



Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Agenda Borough Assembly Regular Meeting

Monday, July 20, 2026

6:00 PM

Assembly Chambers

Zoom Information

When: July 20, 2026 6:00 PM Alaska

Topic: Regular Assembly Meeting

<https://petersburgak-gov.zoom.us/j/89079679649?pwd=3blofckY9JGVn4m1eAlbg7QaUeTMoa.1>

Webinar ID: 890 7967 9649

Passcode: 536792

Call-in (Audio Only) (253) 215-8782

1. **Call To Order/Roll Call**
2. **Voluntary Pledge of Allegiance**
3. **Approval of Minutes**
 - A. Regular Assembly Meeting Minutes, July 6, 2026**
4. **Amendment and Approval of Meeting Agenda**
5. **Public Hearings**
6. **Bid Awards**
7. **Persons to be Heard Related to Agenda**

Persons wishing to share their views on any item on today's agenda may do so at this time.
8. **Persons to be Heard Unrelated to Agenda**

Persons with views on subjects not on today's agenda may share those views at this time.
9. **Boards, Commission and Committee Reports**
10. **Consent Agenda**
11. **Report of Other Officers**
12. **Mayor's Report**

A. Mayor's Report July 20, 2026

13. Manager's Report - No manager's report for this meeting.

14. Unfinished Business

A. Ordinance 2026-13: An Ordinance Authorizing the Borough to Issue Electric Utility Revenue Bonds in the Aggregate Principal Amount of Not-to-Exceed Three Million Three Hundred Fifteen Thousand Dollars (\$3,315,000) to Finance the Scow Bay Standby Generation Project and Directing That This Matter Be Submitted to the Qualified Voters for Consideration at the Next Regular Election to Be Held on October 6, 2026 - Third Reading

PMPL is requesting approval of Ordinance #2026-13 authorizing the issuance of revenue bonds in the amount of \$3,315,000 for the completion of the Scow Bay Standby Generation project. Construction cost increases since the project's initiation caused a dramatic budget shortfall that would be funded through this bond issuance. If approved by the Assembly in three readings, the question of issuing the revenue bond debt will be placed on the October 6, 2026, local ballot for consideration by Petersburg voters.

Ordinance #2026-13 was unanimously approved in its first and second readings.

B. Ordinance #2026-14B: An Ordinance Amending Title 19 Zoning, of the Petersburg Municipal Code to Regulate Wireless Communication Facilities (WCF) and Other Towers and Transmitters - Third Reading

If approved in three readings, this ordinance would establish zoning and permitting standards for wireless communication facilities and other towers. It requires these facilities to be reviewed as conditional uses, providing public notice and Planning Commission review and approval, while remaining consistent with the Federal Telecommunications Act of 1996 and related regulations.

The ordinance creates a new chapter of the municipal code governing wireless facilities. It would prioritize collocation, sets development standards, and provides a waiver procedure if strict adherence to the development standards would require technically impossible designs, cause structural instability, or result in an inability to close a significant coverage gap or leave a coverage area functionally unable to handle emergency calls. It is intended to balance the community's need for reliable wireless and other communication services with public safety and aesthetic concerns.

A list of proposed amendments and supporting maps are attached.

Ordinance #2026-14A was approved, as amended, in its first and second readings.

15. New Business

A. Ordinance #2026-15: An Ordinance of the Assembly of the Petersburg Borough, Alaska, Amending Title 3 of the Petersburg Borough Code to Establish Nepotism Standards for Elected Officials - First Reading

If approved in three readings, this ordinance will amend Title 3 of the Petersburg Borough Code to establish nepotism standards for elected officials, as required by the Borough Charter. The ordinance creates disclosure and recusal requirements when an elected official's family member has a substantial financial interest in a matter before the Borough and prohibits participation in certain employment-related decisions involving family members.

B. Ordinance #2026-16: An Ordinance Amending the Petersburg Municipal Code to Provide a Senior Sales Tax Exemption to Qualified Residents of the Borough 70 Years of Age or Older - First Reading

The Borough has received and certified an initiative petition proposing a senior sales tax exemption for qualified Borough residents 70 years of age and older. Pursuant to PMC 2.44.080, this ordinance is being presented to the assembly for its consideration.

If the assembly adopts a substantially similar measure, the initiative petition is void and the initiated matter is not put on the ballot, however, because this ordinance would create a sales tax exemption, it would still require voter ratification under Borough charter section 12.02B. If this ordinance is not adopted, the initiated matter will be submitted to the voters.

C. Ordinance #2026-17: An Ordinance of the Assembly of the Petersburg Borough, Alaska, Establishing the Thomas Bay Service Area of the Borough, Providing for Its Governance and Financing, And Authorizing Use of Local Improvement Districts Within the Service Area - First Reading

If approved in three readings, Ordinance #2026-17 establishes the Thomas Bay Service Area within the Petersburg Borough and creates a new chapter in the Borough Code defining its boundaries, services, and financing. The service area would include all property within ASLS 81-235, excluding the federally owned parcel, and would authorize the provision of services, such as fire and EMS, police, road construction and maintenance, and parks and recreation.

The ordinance does not mandate a specific level of service; the level and form of services, if any, will be determined subsequently by the Assembly through the annual budgeting process.

Because no voters reside within the proposed service area, its creation is based on the consent of the Borough and the State of Alaska as the sole property owners within the area.

A memo from Director Cabrera, a Letter of Consent from DNR and a map of the area are attached to this agenda item.

D. Ordinance #2026-18: An Ordinance Amending Chapters 4.13, 4.16, 4.20, 4.27, and 14.18 of the Former City of Petersburg Code to Account for Borough Formation - First Reading

If approved in three readings, this ordinance will update the Petersburg Municipal Code by removing outdated provisions, consolidating utility extension requirements into a single chapter, and updating Cabin Creek Road use fees. The changes are intended to modernize code language, clarify utility extension procedures, and better reflect current Borough operations and costs.

E. Resolution #2026-19: A Resolution of the Petersburg Borough Assembly Approving the Sale of a Borough- Owned Parcel to Robert Funk

If approved, Resolution #2026- 19 would authorize the sale of a Borough- owned parcel at 503 Lumber Street to Robert Funk under the negotiated Contract of Sale.

The Planning Commission recommended approval after a public hearing, and the Assembly later authorized direct negotiations. The parcels are not needed for municipal use, and PMC 16.12.160(C) requires Assembly approval by resolution for their disposal.

The Contract of Sale is attached to this agenda item.

F. Resolution #2026-20 A Resolution Authorizing the Application for, and Execution of, a State Revolving Fund Loan for a Wastewater Disinfection Study

If approved, this resolution will authorize the Borough Manager to apply for and execute a State Revolving Fund loan of up to \$150,000 through the Alaska Clean Water Fund to complete a Wastewater Disinfection Study. The study will evaluate wastewater disinfection alternatives, develop preliminary engineering recommendations, and identify improvements needed to meet current and future regulatory requirements.

G. Resolution #2026-21: A Resolution Authorizing the application for, and Execution of, a State Revolving Fund Loan for an Industrial Pretreatment Program

If approved, this resolution will authorize the Borough Manager to apply for and execute a State Revolving Fund loan of up to \$150,000 through the Alaska Clean Water Fund to develop and implement an Industrial Pretreatment Program for the Borough's wastewater treatment system.

The program will help the Borough meet state and federal wastewater pretreatment requirements by evaluating industrial discharges, developing local limits, and establishing monitoring and enforcement procedures.

H. Land Purchase Application

The Borough has received an application from Brian Newman to purchase Borough- owned property at 1205 Lake Street. The Planning Commission held a public hearing on June 9, 2026, as required by PMC § 16.12.080, and recommends approval of the sale of the property to the applicant. The assessed value of the property is \$15,000. The Planning Commission's Report is attached to this agenda item.

During this meeting, the Assembly shall determine whether the application shall move forward in the application process or be denied. If the application is to move forward, the Assembly shall schedule a public sale or exempt the application and disposal from public sale.

If public sale, the Assembly shall determine if the sale shall be by Outcry Auction or Sealed Bid and shall choose a date/time for the sale. If exempted from public sale, the Assembly shall establish the alternative method, terms and conditions of disposal.

I. Special Use Permit - Lake Street Right of Way

If approved, this Special Use Permit will allow Brian Newman to use a portion of the undeveloped Lake Street right-of-way for access to 1205 Lake Street. The Planning Commission recommended approval, contingent upon conveyance of the property to the applicant.

If someone other than Mr. Newman purchases the property; the new owner will need to submit an application for a special use permit to access the lot.

J. Letter of Support for PIA Transit Vehicle Replacement Grant

The Petersburg Indian Association is seeking Federal Transit Administration funding through the FY26 Tribal Transit Competitive Program for replacement of a transit vehicle. The attached letter provides the Borough Assembly's endorsement of the application and support for continued transit services in Petersburg.

16. Communications

A. Correspondence Received Since July 2, 2026

17. Assembly Discussion Items

A. Assembly Member Comments

B. Recognitions

18. Adjourn



Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Minutes Borough Assembly Regular Meeting

Monday, July 06, 2026

6:00 PM

Assembly Chambers

1. Call To Order/Roll Call

The meeting was called to order by Mayor Lynn at 6:00 pm.

PRESENT

Mayor Bob Lynn

Vice Mayor Jeigh Stanton Gregor

Assembly Member Jeff Meucci

Assembly Member Bob Martin

Assembly Member Scott Newman

EXCUSED

Assembly Member Rob Schwartz

Assembly Member James Valentine

2. Voluntary Pledge of Allegiance

The Pledge was recited.

3. Approval of Minutes

A. Regular Assembly Meeting Minutes June 15, 2026

The minutes of the June 15, 2026 meeting were unanimously approved as submitted.

Motion made by Vice Mayor Stanton Gregor, Seconded by Assembly Member Newman.

Voting Yea: Mayor Lynn, Vice Mayor Stanton Gregor, Assembly Member Meucci, Assembly Member Martin, Assembly Member Newman

4. Amendment and Approval of Meeting Agenda

The agenda was approved as submitted.

Motion made by Vice Mayor Stanton Gregor, Seconded by Assembly Member Newman.

Voting Yea: Mayor Lynn, Vice Mayor Stanton Gregor, Assembly Member Meucci, Assembly Member Martin, Assembly Member Newman

5. Public Hearings

A. Ordinance 2026-13: An Ordinance Authorizing the Borough to Issue Electric Utility Revenue Bonds in the Aggregate Principal Amount of Not-to-Exceed

Three Million Three Hundred Fifteen Thousand Dollars (\$3,315,000) to Finance the Scow Bay Standby Generation Project and Directing That This Matter Be Submitted to the Qualified Voters for Consideration at the Next Regular Election to Be Held on October 6, 2026

No testimony was given.

B. Ordinance #2026-14A: An Ordinance Amending Title 19 Zoning, of the Petersburg Municipal Code to Regulate Wireless Communication Facilities (WCF) and Other Towers and Transmitters

Dana Thynes, representing herself, expressed concern over telecommunication providers opposing the ordinance, and encouraged the assembly to retain decision making authority over communication towers in Petersburg.

John Murgas, representing himself, asked the assembly to consider creating a mechanism to limit the number of communication towers that can be built in Petersburg.

Mika Cline, representing herself, spoke about the amendments to the ordinance and requested clarification of amendment six. She asked the assembly to consider what is best for the community.

Luke Short, representing himself, spoke about his concerns about health risks from communication towers. He requested that a moratorium on any new communication towers until more studies have been done.

Tom Kowalske, representing himself, also asked for a moratorium on communication towers and spoke about his concerns about safety relating to communication towers.

Becky Knight, representing herself, asked the assembly not to adopt the amendments to the ordinance and her concerns about oversight by the FCC. She also spoke against the setback amendments that were made during the first reading of the ordinance.

Judy Ohmer, representing herself, spoke about health concerns related to communication towers and the potential for additional communication towers in the near future.

Dave Beebe, speaking for himself, asked for a moratorium on cell phone towers in Petersburg and his concerns about health and safety related to communication towers. He also stated that the ordinance is not in the Borough's best interest.

Kirsten Dupree, speaking for herself, said that Petersburg has sufficient coverage in town and that more towers are not needed. She also spoke about health concerns related to towers.

Nicole McMurren, speaking for herself, asked for clarification on the ordinance and asked the assembly to consider the community members concerns first.

6. Bid Awards

There were no bid awards.

7. Persons to be Heard Related to Agenda

Persons wishing to share their views on any item on today's agenda may do so at this time.

Utility Director Steve Harbour reported on the SEAPA shutdown and said that it went well and that they would not need to pass a surcharge along to the customers.

Dave Kensinger, representing himself, spoke in support of Resolution #2026-15 and encouraged the assembly to accept ownership of the Papke's Landing dock and tidelands.

Becky Knight, representing herself, spoke against the proposed amendments to Ordinance #2026-14A and asked for more public notification regarding wireless facility applications. She also asked that the assembly write a letter to state representatives to advocate for change to federal telecommunications policies.

Judy Ohmer, representing herself, spoke about the statement of concern signed by community members and health concerns related to communication towers.

Dave Beebe, representing himself, questioned the need for more wireless infrastructure and expressed concerns about potential health effects related to 5G technology.

8. Persons to be Heard Unrelated to Agenda

Persons with views on subjects not on today's agenda may share those views at this time.

Tom Kowalske, representing himself, encouraged the Assembly to represent resident's concerns. He also announced the formation of *Alaskans for Safe Tech*.

Eric Wolf, speaking on behalf of PMEA, thanked the Assembly for their support of HB78 and for the relationship between PMEA and the Borough.

9. Boards, Commission and Committee Reports

There were no reports.

10. Consent Agenda

There were no consent agenda items.

11. Report of Other Officers

A. PMC CEO Hofstetter provided a written report.

12. Mayor's Report

A. July 7, 2026 Mayor's Report

Mayor Lynn read his report into the record.

13. Manager's Report

A. July 7, 2026 Manager's Report

Manager Giesbrecht read his report into the record.

14. Unfinished Business

A. **Ordinance 2026-13: An Ordinance Authorizing the Borough to Issue Electric Utility Revenue Bonds in the Aggregate Principal Amount of Not-to-Exceed Three Million Three Hundred Fifteen Thousand Dollars (\$3,315,000) to Finance the Scow Bay Standby Generation Project and Directing That This Matter Be Submitted to the Qualified Voters for Consideration at the Next Regular Election to Be Held on October 6, 2026 - Second Reading**

PMPL is requesting approval of Ordinance #2026-13 authorizing the issuance of revenue bonds in the amount of \$3,315,000 for the completion of the Scow Bay Standby Generation project. Construction cost increases since the project's initiation caused a dramatic budget shortfall that would be funded through this bond issuance. If approved by the Assembly in three readings, the question of issuing the revenue bond debt will be placed on the October 6, 2026, local ballot for consideration by Petersburg voters.

Ordinance #2026-13 was unanimously approved in its first reading.

By unanimous roll call vote, Ordinance #2026-13 was approved in its second reading.

Motion made by Vice Mayor Stanton Gregor, Seconded by Assembly Member Newman.

Voting Yea: Mayor Lynn, Vice Mayor Stanton Gregor, Assembly Member Meucci, Assembly Member Martin, Assembly Member Newman

B. **Ordinance #2026-14A: An Ordinance Amending Title 19 Zoning, of the Petersburg Municipal Code to Regulate Wireless Communication Facilities (WCF) and Other Towers and Transmitters - Second Reading**

If approved in three readings, this ordinance would establish zoning and permitting standards for wireless communication facilities and other towers. It requires these facilities to be reviewed as conditional uses, providing public notice and Planning Commission review and approval, while remaining consistent with the Federal Telecommunications Act of 1996 and related regulations.

The ordinance creates a new chapter of the municipal code governing wireless facilities. It would prioritize collocation, sets development standards, and provides a waiver procedure if strict adherence to the development standards would require technically impossible designs, cause structural instability, or result in an inability to close a significant coverage gap or leave a coverage area functionally unable to handle emergency calls. It is intended to balance the community's need for reliable wireless and other communication services with public safety and aesthetic concerns.

A memo from Director Cabrera, a list of proposed amendments, and supporting maps are attached.

Ordinance #2026-14 was approved, as amended, in its first reading.

A motion was made to amend Ordinance 2026-14A by adopting the ten (10) amendments proposed in Director Cabrera's memorandum dated July 6, 2026. Discussion ensued.

By unanimous roll call vote, Ordinance #2026-14A was approved as amended in its second reading.

Motion made by Assembly Member Newman, Seconded by Assembly Member Meucci.

Voting Yea: Mayor Lynn, Vice Mayor Stanton Gregor, Assembly Member Meucci, Assembly Member Martin, Assembly Member Newman

Amendment #1: 19.58.050A(2) After "*Sensitive area setback*". Add "*To create a buffer in the event of an equipment fire or other failure,*" and change 1500 feet to 500 feet.

Amendment #2: 19.58.050B After the word *Separation*, add "*To mitigate visual clutter*"

Amendment #3: 19.58.050C Strike through all of section C that begins with "*Minimum number of antenna arrays.*"

Amendment #4: 19.58.050H Strike through all of section H "*Protrusion Limit.*"

Amendment #5: 19.58.050L Strike through "a carrier" and replace with "*the applicant's*".

19.58.090A(1) Add "*the applicant's*" after "radio frequency engineer to fill *the applicant's*' significant coverage gap.

19.58.070A(2) In the first sentence, add the word "*applicant's*" after "demonstrate the '*applicant's*' significant coverage gap". 19.58.070A(3) In the first sentence, add "*the applicant's*" after "chosen by the applicant to fill *the applicant's*' significant coverage gap...".

Amendment #6: 19.58.060B Strike through the second sentence that begins with "*Based on the results of the technical review...*"

Amendment #7: 19.58.070A(3) Strike through "*verification that no existing sites or structures are available for equipment and* add "*a*" before the word summary.

Amendment #8: 19.58.090A(3) Add "*Require a commercially impractical or unavailable result.* Strike through the second sentence that begins with "*Jeopardize public health, safety, and welfare...*"

Amendment #9: 19.58.110A Strike through "*and the parcel returned to its prior condition,*"

19.58.110AC Strike through "*and returning the parcel to its original condition, but in no event less than the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000)*"

Amendment #10: 19.58.110C Add "*as determined by a good faith estimate provided by the applicant.*" at the end of the first sentence.

15. New Business

A. Resolution #2026-18: A Resolution Accepting Conveyance from the State of Alaska of Approximately 8.8 Acres of Tide and Submerged Land at Papke's Landing (ADL 109287), Including the Associated Dock and Boat Launch Infrastructure, and Authorizing the Borough Manager to Execute All Documents Necessary to Complete the Conveyance

If approved, this resolution will accept conveyance of the Papke's Landing dock and related tide and submerged lands from the State of Alaska.

Resolution #2026-18 was unanimously approved.

Motion made by Vice Mayor Stanton Gregor, Seconded by Assembly Member Newman.

Voting Yea: Mayor Lynn, Vice Mayor Stanton Gregor, Assembly Member Meucci, Assembly Member Martin, Assembly Member Newman

B. Replacement of Sanitation Unit #117

Public Works recommends replacing Sanitation Unit #117, a refuse truck nearing the end of its service life, with a new unit from Alaska Municipal Equipment LLC via Sourcewell for \$385,758.38. A memo from Director Marohl and a quote is attached.

By unanimous roll call vote, the assembly approved the purchase of a new refuse truck not to exceed \$385,758.38.

Motion made by Vice Mayor Stanton Gregor, Seconded by Assembly Member Newman.

Voting Yea: Mayor Lynn, Vice Mayor Stanton Gregor, Assembly Member Meucci, Assembly Member Martin, Assembly Member Newman

C. Letter to Alaska DOT Regarding Snow Removal

Mayor Lynn has prepared a letter to the Alaska Department of Transportation requesting additional snow removal services within the community to improve public safety and accessibility in the winter months.

By unanimous roll call vote, the letter to DOT was approved.

Motion made by Assembly Member Meucci, Seconded by Assembly Member Newman.

Voting Yea: Mayor Lynn, Vice Mayor Stanton Gregor, Assembly Member Meucci, Assembly Member Martin, Assembly Member Newman

16. Communications

A. Correspondence Received Since June 10, 2026

17. Assembly Discussion Items

A. Airport Subdivision

This discussion item requested by Member Meucci

Member Meucci introduced a discussion regarding the sale of nine Borough-owned lots in the Airport Subdivision and requested Assembly guidance on sales methods and possible restrictions.

During discussion, the Borough Manager recommended an outcry auction for the lots and noted that staff has discussed various options and restrictions. Member Stanton-Gregor clarified that formal Assembly action would be needed to establish criteria and procedures for the sales, which the Borough Manager confirmed.

The Mayor stated that the Assembly's primary goal should be to encourage development of the lots and increase housing opportunities in the community. The Borough Manager agreed and said he would provide the Assembly with information and recommendations for future consideration.

B. Assembly Member Comments

Member Meucci thanked community members and Borough staff for their work and involvement regarding the Wireless Communications Facilities Ordinance. He will continue working toward revisions that will better reflect the concerns of the Assembly and the community.

C. Recognitions

Member Stanton-Gregor thanked all volunteers, organizations, and participants involved in the community's Fourth of July celebrations, noting the significant effort required to organize the successful events. He also recognized community member Thomas Cumps of Belgium, congratulating him on Belgium's victory over the United States in a World Cup match.

18. Executive Session

In accordance with Alaska Statute 44.62.310(C), upon motion of the Assembly, the assembly will adjourn to discuss with members of the Borough negotiating team the status of the wage negotiations in the labor agreement between the Borough and PMEA, including the parties' proposals.

The Assembly adjourned to Executive Session at 7:48 pm.

Motion made by Vice Mayor Stanton Gregor, Seconded by Assembly Member Newman.
Voting Yea: Mayor Lynn, Vice Mayor Stanton Gregor, Assembly Member Meucci, Assembly Member Martin, Assembly Member Newman

19. Adjourn

The assembly readjoined from Executive Session at 8:51 pm.
The meeting was adjourned at 8:52 pm.

Motion made by Vice Mayor Stanton Gregor, Seconded by Assembly Member Newman.
Voting Yea: Mayor Lynn, Vice Mayor Stanton Gregor, Assembly Member Meucci,
Assembly Member Martin, Assembly Member Newman

Mayor's Report For July 20, 2026 Assembly Meeting

In addition to open seats on the Assembly for the October 2026 election, the Petersburg Borough has seven boards. These boards each have important functions within the Borough.

Planning Commission: Advises the Borough Assembly on issues and policies related to planning and land use regulation as well as community development in general.

Parks and Recreation Advisory Board: Facilitates communication with the public regarding the current programs and services offered by Parks and Recreation.

Library Advisory Board: Supports effective communication between the Public Library and the community, promotes awareness of current programs and services and approves library policies.

Public Safety Advisory Board: Reviews, investigate and make recommendations on any matter referred by the borough assembly or manager.

Harbors and Ports Advisory Board: Facilitates communication with the public regarding harbor facilities and services.

School Board: Formulates policy for the operation of the schools; manages the employment status of the school district superintendent and generally supervises school district fiscal affairs.

Hospital Board: Formulates policy for the operation of the hospital as directed by borough charter.

Go to petersburgak.gov for more information about the open seats on the Assembly and other boards.

**PETERSBURG BOROUGH
ORDINANCE #2026-13**

AN ORDINANCE AUTHORIZING THE BOROUGH TO ISSUE ELECTRIC UTILITY REVENUE BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT-TO-EXCEED THREE MILLION THREE HUNDRED FIFTEEN THOUSAND DOLLARS (\$3,315,000) TO FINANCE THE SCOW BAY STANDBY GENERATION PROJECT AND DIRECTING THAT THIS MATTER BE SUBMITTED TO THE QUALIFIED VOTERS FOR CONSIDERATION AT THE NEXT REGULAR ELECTION TO BE HELD ON OCTOBER 6, 2026.

RECITALS

WHEREAS, the Borough dba Petersburg Municipal Power and Light (the “Utility”) provides electric service to the residents and businesses of Petersburg Borough, Alaska (the “Borough”) and desires to complete the Scow Bay Standby Generation Project (as defined herein) and for the benefit of all Borough residents and businesses;

WHEREAS, of the electric service supplied by the Utility to the community on an annual basis, approximately seventy-five percent (75%) is Southeast Alaska Power Agency (SEAPA) transmitted power supply, and the remaining twenty-five percent (25%) is generated locally by the Utility through the Blind Slough Hydro Plant (20%) and seven diesel generators (5%);

WHEREAS, during times of peak system demand during winter months, local generation capacity would be insufficient to meet demand in the event of a loss of SEAPA transmitted power;

WHEREAS, the Utility is under contract for the installation and construction of another standby generator to assist in meeting peak power demands and provide a power generation safeguard in the event of a loss of hydroelectric power, known as the Scow Bay Standby Generation Project (the “Scow Bay Standby Generation Project” or the “Project”);

WHEREAS, upon completion, the new Scow Bay Standby Generation Project would assist in adding diesel generation to cover peak loading of the Utility system, with an anticipated Project life span in excess of twenty (20) years, which would be beneficial to both the residents and businesses of the Borough;

WHEREAS, upon project inception in 2022, the overall cost of the Scow Bay Standby Generation Project was estimated to be \$5.4 million; however, due to significant increases in construction costs since then, the cost of the Project is now approximately \$8,000,000 and the Borough does not have the necessary funds on hand to complete the Project;

WHEREAS, the Borough previously utilized the sum of \$1,125,000 for the Project from a 2022 Electric Utility Revenue Bond;

WHEREAS, the Utility has or intends to fund up to \$3,875,000 of the costs of the Scow Bay Standby Generation Project with electric fund reserves;

WHEREAS, the Assembly wishes to authorize the issuance of electric utility revenue bonds, payable solely from the revenue of the Utility, in the aggregate principal amount of not to

**PETERSBURG BOROUGH
ORDINANCE #2026-13**

exceed \$3,315,000 (the “**Bonds**”) to pay the remaining portion of the Scow Bay Standby Generation Project costs, including providing for a debt service reserve, if necessary, and paying the costs of issuance of the Bonds; and

WHEREAS, the estimated costs of issuance of the bonds, including bond counsel fees, Bond Bank fees and associated professional services, are expected to be approximately \$50,000, which costs will be included in the principal amount of bond issuance;

WHEREAS, the issuance of revenue bonds requires that a dedicated debt service reserve account be established to provide security to the annual bond debt service and must hold an amount equal to the estimated annual debt service on the bond, estimated to be approximately \$265,000;

WHEREAS, the Borough is authorized to issue revenue bonds, pursuant to Article 13 of the Borough Charter, subject to authorization by the Borough Assembly (the “**Assembly**”) and ratification by a majority of qualified voters of the Borough voting on the questions;

WHEREAS, the Assembly finds that it is in the best interests and is vital to the long-term economic interests of the Borough and its residents, to incur long-term debt to complete the Scow Bay Standby Generation Project to help ensure adequate standby diesel generation in the event of a loss of hydroelectric power, and, pursuant to the provisions of Article 13, Section 13.04 of the Borough Charter, it wishes to submit this matter to the qualified voters of the Borough for their consideration.

THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE PETERSBURG BOROUGH, ALASKA, as follows:

SECTION 1. Classification:

This Ordinance is of a permanent nature; however, it shall not be codified in the Petersburg Municipal Code.

SECTION 2. Purpose:

The purpose of this Ordinance is to submit the question to the Borough voters at the next regular election to authorize long-term indebtedness, through issuance of the Bonds, to finance: (i) improvements to the Scow Bay Standby Generation Project; and (ii) to pay the costs incident to financing the Scow Bay Standby Generation Project, including providing for a debt service reserve, if necessary, and paying the costs of issuance of the Bonds (collectively, the “**Project**”).

SECTION 3. Substantive Provisions:

A. The Assembly hereby (i) determines that it is in the best interests of the Borough to undertake the Scow Bay Standby Generation Project, and (ii) authorizes long-term indebtedness for the purpose of financing the Project, in the form of issuance of the Bonds, which shall be a revenue obligation of the Utility, payable solely from the gross revenues of the Utility after

**PETERSBURG BOROUGH
ORDINANCE #2026-13**

payment of maintenance and operations expenses, in an amount not to exceed the aggregate principal amount of \$3,315,000.

The cost of all necessary architectural, engineering, legal and other consulting services; site acquisition or improvement (e.g., clearing and demolition); on and off-site utilities and related improvements; payments for fiscal and legal expenses; printing, advertising, establishing and funding accounts; necessary and related planning, consulting, inspection and testing costs; administrative expenses; and other similar activities or purposes incurred in connection with the Project shall be deemed a part of the costs of such capital improvements. The Borough may modify details of the Project as it may find necessary or advisable. The Project, or any portion or portions thereof, shall be made insofar as is practicable with available money and in such order of time as shall be deemed necessary or advisable by the Borough. The economic life of the Project is expected to exceed the life of the Bonds.

The Borough shall determine the application of available money between the various portions of the Project so as to accomplish, as near as may be, all of the Project. If available money from the proceeds of the Bonds is more than sufficient to pay the costs of the Project, or if state or local circumstances require any alteration in the Project, the Borough may acquire, construct, equip and make other capital improvements to the Utility's facilities or infrastructure or may retire and/or defease a portion of the Bonds, all as the Borough may determine and as permitted by law. If the proceeds of the sale of the Bonds and other available money are insufficient to make all of the capital improvements herein provided for, or if it has become impractical to accomplish the Project or portions of the Project, the Borough may use the proceeds of the Bonds and other available money for paying the costs of those portions of the Project deemed by the Borough to be most necessary and in the best interest of the Borough.

B. The Bonds will be issued and sold in the amounts and at the time, or times, as the Assembly finds necessary and advisable and as permitted by law. The Bonds may be issued in one or more series and shall mature in the amounts and at the times within a maximum term of twenty (20) years from the date of issuance of the Bonds, all as authorized by the Assembly and as provided by law. The date, form, interest rates, terms, redemption provisions, maturities, covenants and manner of sale of the Bonds shall be as hereafter provided by the Assembly. After voter approval of the Bond proposition set forth in Paragraph C of this Ordinance, and in anticipation of the issuance of the Bonds, the Borough may issue short-term bond anticipation notes as authorized by the laws of the State of Alaska and the Borough Charter.

C. The question of whether to authorize this indebtedness shall be submitted to the qualified voters of the Borough at the regular municipal election to be held on October 6, 2026. The ballot proposition to be submitted to the voters shall read substantially as follows:

PROPOSITION NO. 1
NOT TO EXCEED \$3,315,000 REVENUE BONDS
SCOW BAY STANDBY GENERATION PROJECT
(Assembly Ordinance #2026-13)

**PETERSBURG BOROUGH
ORDINANCE #2026-13**

Shall the Petersburg Borough incur long-term indebtedness, in a total principal amount not to exceed three million three hundred fifteen thousand dollars (\$3,315,000) for the purpose of completing the construction of the Scow Bay Standby Generation Project, including paying incidental costs incurred in connection with carrying out and financing such improvements?

The indebtedness would be in the form of electric utility revenue bonds, payable solely from the gross revenues of the electric utility after payment of costs of operation and maintenance, with a term not to exceed twenty (20) years, and would be a revenue obligation solely of the electric utility.

YES _____

NO _____

D. The Borough Manager, Utility Director, and other proper Borough officials are authorized to take all actions required in accordance with Article 5 of the Borough Charter to provide notice of the election and to provide informational documents to the voters regarding this proposition.

The Borough Manager and other proper Borough officials are also directed to cause notice of the election to be published once a week for three weeks, beginning at least 20 days prior to the election date, in accordance with Article 13, Section 13.02, of the Borough Charter, which notice shall include the following information: (1) the maximum principal amount of the Bonds (which shall not exceed \$3,315,000), purpose of issuance and length of time within which the Bonds shall mature (which shall not exceed twenty (20) years); (2) the amount of the estimated annual debt service on the proposed bonds, based on an estimate of the anticipated interest rate, which shall be determined closer to the date of publication of the election information; and (3) the amount of current indebtedness secured by the gross revenues of the Utility after payment of operation and maintenance (including authorized but unsold bonds) and the amount of the current year's debt service on outstanding bonds of the Borough secured by a pledge of such revenue.

SECTION 4. General Authorization; Ratification.

The proper Borough officials are authorized to perform such duties as are necessary or required by law to ensure that the question of whether or not the Bonds shall be issued as provided in this Ordinance, shall be submitted to the voters of the Borough at the October 6, 2026 election. Any action taken consistent with the authority granted in, and prior to the effective date of, this Ordinance is hereby ratified, approved and confirmed.

SECTION 5. Intent to Reimburse.

The Borough Assembly declares that to the extent that the Borough makes capital expenditures for the Project prior to the date the Bonds or other short term obligations are issued to finance the Project from funds that are not (and are not reasonably expected to be) reserved, allocated on a long-term basis or otherwise set aside by the Borough under its existing and reasonably foreseeable budgetary and financial circumstances to finance the Project, those capital expenditures are

Ordinance #2026-13

Page 4

**PETERSBURG BOROUGH
ORDINANCE #2026-13**

intended to be reimbursed out of proceeds of the Bonds or other short term obligations issued in an amount not to exceed the principal amount of the Bonds provided by this Ordinance.

SECTION 6. Severability.

If any provision of this Ordinance or any application to any person or circumstance is held invalid, the remainder of this Ordinance and application to any person and circumstance shall not be affected.

SECTION 7. Effective Date.

This Ordinance is effective upon passage. The indebtedness contemplated by this Ordinance shall be considered approved by the voters upon certification of the October 6, 2026 election results reflecting approval of the proposition, subject to Article 13, Section 13.10 of the Borough Charter. If such proposition is approved by the requisite number of voters, the Borough shall be authorized to issue the Bonds in the manner described in this Ordinance, to spend the proceeds thereof to pay the costs of the Project, including providing for a debt service reserve, if necessary, and paying the costs of issuance and sale of such Bonds, within ten years as provided by Article 13, Section 13.08 of the Borough Charter.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska, this 20th day of July, 2026.

Robert Lynn, Mayor

ATTEST:

Rebecca Regula, Borough Clerk

Adopted:
Published:
Effective:

Indebtedness will become
effective if approved by Borough voters
upon certification of the October 6, 2026
election results.

**PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B**

**AN ORDINANCE AMENDING TITLE 19 ZONING, OF THE PETERSBURG MUNICIPAL
CODE TO REGULATE WIRELESS COMMUNICATION FACILITIES (WCF) AND OTHER
TOWERS AND TRANSMITTERS**

WHEREAS, the Federal Telecommunications Act of 1996 preserves the authority of local governments to regulate the placement, construction, and modification of personal wireless service facilities to protect the health, safety, and welfare of the community; and

WHEREAS, the Petersburg Borough recognizes the increasing demand for wireless services and the necessity of high-quality telecommunications infrastructure for public safety, education, and economic development; and

WHEREAS, the unregulated proliferation of standalone towers can lead to significant visual blight, degradation of the community aesthetic, and potential impacts on neighboring properties and property values, including “fall zone” risks and creation of nuisances; and

WHEREAS, the Planning Commission has held a duly noticed public hearing and determined that these regulations provide the least intrusive means to achieve the community’s connectivity goals while protecting the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE PETERSBURG BOROUGH, ALASKA, 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 comprehensive standards for the siting of wireless communication facilities and other towers and transmitters.

Section 3. Substantive Provisions: Title 19, *Zoning*, 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 in [brackets] and ~~struck through~~.

A. Chapter 19.04, Definitions, is amended to add and/or modify the following definitions:

19.04.185 – Director

“Director” means the director of community development for the Petersburg Borough.

**PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B**

19.04.270 – Essential services.

“Essential services” or “**required essential services**” means the erection, construction, alteration or maintenance by **municipal** public utility companies or municipal departments or commissions of underground or overhead gas, electrical, steam, **wastewater**, or water transmission or distribution systems~~[-]~~, and collection, communication, supply or disposal **components** ~~[systems]~~ **related to said systems**, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories~~[y]~~ in connection therewith. This definition shall not be interpreted to include public buildings **or wireless communication facilities**.

19.04.537 – Noncommercial Antenna.

Noncommercial antenna means an antenna and antenna support structure designed and used for private, personal use rather than for business purposes or commercial broadcasting. These include noncommercial a) FCC-licensed amateur (ham) antennas, b) broadcast reception antennas (devices used only to receive over-the-air radio or television signals), c) citizen band (CB) antennas, and d) antennas meeting the conditions of an over-the-air receiving device under 47 CFR 1.4000(a)(1)(i) through (iv), or any successor provision.

19.04.806 – Wireless communication facility.

“Wireless communication facility (WCF)” means the set of equipment and network components, including communication towers and affixed or adjacent antennas, accessory equipment, transmitters, base stations, power supplies, and cabling, necessary or otherwise installed to provide wireless services, including cellular, mobile broadband, and fixed wireless internet services. This term does not include noncommercial antennas and facilities used solely for the transmission of over-the-air broadcast radio or television signals.

- B. Section 19.16.030 – R-R District, Rural Residential – *Accessory uses permitted*, is amended as follows:

19.16.030 – Accessory uses permitted.

The following are accessory uses permitted:

- A. Private garages and required off-street parking;
- B. Greenhouses, woodsheds, tool sheds;
- C. Private docks, moorage, boathouses and net houses;
- D. Detached accessory dwelling per section 19.56.090;
- E. **Noncommercial antennas;**

~~[E]~~**E.** Uses and structures which are customarily accessory and clearly subordinate to permitted uses.

- C. Section 19.20.030 - S-F District, Single-Family Residential – *Accessory uses permitted*, is amended as follows:

**PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B**

19.20.030 – Accessory uses permitted.

- A. Private garages and required off-street parking;
- B. Greenhouses and tool sheds;
- C. Detached accessory dwelling per section 19.56.090;
- D. **Noncommercial antennas;**

~~[D]~~**E.** Uses and structures which are customarily accessory and clearly subordinate to permitted uses.

- D. Section 19.20.040 – S-F District, Single-Family Residential – *Conditional uses*, is amended as follows:

19.20.040 - Conditional uses.

The following are uses that may be permitted by action of the commission under the conditions and procedures specified in Chapter 19.72 of this title:

- A. Home occupation;
- B. Trailers used for construction purposes;
- C. Public and private schools;
- D. Children's nursery;
- E. Churches;
- F. Public buildings and structures;
- ~~[G. Noncommercial radio and television transmitters or towers;]~~
- ~~[H]~~**G.** Private docks, moorage, boathouses and net houses;
- ~~[H]~~**H.** Required essential services.

- E. Section 19.22.030 – S-F 2 District, Single-Family, Special Use – *Accessory uses permitted*, is amended as follows:

19.22.030 – Accessory uses permitted.

- a. Private garages and required off-street parking;
- b. Greenhouses and tool sheds;
- c. Detached accessory dwelling per section 19.56.090;
- d. **Noncommercial antennas;**

~~[d]~~**e.** Uses and structures which are customarily accessory and clearly subordinate to permitted uses.

- F. Section 19.24.030 – M-F District, Multiple-Family Residential – *Accessory uses permitted*, is amended as follows:

19.24.030 – Accessory uses permitted.

A. Noncommercial Antennas;

B. Uses and structures which are clearly incidental and subordinate to principal permitted uses and which will not create a nuisance or hazard are permitted as accessory uses.

**PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B**

- G. Section 19.24.040 – M-F District, Multiple-Family Residential – *Conditional Uses*, is amended as follows:

19.24.040 – Conditional uses

The following are uses that may be permitted by action of the commission under the conditions and procedures specified in Chapter 19.72 of this title:

- A. Boardinghouses;
- B. Rooming houses;
- C. Home occupations;
- D. Trailers used for construction purposes;
- E. Public and private schools;
- F. Children's nursery;
- G. Churches;
- H. Public buildings and structures;
- ~~[I. Noncommercial radio and television transmitters or towers;]~~
- ~~[J]~~I. Required essential services;
- ~~[K]~~J. Private docks, moorage, boathouses and net houses.

- H. Section 19.28.030 – SFMH District, Single-Family Mobile Home – *Accessory uses permitted*, is amended as follows:

19.28.030 – Accessory uses permitted.

- A. Detached accessory dwellings per section 19.56.090;
- B. **Noncommercial antennas;**
- C.** Uses and structures which are clearly incidental and subordinate to principal permitted uses and which will not create a nuisance or hazard are permitted as accessory uses.

- I. Section 19.28.040 – SFMH District, Single-Family Mobile Home – *Conditional uses*, is amended as follows:

19.28.040 – Conditional uses.

The following are uses that may be permitted by action of the commission under the conditions and procedures specified in Chapter 19.72 of this title:

- A. Home occupation;
- B. Trailers used for construction purposes;
- C. Public and private schools;
- D. Children's nursery;
- E. Churches;
- F. Public buildings and structures;
- ~~[G. Noncommercial radio and television transmitters or towers;]~~
- ~~[H]~~G. Required essential services;

**PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B**

~~[H]~~H. Private docks, moorage, boathouses and net houses.

- J. Section 19.32.020 – C-1, Commercial-1 District – *Principal uses permitted*, is amended as follows:

19.32.020 – Principal uses permitted.

The following are principal permitted uses:

- A. Retail businesses;
- B. Business and professional offices;
- C. Barbershops and beauty shops, laundries and other consumer services;
- D. Restaurants, cafes, bars;
- E. Theaters and assembly halls;
- F. Clubs, lodges and fraternal organizations;
- G. Hotels and motels;
- H. Governmental and civic buildings;
- I. Multiple-family dwellings, boardinghouses and rooming houses;
- J. Recreational vehicle parks;
- K. Newspaper and printing establishments;
- L. All uses permitted in S-F and M-F zones;
- ~~[M. Commercial radio and television transmitter or towers;]~~
- ~~[N]~~M. Service stations;
- ~~[O]~~N. Required essential services.

- K. Chapter 19.32, C-1, Commercial-1 District, is amended to insert a new section, 19.32.035, entitled Conditional uses, to read as follows:

19.32.035 Conditional uses.

- A. Wireless communication facilities (WCF) under the provisions of Chapter 19.58.**
- B. A radio or television antenna, transmitter, or tower or any other antenna, transmitter, or tower that is not a WCF, excepting noncommercial antennas.**

- L. Section 19.36.020 – C-2, Commercial-2 District – *Permitted uses permitted*, is amended as follows:

19.36.020. **Principal** ~~[Permitted]~~ uses permitted.

- A. Warehouses and storage;
- B. Transportation and transshipment facilities;
- C. Manufacturing, fabricating and assembling of a light industrial nature;
- ~~[D. Commercial radio and television transmitters or towers;]~~
- ~~[E]~~D. Required essential services;
- ~~[F]~~E. All uses permitted in C-1 zone.

- M. Chapter 19.36, – C-2, Commercial-2 District, is amended to insert a new section, 19.36.035, entitled Conditional uses, to read as follows:

**PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B**

19.36.035 – Conditional uses.

A. Wireless communication facilities (WCF) under the provisions of Chapter 19.58.

B. A radio or television antenna, transmitter, or tower or any other antenna, transmitter, or tower that is not a WCF, excepting noncommercial antennas.

- N. Section 19.38.030 – C-3, Commercial-3 District – *Accessory uses permitted*, is amended as follows:

19.38.030 – Accessory uses permitted.

A. Noncommercial antennas;

B. Uses and structures which are clearly incidental and subordinate to principal uses permitted and which will not create a nuisance or hazard and which are located on the same lot, are permitted.

- O. Section 19.40.030 – MHP District, Mobile Home Park, -- *Accessory uses permitted*, is amended as follows:

19.40.030 – Accessory uses permitted.

A. Noncommercial antennas;

B. Uses and structures which are clearly incidental and subordinate to principal permitted uses and which will not create a nuisance or hazard are permitted as accessory uses.

- P. Section 19.40.040 – MHP District, Mobile Home Park, -- *Conditional uses*, is amended as follows:

19.40.040 – Conditional uses.

The following are uses that may be permitted by action of the commission under the conditions and procedures specified in Chapter 19.72 of this title:

- A. Home occupation;
- B. Trailers used for construction purposes;
- C. Public and private schools;
- D. Children's nursery;
- E. Churches;
- F. Public buildings and structures;
- ~~[G. Noncommercial radio and television transmitters or towers;]~~
- ~~[H]~~**G.** Required essential services.

- Q. Section 19.44.040 - I-1, Industrial District, *Conditional uses*, is amended to read as follows:

19.44.040 – Conditional uses.

- A. Multifamily structures, dormitories, rooming houses and boardinghouses;
- B. Mobile homes on single lots;

**PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B**

- C. Mobile home parks;
 - D. One- and two-family dwellings;
 - E. Wireless communication facilities (WCF) under the provisions of Chapter 19.58;
 - F. A radio or television antenna, transmitter, or tower or any other antenna, transmitter, or tower that is not a WCF, excepting noncommercial antennas.
- R. Chapter 19.48 - P-1, Public Use District, is amended to insert a new section 19.48.030, to read as follows:

19.48.030 – Conditional uses.

- A. Wireless communication facilities (WCF) under the provisions of Chapter 19.58.
- B. A radio or television antenna, transmitter, or tower or any other antenna, transmitter, or tower that is not a WCF, excepting noncommercial antennas.

- S. Section 19.56.110 – Building Regulations - *Exceptions to height restrictions*, is amended as follows:

19.56.110 – Exceptions to height restrictions.

A. The height limitations of this title shall not apply to church spires, belfries, cupolas and domes, if not used for human occupancy, nor to chimneys, ventilators, weather vanes, skylights, water tanks, bulkheads, monuments, flag poles, **noncommercial antennas** [~~television and radio antennas~~], and other similar features, and necessary mechanical appurtenances usually carried above roof level.

B. The provisions of this title shall not apply to prevent the erection, above the building height limit, of parapet walls or cornices, without windows and not exceeding five feet in height.

C. The provisions of this title shall not prevent the erection above the building height limit of any structure within any commercial or industrial zone with an approved fire suppression system approved by the State Fire Marshal's office.

- T. Title 19 is hereby amended to add a new Chapter 19.58 – entitled *Wireless Communication Facilities*, to read as follows:

Chapter 19.58 – Wireless Communication Facilities

19.58.010 – Purpose.

The purpose of this chapter is to establish reasonable regulations for the issuance of a conditional use permit for the placement, construction, and modification of wireless communication facilities (WCF) consistent with the Telecommunications Act of 1996 and applicable law in order to:

- A. Promote the health, safety, and general welfare of the public and the borough;**
- B. Preserve the authority of the borough to regulate the location of wireless communication facilities; and**

PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B

- C. Protect residential neighborhoods and the borough's aesthetic character from the adverse impacts of towers.

19.58.020 – Applicability.

Except for facilities and activities exempt under section 19.58.030, this chapter applies to development of WCFs, including, without limitation, placement, installation, construction, modification, and collocation, and applies to existing and new WCFs.

- A. The provisions of this title are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services as the term is defined in 47 U.S.C. 332(c)(7)(C)(i).
- B. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

19.58.030 – Exempt facilities and activities.

The following facilities and activities are exempt from this chapter:

- A. A noncommercial antenna.
- B. A radio and television antenna, transmitter, or tower or any other antenna, transmitter, or tower that is not a WCF.
- C. A temporary WCF installed upon the declaration of a state of emergency by federal, state, or local government, or a written determination of public necessity by the borough manager except that such facility must comply with all federal, state and local requirements. The WCF shall be exempt from the provisions of this article for up to one (1) week after termination or expiration of the state of emergency;
- D. Temporary, commercial WCF installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the director. The WCF shall be exempt from the provisions of this article for up to one (1) week after the end of the special event;
- E. All legally permitted WCFs existing on or before the effective date of this chapter shall be allowed to continue as they presently exist, provided however, that any proposed modification to an existing WCF, including collocation, must comply with this chapter.
- F. Eligible facility requests, and routine maintenance and repairs, that do not meet the definition of a substantial change, provided that any existing conditions of approval of the WCF are met. These activities may also require approval of the state fire marshal and a borough building permit prior to commencement of development. As a condition of any required building permit, the applicant shall provide documentation certifying that the modification will meet radio frequency emission standards established by the Federal Communications Commission (FCC).
- G. Facilities and activities that would be exempt from this chapter under federal law.

19.58.040 – Location preferences.

PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B

- A. Locating a new WCF shall be in accordance with the following priorities, one (1) being the highest priority and seven (7) being the lowest priority:
1. Collocated WCF on an existing communication tower;
 2. Rooftop WCF;
 3. Attached WCF on an existing building;
 4. New communication tower located in C-1, C-2, or I-1 district at least 500 feet from a residential district, waterfront, or public park;
 5. New communication tower in I-1 district;
 6. New communication tower in C-1 or C-2 district;
 7. Any communication tower located in an area where the FAA would require air navigation lighting.
- B. An application seeking to vary from the stated priority hierarchy set out in paragraph A above and locate a WCF in a lower-ranked location may be denied unless the applicant demonstrates, to the satisfaction of the planning commission, that, despite diligent efforts to adhere to the established hierarchy, doing so is technically infeasible as demonstrated by a Radio Frequency (RF) Propagation Study certified by a qualified radio frequency engineer, structurally impossible as certified by a professional engineer licensed in the state of Alaska, or commercially impractical or unavailable.

19.58.050 - Development standards for WCFs.

- A. Setbacks. Notwithstanding any other yard setback requirements for each district,
1. A communication 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 tower height (1x1.1 ratio) from all property lines and the boundary lines of any public road or right-of-way.
 2. Sensitive area setback. To create a buffer in the event of an equipment fire or other failure, a communication tower base must be situated on a parcel such that it is set back a minimum of 500 Hundred (500) feet from any property line of a parcel on which is located an existing school or licensed childcare facility.
- B. Separation. To mitigate visual clutter, no communication tower shall be permitted within one-half (1/2) mile (2,640 feet) of another communication tower.
- C. Fencing. A WCF shall be enclosed by a minimum seven (7) foot fence or wall with a secured gate. Transmitters and telecommunications control points must be installed in a manner to be readily accessible only to people authorized to operate or service them.
- D. Signs. No sign, flag, banner, or pennant may be attached to a communication tower except that the following shall be posted in a location that is visible from the ground outside the equipment compound:

PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B

- a. A weatherproof sign identifying the party responsible for the operation and maintenance of the communication tower, with a 24-hour emergency contact telephone number.
 - b. Any antenna structure registration number required by the FCC.
 - c. Warnings of dangers associated with the communication tower or equipment located at the site.
- E. Lighting. No lighting shall be mounted on or illuminate a communication tower, except when required by the Federal Aviation Administration (FAA). Required lighting shall be equipped with shields or louvers to avoid projecting directly onto surrounding properties.
- F. Height.
 - 1. Subject to paragraph 2 below, the height of a collocated WCF shall not exceed the greater of:
 - a. The maximum building height of the zoning district in which the WCF is located;
 - b. The height of a building or utility pole to which the WCF is attached, including any existing mechanical equipment located on the roof of a building; or
 - c. The minimum height necessary for effective functioning of the WCF, as certified by a qualified radio frequency engineer, but not to exceed:
 - (i) Ten (10) feet above the height of the existing utility pole to which the WCF will be attached; or
 - (ii) Fifteen (15) feet above the height of the existing building to which the WCF will be attached, including any existing mechanical equipment located on the roof.
 - 2. The height of a communication tower shall not be greater than the minimum necessary for effective functioning of a WCF as certified by a qualified radio frequency engineer. For new construction, proposed height should consider required collocations under paragraph C above.
- G. Radio Frequency Emission Standards. Radio frequency emissions from antenna array(s), both individually and cumulatively and considering any other WCF located on or immediately adjacent to the proposed WCF, shall meet radio frequency emission standards established by the FCC.
- H. No Air Navigation Hazard. An Applicant shall submit a determination of no hazard to air navigation for the communication tower issued by the FAA.
- I. Professional engineering plans. The WCF, including foundation and appurtenant attachments, shall be designed by a professional engineer licensed in the state of Alaska to meet relevant site and subsurface conditions, and will be constructed to

PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B

meet ANSI/TIA-222-G (as amended) and adopted building code structural requirements for loads, including wind, snow and ice loads.

- J. No guy wires. Use of guy wires is prohibited for all communication towers.
- K. Visual impacts. WCFs shall be configured and located in a manner that shall minimize adverse visual impacts on the landscape and adjacent properties, including through use of alternative tower structure or other stealth technologies.
- L. Significant Coverage Gap/Least Intrusive Means. A WCF shall be placed, constructed, or installed only to fill the applicant's significant coverage gap in the least intrusive manner available.

19.58.060 – Conditional use permitting process for WCFs.

- A. As of the effective date of this chapter, and excepting exempt facilities and activities under section .030 of this chapter, no WCF shall be sited, placed, built, constructed, installed, collocated, or modified in any zoning district unless permitted as a conditional use and a conditional use permit has been obtained per this chapter and chapter 19.72 of this title. In the event of any conflict between this chapter and chapter 19.72, this chapter shall govern.
- B. The director may, at the director's discretion, require a technical review from a third-party expert, the actual costs of which shall be borne by the applicant, when the director determines that such review would aid the borough's review of the application. The technical expert review may address any matter deemed to be relevant to determining whether a proposed WCF complies with the provisions of this chapter.
- C. An application, meeting the requirements of section .070 of this chapter, shall be submitted to the director. The director shall review the application for completeness.
 - 1. Incomplete applications shall be rejected and the applicant notified in writing within thirty (30) days of submission. If rejected, the director's decision shall identify the deficiencies in the application, which, if cured, would make the application complete.
 - 2. Once resubmitted following a notice of deficiency, the director will have ten (10) days to identify any missing documents or information consistent with the director's original notification under paragraph 1 necessary to make the application complete.
 - 3. Once an application is deemed complete, the application shall be scheduled for a public hearing before the planning commission per 19.72.060.
- D. Notwithstanding the requirements of 19.72.080, the planning commission shall grant or reject a WCF conditional use permit application within a presumptively reasonable period of time, as such is defined under 47 CFR §1.6003, less any tolling periods. If no applicable period of time is established under 47 CFR §1.6003, the period of time shall not exceed Ninety (90) days, less any tolling periods.

PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B

- E. The planning commission's decision shall be in writing and be based on the compliance of the application with the requirements and conditions of this chapter. The decision of the commission and the reasons therefore shall be entered in the records of the commission and shall be available to the public. A denial of a permit shall be in writing and supported by substantial evidence contained in a written record.

19.58.070 – Conditional use permit application requirements for WCFs.

- A. An application for a conditional use permit for a WCF subject to regulation under this chapter shall be made on a form provided by the borough and include the following information. Additional information may be required under other provisions of this title or requested by the director or the planning commission:
1. Site plan. Consistent with section 19.72.040, applicant shall provide a site plan of the parcel on which the WCF is to be located, with the following information:
 - a. Size of the parcel stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;
 - b. Locations of any dwellings and public roads within a radius equal to the height of the proposed tower from its base;
 - c. Location, size, and height of all existing and proposed structures on the parcel;
 - d. Location, size, and height of all proposed and existing antennas and all appurtenant structures, including fuel tanks and generators; and
 - e. Type, locations, and dimensions of all proposed and existing lighting, landscaping, and fencing.
 2. Coverage area. The application shall provide information about the existing and proposed coverage area and demonstrate the applicant's significant coverage gap the proposed WCF will fill by submittal of a RF propagation study certified by a qualified radio frequency engineer.
 3. Site justification. An application shall provide supporting documentation that justifies the proposed site in accordance with the location priorities set out in Section 19.58.040, and demonstrates that the means chosen by applicant to fill the applicant's significant coverage gap is the least intrusive means available. This should include a summary of alternative locations investigated, and an explanation of the technical, structural or commercial impediments that rendered higher-ranked sites infeasible.
 4. Height. An application shall provide supporting documentation that the proposed WCF meets the requirements of paragraph 19.58.050(F).
 5. Visual impacts. An application shall provide an analysis of the potential visual impacts of the communication tower at distances of 500 feet and 1,500 feet from the proposed location, through the use of photo simulations of the communication tower and the wireless communication equipment

PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B

that it will support. The analysis shall include, to the extent practicable, the visual impact from multiple vantage points of any adjacent roadways and from all residential zones that are within 1,500 feet of the proposed site. The analysis should include recommendations to mitigate adverse visual impacts of the communication tower on nearby properties.

6. Other information. An application shall include maps, plans, studies, reports, certifications, and other necessary information to show compliance with the other requirements of section 19.58.050.
7. Waiver request. Applicants seeking a waiver under 19.58.090 shall provide supporting documentation justifying the request and demonstrating request is the minimum required at the time of application.

19.58.080 - Conditions of approval.

- A. The planning commission shall approve a WCF conditional use permit if the commission finds the WCF conforms to the development requirements of this chapter and the other applicable standards and criteria in this title, including without limitation that the location satisfies the priorities of section 19.58.040, and that the selected site provides the necessary coverage for the applicant's wireless communication services customers with the least intrusive manner available, including consideration of visual impacts on other properties.
- B. Insurance, Performance Guarantee, and Removal Requirements. Every conditional use permit issued under this chapter shall include the insurance, performance guarantee, and removal requirements of sections .100 and .110 of this chapter as express conditions of approval.
- C. Compliance with FCC enforcement orders. Every conditional use permit issued under this chapter shall include as an express condition of approval compliance by the permittee with all FCC rules, regulations, and enforcement orders, including without limitation those relating to radio frequency emissions and interferences. Determinations of compliance hereunder shall be made by the FCC and the Borough is not responsible for enforcing or interpreting FCC requirements.
- D. No action may be taken on a WCF conditional use permit application on the basis of the environmental effects of radio frequency emissions, provided that the wireless communication equipment that will be sited complies with FCC regulations concerning such emissions.

19.58.090 - Waiver.

- A. The planning commission shall grant a waiver to one or more of the development standards for WCFs set out in paragraphs 19.58.050(A-F), if it is determined that the applicant has established that denial of a permit or strict adherence to the standards would:

PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B

1. Require a technically infeasible location, design or installation of a WCF, as certified by a qualified radio frequency engineer to fill the applicant's significant coverage gap: or
 2. Result in a structurally unsound support structure of a WCF, as certified by a qualified engineer licensed in the state of Alaska; or
 3. Require a commercially impractical or unavailable result.
- B. A waiver granted under paragraph A above shall be limited to the minimum extent required to avoid the findings of A(1-3) hereof.
- C. Any applicant seeking a waiver hereunder shall, at the time of submission of its application, provide a detailed description, explanation, and documentation supporting its request for a waiver, demonstrating that it meets the requirements of A above.
- D. In addition to the circumstances set out in paragraph A of this section, the commission shall grant a waiver of the minimum setback requirements in paragraph 19.58.050(A) of this chapter if a qualified structural engineer licensed in the state of Alaska certifies a breakpoint design that limits the fall radius to a lesser area. In such a waiver, the setback shall be 110% of the tower height above the breakpoint.
- E. At the director's discretion, technical claims for a waiver, including engineering reports and RF propagation maps, may be reviewed and verified by an independent third-party hired by the borough under 19.58.060B.

19.58.100 - Insurance requirements.

The issuance and continuation of a permit for a WCF that is subject to regulation under this title shall be conditioned upon the permittee securing and at all times maintaining insurance meeting the following requirements:

- A. An insurance policy providing commercial general liability coverage for personal injuries, death and property damage with limits not less than \$1,000,000 per occurrence and \$3,000,000 in the aggregate. The policy shall also contain coverage for environmental damages, including fuel spills, if the WCF contains a fuel tank.
- B. The insurance policy shall be issued by an insurance company licensed to do business in the State of Alaska and with an AM Best's rating of at least A.
- C. The insurance policy shall contain an endorsement obligating the insurance company to furnish the borough with at least 30 days' prior written notice in advance of the cancellation of the insurance.
- D. The permittee shall provide the borough with a certificate of insurance demonstrating compliance with the requirements of this section before the permit is issued, and upon annual renewal thereafter, at least 30 days before expiration.
- E. At the assembly's discretion, the requirements of this section may be amended from time to time, including increases in policy limits, in accordance with changing industry standards. Such amended requirements shall be applicable to all new and existing permittees.

PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B

19.58.110 Removal requirements and performance guarantee.

- A. A WCF shall be removed upon either of the following:
1. Within six (6) months, after revocation of a permit issued under this Chapter. This period may be shortened if the revocation is based upon the WCF presenting an immediate safety threat or health hazard as reasonably determined by the borough building official; or
 2. Within ninety (90) days, after all wireless communication equipment on a communication tower has been removed, or such equipment has been nonoperational for at least twelve (12) consecutive months.
- B. The owner of the WCF and the owner of the parcel on which the WCF is located are jointly and severally responsible for its removal.
- C. The issuance of a conditional use permit for a communication tower that is subject to regulation under this title shall be conditioned upon the permittee providing and maintaining for the benefit of the borough a performance guarantee, in the form of a cash or surety bond, in an amount equal to the estimated costs of removing the tower, as determined by a good faith estimate provided by the applicant. A surety bond must be issued by a corporation licensed to act as a surety in Alaska and securing the obligations of the tower and property owner. A current certificate must be provided to the borough demonstrating compliance with this provision.

19.58.120 Definitions

The following definitions shall apply to this chapter:

- A. “Alternative tower structure” means siting techniques, such as artificial trees or similar mounting structures, that camouflage or conceal the presence of antennas or communication towers.
- B. “Antenna” means any exterior apparatus designed for telephonic, data, voice, internet, or any other communications through the sending or receiving of electromagnetic waves.
- C. “Base station” means a structure or equipment that enables wireless communications, as further described in 47 CFR 1.6100.
- D. “Collocation” means mounting or installing a WCF onto an existing structure, regardless of whether another WCF is already mounted on the structure. This definition includes modification or replacement of existing structures for the purpose of mounting or installing WCF transmission equipment on that structure. This definition shall include “collocation” as described in 47 CFR 1.6002(g), or any successor provision.
- E. “Communication tower” means any structure built for the sole or primary purpose of supporting any wireless communication facility. This definition shall include “tower” as described in 47 CFR 1.6100(b)(9), or any successor provision.

PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B

- F. **“Eligible facilities request” (“EFR”) means any request for modification of an existing WCF that involves a collocation, removal or replacement of transmission equipment that does not substantially change the physical dimensions of the existing support structure.**
 - G. **“Substantial change” means a modification that meets the criteria of 47 CFR 1.6100(b)(7), or its successor.**
 - H. **“Temporary WCF” means a support structure that is not permanently affixed to the ground or another structure. This definition includes, but is not limited to, cell-on-wheels (COW), WCFs attached to vehicles, and crank-up towers.**
- U. Section 19.72.020 - Conditional Use Permits - Conditions of approval, is amended as follows:
- A. The commission shall consider the suitability of the property, the character of the surrounding property and the economic and aesthetic effects of the proposed use upon the property and neighboring property. The use will be permitted if it is in harmony with the general purpose and intent of this title and where the use will be in keeping with the uses generally authorized for the zone in which the use is to take place. The commission shall require the conditional user to take those steps necessary so that the permitted conditional use will not be offensive because of injurious and noxious noise, vibrations, smoke, gas, fumes or odors or will not be hazardous to the community because of danger of **fall, collapse**, fire or explosion.
 - B. Exits and entrances and off-street parking for the conditional use shall be located to prevent traffic hazards or congestion on public streets.
 - C. In addition to the conditions of subsections (A) and (B) of this section, schools, governmental and civic buildings and other public uses shall meet the following condition: The proposed location of the use and size and character of the site shall facilitate maximum benefit and service to the public.
 - D. **In addition to the conditions of subsections (A) and (B) of this section, a radio and television antenna, transmitter, or tower or any other antenna, transmitter, or tower that is not a WCF, excepting noncommercial antennas, shall meet the following standards, unless waived by the commission upon a finding that strict compliance with the standard would be technically infeasible, structurally unsound, or result in conditions unreasonably disproportionate to the public benefit served by the standard:**
 - 1. **Setbacks. Notwithstanding any other yard setback requirements for a district,**
 - d. **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.**

**PETERSBURG BOROUGH
ORDINANCE NO. 2026-14B**

- e. **Sensitive area setback.** A tower base must be situated on a parcel such that it is set back a minimum of Five Hundred (500) feet from any property line of a parcel on which is located an existing school or licensed childcare facility.
2. **Separation.** No tower shall be permitted within one-half (1/2) mile (2,640 feet) of another tower.
3. **Fencing.** A tower shall be enclosed by a minimum seven (7) foot fence or wall with a secured gate.
4. **Lighting.** No lighting shall be mounted on or illuminate a tower, except when required by the Federal Aviation Administration (FAA). Required lighting shall be equipped with shields or louvers to avoid projecting directly onto surrounding properties.
5. **Height.** The height of a tower shall not be greater than the minimum necessary for effective functioning of the tower.
6. **Visual impacts.** A tower shall be located in a manner that shall minimize adverse visual impacts on the landscape and adjacent properties.
7. **Compliance with FCC enforcement orders.** A conditional use permit issued for a radio and television transmitter or tower (excepting a noncommercial, FCC-licensed amateur (ham) antenna) or any other transmitter or tower that is not a WCF shall include as an express condition of approval that the permittee must operate in compliance with all FCC rules, regulations, and enforcement orders, including without limitation those relating to radio frequency emissions and interferences.

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 will take effect immediately upon adoption.

PASSED and APPROVED by the Assembly of the Petersburg Borough, Alaska this 20th day of July, 2026.

Robert Lynn, Mayor

ATTEST:

Rebecca Regula, Borough Clerk

Proposed Amendments in 2026-14C

Amendment	Page #	Code Citation	Explanation
1	8	19.58.030(E)	Clarifies that modifications to legally existing WCF's that meet the definition of an Eligible Facilities Request are exempt from the requirements of this chapter.
2	8	19.58.030(F)	Clarifies that a modification that qualifies as an Eligible Facilities Request (EFR) is only required to adhere to original conditions of approval if the modification exceeds the federal thresholds for a substantial change.
3	10	19.58.050(F)2	Eliminate reference to paragraph "C", which was deleted as part of the amendments adopted in second reading.

ORDINANCE NO. 2026-14B^C
(Amendments to be Proposed Shown in Red)

AN ORDINANCE AMENDING TITLE 19 ZONING, OF THE PETERSBURG MUNICIPAL CODE TO REGULATE WIRELESS COMMUNICATION FACILITIES (WCF) AND OTHER TOWERS AND TRANSMITTERS

WHEREAS, the Federal Telecommunications Act of 1996 preserves the authority of local governments to regulate the placement, construction, and modification of personal wireless service facilities to protect the health, safety, and welfare of the community; and

WHEREAS, the Petersburg Borough recognizes the increasing demand for wireless services and the necessity of high-quality telecommunications infrastructure for public safety, education, and economic development; and

WHEREAS, the unregulated proliferation of standalone towers can lead to significant visual blight, degradation of the community aesthetic, and potential impacts on neighboring properties and property values, including “fall zone” risks and creation of nuisances; and

WHEREAS, the Planning Commission has held a duly noticed public hearing and determined that these regulations provide the least intrusive means to achieve the community’s connectivity goals while protecting the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE PETERSBURG BOROUGH, ALASKA, 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 comprehensive standards for the siting of wireless communication facilities and other towers and transmitters.

Section 3. Substantive Provisions: Title 19, *Zoning*, 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 in [brackets] and ~~struck through~~.

A. Chapter 19.04, Definitions, is amended to add and/or modify the following definitions:

19.04.185 – Director

“Director” means the director of community development for the Petersburg Borough.

19.04.270 – Essential services.

“Essential services” or “**required essential services**” means the erection, construction, alteration or maintenance by municipal ~~public utility~~ companies or municipal departments or commissions of underground or overhead gas, electrical, steam, wastewater, or water transmission or distribution systems[;], and collection, communication, supply or disposal **components** [systems] **related to said systems**, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories[y] in connection therewith. This definition shall not be interpreted to include public buildings or wireless communication facilities.

19.04.537 – Noncommercial Antenna.

Noncommercial antenna means an antenna and antenna support structure designed and used for private, personal use rather than for business purposes or commercial broadcasting. These include noncommercial a) FCC-licensed amateur (ham) antennas, b) broadcast reception antennas (devices used only to receive over-the-air radio or television signals), c) citizen band (CB) antennas, and d) antennas meeting the conditions of an over-the-air receiving device under 47 CFR 1.4000(a)(1)(i) through (iv), or any successor provision.

19.04.806 – Wireless communication facility.

“Wireless communication facility (WCF)” means the set of equipment and network components, including communication towers and affixed or adjacent antennas, accessory equipment, transmitters, base stations, power supplies, and cabling, necessary or otherwise installed to provide wireless services, including cellular, mobile broadband, and fixed wireless internet services. This term does not include noncommercial antennas and facilities used solely for the transmission of over-the-air broadcast radio or television signals.

- B. Section 19.16.030 – R-R District, Rural Residential – *Accessory uses permitted*, is amended as follows:

19.16.030 – Accessory uses permitted.

The following are accessory uses permitted:

- A. Private garages and required off-street parking;
- B. Greenhouses, woodsheds, tool sheds;
- C. Private docks, moorage, boathouses and net houses;
- D. Detached accessory dwelling per section 19.56.090;
- E. **Noncommercial antennas;**

[E]F. Uses and structures which are customarily accessory and clearly subordinate to permitted uses.

- C. Section 19.20.030 - S-F District, Single-Family Residential – *Accessory uses permitted*, is amended as follows:

19.20.030 – Accessory uses permitted.

- A. Private garages and required off-street parking;
- B. Greenhouses and tool sheds;
- C. Detached accessory dwelling per section 19.56.090;
- D. **Noncommercial antennas;**

[D]E. Uses and structures which are customarily accessory and clearly subordinate to permitted uses.

- D. Section 19.20.040 – S-F District, Single-Family Residential – *Conditional uses*, is amended as follows:

19.20.040 - Conditional uses.

The following are uses that may be permitted by action of the commission under the conditions and procedures specified in Chapter 19.72 of this title:

- A. Home occupation;
- B. Trailers used for construction purposes;
- C. Public and private schools;
- D. Children's nursery;
- E. Churches;
- F. Public buildings and structures;
- [G]Noncommercial radio and television transmitters or towers;
- [H]G. Private docks, moorage, boathouses and net houses;
- [I]H. Required essential services.

- E. Section 19.22.030 – S-F 2 District, Single-Family, Special Use – *Accessory uses permitted*, is amended as follows:

19.22.030 – Accessory uses permitted.

- a. Private garages and required off-street parking;
- b. Greenhouses and tool sheds;
- c. Detached accessory dwelling per section 19.56.090;
- d. **Noncommercial antennas;**

[d]e. Uses and structures which are customarily accessory and clearly subordinate to permitted uses.

- F. Section 19.24.030 – M-F District, Multiple-Family Residential – *Accessory uses permitted*, is amended as follows:

19.24.030 – Accessory uses permitted.

A. Noncommercial Antennas;

B. Uses and structures which are clearly incidental and subordinate to principal permitted uses and which will not create a nuisance or hazard are permitted as accessory uses.

- G. Section 19.24.040 – M-F District, Multiple-Family Residential – *Conditional Uses*, is amended as follows:

19.24.040 – Conditional uses

The following are uses that may be permitted by action of the commission under the conditions and procedures specified in Chapter 19.72 of this title:

- A. Boardinghouses;
- B. Rooming houses;
- C. Home occupations;
- D. Trailers used for construction purposes;
- E. Public and private schools;
- F. Children's nursery;
- G. Churches;
- H. Public buildings and structures;
- ~~I. Noncommercial radio and television transmitters or towers;~~
- ~~[J]~~I. Required essential services;
- ~~[K]~~J. Private docks, moorage, boathouses and net houses.

- H. Section 19.28.030 – SFMH District, Single-Family Mobile Home – *Accessory uses permitted*, is amended as follows:

19.28.030 – Accessory uses permitted.

- A. Detached accessory dwellings per section 19.56.090;
- B. **Noncommercial antennas;**
- C.** Uses and structures which are clearly incidental and subordinate to principal permitted uses and which will not create a nuisance or hazard are permitted as accessory uses.

- I. Section 19.28.040 – SFMH District, Single-Family Mobile Home – *Conditional uses*, is amended as follows:

19.28.040 – Conditional uses.

The following are uses that may be permitted by action of the commission under the conditions and procedures specified in Chapter 19.72 of this title:

- A. Home occupation;
- B. Trailers used for construction purposes;
- C. Public and private schools;
- D. Children's nursery;
- E. Churches;
- F. Public buildings and structures;
- ~~[G. Noncommercial radio and television transmitters or towers;]~~
- ~~[H]~~G. Required essential services;

~~[H]~~H. Private docks, moorage, boathouses and net houses.

- J. Section 19.32.020 – C-1, Commercial-1 District – *Principal uses permitted*, is amended as follows:

19.32.020 – Principal uses permitted.

The following are principal permitted uses:

- A. Retail businesses;
- B. Business and professional offices;
- C. Barbershops and beauty shops, laundries and other consumer services;
- D. Restaurants, cafes, bars;
- E. Theaters and assembly halls;
- F. Clubs, lodges and fraternal organizations;
- G. Hotels and motels;
- H. Governmental and civic buildings;
- I. Multiple-family dwellings, boardinghouses and rooming houses;
- J. Recreational vehicle parks;
- K. Newspaper and printing establishments;
- L. All uses permitted in S-F and M-F zones;
- ~~[M. Commercial radio and television transmitter or towers;]~~
- ~~[N]~~M. Service stations;
- ~~[O]~~N. Required essential services.

- K. Chapter 19.32, C-1, Commercial-1 District, is amended to insert a new section, 19.32.035, entitled Conditional uses, to read as follows:

19.32.035 Conditional uses.

A. Wireless communication facilities (WCF) under the provisions of Chapter 19.58.

B. A radio or television antenna, transmitter, or tower or any other antenna, transmitter, or tower that is not a WCF, excepting noncommercial antennas.

- L. Section 19.36.020 – C-2, Commercial-2 District – *Permitted uses permitted*, is amended as follows:

19.36.020. **Principal** ~~[Permitted]~~ uses permitted.

- A. Warehouses and storage;
- B. Transportation and transshipment facilities;
- C. Manufacturing, fabricating and assembling of a light industrial nature;
- ~~[D. Commercial radio and television transmitters or towers;]~~
- ~~[E]~~D. Required essential services;
- ~~[F]~~E. All uses permitted in C-1 zone.

- M. Chapter 19.36, – C-2, Commercial-2 District, is amended to insert a new section, 19.36.035, entitled Conditional uses, to read as follows:

19.36.035 – Conditional uses.**A. Wireless communication facilities (WCF) under the provisions of Chapter 19.58.****B. A radio or television antenna, transmitter, or tower or any other antenna, transmitter, or tower that is not a WCF, excepting noncommercial antennas.**

- N. Section 19.38.030 – C-3, Commercial-3 District – *Accessory uses permitted*, is amended as follows:

19.38.030 – Accessory uses permitted.

A. Noncommercial antennas;

B. Uses and structures which are clearly incidental and subordinate to principal uses permitted and which will not create a nuisance or hazard and which are located on the same lot, are permitted.

- O. Section 19.40.030 – MHP District, Mobile Home Park, -- *Accessory uses permitted*, is amended as follows:

19.40.030 – Accessory uses permitted.

A. Noncommercial antennas;

B. Uses and structures which are clearly incidental and subordinate to principal permitted uses and which will not create a nuisance or hazard are permitted as accessory uses.

- P. Section 19.40.040 – MHP District, Mobile Home Park, -- *Conditional uses*, is amended as follows:

19.40.040 – Conditional uses.

The following are uses that may be permitted by action of the commission under the conditions and procedures specified in Chapter 19.72 of this title:

- A. Home occupation;
- B. Trailers used for construction purposes;
- C. Public and private schools;
- D. Children's nursery;
- E. Churches;
- F. Public buildings and structures;
- ~~[G. Noncommercial radio and television transmitters or towers;]~~
- ~~[H.]~~**G.** Required essential services.

- Q. Section 19.44.040 - I-1, Industrial District, *Conditional uses*, is amended to read as follows:

19.44.040 – Conditional uses.

- A. Multifamily structures, dormitories, rooming houses and boardinghouses;
- B. Mobile homes on single lots;
- C. Mobile home parks;
- D. One- and two-family dwellings;

- E. Wireless communication facilities (WCF) under the provisions of Chapter 19.58;**
- F. A radio or television antenna, transmitter, or tower or any other antenna, transmitter, or tower that is not a WCF, excepting noncommercial antennas.**

- R. Chapter 19.48 - P-1, Public Use District, is amended to insert a new section 19.48.030, to read as follows:

19.48.030 – Conditional uses.

- A. Wireless communication facilities (WCF) under the provisions of Chapter 19.58.**
- B. A radio or television antenna, transmitter, or tower or any other antenna, transmitter, or tower that is not a WCF, excepting noncommercial antennas.**

- S. Section 19.56.110 – Building Regulations - *Exceptions to height restrictions*, is amended as follows:

19.56.110 – Exceptions to height restrictions.

A. The height limitations of this title shall not apply to church spires, belfries, cupolas and domes, if not used for human occupancy, nor to chimneys, ventilators, weather vanes, skylights, water tanks, bulkheads, monuments, flag poles, **noncommercial antennas** [~~television and radio antennas~~], and other similar features, and necessary mechanical appurtenances usually carried above roof level.

B. The provisions of this title shall not apply to prevent the erection, above the building height limit, of parapet walls or cornices, without windows and not exceeding five feet in height.

C. The provisions of this title shall not prevent the erection above the building height limit of any structure within any commercial or industrial zone with an approved fire suppression system approved by the State Fire Marshal's office.

- T. Title 19 is hereby amended to add a new Chapter 19.58 – entitled *Wireless Communication Facilities*, to read as follows:

Chapter 19.58 – Wireless Communication Facilities

19.58.010 – Purpose.

The purpose of this chapter is to establish reasonable regulations for the issuance of a conditional use permit for the placement, construction, and modification of wireless communication facilities (WCF) consistent with the Telecommunications Act of 1996 and applicable law in order to:

- A. Promote the health, safety, and general welfare of the public and the borough;**
- B. Preserve the authority of the borough to regulate the location of wireless communication facilities; and**
- C. Protect residential neighborhoods and the borough's aesthetic character from the adverse impacts of towers.**

19.58.020 – Applicability.

Except for facilities and activities exempt under section 19.58.030, this chapter applies to development of WCFs, including, without limitation, placement, installation, construction, modification, and collocation, and applies to existing and new WCFs.

- A. The provisions of this title are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services as the term is defined in 47 U.S.C. 332(c)(7)(C)(i).
- B. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

19.58.030 – Exempt facilities and activities.

The following facilities and activities are exempt from this chapter:

- A. A noncommercial antenna.
- B. A radio and television antenna, transmitter, or tower or any other antenna, transmitter, or tower that is not a WCF.
- C. A temporary WCF installed upon the declaration of a state of emergency by federal, state, or local government, or a written determination of public necessity by the borough manager except that such facility must comply with all federal, state and local requirements. The WCF shall be exempt from the provisions of this article for up to one (1) week after termination or expiration of the state of emergency;
- D. Temporary, commercial WCF installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the director. The WCF shall be exempt from the provisions of this article for up to one (1) week after the end of the special event;
- E. All legally permitted WCFs existing on or before the effective date of this chapter shall be allowed to continue as they presently exist, provided however, that any proposed modification to an existing WCF, including collocation, must comply with this chapter **unless such modification qualifies as an Eligible Facility Request under paragraph F below.**
- F. Eligible facility requests, and routine maintenance and repairs, that do not meet the definition of a substantial change, provided that **all other any-existing** conditions of approval of the WCF are met. These activities may also require approval of the state fire marshal and a borough building permit prior to commencement of development. As a condition of any required building permit, the applicant shall provide documentation certifying that the modification will meet radio frequency emission standards established by the Federal Communications Commission (FCC).
- G. Facilities and activities that would be exempt from this chapter under federal law.

#1

#2

19.58.040 – Location preferences.

- A. Locating a new WCF shall be in accordance with the following priorities, one (1) being the highest priority and seven (7) being the lowest priority:

1. Collocated WCF on an existing communication tower;
 2. Rooftop WCF;
 3. Attached WCF on an existing building;
 4. New communication tower located in C-1, C-2, or I-1 district at least 500 feet from a residential district, waterfront, or public park;
 5. New communication tower in I-1 district;
 6. New communication tower in C-1 or C-2 district;
 7. Any communication tower located in an area where the FAA would require air navigation lighting.
- B. An application seeking to vary from the stated priority hierarchy set out in paragraph A above and locate a WCF in a lower-ranked location may be denied unless the applicant demonstrates, to the satisfaction of the planning commission, that, despite diligent efforts to adhere to the established hierarchy, doing so is technically infeasible as demonstrated by a Radio Frequency (RF) Propagation Study certified by a qualified radio frequency engineer, structurally impossible as certified by a professional engineer licensed in the state of Alaska, or commercially impractical or unavailable.

19.58.050 - Development standards for WCFs.

- A. Setbacks. Notwithstanding any other yard setback requirements for each district,
1. A communication 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 tower height (1x1.1 ratio) from all property lines and the boundary lines of any public road or right-of-way.
 2. Sensitive area setback. To create a buffer in the event of an equipment fire or other failure, a communication tower base must be situated on a parcel such that it is set back a minimum of 500 Hundred (500) feet from any property line of a parcel on which is located an existing school or licensed childcare facility.
- B. Separation. To mitigate visual clutter, no communication tower shall be permitted within one-half (1/2) mile (2,640 feet) of another communication tower.
- C. Fencing. A WCF shall be enclosed by a minimum seven (7) foot fence or wall with a secured gate. Transmitters and telecommunications control points must be installed in a manner to be readily accessible only to people authorized to operate or service them.
- D. Signs. No sign, flag, banner, or pennant may be attached to a communication tower except that the following shall be posted in a location that is visible from the ground outside the equipment compound:
- a. A weatherproof sign identifying the party responsible for the operation and maintenance of the communication tower, with a 24-hour emergency contact telephone number.
 - b. Any antenna structure registration number required by the FCC.

- c. Warnings of dangers associated with the communication tower or equipment located at the site.
- E. Lighting. No lighting shall be mounted on or illuminate a communication tower, except when required by the Federal Aviation Administration (FAA). Required lighting shall be equipped with shields or louvers to avoid projecting directly onto surrounding properties.
- F. Height.
1. Subject to paragraph 2 below, the height of a collocated WCF shall not exceed the greater of:
 - a. The maximum building height of the zoning district in which the WCF is located;
 - b. The height of a building or utility pole to which the WCF is attached, including any existing mechanical equipment located on the roof of a building; or
 - c. The minimum height necessary for effective functioning of the WCF, as certified by a qualified radio frequency engineer, but not to exceed:
 - (i) Ten (10) feet above the height of the existing utility pole to which the WCF will be attached; or
 - (ii) Fifteen (15) feet above the height of the existing building to which the WCF will be attached, including any existing mechanical equipment located on the roof.
 2. The height of a communication tower shall not be greater than the minimum necessary for effective functioning of a WCF as certified by a qualified radio frequency engineer. ~~For new construction, proposed height should consider required collocations under paragraph C above.~~
- G. Radio Frequency Emission Standards. Radio frequency emissions from antenna array(s), both individually and cumulatively and considering any other WCF located on or immediately adjacent to the proposed WCF, shall meet radio frequency emission standards established by the FCC.
- H. No Air Navigation Hazard. An Applicant shall submit a determination of no hazard to air navigation for the communication tower issued by the FAA.
- I. Professional engineering plans. The WCF, including foundation and appurtenant attachments, shall be designed by a professional engineer licensed in the state of Alaska to meet relevant site and subsurface conditions, and will be constructed to meet ANSI/TIA-222-G (as amended) and adopted building code structural requirements for loads, including wind, snow and ice loads.
- J. No guy wires. Use of guy wires is prohibited for all communication towers.

#3

- K. Visual impacts. WCFs shall be configured and located in a manner that shall minimize adverse visual impacts on the landscape and adjacent properties, including through use of alternative tower structure or other stealth technologies.
- L. Significant Coverage Gap/Least Intrusive Means. A WCF shall be placed, constructed, or installed only to fill the applicant's significant coverage gap in the least intrusive manner available.

19.58.060 – Conditional use permitting process for WCFs.

- A. As of the effective date of this chapter, and excepting exempt facilities and activities under section .030 of this chapter, no WCF shall be sited, placed, built, constructed, installed, collocated, or modified in any zoning district unless permitted as a conditional use and a conditional use permit has been obtained per this chapter and chapter 19.72 of this title. In the event of any conflict between this chapter and chapter 19.72, this chapter shall govern.
- B. The director may, at the director's discretion, require a technical review from a third-party expert, the actual costs of which shall be borne by the applicant, when the director determines that such review would aid the borough's review of the application. The technical expert review may address any matter deemed to be relevant to determining whether a proposed WCF complies with the provisions of this chapter.
- C. An application, meeting the requirements of section .070 of this chapter, shall be submitted to the director. The director shall review the application for completeness.
 - 1. Incomplete applications shall be rejected and the applicant notified in writing within thirty (30) days of submission. If rejected, the director's decision shall identify the deficiencies in the application, which, if cured, would make the application complete.
 - 2. Once resubmitted following a notice of deficiency, the director will have ten (10) days to identify any missing documents or information consistent with the director's original notification under paragraph 1 necessary to make the application complete.
 - 3. Once an application is deemed complete, the application shall be scheduled for a public hearing before the planning commission per 19.72.060.
- D. Notwithstanding the requirements of 19.72.080, the planning commission shall grant or reject a WCF conditional use permit application within a presumptively reasonable period of time, as such is defined under 47 CFR §1.6003, less any tolling periods. If no applicable period of time is established under 47 CFR §1.6003, the period of time shall not exceed Ninety (90) days, less any tolling periods.
- E. The planning commission's decision shall be in writing and be based on the compliance of the application with the requirements and conditions of this chapter. The decision of the commission and the reasons therefore shall be entered in the records of the commission and shall be available to the public. A denial of a permit

shall be in writing and supported by substantial evidence contained in a written record.

19.58.070 – Conditional use permit application requirements for WCFs.

A. An application for a conditional use permit for a WCF subject to regulation under this chapter shall be made on a form provided by the borough and include the following information. Additional information may be required under other provisions of this title or requested by the director or the planning commission:

- 1. *Site plan.* Consistent with section 19.72.040, applicant shall provide a site plan of the parcel on which the WCF is to be located, with the following information:**
 - a. Size of the parcel stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;**
 - b. Locations of any dwellings and public roads within a radius equal to the height of the proposed tower from its base;**
 - c. Location, size, and height of all existing and proposed structures on the parcel;**
 - d. Location, size, and height of all proposed and existing antennas and all appurtenant structures, including fuel tanks and generators; and**
 - e. Type, locations, and dimensions of all proposed and existing lighting, landscaping, and fencing.**
- 2. *Coverage area.* The application shall provide information about the existing and proposed coverage area and demonstrate the applicant's significant coverage gap the proposed WCF will fill by submittal of a RF propagation study certified by a qualified radio frequency engineer.**
- 3. *Site justification.* An application shall provide supporting documentation that justifies the proposed site in accordance with the location priorities set out in Section 19.58.040, and demonstrates that the means chosen by applicant to fill the applicant's significant coverage gap is the least intrusive means available. This should include a summary of alternative locations investigated, and an explanation of the technical, structural or commercial impediments that rendered higher-ranked sites infeasible.**
- 4. *Height.* An application shall provide supporting documentation that the proposed WCF meets the requirements of paragraph 19.58.050(F).**
- 5. *Visual impacts.* An application shall provide an analysis of the potential visual impacts of the communication tower at distances of 500 feet and 1,500 feet from the proposed location, through the use of photo simulations of the communication tower and the wireless communication equipment that it will support. The analysis shall include, to the extent practicable, the visual impact from multiple vantage points of any adjacent roadways and from all residential zones that are within 1,500 feet of the proposed site. The analysis should include recommendations to mitigate adverse visual impacts of the communication tower on nearby properties.**

6. Other information. An application shall include maps, plans, studies, reports, certifications, and other necessary information to show compliance with the other requirements of section 19.58.050.
7. Waiver request. Applicants seeking a waiver under 19.58.090 shall provide supporting documentation justifying the request and demonstrating request is the minimum required at the time of application.

19.58.080 - Conditions of approval.

- A. The planning commission shall approve a WCF conditional use permit if the commission finds the WCF conforms to the development requirements of this chapter and the other applicable standards and criteria in this title, including without limitation that the location satisfies the priorities of section 19.58.040, and that the selected site provides the necessary coverage for the applicant's wireless communication services customers with the least intrusive manner available, including consideration of visual impacts on other properties.
- B. Insurance, Performance Guarantee, and Removal Requirements. Every conditional use permit issued under this chapter shall include the insurance, performance guarantee, and removal requirements of sections .100 and .110 of this chapter as express conditions of approval.
- C. Compliance with FCC enforcement orders. Every conditional use permit issued under this chapter shall include as an express condition of approval compliance by the permittee with all FCC rules, regulations, and enforcement orders, including without limitation those relating to radio frequency emissions and interferences. Determinations of compliance hereunder shall be made by the FCC and the Borough is not responsible for enforcing or interpreting FCC requirements.
- D. No action may be taken on a WCF conditional use permit application on the basis of the environmental effects of radio frequency emissions, provided that the wireless communication equipment that will be sited complies with FCC regulations concerning such emissions.

19.58.090 - Waiver.

- A. The planning commission shall grant a waiver to one or more of the development standards for WCFs set out in paragraphs 19.58.050(A-F), if it is determined that the applicant has established that denial of a permit or strict adherence to the standards would:

1. Require a technically infeasible location, design or installation of a WCF, as certified by a qualified radio frequency engineer to fill the applicant's significant coverage gap: or
 2. Result in a structurally unsound support structure of a WCF, as certified by a qualified engineer licensed in the state of Alaska; or
 3. Require a commercially impractical or unavailable result.
- B. A waiver granted under paragraph A above shall be limited to the minimum extent required to avoid the findings of A(1-3) hereof.
- C. Any applicant seeking a waiver hereunder shall, at the time of submission of its application, provide a detailed description, explanation, and documentation supporting its request for a waiver, demonstrating that it meets the requirements of A above.
- D. In addition to the circumstances set out in paragraph A of this section, the commission shall grant a waiver of the minimum setback requirements in paragraph 19.58.050(A) of this chapter if a qualified structural engineer licensed in the state of Alaska certifies a breakpoint design that limits the fall radius to a lesser area. In such a waiver, the setback shall be 110% of the tower height above the breakpoint.
- E. At the director's discretion, technical claims for a waiver, including engineering reports and RF propagation maps, may be reviewed and verified by an independent third-party hired by the borough under 19.58.060B.

19.58.100 - Insurance requirements.

The issuance and continuation of a permit for a WCF that is subject to regulation under this title shall be conditioned upon the permittee securing and at all times maintaining insurance meeting the following requirements:

- A. An insurance policy providing commercial general liability coverage for personal injuries, death and property damage with limits not less than \$1,000,000 per occurrence and \$3,000,000 in the aggregate. The policy shall also contain coverage for environmental damages, including fuel spills, if the WCF contains a fuel tank.
- B. The insurance policy shall be issued by an insurance company licensed to do business in the State of Alaska and with an AM Best's rating of at least A.
- C. The insurance policy shall contain an endorsement obligating the insurance company to furnish the borough with at least 30 days' prior written notice in advance of the cancellation of the insurance.
- D. The permittee shall provide the borough with a certificate of insurance demonstrating compliance with the requirements of this section before the permit is issued, and upon annual renewal thereafter, at least 30 days before expiration.
- E. At the assembly's discretion, the requirements of this section may be amended from time to time, including increases in policy limits, in accordance with changing industry standards. Such amended requirements shall be applicable to all new and existing permittees.

19.58.110 Removal requirements and performance guarantee.

- A. A WCF shall be removed upon either of the following:
1. Within six (6) months, after revocation of a permit issued under this Chapter. This period may be shortened if the revocation is based upon the WCF presenting an immediate safety threat or health hazard as reasonably determined by the borough building official; or
 2. Within ninety (90) days, after all wireless communication equipment on a communication tower has been removed, or such equipment has been nonoperational for at least twelve (12) consecutive months.
- B. The owner of the WCF and the owner of the parcel on which the WCF is located are jointly and severally responsible for its removal.
- C. The issuance of a conditional use permit for a communication tower that is subject to regulation under this title shall be conditioned upon the permittee providing and maintaining for the benefit of the borough a performance guarantee, in the form of a cash or surety bond, in an amount equal to the estimated costs of removing the tower, as determined by a good faith estimate provided by the applicant. A surety bond must be issued by a corporation licensed to act as a surety in Alaska and securing the obligations of the tower and property owner. A current certificate must be provided to the borough demonstrating compliance with this provision.

19.58.120 Definitions

The following definitions shall apply to this chapter:

- A. “Alternative tower structure” means siting techniques, such as artificial trees or similar mounting structures, that camouflage or conceal the presence of antennas or communication towers.
- B. “Antenna” means any exterior apparatus designed for telephonic, data, voice, internet, or any other communications through the sending or receiving of electromagnetic waves.
- C. “Base station” means a structure or equipment that enables wireless communications, as further described in 47 CFR 1.6100.
- D. “Collocation” means mounting or installing a WCF onto an existing structure, regardless of whether another WCF is already mounted on the structure. This definition includes modification or replacement of existing structures for the purpose of mounting or installing WCF transmission equipment on that structure. This definition shall include “collocation” as described in 47 CFR 1.6002(g), or any successor provision.
- E. “Communication tower” means any structure built for the sole or primary purpose of supporting any wireless communication facility. This definition shall include “tower” as described in 47 CFR 1.6100(b)(9), or any successor provision.

- F. **“Eligible facilities request” (“EFR”) means any request for modification of an existing WCF that involves a collocation, removal or replacement of transmission equipment that does not substantially change the physical dimensions of the existing support structure.**
- G. **“Substantial change” means a modification that meets the criteria of 47 CFR 1.6100(b)(7), or its successor.**
- H. **“Temporary WCF” means a support structure that is not permanently affixed to the ground or another structure. This definition includes, but is not limited to, cell-on-wheels (COW), WCFs attached to vehicles, and crank-up towers.**

U. Section 19.72.020 - Conditional Use Permits - *Conditions of approval*, is amended as follows:

- A. The commission shall consider the suitability of the property, the character of the surrounding property and the economic and aesthetic effects of the proposed use upon the property and neighboring property. The use will be permitted if it is in harmony with the general purpose and intent of this title and where the use will be in keeping with the uses generally authorized for the zone in which the use is to take place. The commission shall require the conditional user to take those steps necessary so that the permitted conditional use will not be offensive because of injurious and noxious noise, vibrations, smoke, gas, fumes or odors or will not be hazardous to the community because of danger of **fall, collapse**, fire or explosion.
- B. Exits and entrances and off-street parking for the conditional use shall be located to prevent traffic hazards or congestion on public streets.
- C. In addition to the conditions of subsections (A) and (B) of this section, schools, governmental and civic buildings and other public uses shall meet the following condition: The proposed location of the use and size and character of the site shall facilitate maximum benefit and service to the public.
- D. **In addition to the conditions of subsections (A) and (B) of this section, a radio and television antenna, transmitter, or tower or any other antenna, transmitter, or tower that is not a WCF, excepting noncommercial antennas, shall meet the following standards, unless waived by the commission upon a finding that strict compliance with the standard would be technically infeasible, structurally unsound, or result in conditions unreasonably disproportionate to the public benefit served by the standard:**
 - 1. **Setbacks. Notwithstanding any other yard setback requirements for a district,**
 - d. **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.**

- e. **Sensitive area setback.** A tower base must be situated on a parcel such that it is set back a minimum of Five Hundred (500) feet from any property line of a parcel on which is located an existing school or licensed childcare facility.
2. **Separation.** No tower shall be permitted within one-half (1/2) mile (2,640 feet) of another tower.
3. **Fencing.** A tower shall be enclosed by a minimum seven (7) foot fence or wall with a secured gate.
4. **Lighting.** No lighting shall be mounted on or illuminate a tower, except when required by the Federal Aviation Administration (FAA). Required lighting shall be equipped with shields or louvers to avoid projecting directly onto surrounding properties.
5. **Height.** The height of a tower shall not be greater than the minimum necessary for effective functioning of the tower.
6. **Visual impacts.** A tower shall be located in a manner that shall minimize adverse visual impacts on the landscape and adjacent properties.
7. **Compliance with FCC enforcement orders.** A conditional use permit issued for a radio and television transmitter or tower (excepting a noncommercial, FCC-licensed amateur (ham) antenna) or any other transmitter or tower that is not a WCF shall include as an express condition of approval that the permittee must operate in compliance with all FCC rules, regulations, and enforcement orders, including without limitation those relating to radio frequency emissions and interferences.

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 will take effect immediately upon adoption.

PASSED and APPROVED by the Assembly of the Petersburg Borough, Alaska this 20th day of July, 2026.

Bob Lynn, Mayor

ATTEST:

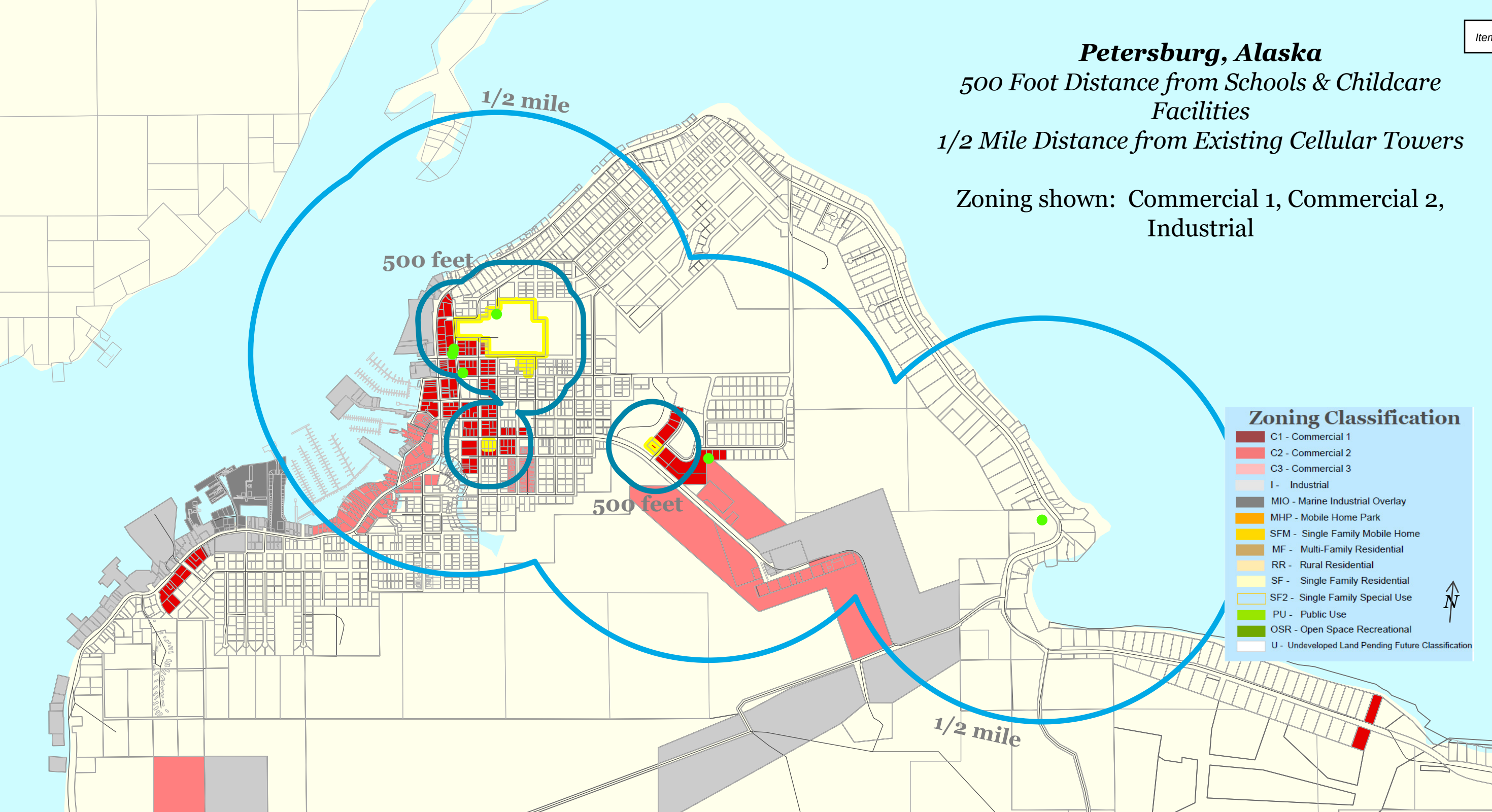
Rebecca Regula, Borough Clerk

Petersburg, Alaska

500 Foot Distance from Schools & Childcare
Facilities

1/2 Mile Distance from Existing Cellular Towers

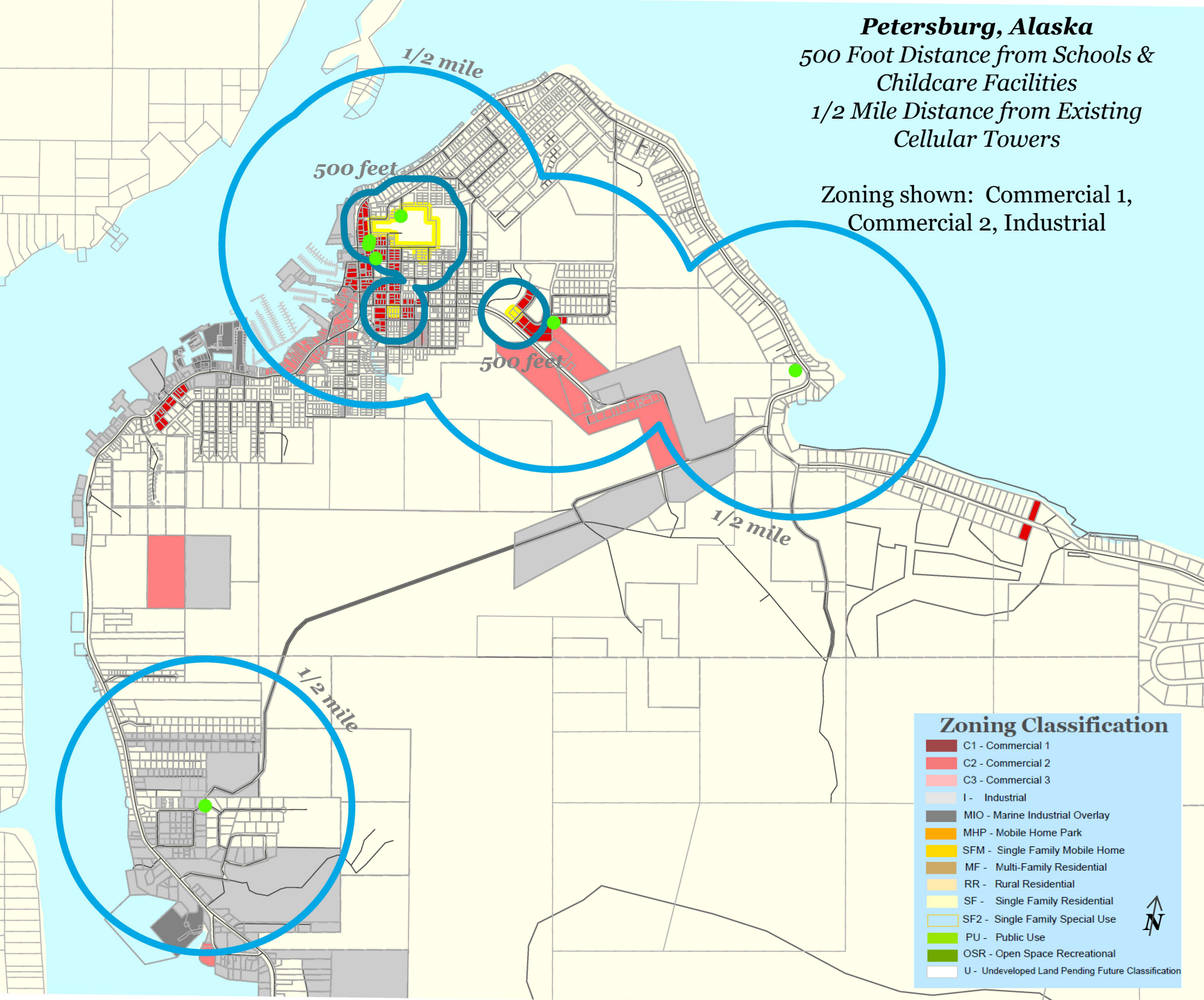
Zoning shown: Commercial 1, Commercial 2,
Industrial



Petersburg, Alaska

*500 Foot Distance from Schools &
Childcare Facilities
1/2 Mile Distance from Existing
Cellular Towers*

Zoning shown: Commercial 1,
Commercial 2, Industrial



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
ORDINANCE NO. 2026-15**

**AN ORDINANCE OF THE ASSEMBLY OF THE PETERSBURG BOROUGH,
ALASKA, AMENDING TITLE 3 OF THE PETERSBURG BOROUGH CODE TO
ESTABLISH NEPOTISM STANDARDS FOR ELECTED OFFICIALS**

WHEREAS, Borough Charter Section 19.03C provides that the Assembly shall adopt standards and procedures addressing nepotism; and

WHEREAS, the Borough Assembly recognizes the importance of maintaining public confidence in the integrity, fairness, and transparency of borough governance; and

WHEREAS, this ordinance is to apply to all elected officials of the Borough, excepting the School Board, which has its own adopted conflict of interest provisions; and

WHEREAS, the purpose of this ordinance is to establish clear standards regarding nepotism, disclosure, and recusal in order to prevent conflicts of interest and the appearance of impropriety in official actions; and

WHEREAS, the Assembly finds that adopting these standards provides guidance to elected officials, promotes ethical decision-making, and serves the best interests of the Petersburg Borough and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Petersburg Borough, Alaska, 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 nepotism standards for elected officials of the Borough, excepting the School Board.

Section 3. Substantive Provisions.

The Petersburg Borough Code is amended by adding a new section 3.04.070, to read as follows:

3.04.070 – Nepotism

A. Purpose. The purpose of this section is to promote public confidence in the integrity of borough elected officials and to prevent nepotism and the appearance of conflicts of interest in employment decisions and official actions taken by elected officials.

B. Definitions. For purposes of this section:

**PETERSBURG BOROUGH
ORDINANCE NO. 2026-15**

1. **“Elected Official”** means a member of the Borough Assembly, including the Mayor, Planning Commission, and any other elected borough board or commission. This does not include a member of the Borough School Board.
2. **“Family Member”** means an elected official’s spouse or domestic partner; children, including step-children, adopted children, and foster children; grandchildren; parents, including step-parents; grandparents; siblings, including half-siblings or step-siblings; and in-laws, including mother-in-law, father-in-law, brother-in-law, and sister-in-law.
3. **“Official Action”** means any decision, recommendation, approval, disapproval, discussion, or vote on a matter before the body on which the elected official serves.
4. **“Substantial Financial Interest”** means a direct financial, employment, contractual, or ownership interest that could reasonably be expected to result in a material financial or economic benefit or detriment to a family member of an elected official. The term does not include interests that are minimal, remote, or speculative.

C. Prohibitions.

1. An elected official shall not participate in, influence or attempt to influence, or vote on, any decision regarding the hiring, promotion, compensation, discipline, supervision, evaluation, or termination of a family member for any position of employment with the borough. This is not intended to prohibit a member of the Assembly from participating in proceedings related to, and voting on, the Borough budget or union contracts.
2. An elected official shall not participate in, influence or attempt to influence or vote on, any official action in which a family member has a substantial financial interest, unless the action is generally applicable legislation affecting a broad class of persons to substantially the same degree or affecting the community as a whole.

D. Disclosure and Recusal. An elected official shall disclose any substantial financial interest involving a family member prior to discussion or official action on the matter. If an interest is declared, the official shall refrain from participating, debating, or voting on the issue, unless after disclosure of the interest the official's participation is approved in a public meeting by the majority of the body on which the elected official sits.

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.

**PETERSBURG BOROUGH
ORDINANCE NO. 2026-15**

Section 5. Effective Date: This ordinance will take effect immediately upon adoption.

PASSED and APPROVED by the Assembly of the Petersburg Borough, Alaska this 17th day of August, 2026.

Robert Lynn, Mayor

ATTEST:

Rebecca Regula, Borough Clerk

**PETERSBURG BOROUGH
ORDINANCE #2026-16**

**AN ORDINANCE AMENDING THE PETERSBURG MUNICIPAL CODE TO PROVIDE A
SENIOR SALES TAX EXEMPTION TO QUALIFIED RESIDENTS OF THE BOROUGH 70
YEARS OF AGE OR OLDER**

(Submitted to the Assembly by the Borough Clerk under PMC 2.44.080, Assembly Action on Initiative)

Whereas, a citizen's initiative petition to amend the Petersburg Municipal Code (PMC), to provide a senior sales tax exemption to qualified residents of the Borough 70 years of age or older, was filed with the Borough on July 2, 2026, and thereafter certified by the Borough Clerk on July 7, 2026 under PMC section 2.44.050 as proper in form and sufficient with 356 verified Borough voter signatures; and

Whereas, as the petition was filed and certified more than 90 days before the date of the next regular election on October 6, 2026, it can be placed on the ballot for that election;

Whereas, as required under Borough Code section 2.44.090A, the Borough Clerk is presenting to the Petersburg Borough Assembly the ordinance to be enacted; and

Whereas, under PMC 2.44.080, the Assembly has the opportunity to adopt substantially the same measure, in which case the initiative petition is void and the matter initiated is not placed on the ballot, however voter ratification of this ordinance would still be required under Borough Charter section 12.02B. If this ordinance is not adopted, the matter initiated will be placed before the voters.

Therefore, the Petersburg Borough Ordains, as follows:

Section 1. Classification: This ordinance is of a permanent nature if approved by the voters and shall be codified in the Petersburg Borough Code.

Section 2. Purpose: The purpose of this ordinance is to provide a Senior Sales Tax Exemption to qualified residents of the Petersburg Borough that are 70 years of age or older. This does not affect or change the current Low-Income Senior Sales Tax Exemption.

Section 3. Substantive Provisions:

A. Amendment: Section 4.28.130 of the Petersburg Municipal Code, entitled *Senior Citizen Exemption*, is hereby amended as follows. All language proposed for addition is in **bold and underlined** and the language proposed for deletion is in [brackets] and ~~struck through~~.

4.28.130. Senior Citizen Exemption. A sale to a qualified Senior citizen is exempt from the Borough sales tax in accordance with the provisions of this section.

A. For the purpose of this section **a qualified Senior citizen is a person who has obtained and maintained a senior citizen exemption card under paragraph (1) or (2) below:**

1. ~~[A qualified senior citizen is a person who has obtained and maintained a senior citizen tax exemption card.]~~ A person is eligible to receive a Senior Sales Tax Exemption Card if the person (i) is 65 years of age and older, (ii) has their permanent place of abode within the Petersburg Borough, (iii) has resided within the Petersburg Borough for at least one year immediately preceding the date of application and intends to remain in the Petersburg Borough indefinitely and to make a home in the Petersburg Borough, (iv) was physically present in the Borough a minimum of 185 days in the 12-month period immediately

preceding the date of application, and (v) meets the eligibility requirements for the State of Alaska Senior Benefits Payment Program, as set out in Alaska Statute 47.45.301 - 47.45.309 and 7 AAC Chapter 47, Article 3. If the State of Alaska discontinues the Senior Benefits Payment Program, the Assembly shall, by resolution, establish alternative low income eligibility requirements. A person demonstrates residency under this subsection by maintaining a principal place of abode in the borough, by maintaining a valid driver's license or valid voter registration card with a residence within the borough, or by providing other proof of residency within the borough boundaries acceptable to the finance director, including demonstrating eligibility for a permanent fund dividend under AS 43.23.005 at a residence within the borough. A person demonstrates eligibility under paragraph (v) above by presenting to the borough the program eligibility notification received from the State of Alaska, or other documents deemed acceptable by Assembly resolution.

2. A person is eligible to receive a Senior Sales Tax Exemption Card if the person (i) is 70 years of age or older, (ii) maintains his or her permanent place of residence within the Petersburg Borough, (iii) has resided within the Petersburg Borough for at least one year immediately preceding the date of application and intends to remain in the Petersburg Borough indefinitely and to make a home in the Petersburg Borough, (iv) was physically present in the Borough a minimum of 185 days in the previous 12-month period, and (v) has met the qualifications of the Alaska Permanent Dividend Fund for the immediately preceding calendar year. A person demonstrates permanent residency in the Petersburg Borough by maintaining a valid Alaska Driver's License or Alaska Identification Card, or a valid Alaska voter registration card, with a street address within the Borough boundaries acceptable to the Finance Director or the Director's designee, as well as proof of eligibility for the Alaska Permanent Fund Dividend.

A one-time, non-refundable application fee of \$50.00 shall be collected by the Finance Director or the Director's designee from those applying for a Senior Sales Tax Exemption Card under this paragraph. Once an application is approved, the card remains valid for the lifetime of the Senior, and the Senior shall not be required to file an application for subsequent years, as long as the Senior continues to meet the requirements of (ii) through (v) above, however the Director may require additional information or documents, at the Director's discretion, to verify continued eligibility. If the Senior no longer meets the requirements of this paragraph, then he or she must surrender their card to the Finance Director or the Director's designee.

3 [2]. A qualified Senior citizen with a Senior Sales Tax Exemption Card entitles the Senior citizen card holder to be exempted from Borough sales tax subject to the limitations in the balance of this section.

4 [3]. It is the responsibility of the Senior citizen to present his or her Senior Sales Tax Exemption Card to the local merchant prior to each exempt sale being finalized. It is the responsibility of the merchant to keep a record of all Senior citizen tax exempt sales.

[There are no changes to sections B through F]

Section 4. Submittal to Voters:

- A. In accordance with subsection 12.02B of the Borough Charter, the Borough Clerk shall submit this ordinance to the voters of the borough at the next regular election to be held on October 6, 2026.**
- B. The proposition to be submitted to the voters shall read substantially as follows:**
Proposition # _____

Shall Section 4.28.130, *Senior Citizen Exemption*, of the Borough Code be amended to provide a Senior Sales Tax Exemption to qualified residents of the Petersburg Borough 70 years of age or older. This would not affect or change the current Low-Income Senior Sales Tax Exemption.

() YES

() NO

A "YES" vote would add a provision to the borough code providing for a senior sales tax exemption to residents of the Borough 70 years of age or older meeting the residency eligibility requirements.

A "NO" vote would maintain the current limitation of the senior sales tax exemption to low-income residents of the Borough 65 years of age or older meeting the residency eligibility requirements.

Section 5. Classification and Severability: This ordinance is of a permanent nature if approved by the voters and shall be codified in the Petersburg Borough Code. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of the ordinance and application to any person and circumstances shall not be affected.

Section 6. Effective Date: This ordinance, if approved by the voters, shall become effective November 1, 2026.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this 17th day of August, 2026.

Robert Lynn, Mayor

ATTEST:

Rebecca Regula, Clerk

Approval:
Published:
Effective: Upon Voter
Approval and Certification
of Election Results

**PETERSBURG BOROUGH
ORDINANCE NO. 2026-17**

**AN ORDINANCE OF THE ASSEMBLY OF THE PETERSBURG BOROUGH, ALASKA,
ESTABLISHING THE THOMAS BAY SERVICE AREA OF THE BOROUGH, PROVIDING FOR
ITS GOVERNANCE AND FINANCING, AND AUTHORIZING USE OF LOCAL IMPROVEMENT
DISTRICTS WITHIN THE SERVICE AREA.**

WHEREAS, Sections 14.03 and 14.04 of the Petersburg Borough Home Rule Charter authorize the creation of service areas within the borough to provide services not provided on an areawide basis, based upon need and economic operating efficiency; and

WHEREAS, the Assembly wishes to create a service area encompassing ASLS 81-235 in the area of Thomas Bay, excluding the federally owned parcel, as further shown on Exhibit A; and

WHEREAS, as required under Section 14.04, the Assembly has determined that the services anticipated to be provided within the Thomas Bay Service Area cannot be reasonably provided by an existing service area or by the alteration of an existing service area; and

WHEREAS, under subsection 14.03A(2) of the Charter, a service area is created by Assembly ordinance approved by voters residing within the proposed new service area or by consent of all real property owners within the area if no voters reside in the area; and

WHEREAS, no voters reside in the proposed service area, and the entirety of real property located within the proposed service area is owned by the Petersburg Borough or the State of Alaska; and

WHEREAS, the Alaska Department of Natural Resources, on behalf of the State of Alaska, has granted written consent to include the state-owned parcels within the proposed Thomas Bay Service Area (see, Exhibit B);

WHEREAS, a public hearing was conducted on August 3, 2026, in accordance with the Petersburg Borough Code; and

WHEREAS, the Assembly has determined that providing essential fire, emergency response, and police services, road maintenance, the construction, repair, and/or upgrade of local roads, and opportunities for public recreation constitute services necessary for the development and use of the area.

**NOW, BE IT ORDAINED BY THE ASSEMBLY OF THE PETERSBURG BOROUGH, ALASKA,
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 a service area, known as Thomas Bay Service Area, within the Petersburg Borough, Alaska, for the purpose of providing certain municipal services within its boundaries that are not provided on an areawide basis.

**PETERSBURG BOROUGH
ORDINANCE NO. 2026-17**

Section 3. Substantive Provisions: The Petersburg Borough Municipal Code is hereby amended as follows. The language proposed for addition is bold and underlined:

A. Amendment. Section 4.12.010 of Chapter 4.12, *Local Improvement Districts*, is hereby amended to add and/or modify the following:

4.12.010 - Applicability.

A. Provisions of this chapter shall apply to the creation of a local improvement district (hereinafter "LID") to provide for a property owner-funded capital improvement project within the LID for extensions of borough streets, curbs and sidewalks, paving, utilities, or any combination thereof in the borough-controlled public rights-of-way, at the request of the owners of land benefited by the proposed project, where such project may be done by borough personnel or under contract let by the borough. This chapter shall also have application to other types of capital improvements upon a specific resolution adopted by the borough assembly which authorizes the procedures of this chapter, subject to such limitations, if any, as may be recited in the resolution.

B. The assembly may assess against the properties within an LID all or a portion of the cost of the capital improvement. All such capital improvements shall be owned by the borough, regardless of whether the project was wholly or partially property owner-funded under this chapter.

C. This chapter shall apply within Service Area 1 **and the Thomas Bay Service Area** only.

B. New Chapter. Title 4 *Revenue and Finance*, is hereby amended to add a new Chapter 4.85, entitled *Thomas Bay Service Area*, to read as follows:

Chapter 4.85 – THOMAS BAY SERVICE AREA

4.85.010. Creation and Boundaries. **The Thomas Bay Service Area within the Petersburg Borough is created with boundaries incorporating all real property located within Alaska State Land Survey No. 81-235, recorded on October 21, 1982 in the Petersburg Recording District as Plat No. 82-16, excepting the federally owned parcel described as Tract B-2, Plat No. 93-2.**

4.85.020. Services.

A. The borough services that may be provided within the Thomas Bay Service Area are as follows:

1. Fire and Emergency Medical Services;

2. Police Services;

3. Road Construction (which may also be provided by creation of a local improvement district under Article 16 of the Borough Charter);

4. Road Repair and Maintenance; and

5. Parks and Recreation.

**PETERSBURG BOROUGH
ORDINANCE NO. 2026-17**

B. Creation of the service area does not guarantee the provision of the services set out above, or any specific level of service, which shall be determined subsequently by the Assembly through the budgeting process.

4.85.030. Financing.

A. Authority to Levy Tax. Under Petersburg Borough Charter Section 14.03, the Assembly is authorized to levy taxes, assessments, or other charges to pay for the costs of the Thomas Bay Service Area. The rate of tax levy shall not cause the taxes on real property to exceed the maximum established under Section 12.03 of the Borough Charter.

B. Use of Revenue. Revenue generated through taxes, assessments, and other charges under paragraph A above shall be segregated and used exclusively to pay the costs of the Thomas Bay Service Area, including capital, operating, and administrative costs, and for performance of services, including construction and maintenance.

Section 4. Consent to Creation of Thomas Bay Service Area

The Borough Assembly, on behalf of the Petersburg Borough, hereby consents to the creation of the Thomas Bay Service Area. In conjunction with the consent of the State of Alaska, this meets the requirements of Borough Charter, Subsection 14.03A(2), for creation of the service area.

Section 5. Effective Date

This ordinance will take effect immediately upon adoption.

PASSED and APPROVED by the Assembly of the Petersburg Borough, Alaska this 17th day of August, 2026.

Robert Lynn, Mayor

ATTEST:

Rebecca Regula, Borough Clerk

MEMORANDUM

Thomas Bay Service Area | Ordinance No. 2026-17

TO:	Petersburg Borough Assembly
FROM:	Liz Cabrera, Community Development Director
DATE:	June 22, 2026
RE:	Ordinance No. 2026-17 - Establishment of the Thomas Bay Service Area

Purpose & Background

This memorandum supports the Assembly's review of Ordinance No. 2026-17, which establishes the Thomas Bay Service Area (TBSA) within the Petersburg Borough. The ordinance creates the legal and fiscal framework necessary for the Borough to respond to future service needs in Thomas Bay as parcels are considered for sale, conveyed into private ownership or as public use increases. Establishing the service area now preserves the Assembly's ability to authorize, fund, or coordinate services such as emergency response, access improvements, road maintenance, and recreation-related improvements if future conditions warrant. Adoption of the ordinance does not itself require immediate service delivery, set a tax rate, or obligate Borough expenditures absent later Assembly appropriation.

The proposed service area encompasses all real property within Alaska State Land Survey No. 81-235 (Plat No. 82-16, recorded October 21, 1982, Petersburg Recording District), excluding the federally owned Tract B-2 (Plat No. 93-2). The Petersburg Borough currently owns 154 lots, while the State of Alaska owns 4 parcels. No voters currently reside within the proposed service area.

The Thomas Bay subdivision was conveyed to the Borough in 2023, and the Borough has received public interest in purchasing parcels within the area. Establishing the TBSA before parcel sales occur allows the Assembly to address future emergency response, access, road maintenance, and recreation-related needs within a defined service-area structure. This approach preserves future options while leaving service levels, funding methods, and expenditures subject to later Assembly action.

Legal Authority & Consent Requirements

The ordinance derives authority from the Petersburg Borough Home Rule Charter, Sections 14.03 and 14.04, which authorize the Assembly to create service areas to provide services not delivered on an areawide basis, provided two conditions are met:

- Need and economic operating efficiency justify creation of a distinct service area; and
- The proposed services cannot reasonably be provided by an existing or altered service area.

Because no voters reside within the proposed area, Charter subsection 14.03A(2) permits creation by Assembly ordinance with written consent of all real property owners in lieu of a public election. The Petersburg Borough (as property owner) consents through the ordinance itself. The Alaska Department of Natural Resources has provided written consent on behalf of the State of Alaska (Exhibit B). Consent is thereby legally complete.

Proposed Services

If adopted, the Thomas Bay Service Area would be authorized — subject to annual Assembly appropriation — to provide the following services:

- Fire and Emergency Medical Services

- Police Services
- Road Construction (anticipated to be accomplished primarily through contracts with private-sector contractors; may also be provided through Local Improvement Districts under Charter Article 16)
- Road Repair and Maintenance (anticipated to be accomplished primarily through private-sector contracts)
- Parks and Recreation

Assembly Discretion Preserved

What this Ordinance Does and Does Not Require

Authorization of services listed does not mandate or guarantee any specific response model in Thomas Bay. The level and form of services — if any — is determined subsequently by the Assembly through the annual budgeting process (§ 4.85.020.B). The authorization simply ensures the Borough has the proper service-area authority to fund and direct fire, EMS, law-enforcement assistance when emergency response in Thomas Bay makes it necessary, as well as providing the other services listed in the ordinance.

Rationale for Including Services in the TBSA

A. Fire and EMS Services

The Thomas Bay subdivision is newly acquired Borough property and may transition into private ownership over time; the Borough should establish service-area authority before parcel sales and development create new emergency-response expectations. Including fire and EMS authority gives the Borough a lawful structure to support emergency response when needed, while preserving the Assembly's discretion over whether, when, and how any service is funded.

B. Police Services

Including police services in the TBSA authorization recognizes that some fire and EMS responses may require law-enforcement support before responders can safely proceed. EMS personnel must assess whether a scene is safe before initiating patient contact and may need to wait for law-enforcement assistance if a scene presents safety concerns or if a criminal matter becomes apparent during the response. Examples may include domestic violence and assault calls, intoxicated or combative patients, weapons on scene, death investigations and unattended deaths and calls initially reported as medical that turn out to involve criminal activity.

Authorizing police services does not require the Borough to establish a specific law-enforcement response model for Thomas Bay. Rather, it preserves the Assembly's ability to fund or coordinate law-enforcement support if future fire, EMS, or public-safety needs make that appropriate.

Because Thomas Bay is remote, timely outside law-enforcement support may not always be available. The closest blue-shirt Alaska State Trooper patrol posts in Southeast Alaska are in Juneau, Sitka, and Ketchikan. Petersburg has Alaska Wildlife Troopers, but their availability and role may differ from a local AST patrol post for general law-enforcement backup. Including police services in the TBSA therefore gives the Borough flexibility to evaluate and coordinate appropriate support if service needs develop.

C. Road Construction

Road construction authority is needed because the subdivision includes existing roads, but not all lots have practical road access. As parcels are sold or considered for sale, the Borough should have authority to address future access needs through private-sector contracts and, where appropriate, Local Improvement Districts so benefited property owners can help fund capital improvements without requiring immediate general service-area expenditures.

D. Road Repair and Maintenance

Road repair and maintenance authority is included to allow the Borough to address access, safety, drainage, and preservation needs as public use, parcel ownership, and development interest evolve. Work is expected

to be contracted as needed, rather than supported by Borough equipment staged in Thomas Bay, which keeps the authorization flexible and cost-conscious.

E. Parks and Recreation

Parks and recreation authority is appropriate because Thomas Bay is used primarily for outdoor recreation, including hiking, fishing, hunting, and related low-impact activities. The authorization would allow the Borough to consider future trails, picnic areas, signage, or other modest recreational improvements if future demand and funding justify them.

Financing Structure

Under Charter Section 14.03 and the proposed Chapter 4.85.030, the Assembly would be authorized to levy taxes, assessments, or other charges to fund TBSA operations and capital needs. Fiscal safeguards include:

- Tax levy rates may not cause real property taxes to exceed the maximum set under Charter Section 12.03.
- All TBSA revenue must be segregated and used exclusively for TBSA costs — capital, operating, and administrative.
- Local Improvement Districts may now be created within the TBSA for property owner-funded capital projects under the amended § 4.12.010 — an expansion of LID authority beyond its current scope. Currently, LID authority under Chapter 4.12 is limited to Service Area 1. The amendment to § 4.12.010.C expands that authority to include the Thomas Bay Service Area, giving the Borough a new tool to fund capital improvements — such as road construction — through assessments on benefited properties rather than general TBSA taxation alone.

Governance Structure

The assembly may provide an appointed or elected board to supervise the furnishing of services in a service area or may exercise such supervision by itself. The assembly or board shall determine the cost and levels of service, the means, methods and facilities for providing the service and all requirements for receiving the service. Long-term governance of the TBSA (e.g., service area board) is not addressed and may warrant future action.

Sectional Analysis

The table below summarizes each section of Ordinance No. 2026-17 and its significance for Assembly decision-making.

Section	Title	Key Provision	Decision Impact
Sec. 1	Classification	Declares the ordinance general and permanent; requires codification in the Petersburg Municipal Code.	Permanent legal effect — not temporary or administrative.
Sec. 2	Purpose	Establishes the TBSA to provide services not available on an areawide basis within the defined boundary.	Sets the statutory rationale and geographic scope.
Sec. 3.A (§ 4.12.010)	LID Applicability Amendment	Expands Local Improvement District (LID) authority — currently limited to Service Area 1 — to include the Thomas Bay Service Area. LIDs enable property owner-funded capital improvements such as road construction.	Provides a financing tool for TBSA capital projects.
Sec. 3.B (§ 4.85.010)	Creation & Boundaries	Creates the TBSA within ASLS 81-235, excluding federally owned Tract B-2.	Defines the legal boundary. See Exhibit A map.
Sec. 3.B (§ 4.85.020)	Authorized Services	Lists five service categories: fire/EMS, police services, road construction, road	Assembly retains full budget discretion — no

		maintenance, and parks and recreation. No service level is guaranteed; all subject to Assembly appropriation.	expenditure is required by adoption of the ordinance alone.
Sec. 3.B (§ 4.85.030)	Financing Authority	Authorizes taxes, assessments, and charges; mandates revenue segregation; caps levy per Charter § 12.03.	Mechanism exists but no rate is set for area services.
Sec. 4	Consent	Borough consents on behalf of itself; combined with State of Alaska consent, satisfies Charter § 14.03A(2).	Legally completes the consent requirement — no voter election is required.
Sec. 5	Effective Date	Ordinance takes effect immediately upon adoption.	

Prepared by Borough Administration



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Director's Office

550 West 7th Avenue, Suite 1070
Anchorage, Alaska 99501-3579
Main: 907.269.8600
TTY: 711 or 800-770-8973
Fax: 907.269.8904

May 28, 2026

Petersburg Borough Assembly
PO Box 329
Petersburg Alaska, 99833

Subject: Non-Objection to the Creation of a Service Area in Thomas Bay region, Petersburg, AK

To: Petersburg Borough Assembly

The Department of Natural Resources, Division of Mining, Land and Water (DMLW) has reviewed the Petersburg Borough's request for written consent to create a service area in the Thomas Bay region in Petersburg, Alaska. The request was submitted to satisfy requirements under Section 14.03(A)(2) of the Petersburg Borough Charter, which authorizes the assembly to establish new service areas when the ordinance describes the boundaries and specifies the powers to be exercised, and obtains written consent from all real-property owners when no voters reside within the proposed area.

Based on the materials provided and DMLW's review of the state-managed lands within the proposed boundaries, DMLW confirms that the State of Alaska is the owner of real property located within the proposed Thomas Bay Service Area. After evaluating the proposed boundary and powers to be exercised in the proposed service area, DMLW has no objection to the Petersburg Borough's creation of a service area as described.

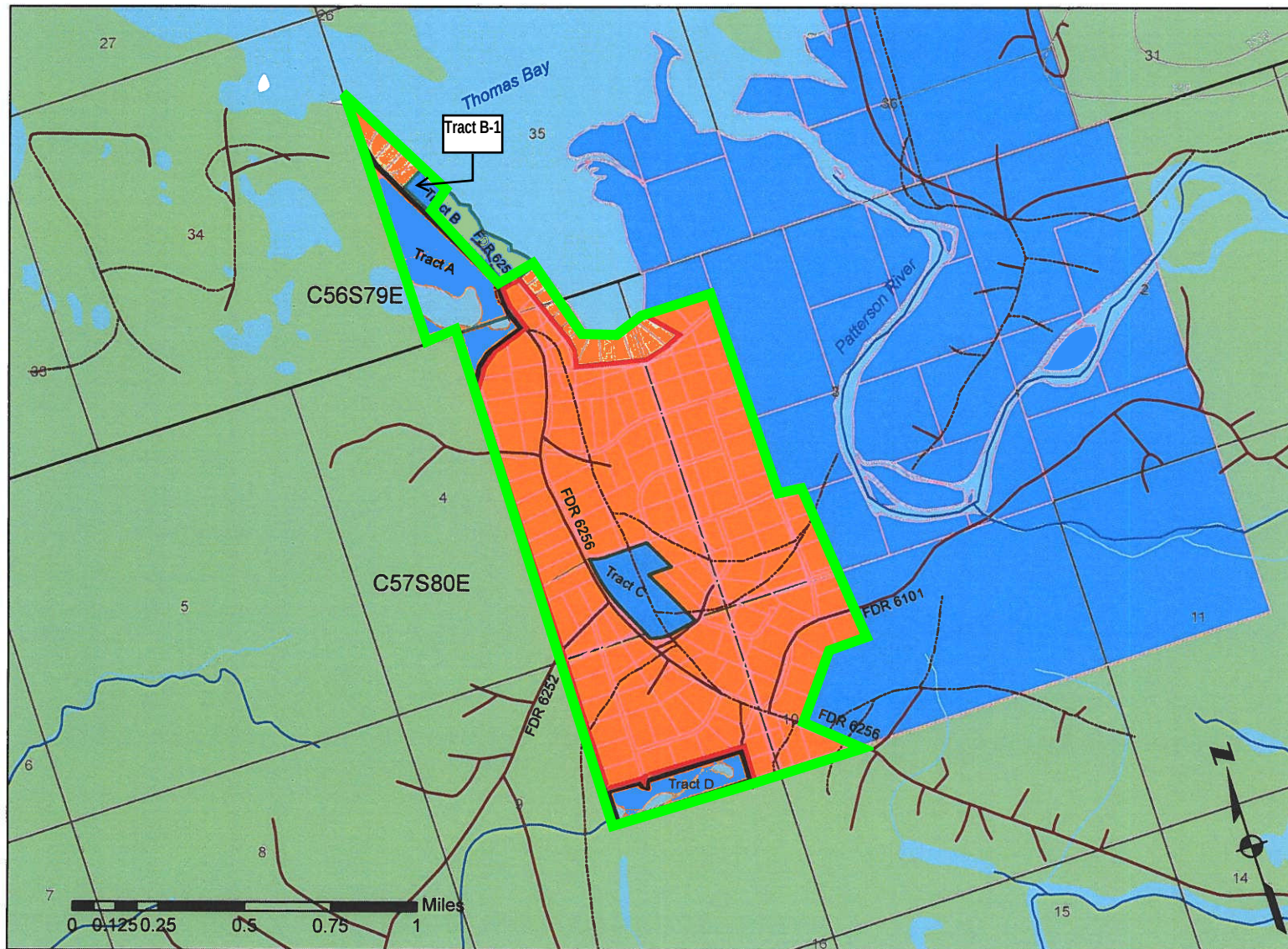
This letter constitutes DMLW's written consent for the purposes of the Petersburg Borough Charter Section 14.03(A)(2). This consent is limited to the establishment of the service area and does not authorize any specific land use activity or approval of any project, permit, or development that may subsequently be proposed within the service area. Under Alaska law, state-owned land is exempt from municipal property taxation because the State of Alaska is not a taxable entity. All future activities on state land remain subject to applicable state laws and regulations.

Sincerely,

A handwritten signature in cursive script that reads "Christy Colles".

Christy Colles
DMLW Director

Cc: Rachel Longacre, Chief of Operations
Hannah Uher-Koch, Section Chief



This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

Petersburg Borough Proposed Thomas Bay Service Area

Thomas Bay Subdivision
ADL 108981

Legend

- Anadromous Stream
- Other Forest Roads
- Forest Development Road
- Surveyed Tracts
- Surveyed Lots
- Petersburg Borough Lands
- Proposed Service Area Boundary
- State Land, TA or Patented
- USFS Land



PETERSBURG BOROUGH

ORDINANCE #2026-18

AN ORDINANCE AMENDING CHAPTERS 4.13, 4.16, 4.20, 4.27, AND 14.18 OF THE FORMER CITY OF PETERSBURG CODE TO ACCOUNT FOR BOROUGH FORMATION

Whereas, on January 3, 2013, the Election Division for the State of Alaska certified the election results of the December 18, 2012 incorporation election for the Petersburg Borough; and

Whereas, the certified election confirmed the incorporation of the Petersburg Borough and dissolved the City of Petersburg; and

Whereas, Petersburg Borough Charter, Section 19.06 requires all ordinances, resolutions, regulations, orders and rules in effect for the former City of Petersburg to continue in full force and effect within the Petersburg Borough, Service Area 1, until expressly reaffirmed, revised or repealed by the Assembly; and

Whereas, Chapters 4.13 (*Local Improvements by Private Contractor*), 4.16 (*Street Extensions by City*), and 4.20 (*Utility Extension by City*) are outdated or their contents are addressed in the updated version of Chapter 14.18, and thus they can be deleted in their entirety; and

Whereas, Chapters 4.27 (*Road Use Fees*) and 14.18 (*Municipal Utility Extensions*) of the former City of Petersburg Code, require changes in order to move them into the current municipal code.

Therefore, the Petersburg Borough Ordains, Chapters 4.13 (*Local Improvements by Private Contractor*), 4.16 (*Street Extensions by City*), 4.20 (*Utility Extension by City*), 4.27 (*Road Use Fees*) and 14.18 (*Municipal Utility Extensions*) of the Petersburg Municipal Code are 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 update the language to the municipal code to consolidate water, sewer, and electric utility extensions in one chapter, and to update road use fees regarding Cabin Creek Road, which have not been updated since 1999.

Section 3. Substantive Provisions:

A. **Amendment.** Chapter 4.13, *Local Improvements by Private Contractor*, of the Petersburg Municipal Code is hereby deleted in its entirety:

~~Chapter 4.13 LOCAL IMPROVEMENTS BY PRIVATE CONTRACTOR~~

~~4.13.010 Contract with landowners.~~

~~The owner or owners of land adjacent to a city owned right of way may contract with a private contractor for the construction of streets, water and/or sewer in the right of way.~~

~~4.13.020 Dedicated street.~~

~~The proposed street must have been dedicated as a city owned right of way from a plat approved by the city council of the city of Petersburg.~~

~~4.13.030 Submission of plans.~~

~~Engineering plans for the project shall be submitted to the city public works superintendent. The public works superintendent shall review the plans, and within thirty days, approve or disapprove of the plans. Upon approval by the public works superintendent, the engineering plans shall be submitted to the Department of Environmental Conservation in accordance with Alaska State Statute 46.03.070 and~~

PETERSBURG BOROUGH
ORDINANCE #2026-18

comply with the regulations set forth therein and with Sections 72.060 and 80.100 of Title 18 of the Alaska Administrative Code.

~~4.13.040 Valid contractor's license required.~~

~~The contractor for the project will hold a valid contractor's license for the state of Alaska and all appropriate permits and licenses necessary for contractual construction in the state of Alaska.~~

~~4.13.050 Contractual agreement.~~

~~The contractual agreement between the property owner(s) and the contractor is expressly between those parties and does not involve the city in any way except for the following stipulations:~~

- ~~A. — A bond for ten percent of the total project cost must be posted with the city to guarantee timely and satisfactory completion of the project.~~
- ~~B. — The city council shall specify the date for completion of the project.~~
- ~~C. — The public works superintendent shall inform the contractor of the specifications of installation of water and sewer lines and construction of streets which are acceptable to the city.~~
- ~~D. — The contractor will pay the city for the services of a city inspector who will be at the job site at the direction and discretion of the superintendent of public works. The fee/salary of the inspector shall be set by the superintendent of public works.~~

~~4.13.060 Bond and fines.~~

~~The ten percent bond will be refunded to the contractor upon satisfactory and timely completion of the project. The city will have the right to impose a five percent of the contract, per day, fine for each day of incompletion after the date set for completion. The contractor will have the right to apply for additional contract days due to weather, unavailability of materials or machinery breakdown.~~

~~4.13.070 Nonliability of city.~~

~~The city cannot be held responsible for nonpayment or failure of either party (owner(s) or contractor) of the contract.~~

~~4.13.080 City designated owner of street, water and sewer installation.~~

~~Upon successful completion of the street, water and/or sewer project, and within the specifications of the construction of same, the city will accept the street, water and/or sewer installation as owner, and maintain same as otherwise provided in this chapter.]~~

B. Amendment. Chapter 4.16, *Street Extensions by City*, of the Petersburg Municipal Code is hereby deleted in its entirety:

~~[Chapter 4.16 STREET EXTENSIONS BY CITY~~

~~4.16.010 Applicability.~~

~~Provisions of this chapter shall apply to construction of streets by the city in those areas where the city owns all of the adjacent property, and the streets are being extended in the course of the city's comprehensive growth and development program, undertaken unilaterally by the city. "Streets" may include curb and sidewalk.~~

4.16.020 Intent.

It is the intent of this chapter to establish incremental improvement valuation for prospective sale purposes on the properties receiving the benefit from the extension.

4.16.030 Calculation of assessment.

A rate per foot will be determined by taking the as-built cost of the street extension and dividing it by the total front footage of all the adjacent properties on both sides of the street extension. This rate per foot will then be used to determine the assessment to each property by multiplying the rate per foot by the front footage of each property.

4.16.040 Treatment of adjacent properties.

The city shall apply the adjacent property rule to city extensions as is expressed in Section 4.12.130 by following the same procedures.

4.16.050 Reference to utility extension provisions.

See also Chapter 4.20 of the city code, which deals with the extension of sewer and water during the course of the city's comprehensive growth and development program, and the assessments resulting therefrom.]

C. Amendment. Chapter 4.20, *Utility Extensions by City*, of the Petersburg Municipal Code is hereby deleted in its entirety:

[Chapter 4.20 UTILITY EXTENSIONS BY CITY4.20.010 Applicability.

Provisions of this chapter shall apply to the extension of water and/or sewer services by the city in those areas where the city owns all of the adjacent property and the utilities are being extended in the course of the city's comprehensive growth and development program, undertaken unilaterally by the city. The provisions of this chapter shall supersede the terms of any agreements between the city and other parties which may have been entered into pursuant to Resolution No. 584 R, adopted May 17, 1976. This chapter may apply to other utilities in addition to water and sewer.

4.20.020 Intent.

It is the intent of this chapter to establish incremental improvement valuation for prospective sale purposes on the properties receiving the benefit from the extension.

4.20.030 Calculation of assessment.

A rate per foot will be determined by taking the as-built cost of the utility extension and dividing it by the applicable front footage of all properties adjacent to and receiving benefit from the utility extension. This rate per foot will then be used to determine the assessment of each property by multiplying the rate per foot by the applicable front footage of each property.

4.20.040 Determination of applicable front footage.

A. — Properties bordered on more than one side with streets where utilities are being extended shall have included in the calculation of the rate per foot cost only one side, which side shall be the longest side of the property bordering the extension; this side of the property shall be considered the applicable front footage of the subject property.

~~B. The front footage of properties having only one side adjacent to a utility extension shall have that front footage considered as the applicable front footage for purposes of assessment basis.~~

~~4.20.050 Reference to street extension provisions.~~

~~See also Chapter 4.16 of the city code, which deals with the extension of streets during the course of the city's comprehensive growth and development program, and the assessments resulting therefrom.]~~

D. Amendment. Chapter 4.27, *Road Use Fees*, of the Petersburg Municipal Code is hereby amended as follows: The language proposed for addition is underlined and in **bold**, and the language proposed for deletion is in [brackets] and ~~struck through~~:

Chapter 4.27 ROAD USE FEES

4.27.010 Purpose.

The purpose of this chapter is to establish a method of appraising road use, surface rock replacement and road maintenance fees to resource recovery activities using the Cabin Creek Road.

4.27.020 Definitions.

"Cabin Creek Road" means the road which originates at the intersection of Reservoir Road and Sound Drive and terminates at 6.1 mile, a route of approximately 6.1 mile. Sound Drive, being the first 2.7 miles of the Cabin Creek Road, is subject to surface rock replacement.

"Resource ~~[recovery]~~ **extraction** activities" means the commercial **extraction**, recovery, or removal of any natural resource which is then transported on the Cabin Creek Road.

"Road maintenance fee" is charged to cover the cost of road maintenance over the entire haul route.

"Road use fee" is a charge for the use of the road based on the percentage of the current replacement value of the road cost. The road use fee is assessed when a single timber sale exceeds one million board feet or if resource extraction exceeds 16.5 million pounds annually.

"Surface rock replacement fee" is a fee charged for use of that portion of a road which has a surface rock overlay.

"Timber removal activities" mean the commercial removal of any timber which is then transported on Cabin Creek Road.

4.27.030 Fees for timber removal activities.

A. The road use fee shall be calculated at the rate of ~~[one dollar and twenty cents]~~ **two dollars and fifty cents** for each thousand board feet per mile traveled.

B. The surface rock replacement fee shall be calculated at the rate of ~~[sixty-eight cents]~~ **two dollars and fifty cents** for each thousand board feet per mile traveled.

C. The road maintenance fee shall be calculated and assessed at the rate of ~~[forty-nine cents]~~ **two dollars** for each thousand board feet per mile traveled.

4.27.040 Fees for resource ~~[removal]~~ **extraction** activities (non-timber).

A. The road use fee shall be calculated at the rate of ~~[one dollar and twenty cents]~~ **two dollars and fifty cents** for each sixteen thousand five hundred pounds (gross vehicle weight) per mile traveled.

B. The surface rock replacement fee shall be calculated at the rate of ~~[sixty-eight cents]~~ **two dollars and fifty cents** for each sixteen thousand five hundred pounds (gross vehicle weight) per mile traveled.

C. The road maintenance fee shall be calculated and assessed at the rate of ~~[forty-nine cents]~~ **two dollars** for each sixteen thousand five hundred pounds (gross vehicle weight) per mile traveled.

4.27.050 Payment of fees.

Payment of fees shall be made by prior arrangement with the public works director.

E. Amendment. Chapter 14.18, *Municipal Utility Extensions*, of the Petersburg Municipal Code is hereby deleted in its entirety and replaced with the following:

CHAPTER 14.18 – MUNICIPAL UTILITY EXTENSIONS

14.18.005 Applicability.

A. This chapter applies on an areawide basis to:

- 1. extension of the municipal water distribution mains and sewer collection mains, and associated water and sewer service lines to each lot, to a previously unserved area or subdivision;**
- 2. extension of a municipal primary electrical distribution feeder (greater than 600 volts) from existing infrastructure to an unserved area or lot meeting one or more of the following criteria:**
 - a. primary extension to a singular property and meter;**
 - b. upgrades from an existing secondary service to a primary service for a singular property and meter; or**
 - c. a primary backbone extension to multiple properties and meter locations; and**
- 3. secondary electrical service extensions (less than 600 volts) over one hundred feet to provide service to a single meter location, within or outside of established service areas.**

B. Individual installations of new services from existing water and sewer mains to property lines along Borough-owned rights-of-way are codified in Sections 14.04.220 (Water) and 14.08.220 (Sewer). Individual installations of secondary electrical service extensions (less than 600 volts) 100 feet or less are codified at Sections 14.16.260 (above ground) and 14.16.550 (underground). Underground electrical installations within a trailer court or subdivision are codified in Chapter 14.16.540 (Electric).

C. An extension of a utility is subject to the Service Area provisions of Section 14.02(A)(4) of the Borough Charter or, in the case of a Local Improvement District (LID), Article 16 of the Charter.

D. If the extended water, sewer, or electrical utility is not located in a service area providing street maintenance, performance of on-going utility maintenance is subject to adequate and safe street access being provided by those who requested the extension. Without such access, the Borough may, at its sole discretion, discontinue utility maintenance until such time as adequate and safe access is restored by the responsible parties. The Borough may discontinue utility service in the event that continuation of service presents a health or safety hazard.

14.18.010 Standard requirements for all extensions.

A. Any property owner(s) or applicant desiring an extension of a municipal utility service shall apply to the department head in charge of the utility. Applications for all water and sewer main extensions and primary electric backbone extensions to major subdivisions involving 5 or more lots shall include engineered plans of the utility extension, approved and stamped by an Alaska-licensed professional engineer having demonstrated experience in design of the utility in question, and meeting all applicable standard specifications of the Borough. All costs associated with utility extension work covered in this chapter are the responsibility of the property owner(s) and/or applicant.

B. Applicants for water and sewer extensions shall file an application with Alaska Department of Environmental Conservation (ADEC) to construct and operate the improvements and adhere to all conditions and requirements of the State of Alaska. ADEC Approval to Construct must be granted prior to construction. ADEC Approval to Operate, both Interim and Final, must be obtained within 90 days of project completion.

C. Municipal utility extensions shall only be made along and over lands on which the Borough has a legal right to construct, maintain and operate municipal utilities and related facilities. All costs associated with obtaining easements and rights-of-way necessary for utility extension shall be a part of the project costs and shall be paid by the property owner(s) and/or applicant. It is the applicant's responsibility to provide suitable cleared easements, rights-of-way and access streets meeting minimum Borough standards for utility construction. Streets, easements and rights-of-way will not be maintained by the Borough unless located within a service area providing street maintenance, the streets were built to Borough standard specifications, and dedicated and accepted for public use by the Borough Assembly. Streets, easements and rights-of-way not dedicated and accepted for public use by the Assembly are the responsibility of the property owner(s) to maintain. The Borough reserves the right to refuse maintenance, and discontinue service, of any utility if the street access does not meet minimum requirements to perform work safely.

D. Extensions to be constructed by the Borough shall be made at the convenience of the Borough departments in charge of each municipal utility and only after approval of proper design and feasibility by the Borough, or the Borough's appointed representative.

E. Ownership of all utility extensions shall be transferred to the Borough and shall become and remain the property of the Borough only when the following requirements are met:

1. A utility extension has been built per all applicable borough standard specifications and inspected and approved in writing by the Borough, or the Borough's appointed representative;
2. The property owner(s) or applicant demonstrates full payment of all extension project costs;
3. A complete set of as-built plans, with valid Professional Engineer stamp of the Engineer of Record, for water and sewer extensions have been submitted to the Borough;
4. Approvals to Construct and Operate have been received from ADEC and provided to the Borough, if applicable;
5. All provisions of this chapter have been addressed to the Borough's satisfaction, and the owner(s) of the improvements has made a formal request to the Borough, in the form of a signed and notarized letter;
6. Upon final approval of the work, in the case of electrical extensions that are installed by the Borough or a licensed contractor over and along legal easements or rights-of-way and fully paid by the applicant; and
7. Upon final plat approval by the Platting Board, for a new subdivision, or, in the case of a water or sewer utility extension to an existing subdivision or unsubdivided area, upon adoption of a resolution by the Borough Assembly approving and accepting the extension as borough-owned infrastructure.

F. In the event that the Borough is required to perform maintenance or repair on utility extensions that have not been excepted under paragraph E above, all expenses and costs for such maintenance and repair work shall be borne by the owner(s) or applicant and immediately due and payable.

G. A property owner(s) and/or applicant may contract with a licensed contractor to install municipal water, sewer or electric utility extensions; have the Borough install the water, sewer or electric extension, or the Borough may contract with a licensed contractor to install a specific utility

extension. In all installations, the utility extension shall be inspected by the Borough, or a Borough representative, to ensure compliance with all applicable codes, regulations, standards, specifications and policies. The utility extension shall not be opened or energized without payment of all applicable fees or costs and written approval from the department head of the utility being extended.

H. If, due to lack of adequate and safe street access, it is not feasible for the Borough to continue to maintain a utility, the Borough may elect, at its discretion, to terminate said maintenance until such time as adequate and safe access is restored by the responsible parties. The Borough may discontinue utility service in the event that continuation of service presents a health or safety hazard.

14.18.020 Borough installation of utility extensions – electric, water and sewer.

A. In the event the Borough is to install a utility extension hereunder, the applicable Borough department shall provide a written cost estimate of the extension. The estimate shall include all costs including but not limited to easement and right-of-way acquisition, surveying, design, engineering, administrative costs, materials, labor and equipment. The written cost estimate shall be sent to the property owner(s) or applicant and shall remain valid for a period of thirty days from the date of submission. The validity of the cost estimate may be extended beyond thirty days by mutual written agreement between the Borough and the property owner(s) or applicant.

B. Upon the acceptance of the cost estimate by the owner(s) or applicant and final approval of engineered plans, if required, the parties shall enter into a written agreement. The terms of the agreement shall include an estimated completion date, a cost estimate of the utility extension, a clear commitment by the owner(s) or applicant to pay, in full and in advance, all costs and expenses of the extension and dedicate the improvements to the Borough, and such other provisions as may be required and deemed necessary. Any deviation from previously approved engineered plans shall require a written change order signed by all parties.

C. Full payment for the actual costs and expenses of a utility extension is the property owner(s) or applicant's responsibility. Prior to the start of construction, the owner(s) or applicant shall deposit with the Borough the full estimated cost of the project as described in paragraph A of this Section. The Borough shall deposit the funds in the appropriate enterprise fund during construction and maintain an accounting of all actual project costs. At completion, all costs will be totaled and compared to the deposited amount. If the cost of the project is less than the deposit, the Borough shall return the excess deposit to the owner(s) or applicant. If the deposit falls short of actual costs, the owner(s) or applicant is required to pay the remaining balance of actual costs.

14.18.030 Property owner's installation of utility extensions by contractor.

A. The owner(s) of land adjacent to a borough owned and platted easement or right-of-way may contract with a private contractor, licensed in the State of Alaska, for the construction of streets, electric, water, and/or sewer in the easement or right-of-way. The owner(s) shall be responsible for obtaining all appropriate permits for the work and providing copies to the borough prior to any work.

B. The installation shall be inspected and approved by the Borough. The Borough shall provide a written estimate of the project inspection costs and the property owner(s) shall pay in full to the Borough the estimated costs of inspection prior to start of construction. At the completion of the work, and prior to approval, any additional costs over the estimated amount shall be immediately paid by the property owner(s). Any excess from the estimated amount shall be returned to the property owner(s).

C. The owner(s) shall comply with all construction and operational requirements of section 14.18.010 of this chapter.

D. The owner(s) shall post a bond with the borough for ten percent (10%) of the total project cost to guarantee timely and satisfactory completion of the project. The owner(s) must obtain the

consent of the utility department head to the proposed dates for commencement and completion of the portion of the work to be performed within the easement or right-of-way.

E. The bond will be refunded to the owner(s) upon full, satisfactory and timely completion of the project. The borough will have the right to impose a penalty on the owner(s) of up to Two Hundred Dollars (\$200.00) for each calendar day, or partial day, of unexcused delay beyond the scheduled completion date. The owner(s) will have the right to request an extension of the completion date in the event that completion was delayed due to weather, unavailability of materials not caused by the contractor, or machinery breakdown.

F. The borough is not responsible for nonpayment or other failure of either party (owner(s) or contractor) to the contract.

G. Upon successful completion of the project, and within the specifications of the construction of same, the borough will accept the street, electric, water, and/or sewer installation, excepting that the Borough will not accept streets for maintenance unless the project is located within a service area providing street maintenance. Acceptance is not a guarantee of maintenance or any specific level of maintenance, which is subject to Assembly appropriation.

14.18.040 Utility extensions to subdivisions – water, sewer and overhead electric.

A. No municipal utility will be available to an undeveloped subdivision unless and until the developer and the Borough reach written agreement concerning the subdivision's utility infrastructure and street construction.

B. When the developer elects to construct the utilities, it is the responsibility of the developer to provide the municipal utility infrastructure from existing locations to the subdivision and to the edge of each lot within the subdivision prior to sale of any subdivision lots.

C. It is the individual lot owner(s)' responsibility for the utility service from the edge of the lot to the house or other point of service.

D. The developer will not be reimbursed for any infrastructure costs in the event a utility is extended to others beyond the subdivision.

E. Underground electrical extensions to subdivisions or mobile home parks shall adhere to the requirements of chapter 14.16.540.

~~[14.18.005 – Applicability.~~

~~This chapter applies to extension of the municipal water distribution mains and sewer collection lines from existing systems to individual property lines; and extension of the municipal electrical distribution system from existing facilities to a meter location. This chapter also applies to requests for extensions over one hundred feet to provide a municipal utility service to a single location.~~

~~Individual service line installations from existing water and sewer mains to property lines along city owned rights-of-way are codified in Chapter 14.04 (Water) and Chapter 14.08 (Sewer).~~

~~14.18.010 – Standard requirements for all extensions.~~

~~A. Any person desiring an extension of a municipal utility service shall apply to the city building official. Applications for all water and sewer extensions and applications for large commercial electrical extensions shall include engineered plans of the utility extension, approved by a registered engineer.~~

~~B. Municipal utility extensions shall only be made along and over lands on which the city has a legal right to construct, maintain and operate municipal utilities and related facilities. All costs associated with obtaining easements and rights-of-way necessary for utility extension shall be a part of the project costs and shall be paid by the property owner. It is the property owner's responsibility to provide suitable cleared easements and rights-of-~~

way for utility construction. The city will maintain utility easements and rights-of-way after construction for the purpose of access to the utilities and for maintenance. Easements and rights-of-way will not be maintained for public use unless accepted and dedicated for public use.

C. Extensions shall be made at the convenience of the city departments in charge of each municipal utility and only after approval of proper design and feasibility by the city, or the city's appointed representative.

D. Ownership of all utility extensions shall be transferred to the city and shall become and remain property of the city only when:

1. A utility extension has been inspected and approved by the city, or the city's appointed representative;
2. A property owner demonstrates full payment of all extension project costs; and
3. Two complete sets of Mylar as-built plans for water and sewer extensions have been submitted to the city.

E. A property owner may contract with a licensed contractor qualified to install specific municipal utility extensions; have the city install the utility extension, or the city may contract with a licensed contractor qualified to install a specific utility extension. In all installations, the utility extension shall be inspected by the city, or city's representative, to insure compliance with all applicable codes, regulations, standards, specifications and policies. The utility extension shall not be opened or energized without written approval from the department head of the utility extended.

14.18.020 – City installation of utility extensions.

A. The city department in charge of a utility to be extended shall provide a written cost estimate of the extension. The estimate shall include all costs including but not limited to easement and right-of-way acquisition, surveying, design, engineering, administrative costs, materials, labor and equipment. The written cost estimate shall be sent to the property owner by certified mail and shall remain valid for a period of thirty days from the date of mailing. The validity of the cost estimate may be extended beyond thirty days by mutual written agreement between the city and the property owner.

B. Upon the property owner's acceptance of the cost estimate, final approval of engineered plans and agreement by the property owner and the city to proceed, both parties shall enter into a written agreement. The terms of the agreement shall include a completion date; a cost estimate of the utility extension and such other provisions as may be required and deemed necessary. Any deviation from previously approved engineered plans shall require a written change order signed by the property owner and the city.

C. Full payment for the actual expense of a utility extension is the property owner's responsibility and must be made prior to opening or energizing an extension. Prior to the start of construction, the property owner shall deposit with the city the full estimated cost of the project as described in subsection A of this section. The city shall hold the deposit until the extension is complete. If there is a balance of deposited funds remaining after the actual cost of the extension, the city shall return the excess deposit to the property owner. If the estimated cost and deposit falls short of actual costs by ten percent or less, the property owner is required to pay the balance of actual cost, less deposit.

14.18.030 – Property owner's installation of utility extensions by contractor.

If a property owner contracts to install a utility extension, the installation shall be inspected and approved by the city and all associated costs for inspection shall be paid in full to the city prior to the start of utility construction. The city shall provide a written estimate of the project inspection costs and the property owner shall pay in full to the city the estimated costs of inspection. Any additional costs over the estimated amount shall be billed to the property owner and any excess from the estimated amount shall be returned to the property owner.

14.18.040 – Cost participation in extensions.

It is city policy to encourage property owners along the route of a utility extension to participate in the cost of the project. To that end, the city shall:

~~A. Protect the original property owner's share of construction costs for up to five years from the date of completion in the event the amount paid to the city exceeds three thousand five hundred dollars and others connect to the line;~~

~~B. Provide for a refund of that portion of the cost that is in excess of two thousand five hundred dollars when new customers take service from the same extension. For each of the next three new customers taking service from the same basic extension, the original customer will receive a refund of twenty-five percent of the original cost over two thousand five hundred dollars. The city will collect the sums from the new customers and refund the sums to the original customer. Refunds will be made only to the original customer and are not transferable.~~

~~14.18.050—Hardship.~~

~~It is not the intent of the city to place an undue financial hardship on property owners affected by a utility extension. Affected property owners may apply to the city for hardship assistance as provided in Chapter 4.26 of this code.~~

~~14.18.060—Utility extensions to subdivisions.~~

~~No municipal utility will be available to a subdivision until the owner and/or developer and the city reach written agreement concerning the utility's infrastructure. It is the responsibility of a property owner and/or developer to provide the municipal utility infrastructure from existing locations to the subdivision and to the edge of each lot within the subdivision. It is the individual lot owner's responsibility for the utility service from the edge of the lot to the house or other point of service. The owner and/or developer will not be reimbursed for any infrastructure costs in the event a utility is extended to others beyond the subdivision.]~~

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.

Robert Lynn, Mayor

ATTEST:

Rebecca Regula, Clerk

Adopted:
Noticed:
Effective:

**PETERSBURG BOROUGH
RESOLUTION #2026-19**

**A RESOLUTION OF THE PETERSBURG BOROUGH ASSEMBLY APPROVING THE SALE
OF A BOROUGH-OWNED PARCEL TO ROBERT FUNK**

WHEREAS, the Petersburg Borough is the owner of real property identified as: Lot 6, Block 245, USS 1252A (Parcel ID 01-011-324, located at 502 Lumber Street); and

WHEREAS, the parcel has a total FY 2026 assessed value of \$33,100.00; and

WHEREAS, on February 19, 2026 application was made by Robert Funk to purchase the parcel adjacent to his property; and

WHEREAS, on April 14, 2026, the Planning Commission held a public hearing on the application and recommended approval of the requested purchase; and

WHEREAS, the Borough Assembly, on May 18, 2026, approved and advanced the application, authorizing direct negotiations for the sale of the parcel, with the final terms subject to Assembly approval; and

WHEREAS, thereafter, the Borough Manager negotiated the terms and conditions for purchase of the parcel, which is memorialized in a proposed Contract of Sale attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Borough Assembly determines that the parcels are not required for a municipal purpose; and

WHEREAS, Petersburg Municipal Code 16.12.160C, provides that the disposal of borough property with an assessed value of \$250,000 or less be authorized by resolution of the Assembly.

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

Section 1. The Assembly hereby approves the sale of the parcel - Borough-owned Lot 6, Block 245, USS 1252A (Parcel ID 01-011-324, located at 502 Lumber Street)- to Robert Funk pursuant to the terms and conditions contained in the attached Contract of Sale.

Section 2. The Borough Manager is authorized to execute the Contract of Sale and any associated closing documents, deeds, disclosures, or agreements necessary to complete the conveyance of the parcels to the Buyer.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED and APPROVED by the Assembly of the Petersburg Borough, Alaska this 20th day of July 2026.

Robert Lynn, Mayor

ATTEST:

Rebecca Regula, Borough Clerk

Exhibit A**CONTRACT OF SALE**

This contract of sale is made between the Petersburg Borough, whose address is P.O. Box 329, Petersburg, Alaska, 99833, hereinafter the Seller, and Robert Funk, whose address is PO Box 2191, Petersburg, Alaska 99833, hereinafter the Buyer. If Buyer is an individual, s/he represents that s/he is 18 years of age or older. If this contract of sale is being executed by Buyer's authorized representative, the written authorization, or copy thereof, is attached hereto.

1. Upon the following terms and conditions, and those set out in Assembly Resolution #2026-19 of the Petersburg Borough, Seller hereby agrees to sell and convey, and Buyer agrees to purchase, the following described real property:

Parcel #01-011-324, 502 Lumber Street, Lot 2, Block 245, 1252A, Petersburg Recording District, State of Alaska

2. (a) The total purchase price is \$33,100 payable as follows: A deposit equal to a minimum of five percent (5%) of the purchase price shall be paid to the Seller within five (5) business days of the date of execution of this contract of sale, and the balance of the purchase price shall be paid in full to the Seller within ninety (90) calendar days of execution of this contract of sale. Conveyance of the property to the Buyer shall be by quitclaim deed upon payment of the full purchase price.

(b) In the event that an appeal of the bid award is filed and the bid award to Buyer is upheld in the decision on appeal by the Assembly, the deposit is due within five (5) calendar days of the Assembly's decision, and the balance of the purchase price shall be paid in full within ninety (90) calendar days of the Assembly's decision.

(c) If the Buyer defaults, by either failing to timely make the required deposit or by failing to timely pay the balance of the purchase price, any deposit made by Buyer shall be forfeited to the Seller and the Buyer shall have no further rights whatsoever to purchase the property. This section is not intended to limit any other legal remedy available to the Seller.

3. The property, and any improvements located thereon, is sold "as is, where is", in its current condition and with all faults. The Seller expressly makes no representations regarding, and disclaims any liability for, the property, and/or any improvements located thereon, including but not limited to (1) the condition of the property and any improvements located thereon; (2) the exact location or size of the property, the existence of markers on the property, or the ability or cost of surveying the property; (3) the status or insurability of title to the property, including the existence of any liens, encumbrances or conditions on the property; (4) the ability of the Buyer to utilize the property and/or any improvements in any fashion and for any particular purpose or use; and (5) the existence, or the potential for installation, of utilities on or to the property. The Seller makes no representations, warranties or guarantees, express or implied, as to quality, merchantability or suitability of the property for a particular purpose or use.

4. The property is sold subject to all platted easements, rights-of-way and reservations, and may only be used for the purpose for which it is zoned. The property is sold subject to all other liens, encumbrances, and conditions, of record or not of record, including but not limited to matters which would have been disclosed by a survey or physical inspection

Exhibit A

of the property.

IN WITNESS WHEREOF, this contract of sale has been duly executed by the parties thereto.

SELLER, Petersburg Borough

By: Stephen Giesbrecht
Its: Borough Manager

Date: _____

STATE OF ALASKA)
)ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that before me, the undersigned Notary Public for Alaska, duly commissioned and sworn as such, personally appeared Stephen Giesbrecht, to me known to be the Borough Manager of the Petersburg Borough, and who executed the foregoing instrument, and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed and on behalf and under proper authority of the Petersburg Borough for the uses and purposes therein mentioned.

WITNESS my hand and official seal this ____ day of ____, 2026

NOTARY PUBLIC in and for Alaska
My Commission Expires: _____

Exhibit A

BUYER

Name of Buyer (please print)_____
Signature

Date: _____

STATE OF ALASKA)
) ss.
 FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that before me, the undersigned Notary Public for Alaska, duly commissioned and sworn as such, personally appeared Taylor Jensen, to me known to be the individual described herein, and who executed the foregoing instrument, and acknowledged to me that s/he signed and sealed the same as his/her free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal this _____ day of _____, 2026.

 NOTARY PUBLIC in and for Alaska
 My Commission Expires: _____

**PETERSBURG BOROUGH
RESOLUTION #2026-20**

**A RESOLUTION AUTHORIZING THE APPLICATION FOR, AND EXECUTION OF, A STATE
REVOLVING FUND LOAN FOR A WASTEWATER DISINFECTION STUDY**

WHEREAS, the Petersburg Borough (the Municipality) seeks to obtain the necessary financial assistance to complete a Wastewater Disinfection Study;

WHEREAS, the Wastewater Disinfection Study will evaluate alternatives, develop preliminary engineering recommendations, and identify improvements necessary to meet current and future regulatory requirements for wastewater disinfection;

WHEREAS, the State of Alaska, Department of Environmental Conservation (the Department) is able to offer funding through the Alaska Clean Water Fund;

WHEREAS, the project currently is included on an Alaska Clean Water Fund project priority list for the current fiscal year;

WHEREAS, the Municipality wishes to apply for a loan from the Alaska Clean Water Fund in the amount of \$150,000 to assist in funding the Wastewater Disinfection Study;

WHEREAS, the loan of up to \$150,000 would be repaid over no more than a 20-year term, with a finance rate calculated pursuant to 18 AAC 76.080;

WHEREAS, Petersburg voters approved new debt service up to \$19.3 million within the wastewater department by approving Proposition 4 in the 2024 municipal election (Assembly Ordinance 2024-13);

WHEREAS, the indebtedness to the wastewater enterprise fund from this loan will be \$150,000 and is within the voter-approved debt service for the wastewater enterprise fund;

NOW, THEREFORE, BE IT RESOLVED the Assembly for the Petersburg Borough hereby authorizes the Borough Manager to apply to the State Department of Environmental Conservation for a loan in the amount of \$150,000 from the Alaska Clean Water Fund for the Wastewater Disinfection Study. Upon approval of said loan, the Borough Manager is further authorized to execute the necessary loan documents relating to said loan, which will become a binding obligation in accordance with their terms when signed by both parties.

The Manager is authorized to delegate responsibility to appropriate Borough staff to carry out technical, financial, and administrative activities associated with this loan, in accordance with the terms of Borough Charter and Code.

PASSED AND APPROVED by the Petersburg Borough Assembly on this 20th day of July 2026.

Robert Lynn, Mayor

ATTEST:

Rebecca Regula, Borough Clerk

**PETERSBURG BOROUGH
RESOLUTION #2026-21**

**A RESOLUTION AUTHORIZING THE APPLICATION FOR, AND EXECUTION OF, A STATE
REVOLVING FUND LOAN FOR AN INDUSTRIAL PRETREATMENT PROGRAM**

WHEREAS, the Petersburg Borough (the Municipality) seeks to obtain the necessary financial assistance to develop and implement an Industrial Pretreatment Program for the Borough's wastewater treatment system;

WHEREAS, the Industrial Pretreatment Program will evaluate industrial discharges, develop local limits, prepare required ordinances and enforcement procedures, establish monitoring requirements, and provide the documentation necessary to comply with state and federal wastewater pretreatment regulations;

WHEREAS, the State of Alaska, Department of Environmental Conservation (the Department) is able to offer funding through the Alaska Clean Water Fund;

WHEREAS, the project currently is included on an Alaska Clean Water Fund project priority list for the current fiscal year;

WHEREAS, the Municipality wishes to apply for a loan from the Alaska Clean Water Fund in the amount of **\$150,000** to assist in funding the Industrial Pretreatment Program;

WHEREAS, the loan of up to **\$150,000** would be repaid over no more than a 20-year term, with a finance rate calculated pursuant to 18 AAC 76.080;

WHEREAS, Petersburg voters approved new debt service up to **\$19.3 million** within the wastewater department by approving Proposition 4 in the 2024 municipal election (Assembly Ordinance 2024-13);

WHEREAS, the indebtedness to the wastewater enterprise fund from this loan will be **\$150,000** and is within the voter-approved debt service for the wastewater enterprise fund;

NOW, THEREFORE, BE IT RESOLVED, the Assembly for the Petersburg Borough hereby authorizes the Borough Manager to apply to the State Department of Environmental Conservation for a loan in the amount of **\$150,000** from the Alaska Clean Water Fund for the Industrial Pretreatment Program. Upon approval of said loan, the Borough Manager is further authorized to execute the necessary loan documents relating to said loan, which will become a binding obligation in accordance with their terms when signed by both parties. The Manager is authorized to delegate responsibility to appropriate Borough staff to carry out the technical, financial, and administrative activities associated with this loan, in accordance with the terms of the Borough Charter and Code.

PASSED AND APPROVED by the Petersburg Borough Assembly on this 20th day of July, 2026.

Robert Lynn, Mayor

ATTEST:

Rebecca Regula, Borough Clerk

PLANNING COMMISSION REPORT

Action #	2026-604
Meeting Date:	6/9/2026
Applicant(s):	Brian Newman
Property Owner(s):	Petersburg Borough
Agent/Representative:	-
Property Address:	1205 LAKE ST
Legal Description:	Lot 9, Block 258, Northeast Subdivision
Parcel ID	01-002-458
Acreage/Lot Size	10,000 sf
Current Zoning	Single-family Residential
Comp Plan Designation:	
Request Type:	Sale of borough property

A. EXECUTIVE SUMMARY

Applicant Request	Purchase 10,000 sf of borough-owned property
Commission Recommendation	Recommend Assembly Approve Sale
Key Issues	Utilities are located approximately 100' away. They will need to be extended prior to development.

B. PROJECT DESCRIPTION

Intended Use	Shop or ADU
Building/Development	-
Site Improvements	-
Operations Plan	-
Timeline	-

C. Site Characteristics

Topography:	Muskeg
Existing Structures:	None
Legal Access:	Lake St
Utilities:	Located on Lake St; would need to be extended to parcel
Flood Zone:	N/A

D. Zoning and Land Use

Zoning District: Single-family Residential	Actual Land Use: Residential
District Purpose:	SFR provides a sound and attractive residential neighborhood.

PLANNING COMMISSION REPORT

Principal Uses:	Uses outlined in Section 19.20.020 for SFR, include, but are not limited to, single-family homes, two-family homes, and accessory buildings.
Conditional Uses:	Conditional uses outlined in Section 19.20.040 for SFR include, but are not limited to, home occupation, private schools, church, public buildings.

Surrounding Area	Zoning District	Actual Land Use
North	Single-family Residential	Vacant
South	Single-family Residential	Residential
East	Single-family Residential	Vacant
West	Single-family Residential	Residential

E. Lot Development Standards

	Standard	Conforms?
Minimum Lot Size	8,000 sf	Yes
Minimum Road Frontage	80 ft	Yes

F. Standards Analysis (PMC 16.12.050-16.12.080)

1. Disposal of borough property shall not be approved unless the property involved has been zoned by the borough.

Subject property is zoned single-family residential.

2. Planning commission may require an applicant to state the nature, extent, size and general specifications of improvements the applicant intends to construct upon the real property and the time when the improvements will be completed. The planning commission may also require an applicant to furnish development plans.

Applicant provided general plans but there are no specifics as to time when improvements will be completed.

G. DEPARTMENT REVIEWS

Department	Comments
Public Works	No Comments
PMP&L	No Comments
Fire	No Comments

H. Public Notice. The borough provided public notice consistent with PMC 19.80.040. Notice was mailed by first class mail to the owner of record of the property within a distance of six hundred feet

PLANNING COMMISSION REPORT

of the exterior boundary of the property that is the subject of the application. See Attachment D for notification list.

I. Findings

Finding 1: Subject property is owned by the borough and not needed for public purpose.

Finding 2: Subject property is zoned as required by code.

Finding 3: Legal access is Lake St.

Findings 4: Utilities are located about 100' away on Lake St.

K. Attachments

A. Maps	C. Public Comments
B. Applicant Materials	D. Public Notice

Attachment A. Maps

Petersburg Borough Land Purchase
1205 Lake Street
01-002-458



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, Alaska

Land Disposal Application

(\$500.00 non-refundable filing fee required)

Form must be completed in its entirety to be considered

Office Use:

Rec'd. by:

Fee: \$

Date Rec'd:

Date: 05/04/2026

This is a request for land disposal via (circle one):
 Lease Purchase Exchange Other

Parcel ID #(s) of Subject Property:

01-002-458

Proposed term of lease: _____
 (total years)

1205 Lake St.

Legal Description of Property:

Lot 9, Plat #69-53 Block 258
Section 27, T58S, R79E,
Survey USS 1252A

Current Zoning of Property:

Single-Family
Residential

Applicant Name:

Brian Adam Newman

Applicant Mailing Address:

P.O. Box [REDACTED]
Petersburg, AK 99833

Applicant Contact Info:
 (phone and/or email)

[REDACTED]
 [REDACTED]

- Size of Area requested (identify the minimum area necessary in square feet): 10,000 ft²
- Attach a map showing the location of the land requested. Map must show surrounding area with the land requested clearly marked with bolded borders or highlighted color.

3. Narrative on use of property: Explain proposed use of land and when use is expected to begin and end. Include any planned new construction or renovation, including time-frame when construction or renovation will be completed and type of materials to be used. Provide the estimated dollar value of proposed improvements. Explain the value of the proposal to the economy of the borough and any other information you feel should be considered. (attached additional sheet if necessary)

we are looking to put a dwelling and or
consolidate and put a shop/garage on the lot

4. Name and address of all adjacent land owners or lessees, including upland owner(s) if applicable: (attach additional sheet if necessary)

Petersburg Borough Eveni Mamoe (201 Galveston)
Brian & Marlena Newman (us)
(205 Galveston)

5. Are there any existing permits or leases covering any part of the land applied for?

 Yes X No

If yes, please check one: (Lease X Permit)

Describe the type of permit or lease, if applicable, and the name and last known address of the permittee or lessee: Building permit

6. What local, state or federal permits are required for the proposed use? (list all)

Will request a special use permit to construct a driveway
for access to lot.

7. If applicant is a corporation, provide the following information:

A. Name, address and place of incorporation: _____

B. Is the corporation qualified to do business in Alaska?: Yes No

Name and address of resident agent: _____

8. Why should the Planning Commission recommend Assembly approval of this request?

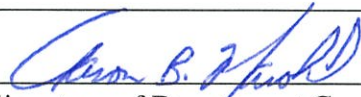
Born and raised in Petersburg, AK. We plan on raising our family here. We own the lot in front of the proposed lot to purchase.

9. How is this request consistent with the Borough's comprehensive plan?

Looking to expand without having borough utilities or infrastructure. Also adding rental or housing.

10. Prior to submitting this application, please verify with pertinent Borough Departments that the land requested for lease, purchase or exchange is not needed for a public purpose by speaking with the appropriate personnel in the Electric, Water, Wastewater, Community Development, Harbor or Public Works Departments and obtain their comments and signatures below. (attach additional sheet if necessary):

Department Comments: PUBLIC WORKS HAS NO PUBLIC USE FOR THIS PROPERTY

 PW DIRECTOR
Signature of Department Commenter

Department Comments: ComDev has no public use for the property.

Liz Cabrera
Signature of Department Commenter

Department Comments: _____

Signature of Department Commenter

Department Comments: _____

Signature of Department Commenter

NOTICE TO APPLICANT(s):

Applicant will be required to pay a non-refundable filing fee with the Borough of \$500 to cover estimated costs of: a title report, survey, legal fees, postage, recording fees, public noticing and advertising and other costs incidental to the processing of this application.

I hereby certify that I have received and reviewed a copy of Petersburg Municipal Code Chapters 16.12 and 16.16 (as they may pertain to my particular application) and understand the Code requirements. I further certify I am authorized to sign this application on behalf of the applicant.

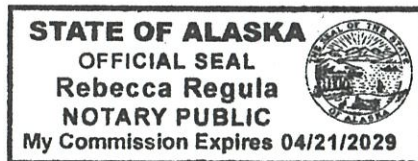
Please sign application in the presence of a Notary Public.

Brian A. Newman
Applicant/Applicant's Representative

Subscribed and sworn to by Brian Newman, who personally appeared
before me this 24th day of May, 2020.

Rebecca Regula
Notary Public

Notary Public in and for the State of Alaska. My Commission Expires: 4/21/2029



**Map of 1205 Lake Street
Lot 9, Plat #69-53 Block 258**



From: [Dave Ohmer](#)
To: [Anna Caulum](#)
Subject: Brian Newman Special Use Permit
Date: Monday, May 25, 2026 11:56:52 AM

External Email! Use Caution

Hello Anna and Planning Commission Members,

I am writing to offer my support for Brian Newman's Borough Land Acquisition and Special Use Permit request, at 1205 Lake Street. This kind of development is great news for the Borough. An unneeded Borough lot will help Brian and his family improve their home and property while adding another taxable lot and new development to the Borough's collection list. This is a perfect win-win, and I hope more property owners will follow Brian's lead, and where possible, further pursue their property dreams. I hope that the Planning Commission and then the Assembly will fully support Brian in these requests.

Sincerely,

Dave Ohmer



May 22, 2026

PO BOX
PETERSBURG AK 99833

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 from Brian Newman to purchase borough property at 1205 Lake St (PID: 01-002-458)

The public hearing and consideration of the application will be held:	Tuesday, June 9, 2026, at 12:00 PM Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via ZOOM , 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

Name1	Name2
CHRIS FRY	
HEATHER O'NEIL	
SARAH FINE-WALSH	
JIM FLOYD	
THOMAS KOWALSKE	
JOSHUA ADAMS	
MIKA CLINE	
NEWMAN BRIAN A	NEWMAN MARLENA
BENNETT LYLE E	BENNETT CAROL L
BIRCHELL CURTIS W	BIRCHELL KRISTI A
CARIELLO JAMES	
ESPOSITO GINA S	OLSON PAUL D
GELHAUS MARK	GELHAUS MARCELLA
GILLEN GEOFFREY	
GREINIER ANDREW C	
HOFSTAD KAREN J	KAREN HOFSTAD REVOCABLE TRUST
JENSEN MARK L	
KASTAMA SHARON	KASTAMA COREY
KETTEL HAROLD	BOULTON JANET
KRAVITZ MARY	KRAVITZ GARRETT
KUBO MASAHIRO	KUBO ELISE K
KVERNVIK JERALD A	KVERNVIK JANICE K
MAMOE EVENI	MAMOE SHARLAY N
MARTENS JENNY L	
MARTINSEN JAMES H	MARTINSEN DONNA
MARTINSEN JUDINE M	BISSET GEORGE J
MATHENY LARRY	MATHENY SHIRLEY
MCINTOSH MICHAEL R	MCINTOSH VICKI L
NELSON PATRICIA A	PATRICIA A NELSON REVOCABLE TRUST
NESS JEANETTE	
NILSEN MATT J	NILSEN VALAREE J
NILSEN ROBERT	NILSEN CARROL
NORDGREN OLE	NORDGREN KANDI
NORHEIM TAYLOR	
O'GARA DEBRA	
OHMER DAVE	
PHILLIPS JEB	
RANDRUP JOEL	RANDRUP KIM
RICE JEFFREY R	CABRERA ELIZABETH
RIEMER DAVID	RIEMER SALLY
SAMUELSON GAINHART	SAMUELSON AUDREY
SCHramek KAREN	
SIMBAHON KIMBERLEY A	
SIMBAHON TIARE R	
SMITH MARTHA N	
TAGABAN EDWARD J	TAGABAN JESSIELEA M
TAYLOR KATHRYN ALWYN	
THOMPSON THOMAS L	
US COAST GUARD	
WALLACE GEORGE	WALLACE CAROL
WARE RON	
WEAVER PAT ELAINE	
WELCH JERRY L	WELCH TERRY A
WESTRE BRUCE	WESTRE WENDY

Planning Commission Report

Action #	2026-605
Meeting Date:	6/9/2026
Applicant(s):	Brian Newman
Property Owner(s):	Petersburg Borough
Agent/Representative:	-
Property Address:	LAKE ST ROW
Legal Description:	Portion of Lake St ROW
Parcel ID	
Acreage/Lot Size	10,000 sf
Current Zoning	Single-family Residential
Comp Plan Designation:	
Request Type:	Use of platted right-of-way for access

A. EXECUTIVE SUMMARY

Applicant Request	Use 10,000 sf of borough-owned right-of-way
Commission Recommendation	Recommend Assembly approval of the SUP, contingent upon conveyance of 1205 Lake St. to the applicant. (Note: If the property is subsequently conveyed to another party, the new owner would be required to apply for a new special use permit.)
Key Issues	Applicant seeks access to 1205 Lake St, which he has applied to purchase.

B. PROJECT DESCRIPTION

Intended Use	Access to 1205 Lake St
Building/Development	-
Site Improvements	Intends to construct an access road.
Operations Plan	-
Timeline	-

C. Site Characteristics

Topography:	Muskeg
Existing Structures:	None
Legal Access:	Lake St
Utilities:	N/A
Flood Zone:	N/A

D. Zoning and Land Use

Planning Commission Report

Zoning District: Single-family Residential	Actual Land Use: Residential
District Purpose:	SFR provides a sound and attractive residential neighborhood.
Principal Uses:	Uses outlined in Section 19.20.020 for SFR, include, but are not limited to, single-family homes, two-family homes, and accessory buildings.
Conditional Uses:	Conditional uses outlined in Section 19.20.040 for SFR include, but are not limited to, home occupation, private schools, church, public buildings.

Surrounding Area	Zoning District	Actual Land Use
North	Single-family Residential	Vacant
South	Single-family Residential	Residential
East	Single-family Residential	Vacant
West	Single-family Residential	Residential

E. Standards Analysis (PMC 19.76.050)

1. Impact on proposed site and surrounding properties, if any, of proposed activity:

Proposed activity is consistent with use of a right-of-way.

F. DEPARTMENT REVIEWS

Department	Comments
Public Works	No Comments
PMP&L	No Comments
Fire	No Comments

G. Public Notice. The borough provided public notice consistent with PMC 19.80.040. Notice was mailed by first class mail to the owner of record of the property within a distance of six hundred feet of the exterior boundary of the property that is the subject of the application. See Attachment D for notification list.

H. Findings and Proposed Motion

Finding 1: Application is consistent with intent of Special Use Permits.

Finding 2: Proposed use has no negative impact on proposed site.

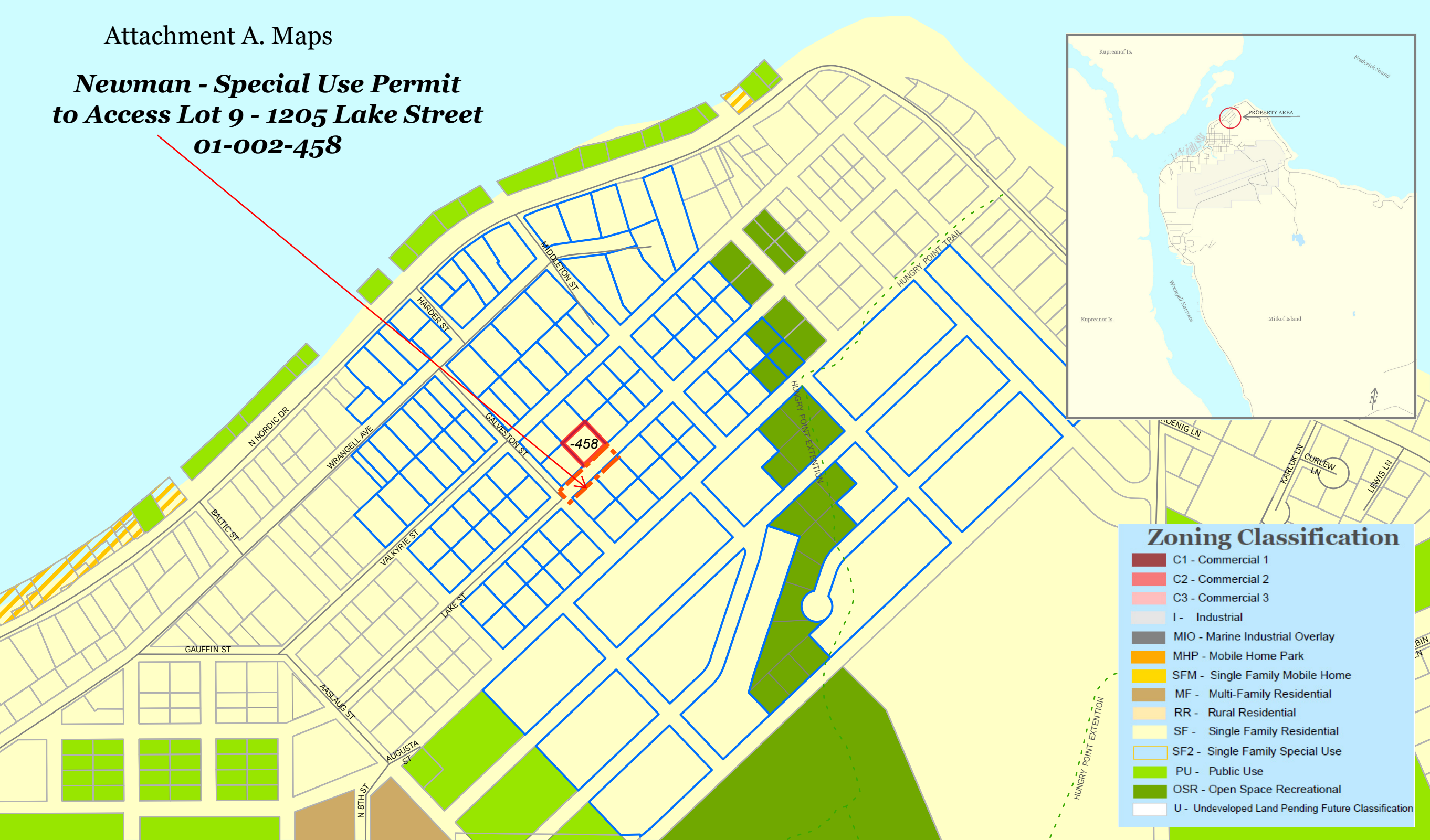
Finding 3: Proposed use is compatible with surrounding area and uses.

I. Attachments

A. Maps	C. Public Comments
B. Applicant Materials	D. Public Notice

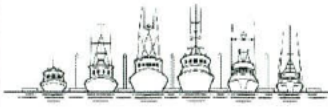
Attachment A. Maps

***Newman - Special Use Permit
to Access Lot 9 - 1205 Lake Street
01-002-458***



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 SPECIAL USE PERMIT APPLICATION		CODE TO:	110.000.404110
		BASE FEE:	\$50.00
		PUBLIC NOTICE FEE:	\$70.00
		TOTAL:	\$120.00
DATE RECEIVED:	RECEIVED BY:	CHECK NO. or CC:	<i>cc 5/14/2026</i>
APPLICANT/AGENT		LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)	
NAME Brian Newman		NAME	
MAILING ADDRESS P.O. Box [REDACTED]		MAILING ADDRESS	
CITY/STATE/ZIP Petersburg, AK 99833		CITY/STATE/ZIP	
PHONE (907) [REDACTED]		PHONE	
EMAIL [REDACTED]		EMAIL	
PROPERTY INFORMATION			
PHYSICAL ADDRESS or LEGAL DESCRIPTION: Access to 1205 Lake street lot			
PARCEL ID:	ZONE:	OVERLAY:	
CURRENT USE OF PROPERTY: unused/ undeveloped extension of Lake street		LOT SIZE:	
PROPOSED USE OF PROPERTY (IF DIFFERENT): Access to 1205 Lake street lot. Parcell ID: 01-0002-458			
WASTEWATER SYSTEM: Is there a wastewater system on the property? ☐ YES ☒ NO			
What is current or planned system? ☒ Municipal ☐ DEC-approved on-site system			
WATER SOURCE: ☒ Municipal ☐ Cistern/Roof Collection ☐ Well			
LEGAL ACCESS TO LOT(S) (Street Name): Lake street			
TYPE OF APPLICATION			
☒ Use of Borough Right-of-Way.			
☐ Other:			
SUBMITTALS:			
Please submit site plan of the area you will be developing/using and additional information as required below.			
SIGNATURE(S):			
I hereby affirm all of 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><i>Brian A. Newman</i></u>		Date: <u><i>10/20/23</i></u>	
Owner(s): _____		Date: _____	
Owner(s): _____		Date: _____	

19.76 SPECIAL USE APPLICATION

(SUBMIT WITH SITE PLAN)

Applicant(s): Brian Adam Newmman

Address or PID: Extension of Lake street at the corner of Galveston and Lake street

Project Summary:

If I aquire 1205 Lake street Lot from the borough, then i would float a road in to access 1205 Lake off of the off the cornewr of Galveston and Lake street.

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.)

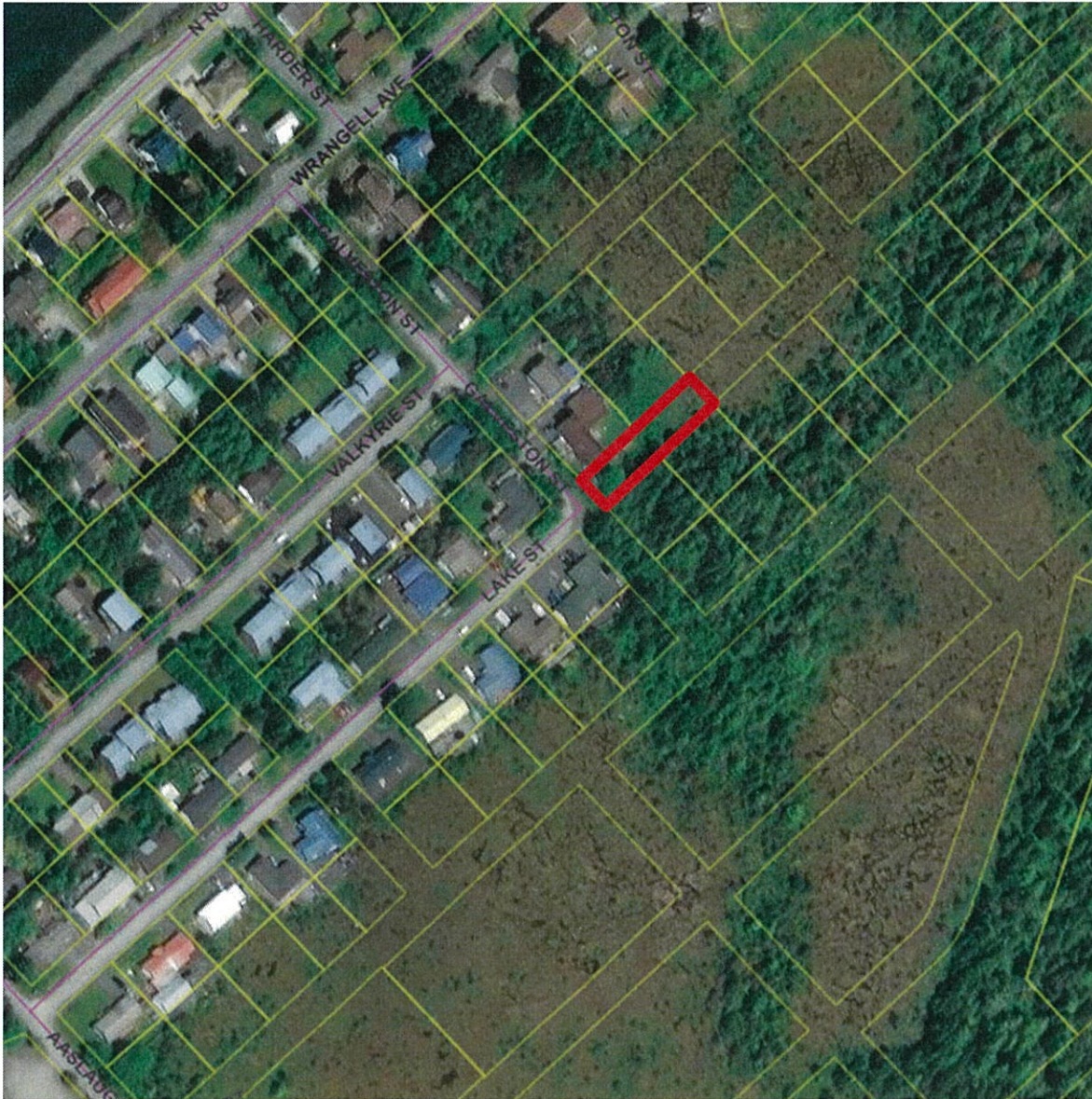
1. The Borough Assembly may issue the permit if the request, as approved by the Planning Commission, is found to be of beneficial nature to the community and that adjacent and surrounding property will not be adversely impacted.

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:

I would like to use a platted, undeveloped, right-of-way for private access to the private property.

Special Use Permit Application – Access to 1205 Lake Street Lot



From: [Dave Ohmer](#)
To: [Anna Caulum](#)
Subject: Brian Newman Special Use Permit
Date: Monday, May 25, 2026 11:56:52 AM

External Email! Use Caution

Hello Anna and Planning Commission Members,

I am writing to offer my support for Brian Newman's Borough Land Acquisition and Special Use Permit request, at 1205 Lake Street. This kind of development is great news for the Borough. An unneeded Borough lot will help Brian and his family improve their home and property while adding another taxable lot and new development to the Borough's collection list. This is a perfect win-win, and I hope more property owners will follow Brian's lead, and where possible, further pursue their property dreams. I hope that the Planning Commission and then the Assembly will fully support Brian in these requests.

Sincerely,

Dave Ohmer



May 22, 2026

PO BOX
PETERSBURG AK 99833-

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 from Brian Newman for a special use permit to fill a portion of the undeveloped Lake St right-of-way for access to 1205 Lake St.

The public hearing and consideration of the application will be held:	Tuesday, June 9, 2026, at 12:00 PM Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via ZOOM , 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

Name1	Name2
CHRIS FRY	
HEATHER O'NEIL	
SARAH FINE-WALSH	
JIM FLOYD	
THOMAS KOWALSKE	
JOSHUA ADAMS	
MIKA CLINE	
NEWMAN BRIAN A	NEWMAN MARLENA
BENNETT LYLE E	BENNETT CAROL L
BIRCHELL CURTIS W	BIRCHELL KRISTI A
CARIELLO JAMES	
ESPOSITO GINA S	OLSON PAUL D
GELHAUS MARK	GELHAUS MARCELLA
GILLEN GEOFFREY	
GREINIER ANDREW C	
HOFSTAD KAREN J	KAREN HOFSTAD REVOCABLE TRUST
JENSEN MARK L	
KASTAMA SHARON	KASTAMA COREY
KETTEL HAROLD	BOULTON JANET
KRAVITZ MARY	KRAVITZ GARRETT
KUBO MASAHIRO	KUBO ELISE K
KVERNVIK JERALD A	KVERNVIK JANICE K
MAMOE EVENI	MAMOE SHARLAY N
MARTENS JENNY L	
MARTINSEN JAMES H	MARTINSEN DONNA
MARTINSEN JUDINE M	BISSET GEORGE J
MATHENY LARRY	MATHENY SHIRLEY
MCINTOSH MICHAEL R	MCINTOSH VICKI L
NELSON PATRICIA A	PATRICIA A NELSON REVOCABLE TRUST
NESS JEANETTE	
NILSEN MATT J	NILSEN VALAREE J
NILSEN ROBERT	NILSEN CARROL
NORDGREN OLE	NORDGREN KANDI
NORHEIM TAYLOR	
O'GARA DEBRA	
OHMER DAVE	
PHILLIPS JEB	
RANDRUP JOEL	RANDRUP KIM
RICE JEFFREY R	CABRERA ELIZABETH
RIEMER DAVID	RIEMER SALLY
SAMUELSON GAINHART	SAMUELSON AUDREY
SCHramek KAREN	
SIMBAHON KIMBERLEY A	
SIMBAHON TIARE R	
SMITH MARTHA N	
TAGABAN EDWARD J	TAGABAN JESSIELEA M
TAYLOR KATHRYN ALWYN	
THOMPSON THOMAS L	
US COAST GUARD	
WALLACE GEORGE	WALLACE CAROL
WARE RON	
WEAVER PAT ELAINE	
WELCH JERRY L	WELCH TERRY A
WESTRE BRUCE	WESTRE WENDY



July 20, 2026

Federal Transit Administration
Office of Program Management
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Municipal Endorsement of the Petersburg Indian Association Tribal Transit Project
(FY26 Section 5311(c))

Dear FTA Grant Selection Committee,

On behalf of the Petersburg Borough Assembly, I am writing to formally endorse the Petersburg Indian Association's (PIA) application for the FY26 Section 5311(c)(1)(A) Tribal Transit Competitive Program. As the local municipal governing body, we recognize that a robust public transit system is vital to the infrastructure, economic health, and civic continuity of our community.

Petersburg operates within a highly unique and challenging geographic footprint on Mitkof Island, completely disconnected from the continental road system. Our population of 3,043 residents is aging rapidly, with a median age of 46 years. Given these municipal demographics, maintaining independent mobility for our senior citizens and physically disabled residents is a top priority. PIA's transit service fills a critical public infrastructure need that the Borough could not otherwise replicate, allowing our vulnerable residents to safely access local businesses, groceries, public services, and banking.

The transit program's 2025 operations—delivering 10,612 unlinked passenger trips across only 12,146 vehicle revenue miles—demonstrate an exceptional level of localized service efficiency. This compact routing means our residents are utilizing transit intensely for short, essential neighborhood trips. However, the harsh Southeast Alaska marine environment causes accelerated frame rust and mechanical fatigue, making the immediate procurement of an ADA-compliant bus an absolute necessity to prevent a total shutdown of service.

PIA's transit program is a cornerstone of the Petersburg community. The Petersburg Borough Assembly strongly urges the Federal Transit Administration to fully fund this 100% federal share request of \$117,847.

Sincerely,

Mayor Bob Lynn
Petersburg Borough

Borough Administration
PO Box 329, Petersburg, AK 99833 – Phone (907) 772-4519 Fax (907)772-3759
www.petersburgak.gov

From: Kallie Caples <mitkofmonsterschildcare@gmail.com>
Sent: Monday, July 6, 2026 10:24 AM
To: Assembly <assembly@petersburgak.gov>
Subject: July 6th Meeting

Dear Honorable Assembly Members,

My name is Kallie Caples, and I am the owner/director of Mitkof Monsters ChildCare, a State of Alaska licensed childcare facility (License #2147429) serving children ages infant through pre-K at 11 North 12th Street. I'm writing to formally oppose the proposed siting of a second telecommunications tower within 1,000 feet of our facility, and to ask the Assembly to require a greater setback — at minimum 1,000 feet, and preferably 1,500 feet — or an alternative location before any permit is issued.

I'd ask the Assembly to weigh this request in light of the full context of who you're hearing from. During the pandemic, when childcare facilities across Alaska were closing their doors, this facility was the only licensed childcare facility in the state to stay open — and it didn't just stay open; it expanded services to care for the children of essential workers when no one else would. The owner at the time made that commitment to this community because the community needed them to. I'm asking this Assembly to honor that relationship now, when it's our turn to need something from you.

I want to be direct about the scope of what I'm asking you to consider. I understand that under Section 332(c)(7)(B)(iv) of the Telecommunications Act of 1996, this Assembly's hands are tied on the question that matters most to me as a childcare provider: the health and developmental effects of sustained, close-proximity RF/EMF exposure on infants and young children. Federal law preempts local governments from denying or conditioning tower siting on the basis of RF emissions, provided the facility complies with FCC exposure limits. I am not asking you to violate that preemption, and I recognize you are not in a position to weigh that evidence even though I believe it is real and growing. So I am bringing you the case you *are* permitted to weigh: the direct, foreseeable economic harm this tower will do to a licensed small business that this community relied on when it mattered most, and to the families who depend on it.

1. This is a predictable, quantifiable business loss — not a hypothetical one.

Parents make enrollment decisions based on their own perceptions of risk, regardless of whether federal regulations allow this Assembly to consider them. When a parent learns that a second tower will sit within 1,000 feet (or closer) of where their child naps, eats, and plays for eight-plus hours a day, the realistic outcome is not "they read the FCC compliance report and stayed believing that was safe." The realistic outcome is that they withdraw their child and enroll somewhere else, find a home daycare provider, or stay home themselves — a risk made sharper by the fact that Mitkof Monsters has no real alternative in this community for many of the essential-worker families who depend on us.

A licensed childcare facility runs on thin margins and a waitlist-dependent enrollment model. Even a small number of withdrawals represents a meaningful share of our operating revenue. That is not a speculative harm. It is a direct, foreseeable consequence of this tower-siting decision, and it is squarely within this Assembly's authority to weigh business and economic impact in land use decisions.

2. A second tower compounds the risk that the Assembly can act on independently of RF emissions.

Setting aside emissions entirely, a second structure at this location raises ordinary, generally applicable land use and safety questions this Assembly has always had authority over:

- Fall zone and structural failure radius — does the proposed setback meet or exceed the tower's engineered fall zone, accounting for ice shedding and structural failure, given that a childcare playground and parking/pickup area sit within that radius?
- Cumulative visual and character impact — a second tower at this site changes the character of a corridor that includes a childcare center, [assisted living facility/hospital under construction, if applicable], and residential housing.
- Alternative site and co-location analysis — has the applicant demonstrated that co-location on the existing tower, or sitting at an alternative location, was genuinely infeasible? "We found a property owner willing to lease" is not the same as "no alternative existed."
- Precedent — approving a second tower at reduced setback here sets the standard that this Assembly will be asked to apply to the next childcare center, school, or care facility that comes before you.

3. The market itself already reflects what the science suggests.

I'm aware this Assembly cannot legally act on RF health evidence. But I'd ask you to notice what the market is already telling you without anyone needing to litigate the science: parents are price-sensitive to perceived risk near their children, property near towers is documented to carry a value discount, and businesses serving children are the first to feel that discount in the form of empty enrollment slots. You don't have to resolve the underlying health question to recognize that the economic behavior it produces is real, immediate, and falls hardest on a small business with no ability to absorb the loss.

My request to the Assembly:

I understand this letter is timely to your consideration of Ordinance #2026-14, which amends Title 19 to regulate wireless communication facilities and towers. I'd ask that the standards adopted in that ordinance — and any decision on this specific tower — reflect the following:

1. Require a setback of greater than 1,000 feet — preferably 1,500 feet — from any licensed childcare facility, consistent with the standard now under consideration in Ordinance #2026-14.
2. Require the applicant to document a genuine co-location and alternative-site analysis before approval.
3. At a minimum, table this decision until the economic impact on adjacent licensed care facilities has been studied.

I am happy to provide enrollment data, parent correspondence, or further documentation to support this request. Thank you for your time and for taking seriously the responsibility you carry for the children and small businesses in this borough.

Respectfully,

Kallie Caples

--

Owner/Director
Mitkof Monsters Childcare
P.O.Box 1426 Petersburg, AK, 99833
PHONE # 907-772-2500

Susan Martinez
 981 S. Mitkof Highway
 Petersburg, Alaska 99833
 sue.martinez4317@gmail.com
 907-772-2250
 July 13, 2026
 To: Petersburg Borough Assembly
 Attn: Borough Clerk
 12 South Nordic Drive (PO Box 329)
 Petersburg, AK 99833

Subject: Formal Objection to Proposed Wide-Area Mill Rate Increase and Substantial Property Tax Burden for Tax Year [2026]

Dear Members of the [Assembly/Council/Board],

I am writing to formally object to the proposed property tax increase for the upcoming [2026] tax year. While I understand the financial requirements of the [Borough/Municipality], the combination of an increased mill rate and escalating property assessments has resulted in a substantial and unsustainable property tax burden on property owners within the wide-area taxing district.

I am registering my objection on the following grounds:

1. Excessive Financial Burden on Property Owners

The proposed increase in the mill rate, compounded by recent significant jumps in assessed property values, creates an unfair and excessive financial hardship. The total tax increase far outpaces inflation and average wage growth in our area. Property owners cannot continue to absorb such massive, year-over-year tax hikes without degrading their standard of living.

2. Lack of Justification for Wide-Area Mill Rate Increases

It is unclear how the revenue generated by this substantial mill rate increase will directly and proportionately benefit the taxpayers in the wide-area taxing district. I request that the [Assembly/Council] provide a detailed, line-item justification for why this expanded tax burden is necessary and demonstrate that all cost-cutting measures have been exhausted prior to raising taxes.

3. Request for Action

I urge the [Assembly/Council] to reconsider the proposed mill rate increase and instead adopt a revenue-neutral rate that offsets rising property values.

Alternatively, I ask that the assembly explore alternative revenue sources or budget cuts to relieve this tax pressure.

Thank you for your time, your service to our community, and your consideration of this urgent matter. I look forward to hearing how the assembly plans to address these concerns.

Sincerely,
 Susan Martinez

Susan Martinez
 981 S. Mitkof Highway
 Petersburg, Alaska 99833
 sue.martinez4317@gmail.com
 907-772-2250
 July 13, 2026
 To: Petersburg Borough Assembly
 Attn: Borough Clerk
 12 South Nordic Drive (PO Box 329)
 Petersburg, AK 99833

Subject: Formal Objection to Proposed Municipal Utility Rate Increases

Dear Mayor Lynn and Members of the Borough Assembly,

I am writing to formally register my objection and concerns to the recent municipal utility rate increases currently passed by the Borough Assembly. While I understand that maintaining and upgrading local infrastructure requires adequate funding, the compounding effect of these hikes, especially alongside recent property tax adjustments, presents a severe and unsustainable financial burden for local households and business owners.

I request that the Assembly reconsider these adjustments based on the following grounds:

1. Compounding Financial Hardship on Residents

Climbing utility costs hit families on fixed incomes, retirees, and local small businesses the hardest. When combined with other rising municipal costs, these increases directly diminish the affordability of living and operating in Petersburg.

2. Need for Stricter Fiscal Auditing and Cost Control

Before raising utility rates, the Borough must demonstrate that all potential internal cost-saving measures, operational efficiencies, and external grant funding opportunities have been fully exhausted. Rate increases should be a final resort, not an immediate fix for budget shortfalls.

3. Request for Transparent Long-Term Planning

I request that the Assembly provide a clear, accessible, and transparent breakdown detailing exactly how these new revenues will be isolated and spent. Taxpayers deserve concrete assurances that these funds will strictly support vital infrastructure improvements rather than general fund inflation.

Thank you for your dedication to our community and for taking the concerns of Petersburg's utility consumers into serious consideration.

Sincerely,
 Susan Martinez