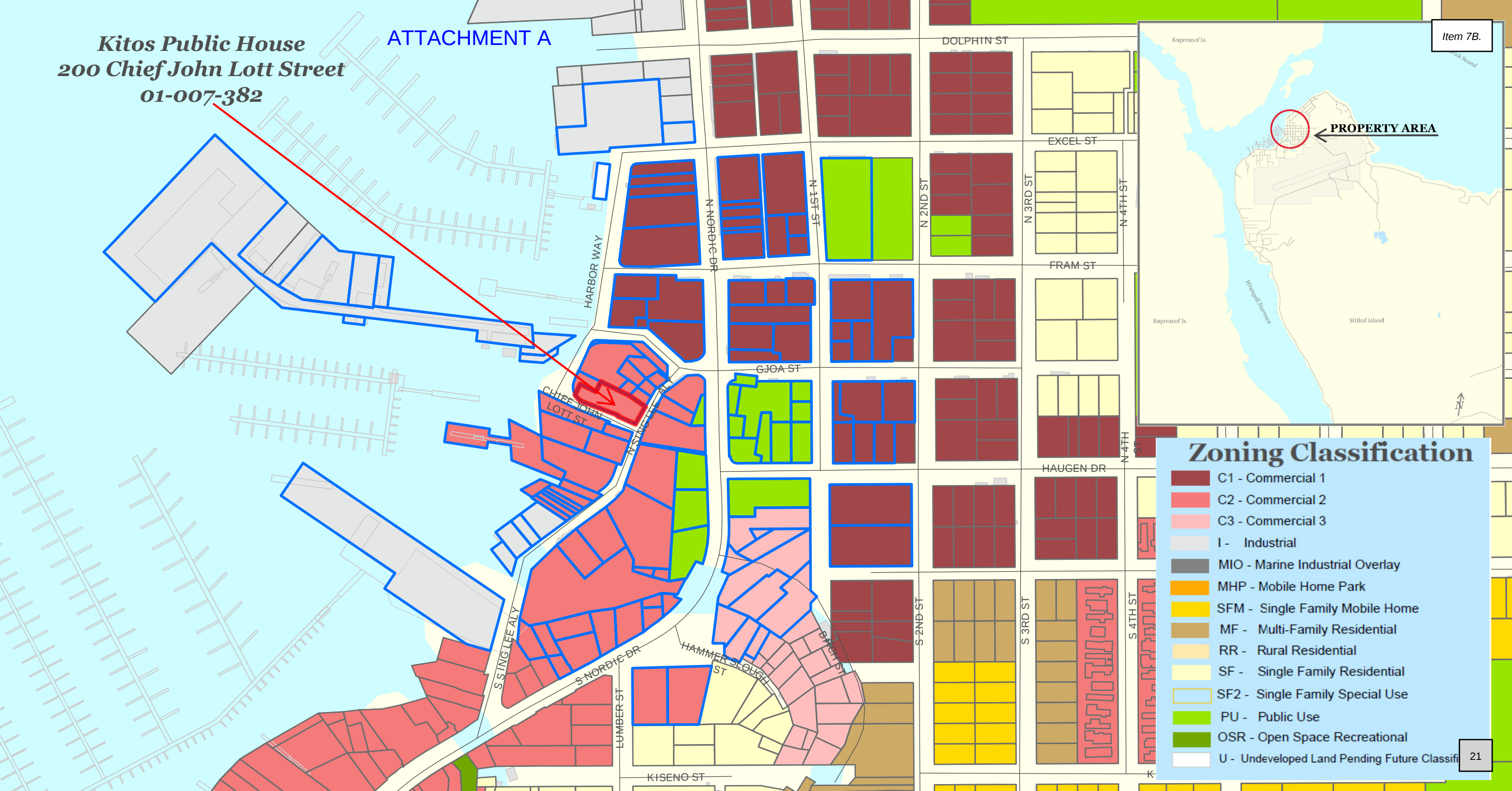
\_\_\_\_\_  
Robert Lynn, Mayor

ATTEST:

\_\_\_\_\_  
Rebecca Regula, Borough Clerk

**Kitos Public House**  
**200 Chief John Lott Street**  
**01-007-382**

**ATTACHMENT A**



**Zoning Classification**

- C1 - Commercial 1
- C2 - Commercial 2
- C3 - Commercial 3
- I - Industrial
- MIO - Marine Industrial Overlay
- MHP - Mobile Home Park
- SFM - Single Family Mobile Home
- MF - Multi-Family Residential
- RR - Rural Residential
- SF - Single Family Residential
- SF2 - Single Family Special Use
- PU - Public Use
- OSR - Open Space Recreational
- U - Undeveloped Land Pending Future Classifi

## ATTACHMENT B

|                                                                                                                                                                                                                                             |                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
|  <b>PETERSBURG BOROUGH</b><br><b>SPECIAL USE PERMIT APPLICATION</b>                                                                                        |                            |
| <b>For Borough Use</b>                                                                                                                                                                                                                      | Date: <u>6/30/26</u>       |
| Base Fee: \$50                                                                                                                                                                                                                              | Check No. or CC: <u>CC</u> |
| Public Notice Fee: \$70                                                                                                                                                                                                                     | Received by: <u>TH/CC</u>  |
| Total: \$120                                                                                                                                                                                                                                | Code to: 110.000.404110    |
| <b>APPLICANT INFORMATION</b>                                                                                                                                                                                                                |                            |
| NAME: KITOS LLC DBA KITO'S PUBLIC HOUSE                                                                                                                                                                                                     |                            |
| <b>PROPERTY INFORMATION</b>                                                                                                                                                                                                                 |                            |
| PHYSICAL ADDRESS or LEGAL DESCRIPTION: <u>200 CHIEF JOHN LOTT STREET</u>                                                                                                                                                                    |                            |
| LOT: <u>1B</u>                                                                                                                                                                                                                              | Lot Size: <u>8,463</u>     |
| BLOCK: <u>B</u>                                                                                                                                                                                                                             | PLAT #: <u>2005-13</u>     |
| SUBDIVISION: <u>Kito s/Lock's</u>                                                                                                                                                                                                           | OVERLAY: <u>N/A</u>        |
| PARCEL ID: <u>01-007-382</u>                                                                                                                                                                                                                | ZONE: <u>Commercial-2</u>  |
| CURRENT USE OF PROPERTY: <u>commercial</u>                                                                                                                                                                                                  |                            |
| PROPOSED USE OF PROPERTY: <u>same</u>                                                                                                                                                                                                       |                            |
| <b>LEGAL ACCESS AND UTILITIES</b>                                                                                                                                                                                                           |                            |
| WASTEWATER SYSTEM: What is the current or planned system? <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> DEC-approved on-site system                                                                                |                            |
| WATER SOURCE: What is the current or planned system? <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Cistern/Roof Collection <input type="checkbox"/> Well                                                           |                            |
| LEGAL ACCESS TO LOT(S) (Street Name): <u>Chief John Lott St</u>                                                                                                                                                                             |                            |
| <b>TYPE OF APPLICATION</b>                                                                                                                                                                                                                  |                            |
| <input type="checkbox"/> Use of Borough right-of-way for access to private property                                                                                                                                                         |                            |
| <input checked="" type="checkbox"/> Other: Ground landing of an exit stairway, porch, and wheelchair ramp.                                                                                                                                  |                            |
| <b>SUBMITTALS</b>                                                                                                                                                                                                                           |                            |
| Sketch plat showing area to be used and approximate size.                                                                                                                                                                                   |                            |
| <b>SIGNATURE(S)</b>                                                                                                                                                                                                                         |                            |
| I hereby affirm all the information submitted with this application is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or authorized agent thereof for the property subject herein. |                            |
| Applicant(s): <u></u>                                                                                                                                    | Date: <u>06/30/2026</u>    |
| Owner (if different from applicant): _____                                                                                                                                                                                                  | Date: _____                |
| Owner (if different from applicant): _____                                                                                                                                                                                                  | Date: _____                |

## 19.76 SPECIAL USE APPLICATION

(SUBMIT WITH SITE PLAN)

Applicant(s): KITOS LLC DBA KITO'S PUBLIC HOUSE

**Project Summary:**

APPLICATION FOR SPECIAL USE OF HANDICAP RAMP AT KITO'S PUBLIC HOUSE  
THAT IS ALREADY IN PLACE AND IN USE FROM PRIOR OWNERSHIP.

**Conditions of approval as required in Petersburg Municipal Code 19.76.020:**

**(Note that all regulations and requirements of Title 19 must be satisfied in order to qualify for a special use permit.)**

1. The Borough Assembly may issue the permit if the request, as approved by the Planning Commission, is found to be of beneficial nature to the community and that adjacent and surrounding property will not be adversely impacted.

There are instances when the private sector needs to use borough property for uses other than what the property was initially intended for. An example would be to use a platted, but undeveloped, right-of-way for private access to private property.

Explain how your application meets these conditions:

APPLICATION FOR SPECIAL USE OF HANDICAP RAMP AT KITO'S PUBLIC HOUSE  
THAT IS ALREADY IN PLACE AND IN USE FROM PRIOR OWNERSHIP.

Record in the Petersburg Recording District

SPECIAL USE PERMIT

This SPECIAL USE PERMIT, issued by the City of Petersburg, Alaska, whose mailing address is PO Box 329, Petersburg, Alaska 99833, hereinafter referred to as the "City", will allow Kito's Kave, Inc., whose mailing address is PO Box 1510 Petersburg, Alaska 99833, hereinafter referred to as "Permittee", the use of a portion of the Chief John Lott Street right of way adjacent to Lot 1 of Block B within Petersburg Tidelands Subdivision, 1957, and Lots 4 and 5 of Block 26 within US Survey 1252, August of 1918, Petersburg Recording District, as shown on the sketch attached as Exhibit A.

This Special Use Permit is subject to the following terms and conditions:

1. The Permittee agrees a copy of this Special Use Permit shall be duly recorded in the Petersburg Recording District for the State of Alaska with the cost of recording to be borne by the Permittee.
2. Permittee agrees to assume full control and responsibility for all activities connected with this permit. The Permittee shall defend and save harmless the City and all of its representatives from any liability, claim, demand, loss, damage or expense of whatsoever character, directly or indirectly, including, for example, attorney's fees and costs incurred by the City, arising from or in any way related to this permit, whether or not caused in part by the negligence of the party indemnified herein, including without limitation of the foregoing, any such liability, claim, demand, loss, damage or expense; (a) arising out of, or directly or indirectly due to any failure of Permittee to satisfy his obligations under this permit, including compliance with the workers' compensation and other employee benefit laws or the applicable federal, state and local laws governing use of the property; and/or (b) arising out of, or directly or indirectly due to any accident or other occurrence causing injury to any person or persons or property on account of any act or omission by the Permittee or its representatives in connection with the Permittee's use of the property or any improvements thereon. Permittee shall further indemnify the City against all liens and charges that may be established against the premises or any improvements thereon as a consequence, direct or indirect, of any act or omission of the Permittee under this permit.
3. No future claim nor any real property interest is granted to the Permittee to the above described area. This permit is not transferable; it is for the use of the within named Permittee only.
4. The Permittee shall have the right to use the above described area for a ground landing of an exit stairway and porch and handicap ramp from the structure located on Lot 1 of Block B within Petersburg Tidelands Subdivision, 1957, and Lots 4 and 5 of Block 26 within US Survey 1252, August of 1918, Petersburg Recording District.

POOR FILMING QUALITY

5. The Permittee agrees to be wholly responsible for the maintenance and upkeep of the above described stairway, porch and handicap ramp and acknowledges the City has no responsibility whatsoever for maintenance, upkeep or repair.

# 6. Insurance Requirements

(1) At such times as Permittee has persons employed by him working in the above described area or any work related to this Permit, Permittee shall be required to obtain and maintain during the full term of such employment, insurance in at least the required statutory amounts covering claims under workers compensation, disability benefit or other similar employee benefit acts; and

(2) By action of the City Council on November 2, 1992, the City Council required no general liability insurance.

7. If the Permittee keeps, observes and performs all of the terms and conditions of this Permit, the Permittee may, peaceably and quietly, continue the use of the area specified in this permit for an indefinite term however, the City reserves the right to terminate this Permit upon six (6) months written notice of intent to revoke said Permit. If Permittee's use of the area specified in this permit ceases for a continuous period of 365 days, such disuse shall be considered an abandonment and consequent termination of this permit.

PASSED and APPROVED by the City Council of the City of Petersburg, Alaska this 2 day of November, 1992.

DATED this 16 day of November, 1992.

PERMITTEE: Kito's Kave, Inc.  
Petersburg, Alaska

By: J.M. Swainson  
J.M. Swainson  
Its: President

UNITED STATES OF AMERICA )

) ss.

STATE OF ALASKA )

THIS IS TO CERTIFY that on this 16 day of Nov, 1992, before the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared J.M. Swainson, President (office), of the corporation described in and which executed the above and foregoing instrument, and acknowledged to me that said instrument is the free and voluntary act of said corporation for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS My Hand and Official Seal, the day and year in this certificate first above written.

Notary Public in and for the State of Alaska residing at Petersburg, Alaska. My commission expires 11/21/93



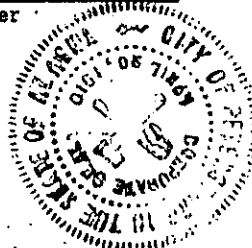
BOOK 6040 PAGE 114

DATED this 4 day of November 1992.

CITY OF PETERSBURG, ALASKA

William R. Robinson  
City Manager

ATTEST:

Patricia Curtiss  
City Clerk

UNITED STATES OF AMERICA )

) ss.

STATE OF ALASKA )

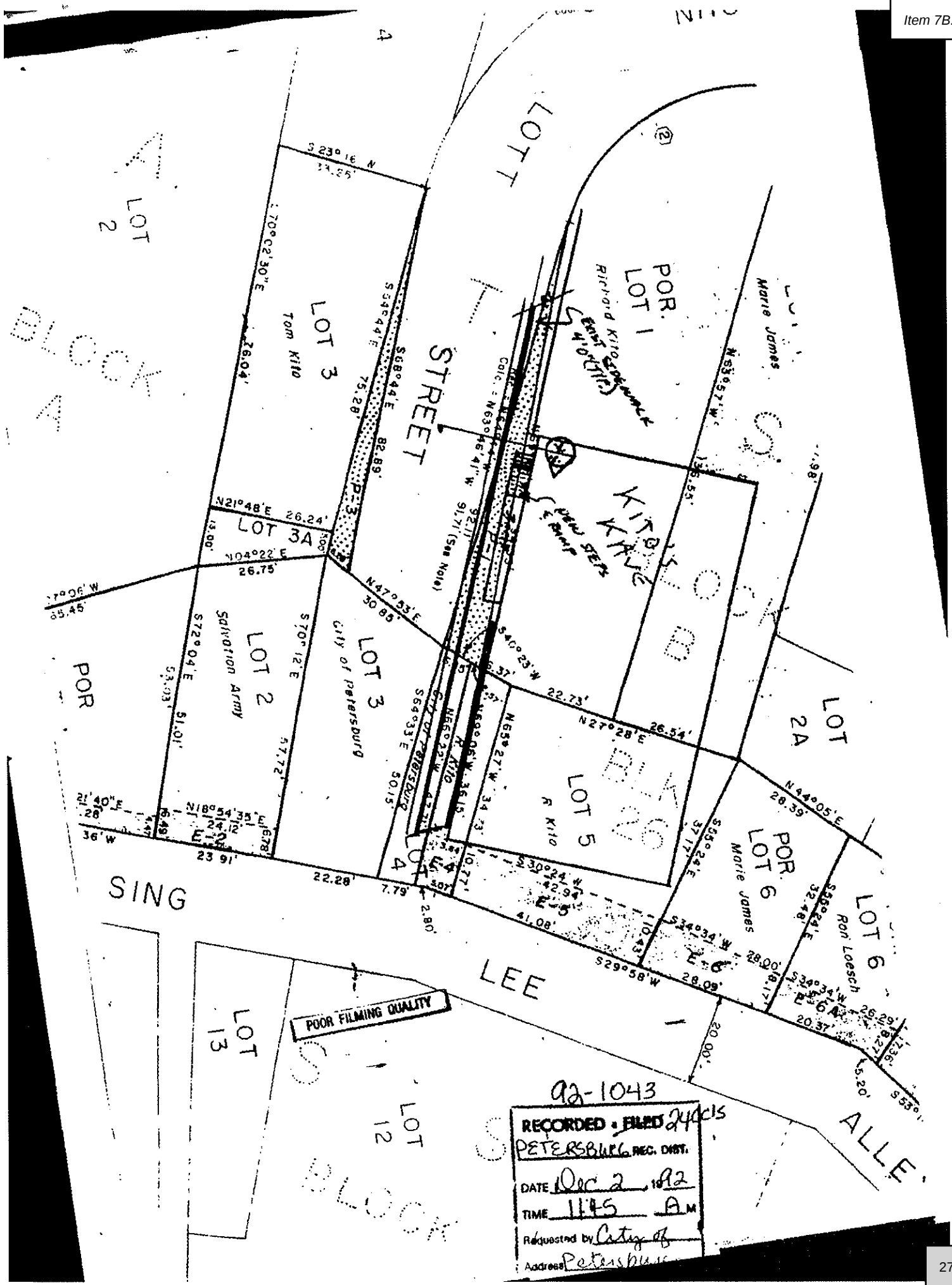
THIS IS TO CERTIFY that on this 4 day of Nov. 1992, before the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared William R. Robinson and Patricia Curtiss to me known to be the City Manager and City Clerk respectively of the City of Petersburg, Alaska which executed the above and foregoing instrument, and acknowledged to me that said instrument is the free and voluntary act of said city for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument and that the seal affixed is the corporate seal of city.

WITNESS My Hand and Official Seal the day and year in this certificate first above written.

Charles A. Jones  
Notary Public in and for the State of Alaska residing at  
Petersburg, Alaska. My commission expires 11/21/93



District Recording Office  
Return to:  
City of Petersburg  
Atten: P. Curtiss  
PO Box 329  
Petersburg, Alaska 99833





July 27, 2026

CARLSBAD, CA 92018

## NOTICE OF SCHEDULED PUBLIC HEARINGS

The Petersburg Borough Planning Commission has scheduled a public hearing to consider:

**A recommendation to the Borough Assembly regarding an application for a Special Use Permit from Kito's LLC dba Kito's Public House at 200 CHIEF JOHN LOTT ST (PID: 01-007-382).**

|                                                                                                               |                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| The public hearing and consideration of the application will be held:                                         | <b>Tuesday, August 11, 2026, at 12:00 PM</b><br>Assembly Chambers, Municipal Building<br>12 South Nordic Drive, Petersburg, Alaska. |
| The meeting is open to the public.<br>To attend via <b>ZOOM</b> , please contact Anna Caulum at 907-772-5409. |                                                                                                                                     |

Interested persons desiring to present their views on the applications, either in writing or verbally, will be given the opportunity to be heard during the above-mentioned hearing. Said hearing may be continued from time to time as necessary. If the Planning Commission is unable to meet at the date and time stated above, this application will be considered at a future meeting with no further notice provided except for the general notice provided to the public.

| TO SUBMIT WRITTEN COMMENTS TO THE PLANNING COMMISSION |                                                 |
|-------------------------------------------------------|-------------------------------------------------|
| By Mail:                                              | PO Box 329, Petersburg, Alaska 99833            |
| By Email:                                             | acaulum@petersburgak.gov                        |
| Hand-Deliver:                                         | Petersburg Municipal Building, 12 S. Nordic Dr. |

The Petersburg Municipal Code (PMC) provides for an appeal of a Planning Commission decision to the Borough Assembly by the property owner or a governmental agency, or any property owner within 600' of the applicant property and requires that such an appeal be filed within 10 consecutive calendar days of the date the decision is made. For more information regarding appeal requirements, please see PMC Chapter 19.92.

Sincerely,

Liz Cabrera  
Community & Economic Development Department

Community & Economic Development

PO Box 329, Petersburg, AK 99833 – Phone (907)772-4042 Fax (907)772-3759

www.petersburgak.gov

## PLANNING COMMISSION STAFF REPORT

### VARIANCE — 705 HAUGEN DRIVE

|                               |                                                   |
|-------------------------------|---------------------------------------------------|
| <b>Action #:</b>              | 2026-803                                          |
| <b>Meeting Date:</b>          | August 11, 2026                                   |
| <b>Applicant(s):</b>          | Aaron Buller and Rachel Welde                     |
| <b>Property Owner(s):</b>     |                                                   |
| <b>Agent/Representative:</b>  | -                                                 |
| <b>Property Address:</b>      | 705 Haugen Drive                                  |
| <b>Legal Description:</b>     | Lot 6A, Block 77, Plat 69-202                     |
| <b>Parcel ID:</b>             | 01-006-836                                        |
| <b>Acreage/Lot Size:</b>      | 8,500 sf                                          |
| <b>Current Zoning:</b>        | Multiple-Family Residential (MFR)                 |
| <b>Comp Plan Designation:</b> | Low Density Residential                           |
| <b>Request Type:</b>          | Variance — Front Yard Setback (PMC Chapter 19.80) |

#### A. EXECUTIVE SUMMARY

|                             |                                                                                                                                                                                                                                                   |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant Request</b>    | The applicant requests a variance to reduce the required 20-foot front yard setback along Haugen Drive to approximately 13 feet, to allow construction of an attached second-story exterior deck and stairs serving the existing duplex dwelling. |
| <b>Staff Recommendation</b> | Approve 1' variance.                                                                                                                                                                                                                              |
| <b>Key Issues</b>           | Whether the existing building/garage placement constitutes an exceptional physical circumstance under PMC 19.80.050(A).<br>Whether the requested 7-foot setback reduction is the minimum necessary to allow reasonable use.                       |

#### B. PROJECT DESCRIPTION

|                             |                                                                                                                                                        |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Intended Use</b>         | Continued residential duplex rental use; proposed accessory second-story deck with stairs attached to the existing garage/bonus-room structure.        |
| <b>Building/Development</b> | Attached second-story exterior deck with stairs, framed with a 4x12 beam per the submitted site sketch, located above/adjacent to the existing garage. |
| <b>Site Improvements</b>    | Deck and stair construction only; no other site improvements proposed.                                                                                 |
| <b>Operations Plan</b>      | -                                                                                                                                                      |
| <b>Timeline</b>             | Not specified by applicant.                                                                                                                            |

#### C. SITE CHARACTERISTICS

|                            |                                                                                    |
|----------------------------|------------------------------------------------------------------------------------|
| <b>Topography</b>          | Lot is fully developed                                                             |
| <b>Existing Structures</b> | Existing duplex with covered front deck; existing garage with upstairs bonus room. |
| <b>Legal Access</b>        | Haugen Drive                                                                       |
| <b>Utilities</b>           | Municipal water, wastewater, and power.                                            |

|                   |                |
|-------------------|----------------|
| <b>Flood Zone</b> | Not Applicable |
|-------------------|----------------|

#### D. ZONING AND LAND USE

| <b>Zoning District: Multi-Family Residential</b> | <b>Actual Land Use: Residential (duplex)</b>                                                                                                                                                                                      |
|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>District Purpose:</b>                         | The purpose of the multiple-family residential district is to provide a sound residential environment for three or more one-family, two-family, or multiple-family dwellings.                                                     |
| <b>Principal Uses:</b>                           | The following are principal permitted uses:<br>A. One-family and two-family dwellings;<br>B. Multiple-family structures, townhouse dwellings;<br>C. Public parks and playgrounds.                                                 |
| <b>Conditional Uses:</b>                         | The following are uses that may be permitted by action of the commission under the conditions and procedures specified in <u>Chapter 19.72</u> of this title:<br>A. Boardinghouses;<br>B. Rooming houses;<br>C. Home occupations; |

| <b>Surrounding Area</b> | <b>Zoning District</b>    | <b>Actual Land Use</b> |
|-------------------------|---------------------------|------------------------|
| <b>North</b>            | Single-family Residential | Residential            |
| <b>South</b>            | Single-family Residential | Residential            |
| <b>East</b>             | Single-family Residential | Vacant                 |
| <b>West</b>             | Single-family Residential | Residential            |

#### E. SETBACK STANDARDS

| <b>Standard</b>                    | <b>Required</b>    | <b>Proposed/Existing</b> | <b>Conforms?</b> | <b>Comment</b>                                                               |
|------------------------------------|--------------------|--------------------------|------------------|------------------------------------------------------------------------------|
| <b>Lot Size</b>                    | 10,000             | 8,500                    | No               | Lot was rezoned to MF in 1996 at the request of the previous owner.          |
| <b>Setback – Front (Haugen Dr)</b> | 20 ft              | ≈13 ft                   | No               | 7-ft reduction requested for 2nd-story deck/stairs; subject of this variance |
| <b>Setback – Side</b>              | 10 ft              | No change proposed       | N/A              | Not part of this request                                                     |
| <b>Setback – Rear</b>              | 20 ft              | No change proposed       | N/A              | Not part of this request                                                     |
| <b>Max. Lot Coverage</b>           | 35%                | No change proposed       | N/A              | Not part of this request                                                     |
| <b>Max. Building Height</b>        | 3 stores or 35 ft. | No change proposed       | N/A              | Not part of this request                                                     |

#### F. VARIANCE CRITERIA (PMC 19.80.050)

The Planning Commission must find all three of the following conditions exist to grant the variance:

**1. That there are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply generally to other properties in the same zone.**

**Staff analysis:** The applicant submitted a code-compliant deck design for this same lot, under the same existing building constraints — showing that the previous construction didn't prevent a compliant design. The setback conflict only appeared after the applicant changed the deck's design and constructed the stairs in a new location without submitting the proposed change to the building official. Since Finding 1 requires showing that a physical circumstance necessitates the variance being requested, and the applicant hasn't demonstrated the need — as opposed to their design choice — is what makes compliance impractical, this finding isn't supported. The original approved design encroached 1' into the front setback and that encroachment should be approved for a variance.

## **2. That the strict application of the provisions of this title would result in practical difficulties or unnecessary pecuniary hardships.**

**Staff analysis:** The applicant isn't claiming compliance is impossible — a functional deck can be built within the setback. The record does show that a 1-foot encroachment was part of the previously approved design, so that limited deviation was already reviewed.

The current request goes beyond that 1-foot allowance. For the additional encroachment, the applicant hasn't shown it's necessary — only that a more convenient staircase would result.

## **3. That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety, or welfare.**

**Staff analysis:** No anticipated issues. If 13' variance is granted, condition should be applied that applicant should ensure no parking is allowed in front of the staircase that could encroach onto sidewalk.

## **G. DEPARTMENT REVIEWS**

|                     |              |
|---------------------|--------------|
| <b>Public Works</b> | No comment.  |
| <b>PMP&amp;L</b>    | No concerns. |
| <b>Fire</b>         | No comment.  |

## **H. PUBLIC NOTICE**

The borough provided public notice consistent with PMC 19.80.040. Notice was mailed by first class mail to owners of record of property within six hundred (600) feet of the exterior boundary of the property that is the subject of the application, and notice was posted in three public places at least fifteen days prior to the hearing. See Attachment D for sample letter.

## **I. FINDINGS AND CONDITIONS OF APPROVAL**

(See resolution on the following page for findings and conditions.)

### **Proposed Motion:**

I move to approve RESOLUTION 2026-803 to approve a variance reducing the required 20 foot front yard setback to allow construction of an attached second-story deck and stairs 19 feet from the property line at 705 Haugen Drive.

## **J. ALTERNATIVES**

The Planning Commission has the following options:

1. Approval of the application as submitted.
2. Approval of the application with staff-recommended conditions.
3. Approval of the application with modified or added conditions.
4. Continue the hearing to allow for additional information or public input.
5. Deny the application.

## **K. ATTACHMENTS**

|                |                                                            |
|----------------|------------------------------------------------------------|
| <b>A. Maps</b> | <b>D. Public Notice Letter (mailing list upon request)</b> |
|----------------|------------------------------------------------------------|

|                                                                 |  |
|-----------------------------------------------------------------|--|
| <b>B. Applicant Materials (variance application, site plan)</b> |  |
| <b>C. Public Comments</b>                                       |  |

#### **L. APPEAL (PMC 19.92)**

If approved by the Planning Commission, this decision may be appealed to the Borough Assembly within 10 days of the Planning Commission's decision by the Applicant; a property owner within 600 feet of the subject property; or any governmental agency that may be adversely affected by the decision. Appeal forms are available at the Borough Clerk's office and must be accompanied by the required fee.

**PLANNING COMMISSION RESOLUTION NO. 2026-803**

**A RESOLUTION OF THE PETERSBURG BOROUGH PLANNING COMMISSION RECOMMENDING  
APPROVAL OF A VARIANCE TO REDUCE THE FRONT YARD SETBACK  
AT 705 HAUGEN DRIVE.**

WHEREAS, on August 11, 2026, the Planning Commission conducted a duly and properly noticed public hearing to consider an application for a variance to reduce the required front yard setback from 20 feet to approximately 13 feet, to allow construction of an attached second-story deck with stairs at 705 Haugen Drive, legally described as Lot 6A, Block 77, Plat 69-202; and

WHEREAS, the applicant and staff presented testimony and evidence, and all interested persons were given the opportunity to provide public testimony regarding the application; and

WHEREAS, the Planning Commission has reviewed the staff report, attachments, and all relevant documents and materials, and has heard all testimony presented at the public hearing; and

WHEREAS, the Planning Commission has considered the proposed request in light of the findings required by PMC 19.80.050; and

WHEREAS, the Planning Commission has made the following findings of fact, based on substantial evidence in the record:

**Finding 1:** The property's limited size constitutes an exceptional physical circumstance not generally applicable to other properties in the zone. This condition supports the one-foot setback encroachment.

**Finding 2:** Strict application of the setback requirement, without the one-foot allowance reflected in the previously approved design, would result in unnecessary practical difficulty given the property's substandard dimensions.

**Finding 3:** The one-foot encroachment will not obstruct visibility, interfere with utilities, or create a hazard to neighboring properties or the public, and is consistent with the design previously reviewed and approved for the site.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the Petersburg Borough hereby approves the variance to allow a one-foot encroachment into the required front setback, consistent with the previously approved design.

**ADOPTED this 11th day of August 2026, by the following vote:**

AYE:

NAY:

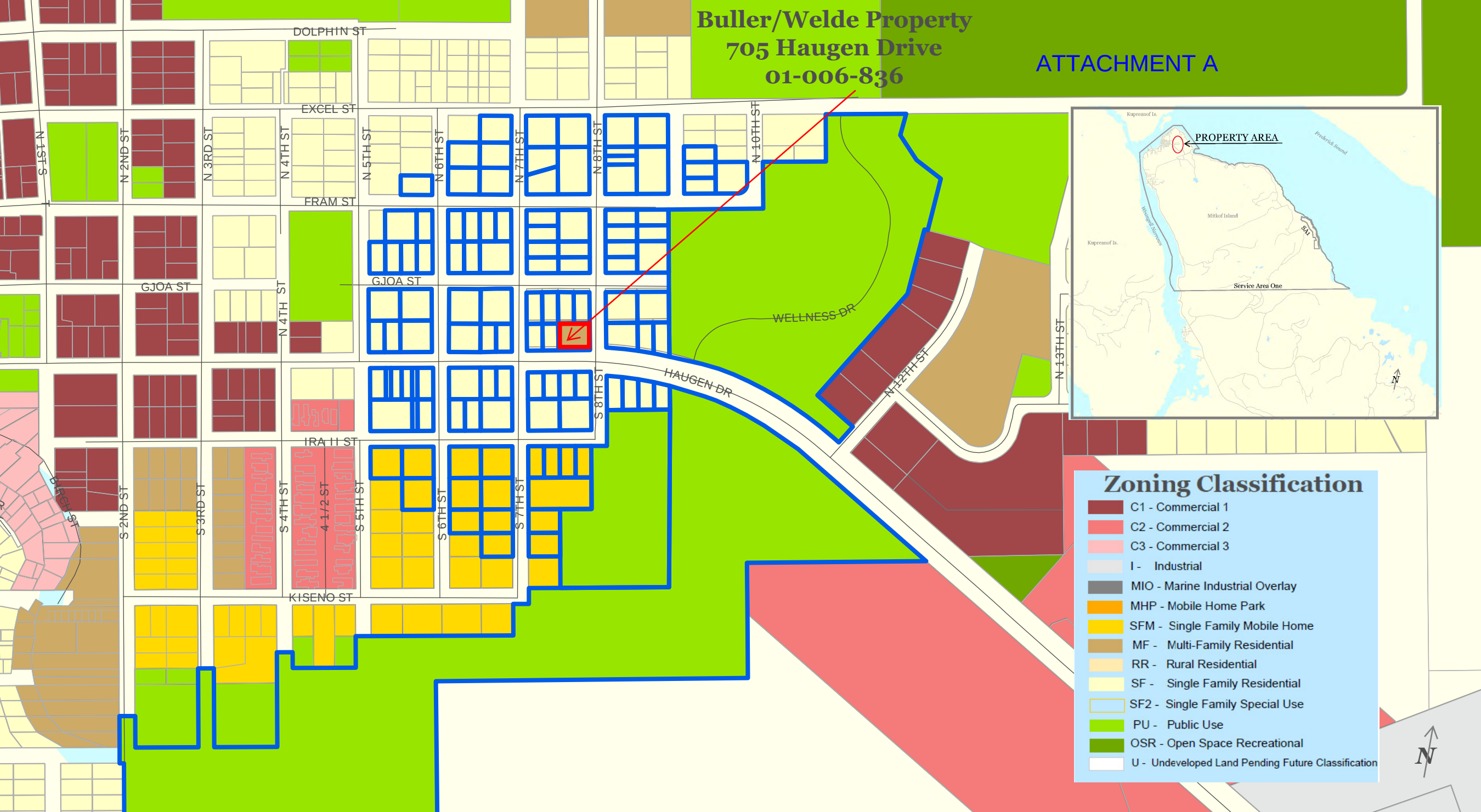
ABSENT:

---

**Chair, Planning Commission**

**Buller/Welde Property**  
**705 Haugen Drive**  
**01-006-836**

**ATTACHMENT A**



**Zoning Classification**

- C1 - Commercial 1
- C2 - Commercial 2
- C3 - Commercial 3
- I - Industrial
- MIO - Marine Industrial Overlay
- MHP - Mobile Home Park
- SFM - Single Family Mobile Home
- MF - Multi-Family Residential
- RR - Rural Residential
- SF - Single Family Residential
- SF2 - Single Family Special Use
- PU - Public Use
- OSR - Open Space Recreational
- U - Undeveloped Land Pending Future Classification

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
|  <b>PETERSBURG BOROUGH</b><br><b>VARIANCE APPLICATION</b>                                                                                                                                                                                                                                                                                                                            |                           |
| <b>For Borough Use</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                | Date:                     |
| Base Fee: \$100                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Check No. or CC:          |
| Public Notice Fee: \$70                                                                                                                                                                                                                                                                                                                                                                                                                                               | Received by:              |
| Total: \$170                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Code to: 110.000.404110   |
| <b>APPLICANT INFORMATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                          |                           |
| NAME: <b>Aaron Buller/ Rachel Welde</b>                                                                                                                                                                                                                                                                                                                                                                                                                               |                           |
| <b>PROPERTY INFORMATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                           |                           |
| PHYSICAL ADDRESS or LEGAL DESCRIPTION: 705 Haugen Drive                                                                                                                                                                                                                                                                                                                                                                                                               |                           |
| LOT: 6A                                                                                                                                                                                                                                                                                                                                                                                                                                                               | BLOCK: 27                 |
| SUBDIVISION:                                                                                                                                                                                                                                                                                                                                                                                                                                                          | PLAT #: 69-202            |
| PARCEL ID: <b>01006836</b>                                                                                                                                                                                                                                                                                                                                                                                                                                            | ZONE: <b>Multi-Family</b> |
| OVERLAY:                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                           |
| <b>LEGAL ACCESS AND UTILITIES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     |                           |
| WASTEWATER SYSTEM: What is the current or planned system? <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> DEC-approved on-site system                                                                                                                                                                                                                                                                                                          |                           |
| WATER SOURCE: What is the current or planned system? <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Cistern/Roof Collection <input type="checkbox"/> Well                                                                                                                                                                                                                                                                                     |                           |
| LEGAL ACCESS TO LOT(S) (Street Name): <b>Haugen Drive</b>                                                                                                                                                                                                                                                                                                                                                                                                             |                           |
| <b>TYPE OF USE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                           |
| What is the current use of property? Existing Duplex residential rental property.                                                                                                                                                                                                                                                                                                                                                                                     |                           |
| What is the proposed use of property? Construction of an attached second-story exterior deck with stairs serving the existing residential dwelling. The variance request is solely to allow the deck to project into the required 20-foot front setback along Haugen Drive. The proposed deck will remain approximately 13 feet from the front property line (sidewalk). The deck location and dimensions are shown on the attached site plan and elevation drawings. |                           |
| <b>SUBMITTALS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                           |
| Is a site plan included? For new construction, please include elevation drawing. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                  |                           |
| Photographs can also be helpful to the commission.                                                                                                                                                                                                                                                                                                                                                                                                                    |                           |
| <b>SIGNATURE(S)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                           |
| I hereby affirm all the information submitted with this application is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or authorized agent thereof for the property subject herein.                                                                                                                                                                                                                           |                           |
| Applicant(s):                                                                                                                                                                                                                                                                                                                                                                      | Date: <b>6/26/26</b>      |
| Owner (if different from applicant):                                                                                                                                                                                                                                                                                                                                                                                                                                  | Date:                     |
| Owner (if different from applicant):                                                                                                                                                                                                                                                                                                                                                                                                                                  | Date:                     |

## 19.80 VARIANCE APPLICATION

**Applicant Name:** Aaron Buller/Rachel Welde

**Project Summary:** Variance request to reduce the required 20-foot front setback along Haugen Drive to approximately 13 feet in order to construct an attached second-story deck serving the existing residence.

**Please respond to the following conditions of approval as required in Petersburg Municipal Code 19.80.050 below:**

(Note: In addition to meeting criteria, all regulations and requirements of Title 19 must be satisfied for the Commission to approve a variance.)

1. What is the exceptional physical circumstance or condition affecting this property?

- |                                               |                                        |                                                  |
|-----------------------------------------------|----------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Substandard Lot Area | <input type="checkbox"/> Easements/ROW | <input type="checkbox"/> Stream/Drainage         |
| <input type="checkbox"/> Steep/Unstable Slope | <input type="checkbox"/> Odd Lot Shape | <input type="checkbox"/> Nonconforming Structure |

☒ OTHER (Please Specify): Existing building location and attached deck configuration.

2. Explain the exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply generally to the other properties in the same zone.

The existing duplex and attached garage were previously constructed in a location that limits the available area for an exterior second-story deck. The proposed deck provides safe access to the second-floor living area and must be attached to the existing structure. Due to the existing building placement and lot configuration, meeting the full 20-foot front setback would significantly reduce the decks functionality and make the project impractical.

3. That the strict application of the provisions of this title would result in practical difficulties or unnecessary pecuniary hardships. *Please explain how your property/project would be affected if you did not receive the variance.*

Strict application of the required 20-foot setback would prevent construction of a reasonably functional exterior deck serving the second-floor. Reducing the deck size to comply with the setback would substantially limit its intended residential use and safe access. The existing building placement leaves little flexibility for relocating the deck elsewhere on the property. Granting the variance will allow reasonable residential use of the property while maintaining substantial separation from Haugen Drive.

4. That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare. *What is the impact of your project on neighboring properties and the community?*

The proposed deck will not obstruct traffic visibility, interfere with public utilities, or create adverse impacts to neighboring properties. The structure will remain entirely on private property, approximately 13 feet from the front property line, and will comply with all applicable building code requirements. The variance affects only the front setback and will not negatively impact public health, safety, or welfare.

**VARIANCE APPLICATION - ADDITIONAL INFORMATION**

APPLICANT NAME: Aaron Buller/Rachel Welde

This application requests a variance to reduce the required 20-foot front setback to approximately 13 feet for the construction of an attached second-story deck.

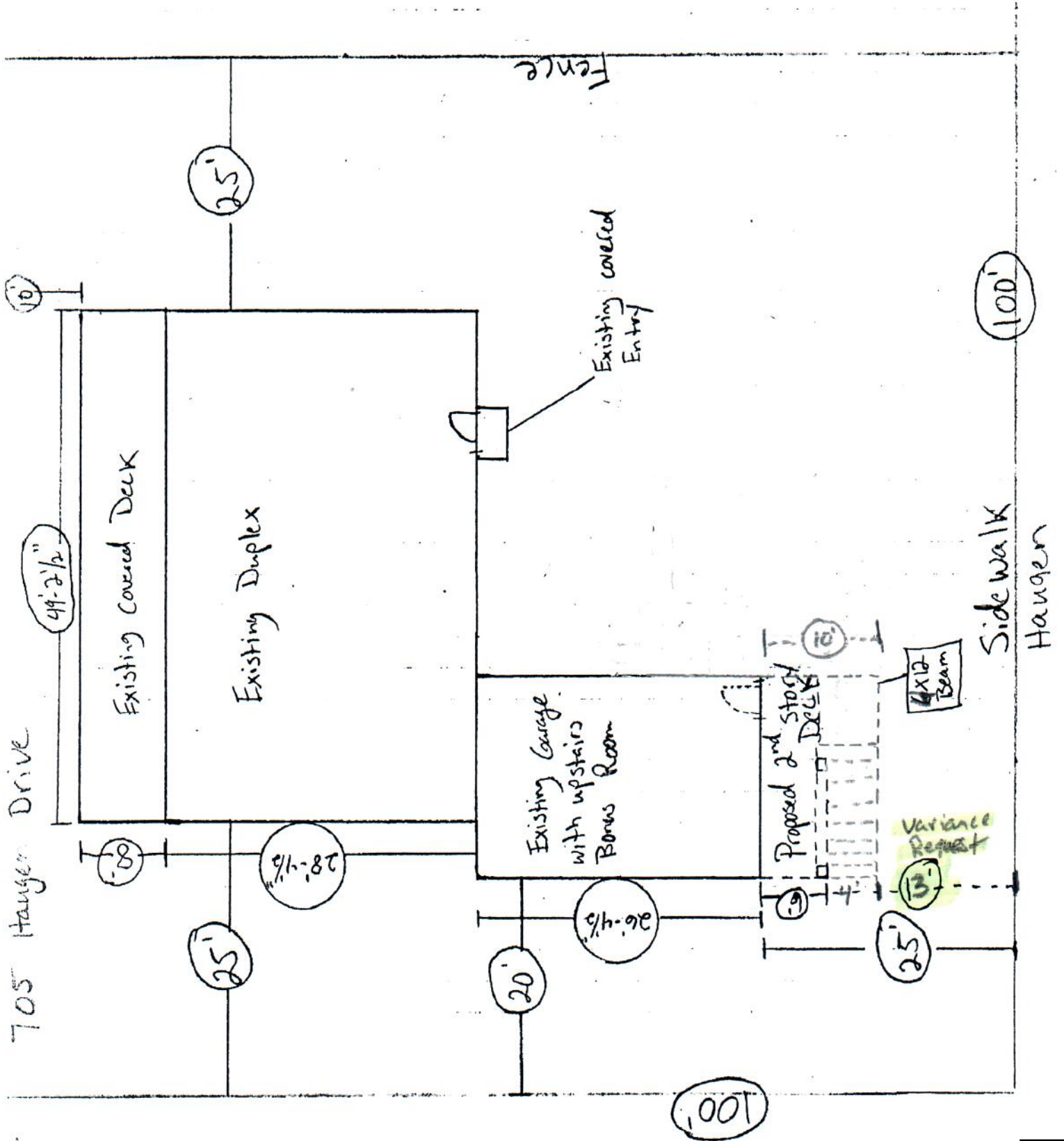
The existing duplex and garage location substantially limit the area available for an exterior deck. The proposed deck is intended to provide safe and functional outdoor access to the second-floor residence and cannot reasonably be relocated elsewhere on the property due to the existing building configuration.

The proposed deck will remain entirely on private property, will comply with all applicable building codes, and will not adversely affect neighboring properties, public safety, traffic, or utilities.

The requested variance (7' relief) is the minimum necessary to allow reasonable use of the property while preserving the intent of the Borough's setback regulations.



N 8th St



**From:** [REDACTED]  
**To:** [Anna Caulum](#)  
**Subject:** Buller & Welde variance  
**Date:** Friday, July 31, 2026 2:43:38 PM

---

**External Email! Use Caution**

Hi, We live across 8th Street from the Buller & Welde duplex at 705 Haugen Drive. We have no objection to their request for a variance from the front (south) side setback from Haugen Drive.

Regards,

Sam & Linda Bunge

[REDACTED]



July 27, 2026

### NOTICE OF SCHEDULED PUBLIC HEARINGS

The Petersburg Borough Planning Commission has scheduled a public hearing to consider:

**An application from Aaron Buller and Rachel Welde for a variance from the front yard setback requirement at 705 HAUGEN DR (PID: 01-006-836).**

|                                                                                                               |                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| The public hearing and consideration of the application will be held:                                         | <b>Tuesday, August 11, 2026, at 12:00 PM</b><br>Assembly Chambers, Municipal Building<br>12 South Nordic Drive, Petersburg, Alaska. |
| The meeting is open to the public.<br>To attend via <b>ZOOM</b> , please contact Anna Caulum at 907-772-5409. |                                                                                                                                     |

Interested persons desiring to present their views on the applications, either in writing or verbally, will be given the opportunity to be heard during the above-mentioned hearing. Said hearing may be continued from time to time as necessary. If the Planning Commission is unable to meet at the date and time stated above, this application will be considered at a future meeting with no further notice provided except for the general notice provided to the public.

| TO SUBMIT WRITTEN COMMENTS TO THE PLANNING COMMISSION |                                                 |
|-------------------------------------------------------|-------------------------------------------------|
| By Mail:                                              | PO Box 329, Petersburg, Alaska 99833            |
| By Email:                                             | acaulum@petersburgak.gov                        |
| Hand-Deliver:                                         | Petersburg Municipal Building, 12 S. Nordic Dr. |

The Petersburg Municipal Code (PMC) provides for an appeal of a Planning Commission decision to the Borough Assembly by the property owner or a governmental agency, or any property owner within 600' of the applicant property and requires that such an appeal be filed within 10 consecutive calendar days of the date the decision is made. For more information regarding appeal requirements, please see PMC Chapter 19.92.

Sincerely,

Liz Cabrera  
Community & Economic Development Department

## PLANNING COMMISSION STAFF REPORT

### MINOR SUBDIVISION – REPLAT REVIEW – 1206 & 1208 N NORDIC DR

|                               |                                                                                                                                         |                           |                                        |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------|
| <b>Action #:</b>              | 2026-804                                                                                                                                | <b>Meeting Date:</b>      | August 11, 2026                        |
| <b>Applicant(s):</b>          | David Thynes                                                                                                                            | <b>Property Owner(s):</b> | Shirley Matheny & Audrey Samuelson     |
| <b>Agent/Representative:</b>  | David Thynes                                                                                                                            | <b>Property Address:</b>  | 1206 and 1208 N. Nordic Drive          |
| <b>Legal Description:</b>     | A replat of PTN. Lots 4 & 5 and of PTN. of Lot 5, Block 83, U.S. Survey 1252, Petersburg Recording District, creating Lot 4A and Lot 5A | <b>Parcel ID:</b>         | 01-002-202 / 01-002-200                |
| <b>Acreage / Lot Size:</b>    | Total ± 27,854 SF (0.64 ac).<br>Proposed Lot 4A = 12,617 SF; Proposed Lot 5A = 15,237 SF                                                | <b>Current Zoning:</b>    | Single-family Residential (SFR)        |
| <b>Comp Plan Designation:</b> | Waterfront B                                                                                                                            | <b>Request Type:</b>      | Minor Subdivision (Replat) – PMC 18.20 |

#### A. EXECUTIVE SUMMARY

|                             |                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant Request</b>    | The applicant requests approval of a minor subdivision (replat) of PTN. Lots 4 & 5 and PTN. of Lot 5, Block 83, U.S. Survey 1252, to reconfigure the boundary between the two parent parcels and create two new lots, Lot 4A (12,617 SF) and Lot 5A (15,237 SF). A 461 SF portion of PTN. Lot 5 is being absorbed by Lot 4A as part of the boundary adjustment/replat. |
| <b>Staff Recommendation</b> | Approve                                                                                                                                                                                                                                                                                                                                                                |
| <b>Key Issues</b>           | Adjustment of property lines                                                                                                                                                                                                                                                                                                                                           |

#### B. PROJECT DESCRIPTION

|                                |                                                               |
|--------------------------------|---------------------------------------------------------------|
| <b>Subdivision Name</b>        | Samuelson/Matheny Subdivision                                 |
| <b>Intended Use</b>            | Continued single-family residential use of each resulting lot |
| <b>Total Acreage</b>           | ± 27,854 SF (0.64 acres)                                      |
| <b>Number of Lots Proposed</b> | 2 (Lot 4A and Lot 5A)                                         |
| <b>Lot Size Range</b>          | 12,617 SF – 15,237 SF                                         |
| <b>Phasing (if applicable)</b> | N/A                                                           |
| <b>Timeline</b>                |                                                               |

#### C. SITE CHARACTERISTICS

|                                          |                                                           |
|------------------------------------------|-----------------------------------------------------------|
| <b>Topography</b>                        | Lots are fully developed                                  |
| <b>Existing Structures</b>               | Each lot has a dwelling                                   |
| <b>Legal Access</b>                      | North Nordic Drive, Wrangell Avenue, and Middleton Street |
| <b>Utilities</b>                         | Municipal water, power, and sewer                         |
| <b>Flood Zone</b>                        | n/a                                                       |
| <b>Anadromous Streams / Watercourses</b> | n/a                                                       |
| <b>Soils / Environmental Constraints</b> | n/a                                                       |

#### D. ZONING AND LAND USE

|                         |                         |
|-------------------------|-------------------------|
| <b>Zoning District:</b> | <b>Actual Land Use:</b> |
|-------------------------|-------------------------|

|                                 |             |
|---------------------------------|-------------|
| Single-family Residential (SFR) | Residential |
|---------------------------------|-------------|

### Surrounding Area

| Direction | Zoning District           | Actual Land Use |
|-----------|---------------------------|-----------------|
| North     | Single-family Residential | Residential     |
| South     | Single-family Residential | Residential     |
| East      | Single-family Residential | Residential     |
| West      | Single-family Residential | Residential     |

## E. MINOR SUBDIVISION SUBMISSION CHECKLIST (PMC 18.20.010)

| Submission Requirement (PMC 18.20.010)                                                                                                      | Submitted / Met? | Comment                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------------------------------------|
| Outside corners of each lot marked; $\geq 2$ outside corners of subdivision tract referenced to recorded survey monuments (§ 18.20.010.A.5) | Yes              | Plat shows C.S.S. ALCAP, Braun ALCAP, cotton gin spindle, and G.I.P. monuments set/recovered at corners |
| Plat prepared by registered Alaska land surveyor, drawn to scale (§ 18.20.010.C.1)                                                          | Yes              | Preliminary sketch prepared and sealed by registered Alaska land surveyor                               |
| DEC approval for on-site sewer/water, if not connected to municipal system (§ 18.20.010.C.2)                                                | N/A              | Application indicates municipal water and wastewater service                                            |

## F. REVIEW CRITERIA (PMC 18.20.010.A)

Per PMC 18.20.010, the minor subdivision plat procedure is available for the subdivision of a single parcel into no more than four parcels, subject to the general conditions of PMC 18.20.010(A). Staff analysis of each condition follows:

### 1. Number of Lots Created (PMC 18.20.010.A.1)

The replat reconfigures PTN. Lots 4 & 5 and PTN. of Lot 5, Block 83, U.S. Survey 1252 into two new parcels, Lot 4A and Lot 5A, consistent with the four-lot maximum under the minor subdivision procedure.

### 2. Legal and Physical Access (PMC 18.20.010.A.2)

The proposed lots have legal and physical access to public streets – North Nordic Drive, Wrangell Avenue, and/or Middleton Street – as shown on the preliminary plat.

### 3. No Street or Right-of-Way Dedication Required (PMC 18.20.010.A.3)

The preliminary plat does not depict a new street or right-of-way dedication. The existing Alaska Department of Highways easements (E-144, E-145, E-146) along the North Nordic Drive frontage are pre-existing encumbrances and not a proposed dedication under this application.

### 4. No Vacation or Variance Required (PMC 18.20.010.A.4)

No vacation of a public dedication and no variance from subdivision regulations are required to accomplish the proposed replat.

### 5. Monumentation (PMC 18.20.010.A.5)

The preliminary plat identifies established and recovered survey monuments the outside corners of the subdivision tract, consistent with the monumentation requirement.

### 6. Departmental Approvals (PMC 18.20.010.A.6)

Written approval (or absence of objection within 45 days of referral) from Public Works, Engineering, PMP&L, and Police is required prior to final action. Status of departmental review is noted in Section G below.

## G. DEPARTMENT REVIEWS

| Department   | Comments      |
|--------------|---------------|
| Public Works | No objection. |
| PMP&L        | No objection. |

|        |               |
|--------|---------------|
| Police | No objection. |
| Fire   | No objection. |

## H. PUBLIC NOTICE

The borough provided public notice consistent with applicable subdivision notice requirements. Notice was mailed by first class mail to owners of record of property within six hundred (600) feet of the exterior boundary of the subject property and posted as required. See Attachment D for sample notice letter.

## I. FINDINGS AND CONDITIONS OF APPROVAL

(See resolution on following page for findings and conditions.)

### Proposed Motion:

I move to approve RESOLUTION 2026-804 recommending approval of the Samuelson/Matheny Subdivision minor subdivision (replat) creating Lot 4A and Lot 5A, Block 83, U.S. Survey 1252, subject to the conditions set forth in the resolution.

## J. ALTERNATIVES

The Planning Commission has the following options:

- Approval of the minor subdivision (replat) as submitted.
- Approval of the minor subdivision (replat) with staff-recommended conditions.
- Approval of the minor subdivision (replat) with modified or additional conditions.
- Continue the hearing to allow for additional information or public input.
- Deny the minor subdivision (replat) application.

## K. ATTACHMENTS

|                                               |                                                     |
|-----------------------------------------------|-----------------------------------------------------|
| A. Vicinity Map                               | D. Public Notice Letter (Mailing list upon request) |
| B. Applicant Materials / Land Use Application |                                                     |
| C. Public Comments                            |                                                     |

## L. APPEAL (PMC 19.92)

If approved by the Planning Commission, this decision may be appealed to the Borough Assembly within 10 days of the Planning Commission's decision by the Applicant; a property owner within 600 feet of the subject property; or any governmental agency that may be adversely affected by the decision. Appeal forms are available at the Borough Clerk's office and must be accompanied by the required fee.

**PLANNING COMMISSION RESOLUTION NO. 2026-804**  
**A RESOLUTION OF THE PETERSBURG BOROUGH PLANNING COMMISSION**  
**RECOMMENDING APPROVAL OF A MINOR SUBDIVISION (REPLAT) FOR THE**  
**SAMUELSON/MATHENY SUBDIVISION – 1206 and 1208 N. NORDIC DRIVE**

WHEREAS, on August 11, 2026, the Planning Commission conducted a duly and properly noticed public hearing to consider a minor subdivision (replat) application for the Samuelson/Matheny Subdivision, legally described as a replat of PTN. Lots 4 & 5 and PTN. of Lot 5, Block 83, U.S. Survey 1252, Petersburg Recording District, creating Lot 4A and Lot 5A; and

WHEREAS, the applicant and staff presented testimony and evidence, and all interested persons were given the opportunity to provide public testimony regarding the application; and

WHEREAS, the Planning Commission has reviewed the staff report, attachments, and all relevant documents and materials, and has heard all testimony presented at the public hearing; and

WHEREAS, the Planning Commission has considered the proposed request in light of the requirements of PMC Chapter 18.20; and

WHEREAS, the Planning Commission has made the following findings of fact, based on substantial evidence in the record:

**Finding 1: Number of Lots**

The proposed replat reconfigures PTN. Lots 4 & 5 and PTN. of Lot 5, Block 83, U.S. Survey 1252 into two (2) lots, Lot 4A and Lot 5A, consistent with the four-lot maximum for minor subdivisions under PMC 18.20.010(A)(1).

**Finding 2: Access**

Each resulting lot, Lot 4A and Lot 5A, has legal and physical access to a public street (North Nordic Drive, Wrangell Avenue, and/or Middleton Street).

**Finding 3: No Dedication, Vacation, or Variance Required**

The proposed replat does not require dedication of a street or right-of-way, vacation of a public dedication, or a variance from subdivision regulations.

**Finding 4: Monumentation and Departmental Review**

The outside corners of the subdivision tract are marked and referenced to recorded survey monuments, and required departmental approvals have been obtained as of the date of this resolution.

**NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the Petersburg Borough hereby recommends approval of the minor subdivision (replat) application, subject to the following conditions:**

- The final plat shall bear all required certificates per PMC 18.24.050(B), to the extent applicable to minor subdivisions.
- The plat shall be prepared by a registered Alaska land surveyor and filed with the Petersburg Recording District within thirty (30) days after issuance of fully executed certificates of approval, per PMC 18.20.020(D).

**ADOPTED this 11th day of August, 2026, by the following vote:**

AYE:

NAY:

ABSENT:

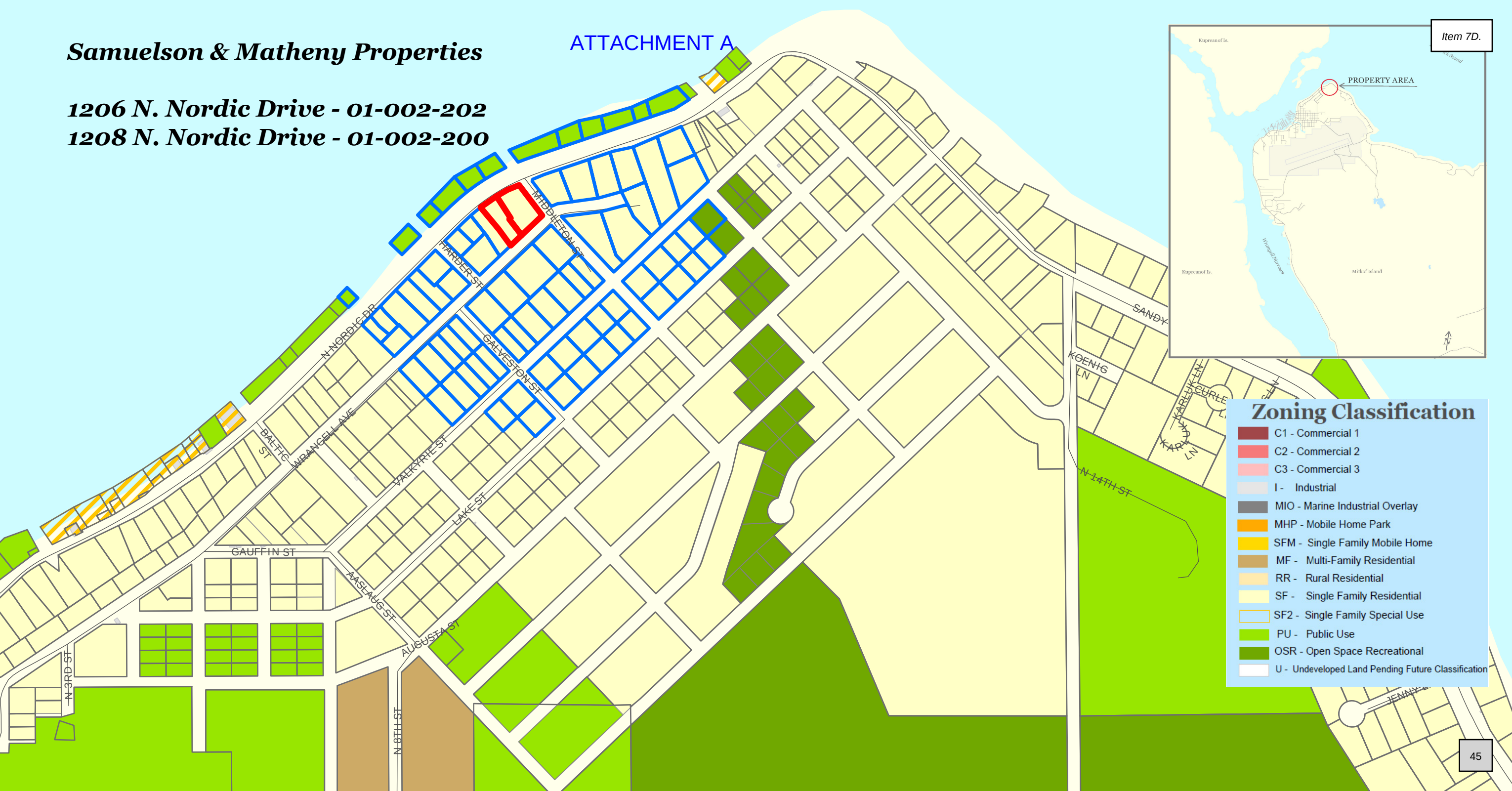
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**Chair, Planning Commission**

**Samuelson & Matheny Properties**

**1206 N. Nordic Drive - 01-002-202**  
**1208 N. Nordic Drive - 01-002-200**

ATTACHMENT A



Item 7D.

**Zoning Classification**

- C1 - Commercial 1
- C2 - Commercial 2
- C3 - Commercial 3
- I - Industrial
- MIO - Marine Industrial Overlay
- MHP - Mobile Home Park
- SFM - Single Family Mobile Home
- MF - Multi-Family Residential
- RR - Rural Residential
- SF - Single Family Residential
- SF2 - Single Family Special Use
- PU - Public Use
- OSR - Open Space Recreational
- U - Undeveloped Land Pending Future Classification



# PETERSBURG BOROUGH LAND USE APPLICATION

|                         |                         |
|-------------------------|-------------------------|
| <b>For Borough Use</b>  | Date:                   |
| Base Fee:               | Check No. or CC:        |
| Public Notice Fee: \$70 | Received by:            |
| Total:                  | Code to: 110.000.404110 |

## APPLICANT INFORMATION

NAME: **David C. Thynes**

## PROPERTY INFORMATION

|                                        |                  |                       |           |
|----------------------------------------|------------------|-----------------------|-----------|
| PHYSICAL ADDRESS or LEGAL DESCRIPTION: |                  |                       | Lot Size: |
| LOT: PTN L4&5/PTN L5                   | BLOCK: 82        | SUBDIVISION: USS 1252 | PLAT #:   |
| PARCEL ID: <b>01002202/01002200</b>    | ZONE: <b>SFR</b> | OVERLAY:              |           |

Current Use of Property: **RESIDENTIAL**

Proposed Use of Property: **RESIDENTIAL**

## LEGAL ACCESS AND UTILITIES

WASTEWATER SYSTEM: What is the current or planned system? ☒ Municipal ☐ DEC-approved on-site system

WATER SOURCE: What is the current or planned system? ☒ Municipal ☐ Cistern/Roof Collection ☐ Well

LEGAL ACCESS TO LOT(S) (Street Name): **N. NORDIC, WRANGELL AVE., MIDDLETON ST.**

## TYPE OF APPLICATION AND BASE FEES

☐ 18.18 Record of Survey (\$50) (Note: No Public Notice Fee)

☒ 18.20 Minor Subdivision/18.24 Preliminary Plat/18.19 Replat (\$75 + \$10 per lot)

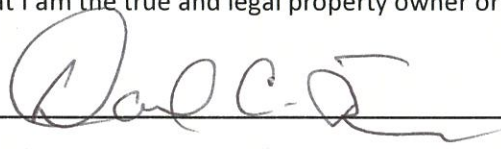
☐ 18.24 Final Plat (\$25 per lot)

## SUBMITTALS

For Subdivision applications, please submit a prepared plat map as required by borough code.

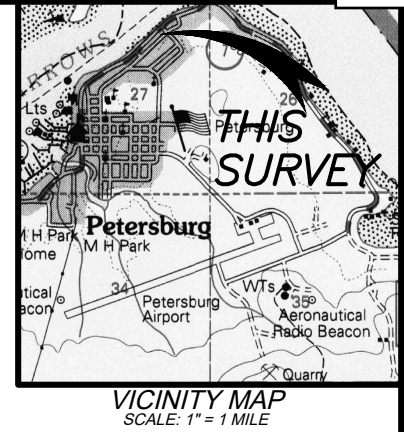
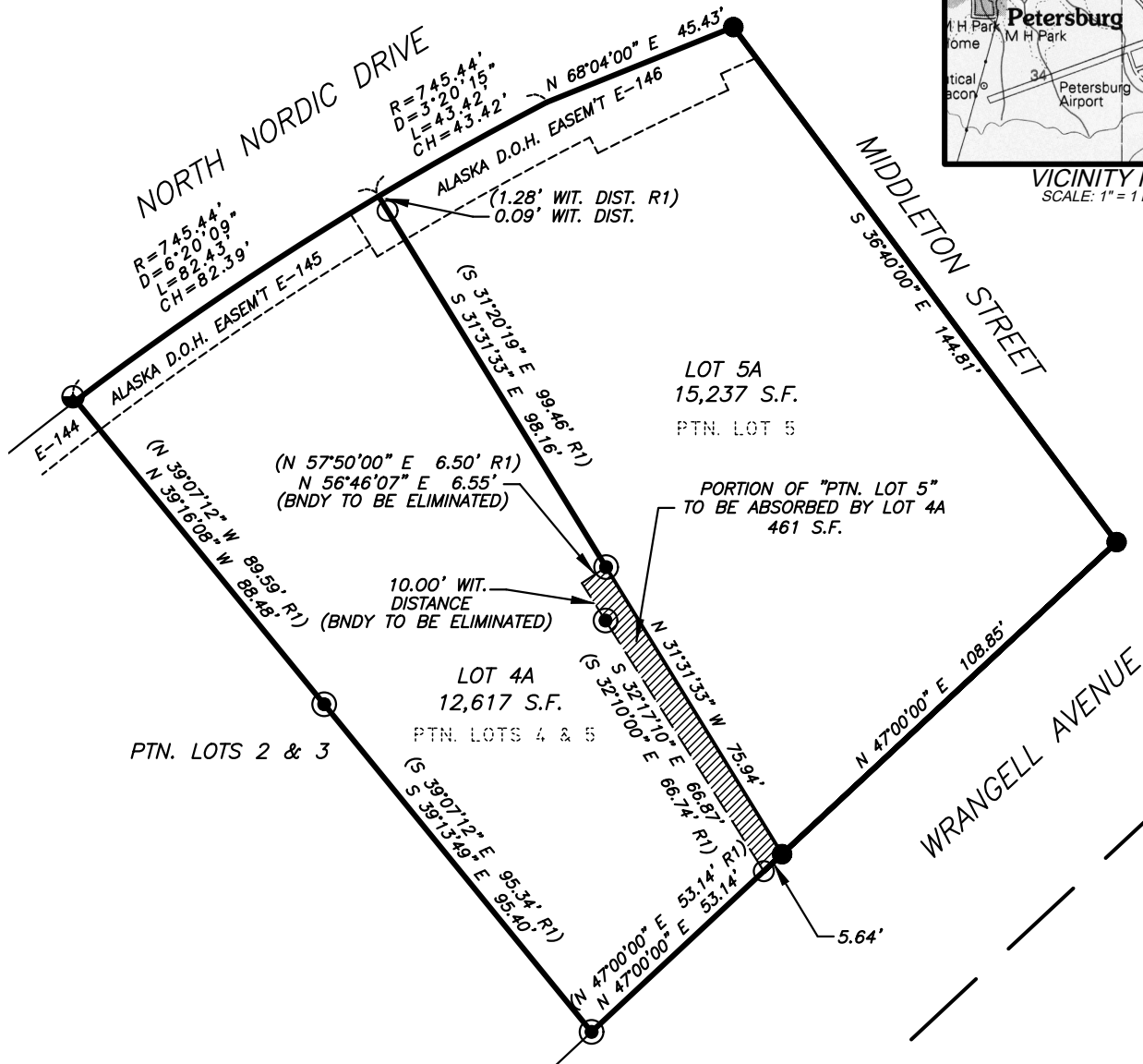
## SIGNATURE(S)

I hereby affirm all the information submitted with this application is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or authorized agent thereof for the property subject herein.

Applicant(s):  Date: 7/28/2026

Owner (if different from applicant): \_\_\_\_\_ Date: \_\_\_\_\_

Owner (if different from applicant): \_\_\_\_\_ Date: \_\_\_\_\_



## SAMUELSON/MATHENY SUBDIVISION

A REPLAT OF PTN. LOTS 4 & 5 AND OF  
PTN. OF LOT 5, BLOCK 83 OF U.S. SURVEY 1252  
CREATING LOT 4A & LOT 5A  
PETERSBURG RECORDING DISTRICT

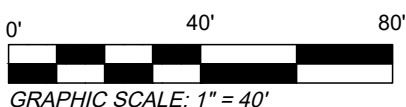
### AREA SUMMARY:

PARENT LOT, PTN. LOTS 4 & 5 = 12,156 S.F.  
PARENT LOT, PTN. LOT 5 = 15,698 S.F.  
PROPOSED LOT 4A = 12,617 S.F.  
PROPOSED LOT 5A = 15,237 S.F.

PORTION OF "PTN. LOT 5" ADDED TO  
"PTN. LOTS 4 & 5" TO CREATE LOT 4A = 461 S.F.

### LEGEND

- 2" C.S.S. ALCAP ON 5/8" REBAR ESTABLISHED THIS SURVEY
- ⊙ 2" BRAUN ALCAP ON 5/8" REBAR RECOVERED THIS SURVEY
- 1.5" BRAUN ALCAP ON 5/8" REBAR RECOVERED THIS SURVEY
- COTTON GIN SPINDLE RECOVERED THIS SURVEY
- ⊙ 1" G.I.P. RECOVERED THIS SURVEY



REVISED:

CLIENT:



July 27, 2026



### NOTICE OF SCHEDULED PUBLIC HEARINGS

The Petersburg Borough Planning Commission has scheduled a public hearing to consider:

**An application from David Thynes (agent) for a minor subdivision at 1206 and 1208 N NORDIC DRIVE (PID: 01-002-202/200).**

|                                                                                                               |                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| The public hearing and consideration of the application will be held:                                         | <b>Tuesday, August 11, 2026, at 12:00 PM</b><br>Assembly Chambers, Municipal Building<br>12 South Nordic Drive, Petersburg, Alaska. |
| The meeting is open to the public.<br>To attend via <b>ZOOM</b> , please contact Anna Caulum at 907-772-5409. |                                                                                                                                     |

Interested persons desiring to present their views on the applications, either in writing or verbally, will be given the opportunity to be heard during the above-mentioned hearing. Said hearing may be continued from time to time as necessary. If the Planning Commission is unable to meet at the date and time stated above, this application will be considered at a future meeting with no further notice provided except for the general notice provided to the public.

| TO SUBMIT WRITTEN COMMENTS TO THE PLANNING COMMISSION |                                                 |
|-------------------------------------------------------|-------------------------------------------------|
| By Mail:                                              | PO Box 329, Petersburg, Alaska 99833            |
| By Email:                                             | acaulum@petersburgak.gov                        |
| Hand-Deliver:                                         | Petersburg Municipal Building, 12 S. Nordic Dr. |

The Petersburg Municipal Code (PMC) provides for an appeal of a Planning Commission decision to the Borough Assembly by the property owner or a governmental agency, or any property owner within 600' of the applicant property and requires that such an appeal be filed within 10 consecutive calendar days of the date the decision is made. For more information regarding appeal requirements, please see PMC Chapter 19.92.

Sincerely,

Liz Cabrera  
Community & Economic Development Department

Community & Economic Development

PO Box 329, Petersburg, AK 99833 – Phone (907)772-4042 Fax (907)772-3759

www.petersburgak.gov

**PETERSBURG BOROUGH**

**ORDINANCE #2026-XXX**

**AN ORDINANCE AMENDING CHAPTER 19, ZONING, OF THE PETERSBURG  
MUNICIPAL CODE TO CREATE AN OVERLAY ZONE FOR WIRELESS  
COMMUNICATION FACILITIES AND OTHER TOWERS AND TRANSMITTERS**

**Whereas**, overlay zones are special zoning subdistricts placed over a portion of an underlying zoning district to modify the uses and standards for the area of that zone; and

**Whereas**, the Borough Assembly believes that the adoption of provisions regarding a Communication Facility Overlay zone would serve the public interest by expanding reliable communications infrastructure throughout the community; and

**Whereas**, reliable wireless, broadband and other communication services are essential to public safety, emergency response, economic development, and the daily lives of residents and businesses within the Borough; and

**Whereas**, the unique geographic and topographic characteristics of Petersburg — including its coastal setting, surrounding mountainous terrain, and dispersed population — create challenges for achieving adequate communication coverage, and may require the siting of communication facilities in locations that would not otherwise permit such structures; and

**Whereas**, the Borough Assembly finds that requiring communication facilities to undergo discretionary review on a case-by-case basis in certain zoning districts can create unnecessary delays, uncertainty, and costs that discourage investment in communication infrastructure without a corresponding public benefit; and

**Whereas**, the Borough Assembly wishes to create a new Communication Facility Overlay zone, the boundaries of which are reflected in attached Exhibit A.

**Therefore, the Petersburg Borough Ordains**, Title 19, *Zoning*, of the Petersburg Municipal Code, is hereby amended as follows:

**Section 1. Classification:** This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

**Section 2. Purpose:** The purpose of this ordinance is to establish the standards for a Wireless Communication Facility Overlay Zone.

**Section 3. Substantive Provisions:** Title 19 of the Petersburg Municipal Code is hereby amended as follows. The language proposed for addition is **underlined and bold**, and the language proposed for deletion is ~~struck through~~.

A. **New Section.** A new Section, entitled Communication Facility Overlay (CFO), is hereby added to Title 19, to read as follows:

**19.50.030 - Identification of Overlay Zones.**

**The following Overlay Zones are herein established:**

- A. Marine Industrial Overlay (MIO)[.];
- B. Communication Facility Overlay (CFO).**

**19.50.050 - Communication Facility Overlay Zone.**

**A. Purpose. The Communication Facility Overlay Zone is established to incorporate community preferences in Wireless Communication Facility siting and help streamline decision-making process for wireless communication corporations in siting Wireless Communication Facilities, consistent with the Telecommunications Act of 1996.**

**B. Applicability.**

- 1. Upon adoption of this ordinance, the CFO Zone is hereby made applicable to the areas shown on maps in Exhibit A hereto, which shall be incorporated into an CFO Zone Map and made a part of the borough's official zoning map. Subsequent amendments to the boundaries of the CFO Zone shall be adopted under the provisions of Chapter 19.84 of this Code.**
- 2. The provisions of chapter 19.58 do not apply within the CFO Zone.**

**C. Principal uses. The following are the only permitted principal uses in the CFO Zone:**

- 1. All uses permitted in the underlying district;**
- 2. Wireless communication facilities (WCF) under the provisions of Chapter 19.58.**
- 3. A radio or television antenna, transmitter, or tower or any other antenna, transmitter, or tower that is not a WCF, excepting noncommercial antennas.**

**D. Accessory uses. Uses and structures that are clearly incidental and subordinate in size and scale to the principal use, and which are located on the same lot.**

**E. Conditional uses.**

- 1. All conditional uses permitted in the underlying district, except those permitted as principal uses in subsection C above.**

**F. Development Standards within the CFO Zone.**

- 1. Notwithstanding any other yard setback requirements for a district, a tower base must be situated on a parcel such that it is set back a minimum of One Hundred Ten Percent (110%) of the total transmitter or tower height (1x1.1 ratio) from all property lines and the boundary lines of any public road or right-of-way.**

**Section 4. Severability:** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

**Section 5. Effective Date:** This Ordinance shall become effective immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this \_\_\_\_ day of \_\_\_\_\_, 2026.

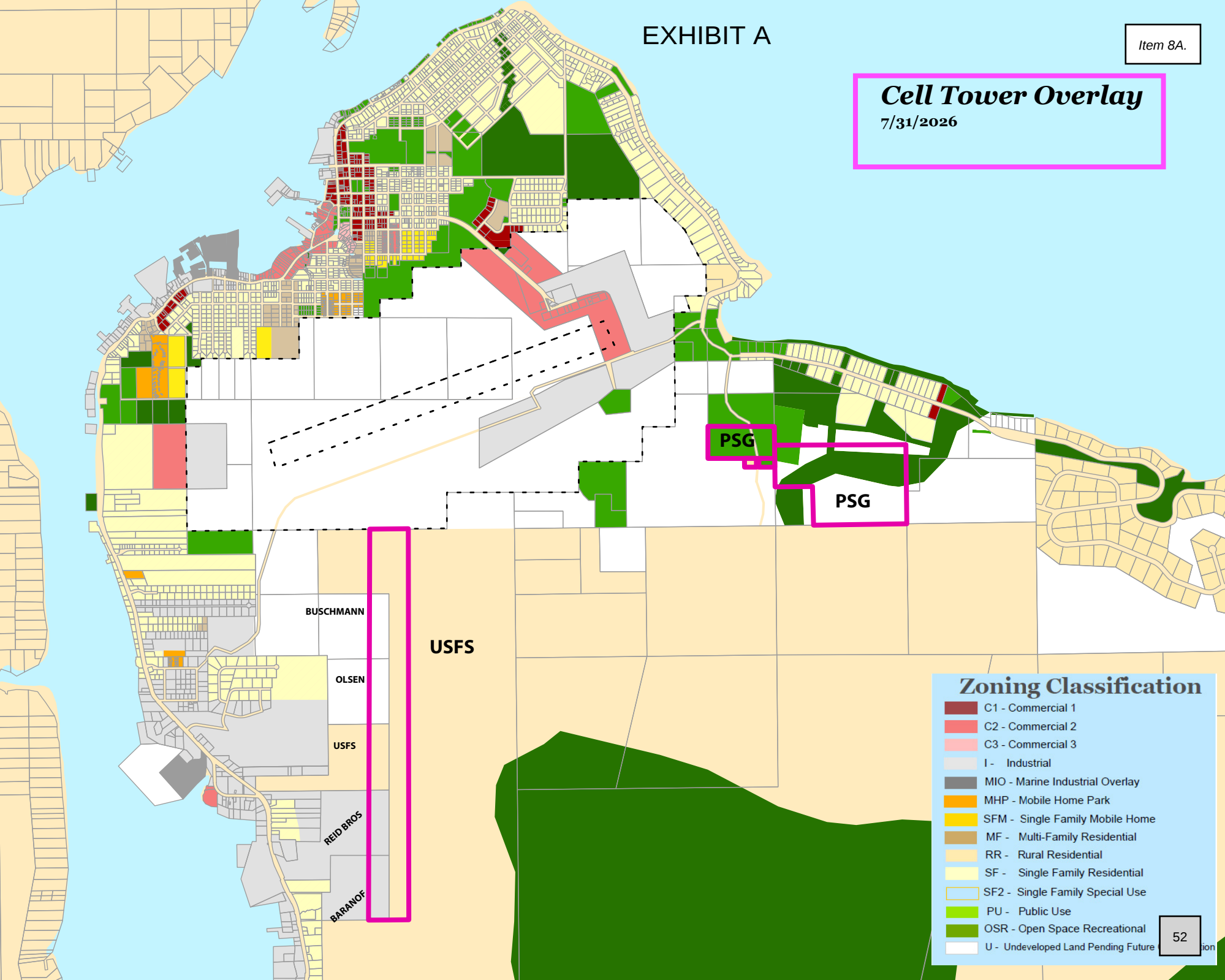
\_\_\_\_\_  
Bob Lynn, Mayor

ATTEST:

\_\_\_\_\_  
Rebecca Regula, Clerk

Adopted:  
Noticed:  
Effective:

**Cell Tower Overlay**  
7/31/2026



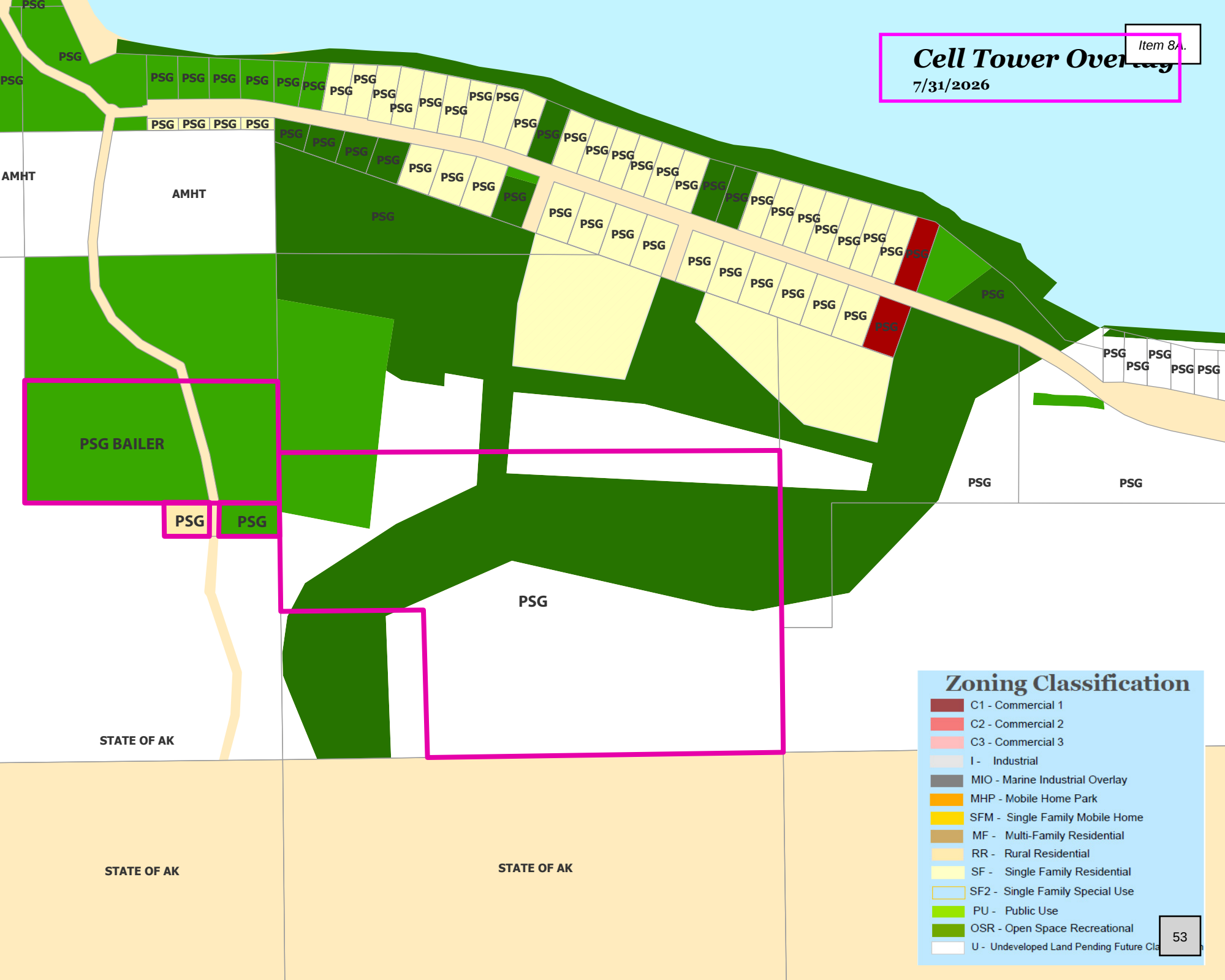
**Zoning Classification**

- C1 - Commercial 1
- C2 - Commercial 2
- C3 - Commercial 3
- I - Industrial
- MIO - Marine Industrial Overlay
- MHP - Mobile Home Park
- SFM - Single Family Mobile Home
- MF - Multi-Family Residential
- RR - Rural Residential
- SF - Single Family Residential
- SF2 - Single Family Special Use
- PU - Public Use
- OSR - Open Space Recreational
- U - Undeveloped Land Pending Future

# Cell Tower Overlay

7/31/2026

Item 8A



# Cell Tower Overlay

7/31/2026

## Zoning Classification

- C1 - Commercial 1
- C2 - Commercial 2
- C3 - Commercial 3
- I - Industrial
- MIO - Marine Industrial Overlay
- MHP - Mobile Home Park
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- U - Undeveloped Land Pending Future Classification

BARANOF  
THE MILL  
UN OF AK

SERVICE AREA ONE BOUNDARY

USFS

USFS

PEAK ENG

STATE OF AK

STATE OF AK

AMHT

## PETERSBURG, ALASKA

AN ORDINANCE AMENDING TITLE 19 ZONING, OF THE PETERSBURG MUNICIPAL CODE  
TO REGULATE DATA CENTERS

Citizens of Petersburg do not have protections against the potential environmental, health, privacy, and economic impacts of data center development. A modern, effective data center ordinance balances economic benefits with strict resource protections. This ordinance not only accomplishes this but also builds in a conditional use process to allow public oversight in the development of data centers in Petersburg.

**WHEREAS**, data centers are facilities that house computer servers for processing and storing data, either for a single enterprise or multiple enterprises, that serve as critical infrastructure for Internet-based storage, complex software and language models, artificial intelligence (AI) functions, and other computing needs; and

**WHEREAS**, data centers are increasingly common in communities across the U.S., with over 4,000 in operation as of 2026 and more being built to meet projected demand for processing and storage capacity; and

**WHEREAS**, data center facilities of all sizes have intensive energy needs, and may be served by onsite power generation or connected to a larger electrical grid; these facilities also require robust cooling systems, typically using water to remove excess heat from servers in a closed-loop water recycling system or discharging heated water, which may include other contaminants, as waste; and

**WHEREAS**, communities that are now home to data center facilities have identified additional operational impacts to surrounding properties, primarily noise generation

and visual impacts of facilities and campuses; and

**WHEREAS**, data centers may be large or small in scale, and are already being permitted and developed in Alaska communities; and

**WHEREAS**, current Title 19 does not specifically contemplate this use type and does not address potential impacts of facilities of this type, and is currently permitted; and

**WHEREAS**, emerging best practices from other communities in Alaska include land use regulation of data centers through a clearly-defined use type, development standards such as noise control, and utilizing the development review process to identify and mitigate impacts on surrounding properties and potential uses; and

**WHEREAS**, Alaska Constitution, Article 1 Section 22 explicitly provides for “The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated.”; and

**WHEREAS**, Alaska Constitution, Article I, Section 22. The right to privacy is not specifically mentioned in the U.S. Constitution, but the United States Supreme Court has recognized several constitutional amendments that create this right, to include the First, Fourth, Ninth, and Fourteenth amendments of the Bill of Rights.

**Conditional use standards – Data centers.**

The following standards shall apply to data centers:

A. Design standards. A data center facility must be designed to minimize adverse visual impacts and noise levels on surrounding development as demonstrated by the submission of elevations, architectural sketches, or sight line studies.

1. Designs shall provide visual screening and reduce noise levels, any equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators or other power supply equipment, must be fully enclosed, except where determined by the director not to be mechanically feasible based on the manufacturer specifications.

2. If the director determines it is not mechanically feasible to fully enclose the equipment, it must be screened by a wall or similar barrier. In addition, any equipment as referenced above that is located on the ground and any accessory electrical substation must be screened from view from abutting lots and from rights-of-way by a visually solid wall or a building. This standard does not apply to solar panels.

B. Landscaping. The planning commission, through the conditional use review, may require additional landscaping screening when the project is adjacent to residential zones or would affect the harbor view.

C. Setbacks. Where the property is adjacent to residential or any other sound-sensitive use, a data center facility or ancillary equipment must be located at least 1,500 feet from residential or noise-sensitive use areas.

D. Additional submittal requirements for a conditional use permit.

1. Completion of a noise mitigation study for projected operational noise levels, including at peak operation, demonstrating that the operation of the data center will not exceed the level that emitted noise can be heard from residential or noise-sensitive areas as follows:

a. The study must include consideration of sound source location and directivity, and barrier effects of buildings and topography, for all proposed development on a lot or site plan.

b. If the development will be completed in phases, the study must address both the proposed phase and the ultimate buildout of the proposed development.

2. If the facility requires connecting to and drawing power from the surrounding electrical grid, the application must include a written statement from the electrical utility or utilities demonstrating that there is sufficient system capacity to meet the facility's projected demand at peak operation. The project application shall document estimated electrical demand

at peak operation. The statement must also demonstrate the limiting effect of the project on power supply for future community growth.

3. If the facility requires connecting to the public water system, the application must include a written statement from the water utility that there is sufficient water at adequate pressure to meet the facility's projected daily water demand at peak operation. The project application shall include all information the water utility deems necessary to make these determinations. The water utility may write that sufficient water quantity and pressure may be made available through privately constructed and funded upgrades to the water system, the construction of which shall be a condition on the land use permit.

4. If the facility will discharge wastewater into the public sewage system, the application must include a written statement from the wastewater utility that there is adequate capacity in the sewer system for the facility's discharge at peak operation and that the applicant has provided the wastewater utility with reliable information adequate for the wastewater utility to determine the facility's ability to comply with the Clean Water Act (33 U.S.C. Sec. 1251 et seq. (1972)), title 19 of this Code, and all other applicable laws and regulations. The project application shall include all information the wastewater utility deems necessary to make these determinations. In its written statement, the wastewater utility may state, additionally or

alternatively to concluding that sufficient capacity exists in the sewer system:

a. That sufficient sewer capacity may be achieved through privately constructed and funded upgrades to the public sewer system, the construction of which shall be a condition on the land use permit, or

b. That based on the information provided by the applicant, the project's discharge is likely to result in significant adverse impacts on the public sewer system or human health. Such a statement by the wastewater utility creates a presumption that the approval criterion is not met. This presumption may only be overcome by clear and convincing evidence presented to the commission.

5. If the facility utilizes an onsite water and wastewater system, the application must demonstrate that the project complies with all applicable Alaska Department of Environmental Conservation requirements.

6. Evidence of adequate fire detection and suppression systems at the facility, including for any onsite power generation and storage infrastructure.

7. Documentation of anticipated onsite power generation including energy source(s) and whether any power generated at the facility in excess of its operational need may be returned to the grid, water recycling, reclamation of waste heat, treatment of contaminants, and any other strategies to prevent, reduce, or mitigate potential impacts of the facility on the surrounding community.

E. Data centers may only be placed in industrial zoned subdivisions that:

1. Are not in downtown waterfront areas as described in the Petersburg Borough Waterfront Master Plan,
2. Areas that are not reasonably needed for: seafood processing, marine repair, harbor expansion, or maritime commerce,
3. are not adjacent to wetlands, anadromous streams, shorelines, tidal lands, or areas frequented by migratory birds.

F. Data collection standards. Data centers must comply with strict biometric data and other privacy safeguards, including the prohibition of the sale or profit of biometric data and Social Security numbers and the issuance of an annual certificate of compliance from the Borough.

G. Revenue Sharing. To offset the cost of providing electricity, water, and community impacts, the Borough of Petersburg shall charge a percentage of data collection revenue into a permanent fund investment account similar to the Alaska Permanent Fund Dividend program. The earnings will be distributed annually as a direct dividend to every qualifying Petersburg Borough resident

## H. Definitions.

1. “Data center” means a facility or co-located facilities that house multiple computer servers for processing and storing data and requires at least 0.25 megawatts of electrical demand at peak operation. There is minimal onsite human activity during normal operations. Accessory uses may include offices, power generation and storage, water storage and treatment, maintenance areas, vehicle and equipment parking and storage.

2. Geographically dispersed buildings, equipment, structures, and other stationary infrastructure used for the same purpose and owned or operated by the same entity may be considered single facility for the purposes of this section.

3. “minor” A facility with less than 100 servers shall be considered a minor data center.

# ZONING PRACTICE

Unique Insights | Innovative Approaches | Practical Solutions

## Putting Coastal Hazards Overlay Districts on the Map



**In this Issue:** [Defining the Coastal Hazards Overlay District](#) | [Planning for Uncertainty in the Coastal Zone](#) | [Selecting Design Standards and Planning Techniques](#) | [Establishing and Managing a Coastal Hazards Overlay District](#) | [Summary and Conclusions](#)

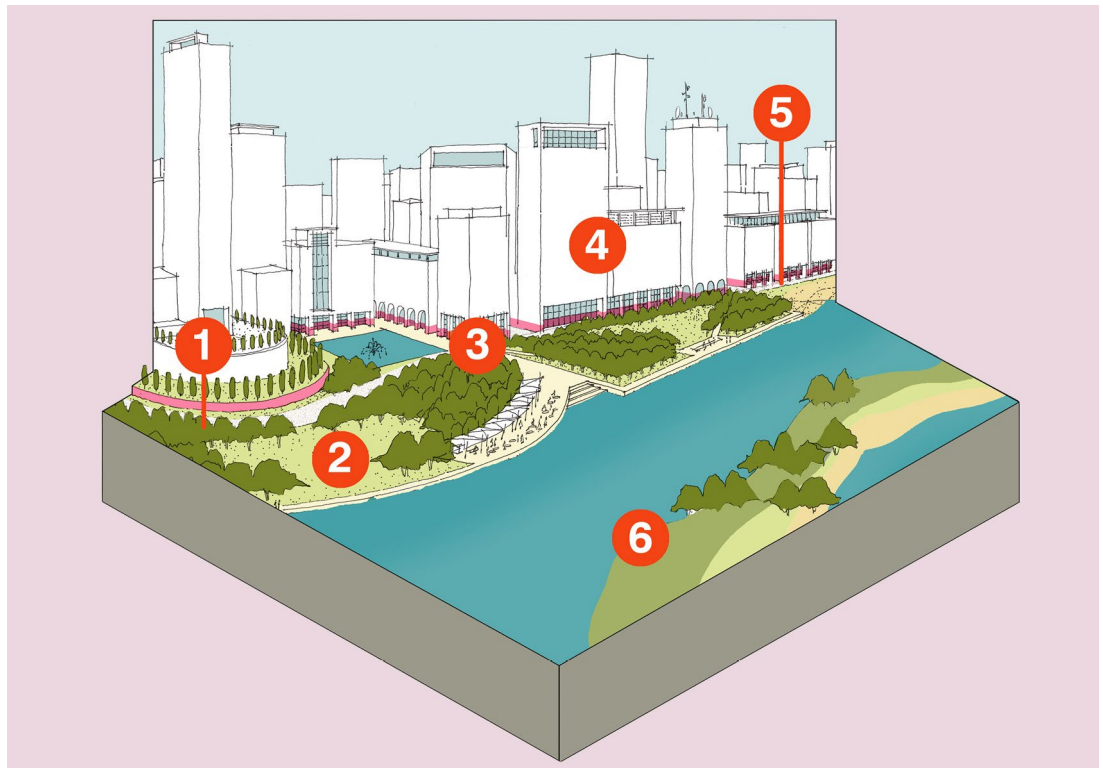
# Putting Coastal Hazards Overlay Districts on the Map

**By Gavin Smith, PhD, FAICP, with Allison Anderson, David Perkes, Ryan Anderson, Chitali Biswas, Georgia DeWitt, Cassie Nichols, and Matt Lambert**

Planners working in coastal communities know that the impacts of natural hazards are increasing. Factors contributing to this reality include rapid growth in high-hazard areas and preexisting public and private investments in places that are prone to hurricanes, nor'easters, flooding, coastal erosion, and subsidence. Adding to this threat are more intense, slower-moving, water-laden coastal storms and sea level rise associated with a changing climate. These conditions necessitate applying

flexible planning tools and a diversity of options undertaken at multiple scales (i.e., site, neighborhood, jurisdiction, and region) that can be used to address both current and future conditions, thereby creating more resilient places.

Coastal hazards overlay districts provide a comprehensive and flexible approach to reducing coastal hazards risk and adapting to a changing climate. This technique, which can help to address existing regulatory gaps, has been used



*Potential design standards and planning techniques to reduce hazard risk and adapt to a changing climate in an oceanfront downtown context. 1: Harden or relocate infrastructure including roadways and utilities. 2: Oceanfront setbacks—relocate buildings and restore ground plane with absorptive greenspace. 3: Use setback space for temporary and mobile functions, recreation, stormwater storage. 4: Create a corniche along the waterfront with floodgates between structures. 5: Decommission the first floor or dry floodproof the lower level. 6: Living breakwaters nearshore to deter storm surge. (Credit: unabridged Architecture)*

in coastal cities like Norfolk, Virginia, and is slowly gaining traction in other places in both the U.S. and abroad

This issue of *Zoning Practice* describes how planners can use coastal hazard overlay districts to make their communities more resilient in the face of natural hazards, disasters, and a changing climate. It discusses the origins and key features of this new type of district before exploring key planning, regulatory design, and implementation considerations.

### Defining the Coastal Hazards Overlay District

The coastal hazard overlay district (CHOD) draws from a well-recognized land use planning technique, the overlay district, in which geospatially defined areas are identified and additional design standards and planning techniques are applied. However, there are several features that distinguish the CHOD from single-purpose overlay districts, and these features are rooted in decades of coastal resilience research and practice.

#### Background

The CHOD concept, as fully described in the [Coastal Hazards Overlay District Guide](#), is the culmination of nearly 20 years of research, design, and testing. Following Hurricane Katrina, the Mississippi Governor's Commission on Recovery, Rebuilding and Renewal, in partnership with the Congress for New Urbanism, initiated a two-week design charrette to help 11 coastal communities develop post-disaster, form-based plans to assist with rebuilding (MRF 2005). During this charrette, I worked alongside several researchers and practitioners who would help shape the CHOD concept.

Years later, I collaborated with two of these participants, David Perkes, a faculty member at Mississippi State University's College of Art and Architecture and Director of the Gulf Coast Community Design Studio and Allison Anderson, Principal at unabridged Architects, to develop a prototype for the CHOD, the Hazard Transect Overlay District. In our resulting journal article, we modified the new urbanist transect to depict distinct coastal zone environments that would benefit from differing

design standards and planning techniques (2021). In our conclusion, we called for more research to flesh out the concept, which ultimately led to the creation of the Coastal Hazards Overlay District Guide.

The CHOD team relied on several research methods to develop the guide. First, we reviewed relevant literature on overlay district zoning and prior research tied to the origins of the concept. Then, we developed case studies of 13 coastal jurisdictions that illustrated specific contextual challenges and policy responses. Next, we identified three coastal communities in Mississippi and Alabama to serve as test beds for our CHOD ideas. Lastly, we developed a matrix to categorize 51 potential design standards and planning techniques across broader resilience strategies.

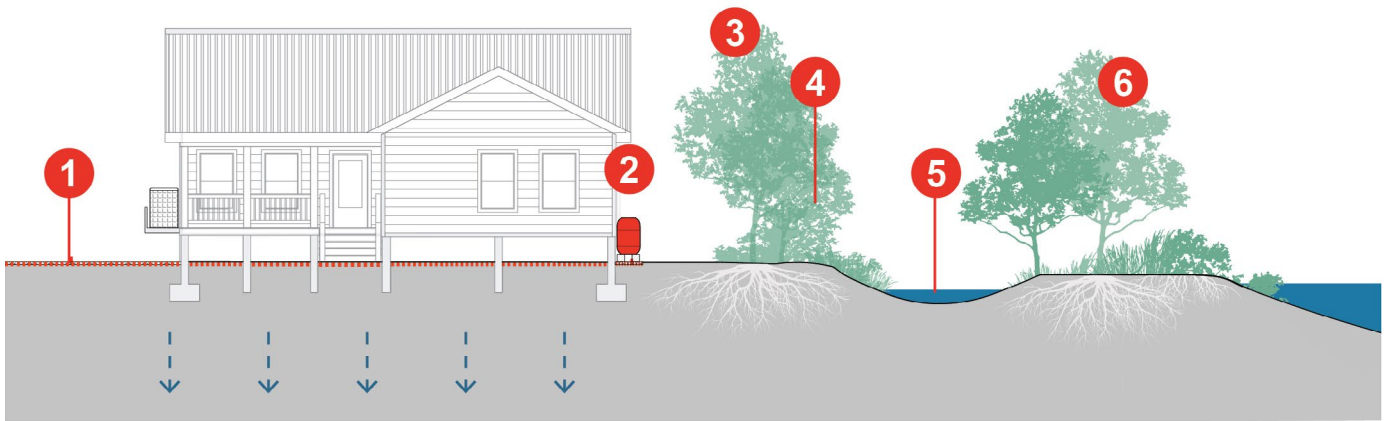
The resulting guide comprises a set of interrelated resources to assist users with CHOD implementation. These include case studies, process diagrams, matrices, checklists, design standards and planning techniques, call-out boxes, and appendices.

#### Distinguishing Features

Unlike single-purpose overlay districts, the CHOD emphasizes the consolidation of techniques (applied at differing scales) that address multiple hazards present in the coastal zone (i.e., storm surge and riverine flooding, coastal erosion, subsidence, and sea level rise). It also acknowledges three ecologically and geologically defined spaces: oceanfront, sound (tidal), and riverine environments. Finally, it matches standards to four broader strategies: avoidance, accommodation, protection, and community-led relocation.

Understood relative to natural hazards, disasters, and a changing climate, coastal areas face differing hazard threats, and as

**Unlike single-purpose overlay districts, the CHOD emphasizes the consolidation of techniques (applied at differing scales) that address multiple hazards present in the coastal zone (i.e., storm surge and riverine flooding, coastal erosion, subsidence, and sea level rise).**



*Potential design standards and planning techniques to promote resilient landscape design, which can be implemented across a variety of scales, from residential lots to open public spaces. 1: Permeable paving allows water to infiltrate the ground on-site. 2: Rainwater catchment stores water and reduces runoff. 3: Consider the potential for trees to become falling hazards as well as their ability to intercept and diffuse winds and capture waterborne debris. 4: A buffer of native plants provides a soft line of defense. Because native plants are suited to their environmental conditions, they establish vigorous and hardy root systems that inhibit erosion and recover quickly after disturbances. 5: A retention pond slows and stores storm- and floodwaters. 6: Select salt-tolerant species where coastal flooding is a threat. (Credit: GCCDS)*

such, communities may choose from varied design standards and planning techniques based on these characteristics. Furthermore, the techniques applied in these areas or zones should reflect existing and proposed settlement patterns and government regulations tied to policies, plans, ordinances, and building codes.

### Key Terminology

The following terms, drawn from the [Coastal Hazards Overlay District Guide](#), are foundational to the CHOD concept.

**Hazard mitigation.** The adoption of techniques, projects, and policies to reduce the adverse effects of natural hazards on people and property. Ideally these steps are taken before a disaster occurs, although it is not uncommon for communities to take action to reduce future hazard-related losses during the disaster recovery process.

**Adaptation.** Adjusting to future projections of climate conditions, to include taking actions now, and in the future, to reduce the negative impacts of a changing climate on people, property, and the environment that are manifest as natural hazards.

**Maladaptation.** Actions that include individual, public, and private sector choices, policies, projects, and investments that increase the exposure and

vulnerability of individuals, communities, and jurisdictions to the impacts of climate change.

**Avoidance.** A proactive strategy that prevents development from occurring in hazard-prone areas based on current and projected hazards, including those tied to a changing climate.

**Protection.** The shielding of development from the impacts of natural hazards, which typically involves the construction of engineered structures like levees or sea-walls.

**Accommodation.** Actions that allow for the continued use of hazard-prone areas through adaptive engineering and design-based techniques that mitigate the level of damage sustained by chronic and extreme events.

**Community-led relocation.** The purposeful movement of people, buildings, and infrastructure out of hazard-prone areas.

### Planning for Uncertainty in the Coastal Zone

There are several reasons for communities to add a new CHOD to their existing regulations. However, to be successful, communities must have a clear vision of the strategy or strategies they want to pursue. Furthermore, communities will need to contend with practical implementation

issues and how a CHOD would relate to their approach to zoning.

### **Rationale for a New Type of Overlay District**

Our coasts are among the most vulnerable locations in the United States to the impacts of natural hazards, disasters, and climate change. The dynamism of the coastal zone, including geophysical, environmental, social, and economic changes, make this area a prime location to develop planning approaches that can address these changes over time. Furthermore, communities have at their disposal several mature risk-reduction and planning techniques to address flood and coastal-hazard threats, rapid development, and rising losses, including those losses tied to disasters and increasing numbers of “sunny-day” flood events.

### **Overlay Districts Are a Well-Tested Technique.**

Planning for uncertainty (in era of climate change) is becoming increasingly prescient and an overlay district provides a well-tested land use planning technique that can address important issues surrounding the presence of human settlement in known hazard areas, while providing a range of risk reduction and climate change adaptation measures (described here as design standards and planning techniques) that can be tailored to unique local conditions.

### **Overlay Districts Are Flexible and Anticipatory.**

The use of an overlay district provides a degree of flexibility for local governments to modify both the district boundaries and the use of varied design standards and planning techniques over time. The options selected should be seen as anticipatory, providing a forward-looking strategy based on evolving information (including community input and emerging analytical tools like the downscaling of climate data) while striving to avoid maladaptation.

A fundamental question for coastal jurisdictions is “what is the appropriate design standard in an era of climate change?” Design standards and planning techniques that are informed by the 100-year or one percent chance annual

flood, for instance, are no longer adequate, particularly in the coastal zone. Overlay districts provide a tool to adapt design standards over time as conditions change.

### **Diverse Risk-Reduction Techniques Make Communities More Resilient.**

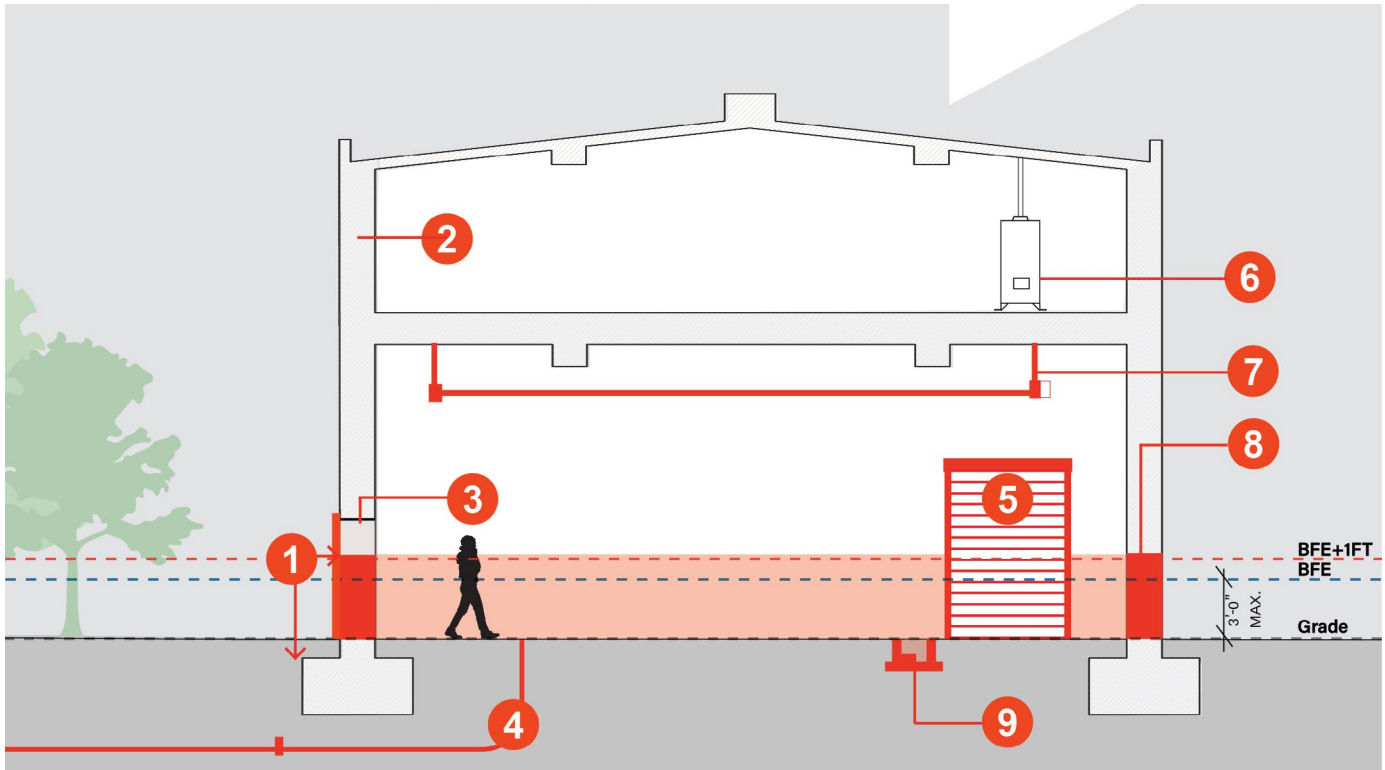
Overreliance on a singular risk reduction technique is shortsighted and sometimes maladaptive in the long run. For instance, overreliance on a protective levee or seawall can place significant numbers of people and property in harm’s way, creating a false sense of security leading

**The dynamism of the coastal zone, including geophysical, environmental, social, and economic changes, make this area a prime location to develop planning approaches that can address these changes over time.**

to more intensive development. Planning scholar Ray Burby refers to this phenomenon as the “safe development paradox” (2006). There is also a growing discussion about community-led relocation as a singular risk-reduction and climate change adaptation strategy. An overreliance on this approach fails to recognize the realities of both deep place attachment and large financial investments in coastal areas tied to water-dependent economies and livelihoods. The overlay district provides an alternative to a reliance on one approach, drawing on a diversity of techniques rather than emphasizing one measure. This is not to suggest that levees or relocation should not be considered, rather they should be seen as options in a more holistic approach.

### **A Multi-Scalar Approach Serves a Larger Set of Stakeholders.**

Another important characteristic of the guide is the identification of mutually reinforcing design standards and planning techniques that span multiple scales,



*Potential design standards and planning techniques for dry floodproofing. 1: Floodproof construction: A combination of measures that make a building and attendant utilities and equipment watertight and substantially impermeable to floodwater. 2: Reinforced walls and slabs to withstand water pressure and floating debris impacts. 3: Watertight doors and windows. 4: Backflow valve prevents floodwater from entering through sewer and drainage pipes. 5: Substantially impermeable panels to cover doors, windows, and other openings. 6: Electrical equipment raised to flood protection level. 7: Backup emergency power for sump pumps (protected to flood protection level). 8: Paints, gaskets, sealants to reduce water seepage, including around joints and utility penetrations. 9: Sump pump controls level of water seepage. (Credit: GCCDS)*

from individual buildings or sites up to an entire region. The diversity of scales may appeal to a larger set of stakeholders who may adopt these measures, including homeowners (site), homeowners' associations (neighborhood), municipal and county officials administering codes (jurisdiction), and environmental groups interested in the protection of watersheds and the coastal zone (regional).

### **Coastal Hazards Overlay District Strategies**

The CHOD supports four broad-based approaches, or strategies that coastal communities may pursue to enhance their resilience. While communities can pursue these strategies in isolation, a hybrid approach that blends approaches is more likely, given existing investments, long-standing settlement patterns, and the series of public and private decisions made over time.

### **Limiting or Excluding Development in Hazardous Areas (Avoidance)**

Avoidance strategies are exemplified by the application of land use planning, zoning, and other development regulations that limit or exclude development in identified hazardous areas. Communities may choose to limit development in areas prone to hazards today and in the future in anticipation of changes in the dynamic coastal zone.

### **Armoring the Coastline (Protection)**

Protection-based strategies, often referred to as armoring the coastline, include measures like levees and seawalls. While a single measure can provide some protection, adopting multiple design standards and planning techniques (often referred to as "multiple lines of defense") that account for future hazard conditions and the natural dynamism of the coastal zone is often a more robust strategy.

### Living With Flooding (Accommodation)

Adaptive engineering and design to accommodate the effects of extreme events can mitigate damage. The “wet floodproofing” of buildings provides an example of an accommodation strategy as this technique allows for the continued use of land that is subject to flooding while mitigating the effects of such hazards on associated structures. In this case, the building may be elevated or constructed of materials that can be submerged and at-risk electrical systems elevated above expected flood heights.

### Moving Out of Harm's Way (Community-Led Relocation)

Community-led relocation may include the acquisition and demolition of hazard-prone properties and the conversion of the land to open space (often referred to as buyouts), as well as the physical relocation of at-risk housing, public facilities, and infrastructure. The CHOD guide intentionally uses “community-led relocation” as an alternative to “managed retreat” to emphasize the need for a

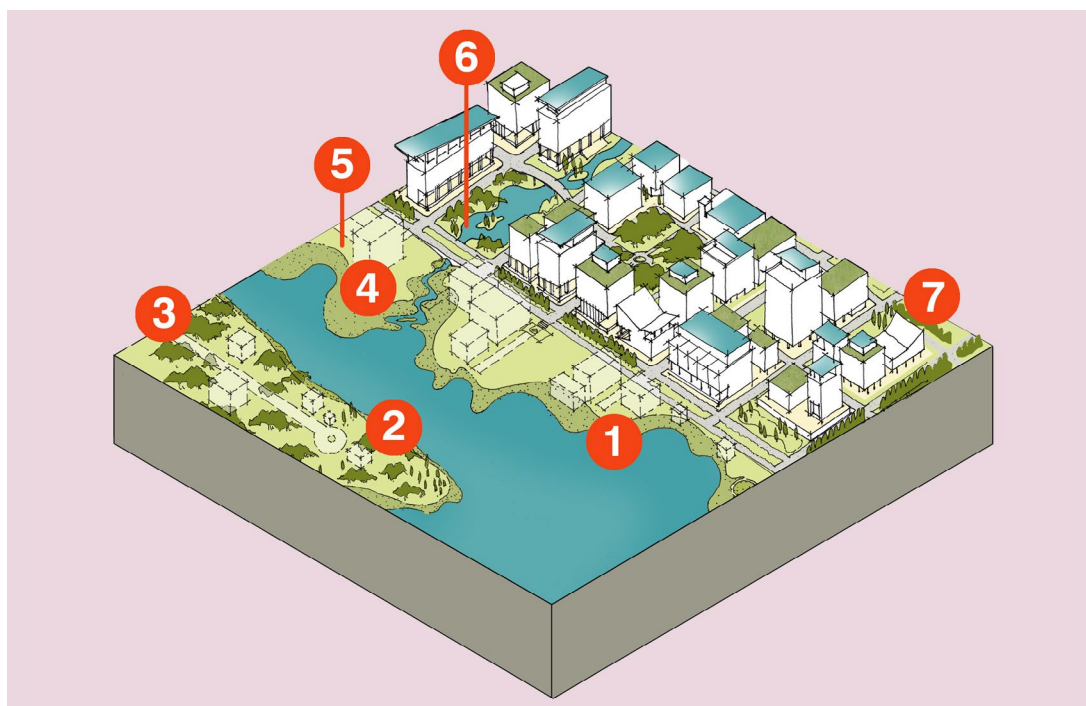
planned approach driven by affected stakeholders.

### Practical Planning Issues

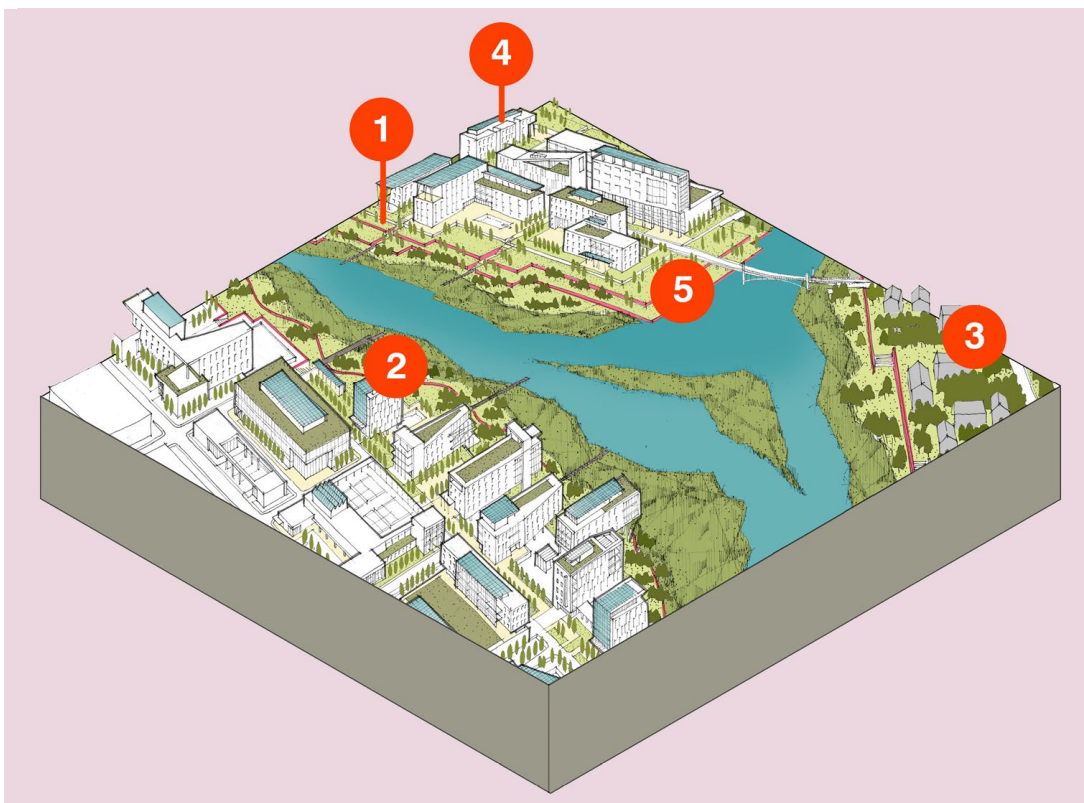
There are three practical planning issues that communities should consider as they analyze whether a CHOD could be the right tool for them.

### Local Capacity for Creation and Management

An overlay district requires a certain level of capacity to create and manage. Does the community have sufficient technical expertise in-house, or would consultants be necessary to analyze the hazards present in the jurisdiction, map them, delineate the coastal hazard overlay district, and identify the most appropriate design standards and planning techniques? Could staff manage the additional workload associated with the modification of the development review process in the overlay district? Would the community be able to develop an accompanying zoning ordinance, which may prove challenging for smaller jurisdictions, including those without existing zoning regulations? To help jurisdictions explore ways



*Potential design standards and planning techniques for sending areas. 1: Disassemble and relocate structures or salvage materials for reuse. 2: Create living shorelines. 3: Disinvestment, removal, and relocation of infrastructure. 4: Re-naturalize waterways. 5: Permanently conserve green space. 6: Increase stormwater capacity inland. 7: Establish green streets. (Credit: unabridged Architecture)*



*Potential design standards and planning techniques for receiving areas. 1: Transfer of development rights from sending areas may selectively increase density. 2: Increase stormwater capacity and conveyance. 3: Allow minimum lot widths to maintain ownership and prevent displacement. 4: Provide resilience hubs in neighborhoods to serve, educate, and shelter residents. 5: Elevate above base flood elevation to ensure extended service life.*

to enhance their capacity to act, the CHOD guide includes an extensive list of stakeholders that may play a role in the creation, management, and long-term implementation and maintenance of a new CHOD.

### **Importance of Visualization of Policy and Design Options**

Visual depictions of design standards and planning techniques spanning multiple scales enable planners to more effectively convey these ideas to broad audiences, including residents, developers, elected officials, and others. This is another area where communities may need to leverage the expertise of design professionals to develop compelling visuals and to verbally articulate how they can be used to achieve identified policy aims.

### **Alignment With Existing Zoning**

The spatial orientation of an overlay district can be aligned with existing zoning and land use planning practices. While the

practices and standards at the heart of a new CHOD can help communities enhance resilience in a defined area without having to negotiate variances on a case-by-case basis, it is important to consider how base zoning district standards and other generally applicable standards would interact with a new overlay district. Does the community have any prior experience integrating a new overlay into an existing zoning code, and are there lessons to be learned from that experience? Are there other communities (including those discussed in the guide's case studies) that have been through this process and are there lessons that could be learned from them?

### **Application in Use-Based and Form-Based Zoning Contexts**

Communities can apply a CHOD whether their zoning regulations are primarily use-based (Euclidian) or form-based (new urbanist). Use-based zoning emphasizes

the separation of uses and limiting “incompatible” uses; whereas form-based zoning emphasizes physical aspects of buildings and their relationship to site-specific characteristics.

New urbanism’s emphasis on compact urban form has the potential to reduce coastal hazard risk if development is in areas less susceptible to the impacts of coastal storms and sea level rise, while green spaces are strategically located to allow for rainwater infiltration. However, past research conducted by urban planning scholars has found that new urbanist developments are frequently located in high hazard areas, thereby exacerbating flood hazard risk (Stevens, Berke, and Song 2010). It is also worth noting that the presence of intensive development in the coastal zone is also found in jurisdictions that rely on the use of Euclidian zoning. A CHOD provides a way for communities to both proactively address natural hazards risk while recognizing that preexisting coastal settlements need access to tools that can be applied under multiple zoning conditions.

The use of an overlay district allows jurisdictions to identify spatially defined areas where new zoning classifications are not required. Instead, targeted design

and planning techniques can be applied in designated areas as part of new construction and substantial improvements. A CHOD may apply requirements for structures to include roofing materials and roof type, foundation elevation, and use of water-resistant materials, as well as site and neighborhood-based requirements tied to ocean and riverine setbacks, low impact development, and use of pervious materials, for instance.

In addition, communities may apply a CHOD in less hazardous areas to incentivize development, like Norfolk, Virginia’s [Upland Resilience Overlay](#). The CHOD guide profiles this example and includes 14 other case studies illustrating how hazard mitigation and climate change adaptation design standards and planning techniques can be applied through use-based or form-based zoning.

### Selecting Design Standards and Planning Techniques

There are a wide variety of design standards and planning techniques that communities may integrate into a CHOD (Table 1). Many of these standards and techniques are compatible with multiple strategies.

**Table 1. Design Standards and Planning Techniques Associated With Each CHOD Strategy**

| Standards and Techniques          | Protect | Accommodate | Avoid | Relocate |
|-----------------------------------|---------|-------------|-------|----------|
| Abandoned Property Management     |         |             | ✓     | ✓        |
| Backflow Preventers               |         | ✓           |       |          |
| Beach Nourishment                 | ✓       |             |       |          |
| Berms and Swales                  | ✓       | ✓           |       |          |
| Bioretention Cells                | ✓       | ✓           |       |          |
| Buyout of Hazard-Prone Properties |         |             |       | ✓        |
| Cluster Development               |         |             | ✓     | ✓        |
| Community Shelter                 | ✓       |             |       |          |
| Community-Led Relocation          |         |             | ✓     | ✓        |

Table 1. Design Standards and Planning Techniques Associated With Each CHOD Strategy

| Standards and Techniques                     | Protect | Accommodate | Avoid | Relocate |
|----------------------------------------------|---------|-------------|-------|----------|
| Continuous Load Path                         | ✓       |             |       |          |
| Corniche                                     | ✓       |             |       |          |
| Critical Facilities Relocation               |         |             |       | ✓        |
| Decentralized Energy Generation              | ✓       |             |       |          |
| Dry Floodproofing                            | ✓       |             |       |          |
| Elevated Access to Multiple Lots             |         | ✓           |       |          |
| Elevated Electrical & Mechanical Equipment   |         | ✓           |       |          |
| Elevated New Buildings                       |         | ✓           |       |          |
| Elevated Roadways                            | ✓       | ✓           |       |          |
| Elevating Existing Structures                |         | ✓           |       |          |
| Enhanced Site, Building, & Landscape Texture | ✓       | ✓           |       |          |
| Flood Wall                                   | ✓       |             |       |          |
| Floodgates                                   | ✓       |             |       |          |
| Foundation Strengthening                     | ✓       |             |       |          |
| Greenspace Conservation                      | ✓       |             | ✓     |          |
| Hazardous Sites & Materials Relocation       |         |             |       | ✓        |
| Hazard-Prone Property Stewardship            |         |             | ✓     | ✓        |
| Home Sale: "Right of First Refusal"          |         |             | ✓     | ✓        |
| Impervious Surface Area Reduction            |         | ✓           |       | ✓        |
| Infrastructure Disinvestment                 |         |             |       | ✓        |
| Infrastructure Hardening                     | ✓       |             |       |          |
| Levee                                        | ✓       |             |       |          |
| Living Shoreline                             | ✓       |             |       |          |
| Lot Allowances                               |         | ✓           |       |          |
| Low Impact Development                       |         | ✓           | ✓     |          |

Table 1. Design Standards and Planning Techniques Associated With Each CHOD Strategy

| Standards and Techniques       | Protect | Accommodate | Avoid | Relocate |
|--------------------------------|---------|-------------|-------|----------|
| Mixed-Use Zoning               |         | ✓           |       |          |
| Mobile and Portable Facilities |         |             | ✓     | ✓        |
| Near Shore Armoring            | ✓       |             |       |          |
| Oceanfront Setbacks            | ✓       |             | ✓     | ✓        |
| Parking Space Minimization     |         | ✓           | ✓     |          |
| Protective Building Openings   | ✓       |             |       |          |
| Resilient Landscape Design     | ✓       | ✓           | ✓     |          |
| Riverine Buffers               | ✓       |             | ✓     | ✓        |
| Seawalls                       | ✓       |             |       |          |
| Sending and Receiving Areas    | ✓       | ✓           | ✓     | ✓        |
| Solar Canopies                 | ✓       |             |       |          |
| Stormwater Capacity            |         | ✓           |       |          |
| Temporary Flood Barriers       | ✓       |             |       |          |
| Transfer of Development Rights |         |             | ✓     | ✓        |
| Waterway Renaturalization      | ✓       | ✓           |       | ✓        |
| Wet Floodproofing              |         | ✓           |       |          |

### Intensity of Development

The existing built form and intensity of development in a place often informs the strategies a community pursues when designing a CHOD. Furthermore, the feasibility of or approach to specific design standards and planning techniques can also depend on the form and intensity of place. Here are a few examples.

### Impervious Surface Area Reduction

In low intensity areas, impervious surface area reduction is likely to occur by removing parking areas and converting impervious paving materials to pervious ones. In high intensity areas, buildings

typically occupy most of their lots, and impervious surface area reduction is likely to occur through green roofs and green streets.

### Elevated Roadways

In low intensity areas, the cost of elevating roadways is likely impractical, and strategies including elevating buildings, community-led relocation, and buyouts may be considered. In high intensity areas, elevated roadways may be necessary to facilitate evacuation and to allow access to urban areas as elevating, relocating, or acquiring and demolishing large buildings are often very costly.

## Lot Allowances

Minimum lot sizes, maximum buildable area, and maximum impervious surface area are all representative of lot allowances controlled by zoning. In high intensity areas, it is not reasonable to require large lots and small development footprints. Instead, strategies like green roofs and compensatory storage may be more appropriate, as well as the use of flood storage and conveyance off site, including along streets and in adjacent public spaces like parks.

## Scale of Development

Some design standards and planning techniques are most applicable at the neighborhood scale. In these cases, communities will need to consider the relationship of a new CHOD to their subdivision regulations. Other standards and techniques apply to both individual lots and new developments. Here are a few examples.

## Cluster Development

This land use technique, which is most applicable at the neighborhood scale, groups new development in compact areas while preserving undisturbed parts of the site. Cluster development may be used to limit development in or near wetlands, water bodies, oceanfront areas, and floodplains, as well as to further stormwater management requirements, development limits, and other community goals. An increase in allowable development density may be offered to developers as a trade-off for natural area preservation.

## Low Impact Development

Low impact development (LID) requirements are typically found in an engineering manual that both zoning and subdivision applications are required to comply with. For both zoning and subdivision regulations, there are LID techniques that are more appropriate for high intensity areas and others more appropriate for low intensity areas. The LID standards should respond to intensity (also called context) as well as the characteristics of individual lots and subdivisions.

## Riverine Buffers and Oceanfront Setbacks

Individual properties should be subject to riverine buffers and oceanfront setback regulations. However, individual properties do not offer significant hazard mitigation benefits, and large contiguous tracts are much more effective in reducing future losses and adapting to the inherent dynamism of riverfront and oceanfront areas.

## Establishing and Managing a Coastal Hazards Overlay District

The process by which jurisdictions can successfully create and manage a CHOD is like many other substantive zoning reforms. The first step is to clearly define the intentions and purpose of the overlay district. Next, planners and local officials will need to align the overlay district with existing plans, policies, and programs. Then, they must delineate the boundaries of the district. The final step is to adopt,



**A coastal hazard overlay district may encourage clustered development to minimize the exposure of buildable lots to hazardous conditions. (Left): A site analysis shows the presence of hazards; (Center): Conventional development overlaps hazard zones; (Right): Clustered development plans the same number of sites outside of hazard zones. (Credit: unabridged Architecture)**

implement, monitor, and commit to updating the overlay district as necessary.

### **Define the Intentions and Purpose of the Overlay District**

A new CHOD should be informed by a set of mutually supporting goals, like advancing resilience through a diverse set of design standards and planning techniques applied at multiple scales; applying higher design standards to future development and substantial improvements; and when practicable, guiding development away from high hazard areas and allowing for streamlined processes in low hazard areas.

Here are some important questions to answer when defining the intentions and purpose of a new CHOD:

**A new CHOD should be informed by a set of mutually supporting goals.**

- What are your jurisdiction's goals?
- Fortifying and strengthening existing developments?
- Creating higher standards for new construction?
- Informing relocation efforts to include the identification of sending and receiving areas?
- Informing elected officials, builders, prospective homeowners, and others about the varied techniques that can be adopted to reduce coastal hazards losses?
- Limiting density or uses in high hazard areas?
- Providing a vehicle to draw from a range of design standards and planning techniques to achieve the broader aims of creating resilient communities?
- What are your jurisdiction's resilience priorities?
- What type of economic development is expected or planned for your community?
- How does the threat of natural hazards affect your jurisdiction's economic development?
- How does the threat of natural hazards affect your jurisdiction's infrastructure?
- What are your jurisdiction's housing goals, and do they consider resilience?
- What parts of your jurisdiction are in high hazard areas, and should you consider reduced development in these areas?
- What parts of your jurisdiction, such as working waterfronts or downtown districts, have high economic importance and are characterized by high hazard risk?

### **Align with Existing Plans, Policies, and Programs**

Once the purpose and intent of the overlay district are created, an evaluation of existing plans, policies, and programs should be conducted to ensure that they do not conflict with the overlay district and vice versa. This assessment may help jurisdictions to align complementary goals found in other plans such as the intent to densify less vulnerable areas, explore mixed-use development scenarios, and create affordable housing options.

Here are some important alignment questions when developing a new CHOD:

- How is resilience addressed in your current plans and ordinances, including the comprehensive plan, land development ordinance, hazard mitigation plan, economic development plan, capital improvement plan, zoning ordinance, and other relevant documents?
- Do any existing plans propose actions that may conflict with the aims of the CHOD?
- How are goals in existing plans used to inform the CHOD?
- Are there relevant neighborhood, regional, and state plans and ordinances that address resilience?
- What processes are in place to ensure that the network of plans in your community advance resilience?

## Delineate the Boundaries of the District

Defining the spatial layout of the overlay district should consider the hazards present, the intent of the district, and current and projected human settlement patterns. Natural hazards mapping may rely on the jurisdiction's Special Flood Hazard Area, including both riverine and coastal flood hazards, and areas subject to coastal erosion and sea level rise. The flood hazard area may rely on Flood Insurance Rate Maps or hydric soils maps.

Additional spatially definable hazards to consider may include areas prone to subsidence, landslide or cliff collapse, and wildfire. Boundaries may explore both existing and future development, including areas where development is discouraged or encouraged (see for instance the Norfolk, Virginia, case study in the guide (which defines both a [Coastal Resilience Overlay](#) and [Upland Resilience Overlay](#)).

Here are some important questions to answer when establishing boundaries for a new CHOD:

- What would a high hazard, medium hazard, and low/no hazard delineation for your jurisdiction look like?
- Does your jurisdiction have differing types of coastal flooding (i.e., storm surge, urban, riverine, sea level rise, sunny day events) and other hazards (erosion, subsidence), and if so, how might this affect how your jurisdiction delineates hazard districts?
- How would you apply the varied strategies, design standards, and planning techniques in these districts?
- What other non-hazard-related factors (political support, proposed development, environmental impacts) might shape the delineation of hazard overlay districts?

## Adopt, Implement, Monitor, and Update

For the overlay district to function properly it should be adopted by the jurisdiction's elected body. Developing a clear implementation strategy should be

a priority, and this strategy should include identifying individuals or departments responsible for varied aspects of the overlay district and tracking the completion of specific projects. In addition, the ordinance should be monitored, and this monitoring should include assessing its effectiveness through the development of performance standards. The district should be updated as needed, based on agreed upon intervals (ideally aligned with other plan update schedules) and following disasters that may expose areas in need of improvement.

Here are some important adoption and implementation questions for a new CHOD:

- What resilient design standards and planning techniques will be implemented in the overlay district?
- Of the selected design standards and planning techniques, which are already being done? Which are within reach? Which will require significant work to implement?
- What is the legal process your jurisdiction plans to use to create and manage a hazard overlay district?
- What should be done to expand stakeholder input throughout the process?
- What decision-makers should be included in the delineation of your jurisdiction's hazard overlay districts?
- What, if any, opposition is anticipated?
- What is your plan for community engagement?
- What technical, fiscal, and administrative measures are required to develop and implement an overlay district?
- Does your jurisdiction have in place other overlay districts, such as a historic or economic development district? If so, what lessons might be drawn from them?

**Defining the spatial layout of the overlay district should consider the hazards present, the intent of the district, and current and projected human settlement patterns.**

## Summary and Conclusions

In an era of climate change, planners are increasingly required to plan for uncertainty. The coastal hazards overlay district provides planners with a flexible and adaptive tool that recognizes the inherent dynamism of the coast and the need to evaluate, and ultimately adopt, multiple land use planning and design-based options at multiple scales. The ability to visually depict these options and assemble larger strategies tied to accommodate, protect, avoid, and retreat-based efforts along the oceanfront, sounds, and riverine environments empower planners to create more resilient coastal communities.

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