



# Petersburg Borough

12 South Nordic Drive  
Petersburg, AK 99833

## Meeting Agenda Borough Assembly Regular Meeting

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Monday, July 06, 2026

6:00 PM

Assembly Chambers

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### **Zoom Information**

When: July 7, 2026 6:00 PM Alaska

Topic: Regular Assembly Meeting

<https://petersburgak-gov.zoom.us/j/81413820319?pwd=1lmzbhKNrkc18h5BFE5YCS8QEL7MbR.1>

Webinar ID: 814 1382 0319

Passcode: 238196

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 June 15, 2026**
4. **Amendment and Approval of Meeting Agenda**
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**

Any public testimony regarding Ordinance #2026-13 should be given during this public hearing. A copy of Ordinance #2026-13 may be found under agenda item 14A.
  - 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**

Any public testimony regarding Ordinance #2026-14A should be given during this public hearing. A copy of Ordinance #2026-14A may be found under agenda item 14B.

**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**

**A.** PMC CEO Hofstetter has provided a written report.

**12. Mayor's Report**

**A.** July 7, 2026 Mayor's Report

**13. Manager's Report**

**A.** July 7, 2026 Manager's Report

**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.

**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.

## 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.

**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.

**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.

## 16. Communications

**A. Correspondence Received Since June 10, 2026**

## 17. Assembly Discussion Items

**A. Airport Subdivision**

*This discussion item requested by Member Meucci*

Potential criteria and procedures for the sale of nine Borough-owned lots in the expanded Airport Subdivision, as well as other Borough-owned properties; including valuation methods and sale options such as auction, sealed bid, or other processes. Assembly guidance is requested regarding the preferred approach for marketing and selling the parcels.

**B. Assembly Member Comments**

**C. Recognitions**

## 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.

**19. Adjourn**



# Petersburg Borough

12 South Nordic Drive  
Petersburg, AK 99833

## Meeting Minutes Borough Assembly Regular Meeting

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Monday, June 15, 2026

6:00 PM

Assembly Chambers

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### 1. Call To Order/Roll Call

The meeting was called to order by Vice Mayor Stanton Gregor at 6:00 pm.

#### PRESENT

Assembly Member Rob Schwartz  
Vice Mayor Jeigh Stanton Gregor  
Assembly Member James Valentine  
Assembly Member Jeff Meucci  
Assembly Member Bob Martin  
Assembly Member Scott Newman

#### EXCUSED

Mayor Bob Lynn

### 2. Voluntary Pledge of Allegiance

The Pledge was recited.

### 3. Approval of Minutes

#### A. Regular Assembly Meeting Minutes June 1, 2026

The minutes of the June 1, 2026 meeting were unanimously approved as submitted.

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

Voting Yea: Assembly Member Schwartz, Vice Mayor Stanton Gregor, Assembly Member Valentine, 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 Assembly Member Valentine, Seconded by Assembly Member Meucci.  
Voting Yea: Assembly Member Schwartz, Vice Mayor Stanton Gregor, Assembly Member Valentine, Assembly Member Meucci, Assembly Member Martin, Assembly Member Newman

**5. Public Hearings**

There were no public hearings

**6. Bid Awards**

**A. Wastewater Outfall Repair Project Bid Award**

The Assembly unanimously awarded the Wastewater Outfall Repair Project to Rock-n-Road Construction, for an amount not to exceed \$222,000.00.

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

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

**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.*

Tom Kowalske, representing himself, spoke in opposition to the sale of land next to the Fire Hall.

Becky Knight, representing herself, spoke in opposition to the communication towers and data centers.

Judy Ohmer, representing herself, spoke in opposition to the communication towers.

Police Chief Kerr spoke in support of the sale of Borough land to Tidal Network for a communication tower to provide reliable communication for emergency services.

David Beebe, representing himself, spoke against the sale of Borough land for a communication tower.

**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.*

No views were shared.

**9. Boards, Commission and Committee Reports**

There were no reports.

**10. Consent Agenda**

**A. The 420 Retail Marijuana Store License Renewal**

By unanimous vote, the Assembly supported the marijuana store license renewal for The 420.

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

Voting Yea: Assembly Member Schwartz, Vice Mayor Stanton Gregor, Assembly

Member Valentine, Assembly Member Meucci, Assembly Member Martin, Assembly Member Newman

**11. Report of Other Officers**

**A. SEAPA Meeting Report**

Director Hagerman provided a report.

**12. Mayor's Report**

**A. June 15, 2026 Mayor's Report**

Vice Mayor Stanton Gregor read his report into the record.

**13. Manager's Report**

**A. June 15, 2026 Manager's Report**

Manager Giesbrecht read his report into the record.

**14. Unfinished Business**

**A. Ordinance #2026-10: An Ordinance Amending Section 4.28.120 of the Petersburg Municipal Code, To Increase the Amount of the Single Purchase Sales Tax Cap from \$1,200 To \$5,000, and Directing That the Proposed Amendment Be Submitted to the Qualified Voters of the Borough - Third Reading**

If approved in three readings, Ordinance #2026-10 would increase the maximum single purchase amount subject to the borough sales tax from \$1,200 to \$5,000 and submit the question to borough voters at the October 6, 2026 regular election. The proposed change would increase the maximum sales tax collected on a single transaction from \$72 to \$300, modernize a cap that has only been adjusted once since 1959, and generate additional revenue to support essential borough services, including the Petersburg School District, while still remaining among the lowest caps in Southeast Alaska.

Ordinance #2026-10 was approved on first reading by a vote of 6 -1 and in its second reading by a vote of 5 - 1.

Ordinance #2026-10 was approved by a vote of 4 - 2 in its third and final reading.

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

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

Voting Nay: Assembly Member Schwartz, Assembly Member Newman

**B. Ordinance #2026-11: An Ordinance Updating Chapter 14.08 of The Municipal Code, Entitled "Sewer Utility" - Third Reading**

If approved in three readings, Ordinance #2026-11 would update sewer utility service rates for FY2027 through FY2030 based on the annual rate review, reflecting higher projected operating costs and planned capital needs. The changes amend Section 14.08.320A of the Municipal Code to establish updated service charges and commodity rates to support long-term financial sustainability of the Sewer Utility. A memo from Assistant Public Works Director Rummel is attached to this agenda item.

Ordinance #2026-11 was unanimously approved in its first reading and unanimously approved as amended in its second reading.

Ordinance #2026-11 was unanimously approved in its third and final reading.

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

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

**15. New 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 - First 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.

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

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

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

Ordinance #2026-14 was unanimously approved as amended in its first reading. The following amendments were adopted:

**Amendment #1:** Page 11, Section 19.58.050(N) - Add the word "carriers" so the sentence reads: *to fill a carriers significant coverage gap...*

**Amendment #2:** Page 12, Section 19.58.060(D) - Strike the phrase "Following the public hearing and" so that the paragraph begins with "Notwithstanding".

**Amendment #3:** Page 17, Section 19.72.020(D)1b - Strike "assisted living facility" and "(children's nursery), or hospital."

**Amendment #4:** Page 13, Section 19.58.080(C) - At the end of the paragraph add: "Determinations of compliance hereunder shall be made by the FCC and the Borough is not responsible for enforcing or interpreting FCC requirements."

**Amendment #5:** Page 17, Section 19.72.020(D)1b, Replace *Fifteen Hundred (1500) feet* with *Five Hundred (500) feet*.

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

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

**C. Resolution #2026-16: A Resolution Approving the Sale of a Borough Parcel to the Central Council of the Tlingit & Haida Indian Tribes of Alaska, Doing Business as Tidal Network**

If approved, Resolution #2026-16 would authorize the sale of an approximately 0.23-acre Borough-owned parcel in the Petersburg Borough to the Central Council of the Tlingit & Haida Indian Tribes of Alaska, doing business as Tidal Network, under the terms of the attached Contract of Sale.

Resolution #2026-16 was unanimously approved.

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

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

**D. Resolution #2026-17: A Resolution of the Petersburg Borough Assembly Amending the Current Regular Assembly Meeting Schedule to Provide That Both Regular Meetings in the Months of May Through September Will Be Held At 6:00 P.M.**

If approved, this resolution would revise the Assembly’s meeting schedule to hold regular meetings on the first and third Mondays at 6:00 p.m. from May through September, with the October through April schedule unchanged. This agenda item requested by Member Meucci.

Resolution #2026-17 was approved by a vote of 5 - 1.

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

Voting Yea: Assembly Member Schwartz, Assembly Member Valentine, Assembly Member Meucci, Assembly Member Martin, Assembly Member Newman

Voting Nay: Vice Mayor Stanton Gregor

**16. Communications**

**A. Correspondence Received Since May 28, 2026**

**17. Assembly Discussion Items**

**A. Monthly Department Presentations:**

*This agenda item requested by Member Meucci*

This discussion is intended to support Assembly understanding of the level of service the Assembly wishes to maintain.

Discussion of implementing monthly department presentations beginning in October. The purpose of these presentations would be to improve Assembly understanding of departmental operations, service levels, and strategic priorities in advance of the budget process.

Proposed presentations would include an overview of each department’s mission and staffing, recent accomplishments, current operations, financial status, capital projects, challenges, planning priorities, performance measures, future trends, and community benefits. A list of presentation topics is attached to this agenda item.

The Assembly discussed monthly department head presentations.

**B. Assembly Member Comments**

There were no comments.

### C. Recognitions

Member Meucci thanked Karl Hagerman for his years of service and expressed appreciation for his honesty and integrity.

Member Newman congratulated the Petersburg Viking basketball team for a tremendous season.

Vice Mayor Stanton Gregor expressed appreciation for Karl Hagerman.

### 18. Adjourn

The meeting was adjourned at 7:45 pm.

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



# Open House

**Wellness, Education & Resource Center (WERC)**

**Tuesday, July 14<sup>th</sup> | 3:00-6:00pm**

**104 Wellness Drive (off Haugen)**



**Petersburg  
MEDICAL CENTER**



Tour the WERC building, connect with departments and learn about next phases of the new facility project.



## PMC Executive Summary July 2026

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**Mission Statement:** Excellence in healthcare services and the promotion of wellness in our community.

**Guiding Values:** Dignity, Integrity, Professionalism, Teamwork, and Quality

**Summary:** PMC continues to make substantial progress across multiple strategic initiatives that will improve access, quality, safety, and patient experience throughout our organization.

The MRI project has reached a major milestone. Staff training and equipment validation are well underway, and multiple volunteer MRI subjects have successfully completed testing scans. Image quality has been excellent, studies are being successfully transmitted and interpreted by our radiology partners, and all indications suggest the system is performing as expected. By the time of the Board meeting, we anticipate having completed our first patient MRI examinations, marking a historic advancement in local healthcare services and significantly reducing the need for Petersburg residents to travel for advanced diagnostic imaging. Now that the MRI is online we are scheduling the Community Open House for July 14 3-6 pm!!

Medication safety initiatives continue to advance with implementation of the new Pyxis automated medication dispensing system. Installation is underway in both the Emergency Department and Pharmacy. This project represents a significant investment in patient safety and medication management by improving medication security, inventory control, regulatory compliance, and reducing the risk of medication errors through enhanced tracking and automation.

The Laboratory Department is also preparing for installation of a new chemistry analyzer. This equipment will replace aging technology and significantly expand our local testing capabilities. Once operational, the analyzer will allow PMC to perform additional diagnostic testing in-house, reducing reliance on send-out laboratories, improving turnaround times, and enhancing access to care for our patients.

Primary Care continues to evolve as we prepare for the launch of our Direct Primary Care (DPC) program. We anticipate this service will be operational by the time of the Board meeting. The DPC model will provide community members with an additional option for accessing primary care services while supporting continuity of care, improved access, and innovative approaches to healthcare delivery in our rural setting. We are excited to bring this new service option to Petersburg.

Our Rehabilitation Department is nearing completion of the second therapy gym expansion project. This additional treatment space will improve patient privacy, increase scheduling flexibility, reduce crowding, and support continued growth in rehabilitation services as demand continues to increase.

Beyond clinical services, we are pleased to report continued improvements to our campus and facilities. Senator Lisa Murkowski's recent visit to PMC provided an excellent opportunity to showcase the progress being made through the WERC building, MRI implementation, workforce development efforts, and future replacement hospital planning. We are grateful for her continued support of rural healthcare in Alaska.

Additionally, landscaping improvements around the campus have now been completed, significantly enhancing the appearance and functionality of the facility grounds. With the Facilities Department now fully staffed, the

team has been able to focus not only on maintaining day-to-day operations but also on advancing long-term projects that improve the patient, visitor, and employee experience.

PMC's youth programs continue to thrive as we launch our summer programming season. Enrollment remains exceptionally strong, with over 120 individual participants filling 235 enrollment slots across programs. This includes 14 children in Forest Kindy, 35 participants in Kinder Skog, and 29 youth enrolled in ORCA Clubs – RunPOD. Summer camps are nearly fully enrolled, and staff have spent the past several weeks completing training and preparations. The programs continue to represent an important investment in youth development, outdoor education, workforce recruitment and retention, and the overall health and wellness of our community.



Overall, it is exciting to see so many strategic initiatives moving from planning into implementation. From MRI services and medication safety improvements to expanded laboratory capabilities, Direct Primary Care, rehabilitation growth, youth programming, and campus improvements, PMC continues to build momentum toward our mission of providing excellent healthcare services and promoting wellness throughout our community.

**Workforce Wellness:** *Goal: To create a supportive work environment and promote the physical and mental well-being of hospital staff to improve retention and overall productivity.*

- **June 5:** All day CPR class for Youth Programs
- **June 8-12:** Youth Program Training

- **June 8-22:** Pacific Crest Trail Team Step Challenge

personify HEALTH Peterborough MEDICAL CENTER

## Pacific Crest Trail

Your adventure is calling!

Hike the Pacific Crest Trail. Reach the final destination and earn points.

Registration opens: June 1<sup>st</sup>

Sign in at [app.personifyhealth.com](https://app.personifyhealth.com) and go to **Social > Challenges**, or scan the QR code to open in the app.

Top team wins PMC swag!

The challenge runs: June 8<sup>th</sup> - 22<sup>nd</sup>

- **June:** CEO office hours open to employees
- **Ongoing:** Employee Meals
- **Ongoing:** Employee Recognition and Rewards

**Community Engagement:** *Goal: To strengthen the hospital's relationship with the local community and promote health and wellness within the community.*

- **June 1:** Submitted written report for Borough Noon Assembly Meeting.
- **June 25:** PMC Live on KFSK at 12:30
- **June 25:** Hospital Board Meeting open to the public
- **Ongoing:** Kinder Skog Program -Newly added is the opportunity for any community member to sponsor a Skoggy and open the door to camp for a child. If you have any questions or would like more information, please call Katie at 907-531-5913 or email [kholmlund@pmc-health.org](mailto:kholmlund@pmc-health.org)
- **Ongoing:** Bingocize and Tai Chi Programs- Tai Chi has a Wednesday at noon class for beginners at the WERC building.
- **Ongoing:** CNA training course has started and is ongoing.
- **Ongoing:** PMC is currently in the process of developing a new website designed to enhance usability and improve access to information for our patients and the community we serve.
- **Adult Day-** Cedar Social Club offered to eligible people 60 and older, please call 772-5716 to learn more about this program.

# Senior Resource & Planning Hour

Every Wednesday

12:00-1:00pm

Call or email Brandy to join  
907-531-5857 | [bboggs@pmc-health.org](mailto:bboggs@pmc-health.org)

Weekly open conversation for older adults, caregivers, and families about local resources, support services, Medicaid and planning for future care needs.

**Patient Centered Care:** *Goal: To provide high-quality, patient-centered care, and promote wellness for patients.*

- **June 17:** Quality Meetings (LTC & Infection Prevention and Control)
- **Joy Janssen Clinic** Access to Primary Care: We are currently staffed with 3 Physicians and 3 mid-level practitioners. Locums staffed as needed.
  - We are actively looking for a provider to fill the 4<sup>th</sup> position available.
  - As of June 8<sup>TH</sup>, 2026, average patient access across all present providers reflects a 16-day wait for the next available appointment and 17 days for the third next available, however this is due to two of our regular providers being out on scheduled vacation. We have locums staffed to fill in while they are out, and without the vacation days, the next available average is 10 days, and the average third available is 11 days.
  - Locum coverage through August to cover provider PTO.
  - Same day acute care appointments remain consistently available.
  - Clinic is open and available M-F 8AM-5PM, and Saturday 8AM-12, 1PM-4:30PM. Same day appointments for urgent or acute care are readily available.
- **Audiology:** Phil Hofstetter continues to see patients in the Specialty Clinic. Call 772-5792 to schedule.
- **Psychiatry:** Dr. Sonkiss continues to provider ongoing services via telehealth and has a planned site visit for August.
- **Integrative Medicine:** Integrated Medicine with Dr. Hyer is offered via telehealth, email Dr. Hyer directly at [jhyer@pmc-health.org](mailto:jhyer@pmc-health.org) to schedule.

- **Optometry Clinic:** Dr. Kamey Kapp, Optometrist with Last Frontier Eye Care, regularly visiting Petersburg in the Specialty Clinic. She was here this month seeing patients. Please call 907-434-1554 to schedule appointments.
- **Scopes Clinic:** Dr. Taggart and CRNA Jenilyn Lo will have their next clinic June 24<sup>th</sup> and 25<sup>th</sup>.
- **Dermatology:** Cameron French routinely visits Petersburg for dermatology, please call the clinic to schedule.
- **Orthopedic Clinic:** Discussions are ongoing to explore options for bringing ortho clinic specialty to Petersburg.
- **Cardiology-** Exploring options for cardiac testing locally, have started discussions regarding workflows.

**New Facility:** *Goal: To expand the capacity and capabilities of the community borough-owned rural hospital through the construction of a new facility, while considering the needs and priorities of the local community.*

- The WERC building Open House is scheduled for July 14<sup>th</sup>, 2026, from 3pm-6pm. At this time the building will be open for the public to tour the space!
- MRI tech acquired and training early June, with first patient scheduled for mid-June. We have successfully scheduled and performed MRIs end of June.

**Financial Wellness:** *Goal: To achieve financial stability and sustainability for the hospital. FY25 Benchmarks for Key Performance Indicators (KPIs): Gross A/R days to be less than 55, DNFB < then 5 days, and 90 Days Cash on Hand*

- Accounts Receivables (AR) Update: 60
- Operational and Capital budgets approved this last month at our monthly board meeting.



**Submitted by:** Phil Hofstetter, CEO

**Mayor's Report  
For  
July 6, 2026 Assembly Meeting**

1. **2026 Municipal Election Information:** Individuals interested in running for an elected position in the Borough, will be able to file for candidacy beginning on July 28, 2026 until August 25, 2026.

Candidacy forms will be available beginning July 22, 2026, at the front desk on the second floor of the Municipal Building and on the Borough website. Additional information and details on open Assembly and board seats, are attached to this Mayor's report and are available at [petersburgak.gov](http://petersburgak.gov) under the Election Information page.

## **IMPORTANT INFORMATION ABOUT OCTOBER 6, 2026 BOROUGH ELECTION**

According to the records in the Borough Clerk's office, the following elected terms will expire and will be voted on at the next regular municipal election on **October 6, 2026**.

**Filing Dates for Borough Candidacy to have name on printed ballot for the  
election on October 6, 2026**

**First Day to File: July 28, 2026**

**Last Day to File: August 25, 2026 by 4:30 pm.**

<b># of Open Seats</b>	<b>Position Title</b>	<b>Name of Current Office Holders whose terms are expiring</b>	<b>Term Length for Election on 10.6.2026</b>	<b>New Term Expiration Date</b>
1	Assembly Member	Scott Newman	1 year	October 2027
2	Assembly Member	Rob Schwartz	3 years	October 2029
3	Assembly Member	Jeigh Stanton Gregor	3 years	October 2029
1	School Board	Marc Taylor	1 year	October 2027
2	School Board	Katie Holmlund	3 years	October 2029
1	Hospital Board	Jerod Cook	3 years	October 2029
2	Hospital Board	Marlene Cushing	3 years	October 2029
1	Planning Commission	Tom Kowalske	1 year	October 2027
2	Planning Commission	Mika Cline	2 years	October 2028
3	Planning Commission	Chris Fry	3 years	October 2029
4	Planning Commission	Heather O'Neil	3 years	October 2029
5	Planning Commission	Jim Floyd	3 years	October 2029
1	Harbors and Ports Advisory Board	Andy Kittams	3 years	October 2029
2	Harbors and Ports Advisory Board	Joel Randrup	3 years	October 2029
3	Harbors and Ports Advisory Board	Scott Roberge	3 years	October 2029
1	Library Advisory Board	Mary Ellen Anderson	3 years	October 2029
2	Library Advisory Board	Marilyn Menish Meucci	3 years	October 2029
3	Library Advisory Board	Elizabeth Thompson	3 years	October 2029
1	Parks and Rec Advisory Board	Ambre Burrell	3 years	October 2029
2	Parks and Rec Advisory Board	Greg Kowalski	3 years	October 2029
1	Public Safety Advisory Board	Greg Browning	1 year	October 2027
2	Public Safety Advisory Board	John Lichtenberger	3 years	October 2029
3	Public Safety Advisory Board	Mark Tuccillo	3 years	October 2029



**Assembly Meeting 6 July 2026  
Manager's Report**

- ❖ Property tax invoices were mailed on July 1. The backside of the invoice contains a lot of information you might have questions about, however please reach out to the finance office if you have any other questions.
- ❖ The Borough continues to meet with the PMEA board to discuss a new three-year contract for the Borough's largest union.
- ❖ Streets crew completed the new staging site at the Water Treatment Plant for the disposal of filtered sludge generated during the water treatment process. They also began improving the Borough mud dump containment wall in preparation for future projects. Work was completed on the new access road at the landfill to better accommodate wastewater compost and construction debris.
- ❖ Public Works assisted with setting up the tent for Amy Hallingstad Day.
- ❖ We had a technician on site this past week completing warranty work on the new 950G wheel loader.
- ❖ The sanitation truck has been repaired and returned to service, allowing the crew to focus on catching up on work around the baler facility, including cleanup and additional baling operations. Staff are also working through the final implementation of the new garbage billing codes in preparation for the July 1 rate changes.
- ❖ Building Maintenance Staff repaired broken toilets at the portable restroom facilities, installed new locks in the harbor restrooms, and produced new keys for multiple Borough facilities. Crews also responded to clogged toilets at the Police Department, installed a new air purifier in the Motor Pool and continued work on the Municipal Building heating and cooling system.
- ❖ The EPA compliance inspection at WW was completed successfully. The inspection focused primarily on implementation of the new permit, with extensive discussions regarding compliance monitoring, reporting, and recordkeeping requirements due to areas of ambiguity within the permit.
- ❖ To help maintain regulatory compliance during the summer months, staff constructed and installed an additional tablet chlorinator. Higher summer temperatures has increased the chlorine demand, and the additional chlorinator is expected to significantly improve disinfection performance.
- ❖ Water Department completed the annual spring maintenance of the Cabin Creek air and vacuum relief valves. The Cabin Creek reservoir was temporarily lowered to allow application of a vinegar solution to control algae growth on the spillway face. Staff also installed a gauge on the concrete column to assist with the ongoing hydrology study.

- ❖ Congratulations to Sadia Aurna, Carin Christensen and Kayla Perry for passing their EMT-1 exam!
- ❖ PVFD will be hosting a Community Emergency Response Team (CERT) training course for the public. This class is free and will take place at the fire hall July 10th-12th. This training is provided to train community members how to assist first responders in the event of a large-scale disaster. For more information, please call the fire station at 907-772-3355
- ❖ Outdoor season is upon us. PVFD would like to remind folks hiking, driving out the road or boating to make sure they are properly equipped with supplies and leave someone they know with their travel plans and estimated return time in case of a mishap. Stay safe!
- ❖ PVFD would also like to remind the community to practice safety when using fireworks. Please keep a garden hose or fire extinguisher nearby and parents should supervise minors using fireworks. Do not light fireworks near combustible material.
- ❖ Scow Bay Generator #2 is moving along, PMPL should be bringing a contract amendment to the assembly in one of the next two meetings and construction on the core structure will start soon after. The mechanicals and grid tie in won't be completed until spring of 2027 pending voter approval of the revenue bond in the fall election.
- ❖ Blind Slough Hydro finished out the year with high output. Roughly we generated 20% more than 2025, Sold 5.5% more power and bought 3% less from SEAPA, the final numbers will be complete by the end of the month.
- ❖ The Annual SEAP shutdown went well; it was 2 days longer than 2025. We want to thank everyone for conserving power; there was a noticeable reduction in load this year.
- ❖ PMPL wants to remind everyone that solar installations need to go through the permitting and inspection process for everyone's safety including not only homeowners, but linemen, firemen and their neighbors. There will be letters sent out shortly addressing homes that haven't followed this process. Improper installation can lead to back feeding high voltage.
- ❖ PMPL also wants to remind the community to never touch anything that has or is, contacting the power lines, such as trees that have been burnt. There is a strong possibility that they are still energized even though the sparks and flames are gone.
- ❖ Tour ship season is going well. A reminder that the updated schedule can be found on the Boroughs website. Staff posts the upcoming week's schedule by location for customers trying to work around the Drive Down, Port Dock, C Float and Loading Zones.
- ❖ Launch Permits were up for renewal as of June 1. Stop by the Harbor Office and pick yours up.
- ❖ Parking is being enforced in the Harbors, please pay attention to the signage and ask the Harbor Office for directions. The longest parking available is 7 days, so anything over that people are encouraged to figure out a different location for their vehicles.
- ❖

**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

**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 20<sup>th</sup> day of July, 2026.**

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Robert Lynn, Mayor

ATTEST:

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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.

**ORDINANCE NO. 2026-14A**

**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[ly] 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;
- [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.

- 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].~~ Required essential services;
- ~~K].~~ 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].~~ Required essential services;

~~[4]~~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.**
- 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.**

- 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,
- a. **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.**
  - b. **Sensitive area setback.** A communication tower base must be situated on a parcel such that it is set back a minimum of Fifteen Hundred (1,500) feet from any property line of a parcel on which is located an existing school, or licensed childcare facility.
- B. **Separation.** No communication tower shall be permitted within one-half (1/2) mile (2,640 feet) of another communication tower.
- C. **Minimum number of antenna arrays.** A communication tower exceeding 120 feet shall be engineered and constructed to accommodate no fewer than three antenna arrays. A communication tower exceeding 150 feet in height shall be engineered and constructed to accommodate no fewer than four antenna arrays.
- D. **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.

- E. **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.
- F. **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.
- G. **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.
- H. **Protrusion Limit.** No part of a WCF shall protrude more than 36 inches from the face of the support structure, measured to the outer face of the WCF.
- I. **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.

- J. No Air Navigation Hazard. An Applicant shall submit a determination of no hazard to air navigation for the communication tower issued by the FAA.
- K. 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.
- L. No guy wires. Use of guy wires is prohibited for all communication towers.
- M. 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.
- N. Significant Coverage Gap/Least Intrusive Means. A WCF shall be placed, constructed, or installed only to fill a carrier'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. Based on the results of the technical review, the director may require changes to the WCF design or location, or submittal of additional documentation, before the application is considered complete. 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 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 a significant coverage gap is the least intrusive means available. This should include verification that no existing sites or structures are available for equipment, 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(G).
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-H), 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 a 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. Jeopardize public health, safety, and welfare because the current level of service in the proposed coverage area is functionally inadequate for emergency calls.
- 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, and the parcel returned to its prior condition, 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 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 (\$150,000.00). 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,
    - a. 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.
    - b. *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 20<sup>th</sup> day of July, 2026.

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Robert Lynn, Mayor

**ATTEST:**

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Rebecca Regula, Borough Clerk

TO: Borough Assembly

FROM: Liz Cabrera, Director, Community & Economic Development Department

DATE: July 6, 2026

RE: Ordinance 2026-14A – Wireless Communication Facilities

After reviewing comments received on Ordinance 2026-14 , the following amendments are being proposed for the assembly's consideration. The proposed amendments are shown in red in the attachment to this memo.

**Proposed Amendments to 2026-14A**

<b>Amendment</b>	<b>Page #</b>	<b>Code Citation</b>	<b>Explanation</b>
<b>1</b>	9	19.58.050A(2)	Make sure sensitive area setbacks are at 500 ft for WCFs along with radio/tv towers.
<b>2</b>	9	19.58.050A(2) and B	Add explanatory information for the need for sensitive area buffer and tower separation requirements.
<b>3</b>	9	19.58.050C	Eliminate requirement that new towers accommodate a certain number of antenna arrays for collocation.
<b>4</b>	10	19.58.050H	Eliminate protrusion limit of 36" from a supporting structure.
<b>5</b>	11 12 14	19.58.050L 19.58.070A(2) and (3) 19.58.090A(1)	Clarify that the <u>applicant's coverage gap</u> is the relevant inquiry when considering whether to grant a permit or waiver.
<b>6</b>	11	19.58.060B	Eliminates borough's authority to direct changes. Director will instead provide technical review information to the applicant to design/implement changes.
<b>7</b>	13	19.58.070A(3)	Eliminates redundant language requiring the applicant to provide information about the alternative sites investigated for a proposed WCF.
<b>8</b>	14	19.58.090A(3)	Modifies language so criteria used to evaluate whether to grant a waiver is consistent with criteria used in 19.58.040B (at p 9).
<b>9</b>	15	19.58.110A and C	Deletes requirement that the parcel be returned to 'original condition' after tower removal.
<b>10</b>	15	19.58.110C	Eliminates requirement of minimum bond of \$150,000 and instead sets bond value at actual estimated removal costs.

**ORDINANCE NO. 2026-14A**  
**(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;
- [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.

- 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;

~~[4]~~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.**
- 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.

- 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.

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- 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 a communication tower base must be situated on a parcel such that it is set back a minimum of ~~Fifteen~~ 500 Hundred (~~1,500~~) 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, nNo communication tower shall be permitted within one-half (1/2) mile (2,640 feet) of another communication tower.
- ~~C. Minimum number of antenna arrays. A communication tower exceeding 120 feet shall be engineered and constructed to accommodate no fewer than three antenna arrays. A communication tower exceeding 150 feet in height shall be engineered and constructed to accommodate no fewer than four antenna arrays.~~
- 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.

~~**H. Protrusion Limit.** No part of a WCF shall protrude more than 36 inches from the face of the support structure, measured to the outer face of the WCF.~~

**G. Radio Frequency Emission Standards.** Radio frequency emissions from antenna array(s), both individually and cumulatively and considering any other WCF

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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.**
- 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 ~~a carrier~~ the applicant's significant coverage gap in the least intrusive manner available.**

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**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. ~~Based on the results of the technical review, the director may require changes to the WCF design or location, or submittal of additional documentation, before the application is considered complete.~~ 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**

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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 **a the applicant's** significant coverage gap is the least

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intrusive means available. This should include ~~verification that no existing sites or structures are available for equipment~~, 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(GF).
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-HF), if it is determined that the applicant has established that denial of a permit or strict adherence to the standards would:

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1. Require a technically infeasible location, design or installation of a WCF, as certified by a qualified radio frequency engineer to fill ~~a~~ the applicant's significant coverage gap: or

#8

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. Jeopardize public health, safety, and welfare because the current level of service in the proposed coverage area is functionally inadequate for emergency calls.~~

- 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.

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- A. A WCF shall be removed, ~~and the parcel returned to its prior condition,~~ 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, ~~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 (\$150,000.00) 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.

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#### 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:

\_\_\_\_\_

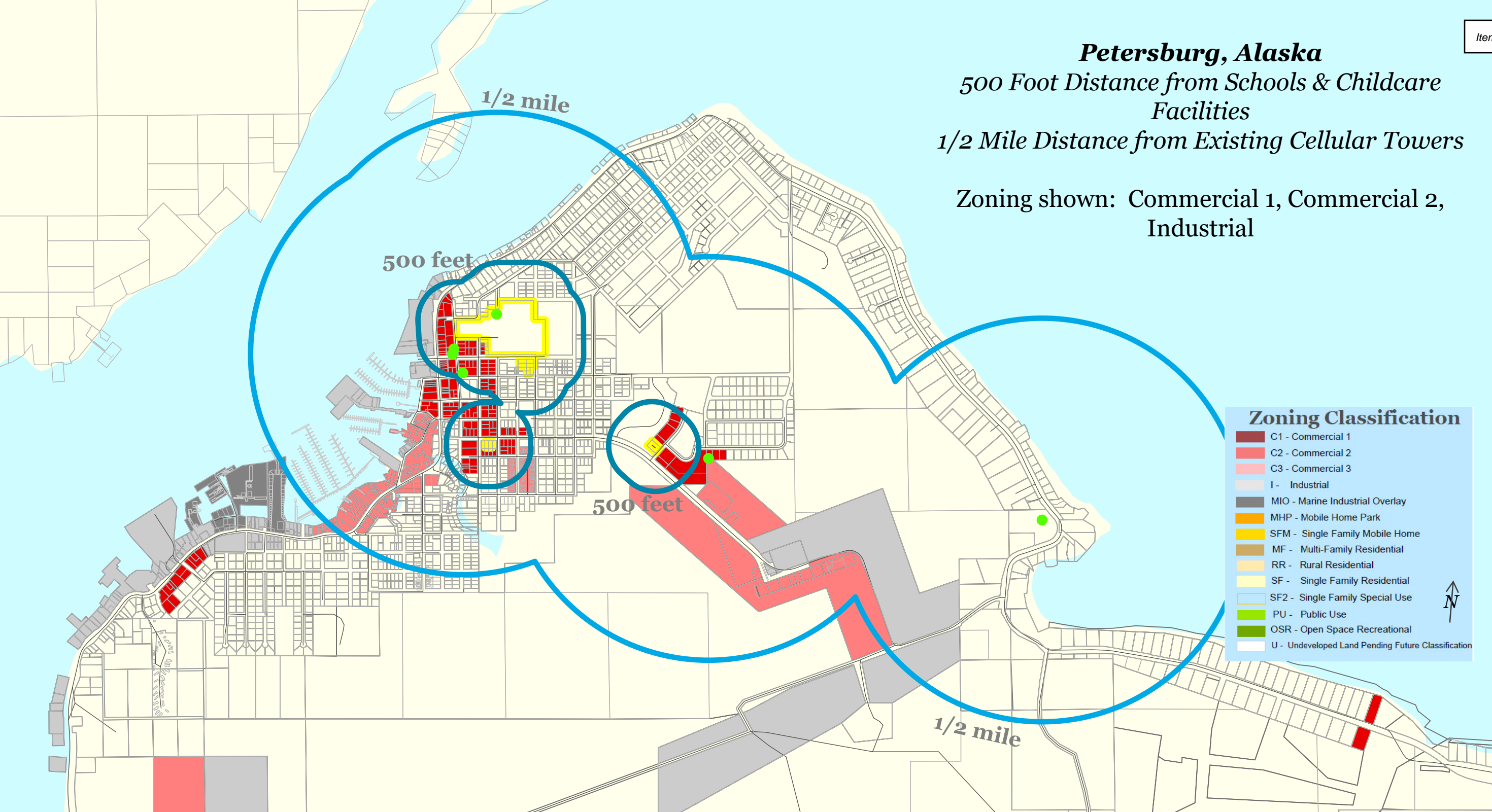
Rebecca Regula, Borough Clerk

# Petersburg, Alaska

*500 Foot Distance from Schools & Childcare Facilities*

*1/2 Mile Distance from Existing Cellular Towers*

Zoning shown: Commercial 1, Commercial 2, Industrial

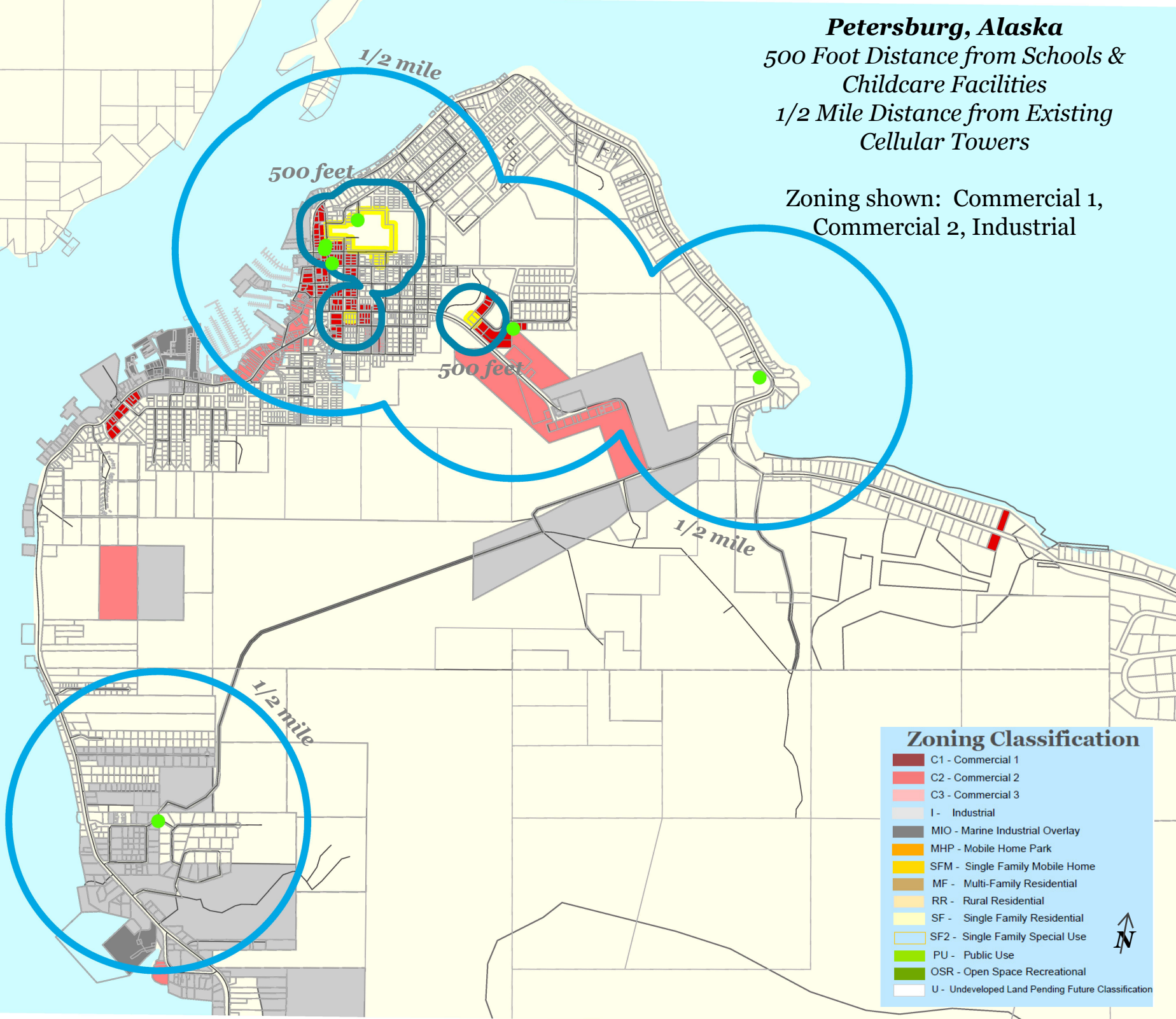


## Zoning Classification

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

Zoning shown: Commercial 1,  
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**Zoning Classification**

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**PETERSBURG BOROUGH  
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**

**WHEREAS**, the Alaska Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS), administers the conveyance of State-owned tide and submerged land to municipalities pursuant to AS 38.05.825, Conveyance of Tide and Submerged Land to Municipalities, and AS 38.05.035(e); and

**WHEREAS**, the Petersburg Borough Assembly, by Resolution No. 2022-14 adopted September 19, 2022, and Resolution No. 2023-01 adopted February 6, 2023, (copies of which are attached hereto as Exhibits A and B, respectively), authorized the Borough Manager to pursue conveyance of the tide and submerged land and dock facility at Papke's Landing; and

**WHEREAS**, DNR has assigned the application ADL 109287 and has identified the subject parcel as approximately 8.8 acres, more or less, of tide and submerged land comprising Alaska Tideland Survey (ATS) 251 (unapproved, approximately 2.28 acres) and ATS 921 (approximately 6.52 acres), located in Sections 11 and 14, Township 60 South, Range 79 East, Copper River Meridian; and

**WHEREAS**, the subject parcel includes a public dock currently managed by the Alaska Department of Transportation & Public Facilities (DOT&PF) under Interagency Land Management Agreement (ILMA) ADL 20978, and a boat launch ramp within ATS 921, both of which are used by residents and visitors for moorage, subsistence, sport and commercial fishing access, and access to trails and other public areas of interest; and

**WHEREAS**, DOT&PF has confirmed in writing that it will relinquish its interest in the dock under ILMA ADL 20978 to the Borough when DNR's Final Finding and Decision on ADL 109287 becomes effective; and

**WHEREAS**, DNR issued a Preliminary Decision on ADL 109287, dated March 26, 2025, (attached hereto as Exhibit C), finding that the Borough's interest in obtaining and managing the tide and submerged land and dock outweighs the public interest in retaining the land in State ownership, and recommending Alternative 1, conveyance of the subject parcel to the Borough, subject to stipulations including reservation of the mineral estate to the State, a 50-foot public access easement seaward of mean high water, and the Public Trust Doctrine; and

**WHEREAS**, the Borough is prepared to bear the cost of a new Alaska Tideland Survey of ATS 251 as required prior to issuance of a State tideland patent; and

**NOW, THEREFORE, BE IT RESOLVED BY THE PETERSBURG BOROUGH ASSEMBLY, THAT:**

**PETERSBURG BOROUGH  
RESOLUTION # 2026-18**

(1) The Petersburg Borough Assembly accepts conveyance from the State of Alaska, Department of Natural Resources, of approximately 8.8 acres, more or less, of tide and submerged land at Papke's Landing, comprising Alaska Tideland Survey (ATS) 251 and ATS 921, together with the dock and boat launch ramp infrastructure situated thereon, as identified in DNR case file ADL 109287.

(2) The Assembly accepts the conveyance subject to the terms, conditions, reservations, and stipulations set forth in DNR's Preliminary Decision and any subsequent Final Finding and Decision for ADL 109287, including but not limited to: (a) reservation of the mineral estate to the State pursuant to AS 38.05.125; (b) reservation of a 50-foot continuous public access easement seaward of the current mean high water line pursuant to AS 38.05.127; (c) the requirement that the Borough may lease but not sell the conveyed tide and submerged land; (d) subjection of the conveyed land to the Public Trust Doctrine, enforceable by the State; (e) the requirement that the Borough ensure reasonable public access to public waters and tidelands is maintained; and (f) reversion of title to the State upon dissolution of the Borough.

(3) Upon the conveyance becoming effective, the Borough accepts transfer of the dock currently held by the Alaska Department of Transportation & Public Facilities under Interagency Land Management Agreement ADL 20978.

(4) The Borough Manager, or designee, is hereby authorized to execute the tideland patent, survey instructions, and any other documents, applications, or agreements necessary or convenient to complete the conveyance of ADL 109287.

PASSED AND APPROVED by the Petersburg Borough Assembly, this 6th day of July 2026.

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

ATTEST:

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

**PETERSBURG BOROUGH, ALASKA  
RESOLUTION #2022-14**

**A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO PURSUE OBTAINING OWNERSHIP OF THE PAPKE'S LANDING FACILITIES INCLUDING THE DOCK, FLOATS, LAUNCH RAMP, ASSOCIATED TIDELANDS, AND UPLANDS ADJACENT TO THE TIDELANDS PROPERTY, CURRENTLY OWNED BY THE STATE OF ALASKA**

**WHEREAS**, The Petersburg Borough seeks to renovate the Papke's Landing marine infrastructure; and

**WHEREAS**, the requested tidelands, uplands, and access road is within the boundaries of the municipality; and

**WHEREAS**, the requested tidelands and uplands is not subject to a shore fisheries lease under AS 38.05.082; and

**WHEREAS**, the requested tidelands and uplands is classified for waterfront development; and

**WHEREAS**, the Alaska Department of Natural Resources has an application and approval process for this transaction based upon Alaska Statute 38.05.825 for the tidelands; and

**WHEREAS**, Alaska Department of Natural Resources has an approval process for obtaining the uplands through the municipal entitlement program; and

**WHEREAS**, the use of the land would not unreasonably interfere with navigation or public access; and

**WHEREAS**, the Petersburg Borough has a vested interest in improving this facility for the benefit of the local economy, community, and visitors to the Borough; and

**WHEREAS**, the Petersburg Borough Assembly understands that the Borough will be responsible for the survey of the requested tidelands and uplands where necessary; and

**WHEREAS**, the Alaska Department of Transportation and Public Facilities is supportive of this process; and

**WHEREAS**, the Petersburg Borough Assembly voted to pursue initial talks with the State regarding obtaining ownership of the tidelands and uplands property at Papke's Landing for the purpose of renovating and improving these said facilities; and

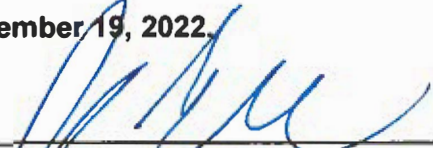
**WHEREAS**, the Petersburg Borough Assembly voted on this day to approve the conceptual plans for the development at Papke's.

**THEREFORE, BE IT RESOLVED**, the Assembly for the Petersburg Borough approves pursuing ownership of the tidelands and uplands located at Papke's Landing, from the Alaska Department of Natural Resources, encompassed by Survey's ATS-258, ATS-251, and ASLS 2009-36, and approves the conceptual plans for the renovations and repairs.

**Passed and Approved by the Petersburg Borough Assembly on September 19, 2022.**

**ATTEST:**

  
**Debra K. Thompson, Borough Clerk**

  
**Jeigh Stanton Gregor, Vice Mayor**

**PETERSBURG BOROUGH, ALASKA  
RESOLUTION #2023-01**

**A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO PURSUE OBTAINING OWNERSHIP OF THE PAPKE’S LANDING FACILITIES INCLUDING THE DOCK, FLOATS, LAUNCH RAMP, ASSOCIATED TIDELANDS, AND UPLANDS ADJACENT TO THE TIDELANDS PROPERTY, CURRENTLY OWNED BY THE STATE OF ALASKA**

**WHEREAS**, The Petersburg Borough seeks to renovate the Papke’s Landing marine infrastructure; and

**WHEREAS**, the requested tidelands, uplands, and access road is within the boundaries of the municipality; and

**WHEREAS**, the requested tidelands and uplands is not subject to a shore fisheries lease under AS 38.05.082; and

**WHEREAS**, the requested tidelands and uplands is classified for waterfront development; and

**WHEREAS**, the Alaska Department of Natural Resources has an application and approval process for this transaction based upon Alaska Statute 38.05.825 for the tidelands; and

**WHEREAS**, Alaska Department of Natural Resources has an approval process for obtaining the uplands through the Public and Charitable Use program; and

**WHEREAS**, the use of the land would not unreasonably interfere with navigation or public access; and

**WHEREAS**, the Petersburg Borough has a vested interest in improving this facility for the benefit of the local economy, community, and visitors to the Borough; and

**WHEREAS**, the Petersburg Borough Assembly understands that the Borough will be responsible for the survey of the requested tidelands and uplands where necessary; and

**WHEREAS**, the Alaska Department of Transportation and Public Facilities is supportive of this process; and


**WHEREAS**, the Petersburg Borough Assembly voted to pursue initial talks with the State regarding obtaining ownership of the tidelands and uplands property at Papke’s Landing for the purpose of renovating and improving these said facilities; and

**WHEREAS**, the Petersburg Borough Assembly voted on this day to approve the conceptual plans for the development at Papke’s.

**THEREFORE, BE IT RESOLVED**, the Assembly for the Petersburg Borough approves pursuing ownership of the tidelands and uplands located at Papke’s Landing, from the Alaska Department of Natural Resources, encompassed by Survey’s ATS-258, ATS-251, and ASLS 2009-36, and approves the conceptual plans for the renovations and repairs.

**Passed and Approved by the Petersburg Borough Assembly on February 6, 2023.**

**ATTEST:**

  
**Debra K. Thompson, Borough Clerk**

  
**Mark Jensen, Mayor**

ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER  
MUNICIPAL ENTITLEMENT

**PRELIMINARY DECISION**  
ADL 109287

**Proposed Tideland Conveyance to Petersburg Borough**  
AS 38.05.035(e), AS 38.05.825

**RELATED ACTIONS**  
None

**PUBLIC COMMENT PERIOD ENDS 4:30 PM, FRIDAY, APRIL 25, 2025**

**I. Proposed Action**

*Preliminary Decision: Petersburg Borough Selection – ADL 109287*  
*Attachment A: Vicinity Map*  
*Attachment B: Public Notice*

Primary Proposed Action: The State of Alaska (State), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) proposes to convey approximately 8.8 acres of state-owned tide and submerged lands (herein ‘tideland’) to Petersburg Borough (Borough) pursuant to Alaska Statute (AS) 38.05.825 Conveyance of Tide and Submerged Land to Municipalities. The subject parcel, which includes a dock, encompasses Alaska Tideland Surveys (ATS) 251 and 921, on the east shore of Wrangell Narrows at Papke’s Landing. See *Attachment A: Vicinity Map* for the depiction of the project area.

This decision determines whether the Borough’s request for tide and submerged land meets the requirements for conveyance in accordance with AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, the Submerged Lands Act of 1953, and the Equal Footing Doctrine.

Proposed Related Actions: No related actions proposed.

Public Notice of Proposal: In accordance with AS 38.05.945 Notice, during a period of at least 30 consecutive days, the public will have the opportunity to submit written comments on this proposal.

See **Section XV. Submittal of Public Comments** at the end of this document and *Attachment B: Public Notice* for details on submitting a comment for consideration. If, after consideration of timely, written comments, LSC moves forward with the proposal, a Final Finding and Decision (FFD) will be issued.

**II. Authority**

DNR has the authority under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities to convey State-owned tide and submerged lands if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State, as required by AS 38.05.035(e) Powers and Duties of the Director. Article VIII, Section 1 of the Constitution of the State of Alaska states, "It is the policy of the State to encourage the settlement of its land and the

development of its resources by making them available for maximum use consistent with the public interest.”

### III. Administrative Record

The tideland conveyance case file (ADL109287) constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Central/Southern Southeast Area Plan (CSSEAP) adopted in November 2000 and associated land classification files;
- Alaska Department of Fish & Game (ADF&G) Alaska Anadromous Waters Catalog & Atlas to the Catalog, Southeast (2024);
- Alaska Department of Environmental Conservation (DEC) Contaminated Sites Database;
- Petersburg Borough Resolution 2022-14;
- Petersburg Borough Comprehensive Plan (2016);
- Petersburg Borough Waterfront Master Plan (2016);
- DNR case files: Alaska Tideland Survey (ATS) 251 (unapproved), ATS 921, Interagency Land Management Agreement (ILMA) ADL 20978.

### IV. Scope of the Proposal

The scope of this proposal, under the statutes described in the preceding **Section II. Authority**, is limited and specific to the determination of whether it is in the State’s best interest to convey the subject parcel to the Borough under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities. It also includes identifying any third-party interests, other interests of record, and stipulations necessary to ensure that statutory requirements have been met. This decision does not consider any future development, or the effects of such development, that may occur after the transfer.

### V. Location

The subject parcel is located within DNR’s Southeast Region, on tide and submerged lands located approximately 3 miles northwest of the head of Blind Slough and approximately 9 miles south of Petersburg on the east shore of Wrangell Narrows at Papke’s Landing on Mitkof Island, located in Sections 11 and 14, Township 60 South, Range 79 East, Copper River Meridian.

<i>Borough/Municipality:</i>	Petersburg Borough
<i>Meridian:</i>	Copper River (C)
<i>Regional Native Corp:</i>	Sealaska Corporation
<i>Federally Recognized Tribe:</i>	Petersburg Indian Association, Wrangell Cooperative Association
<i>Village Corporation:</i>	None
<i>USGS Map Coverage:</i>	Petersburg Quadrangle (1:250,000): Petersburg C-3 (1:63,360)

### VI. Legal Description

Tide and submerged land within unapproved survey ATS 251 associated with ADL 20978 ILMA for the Papke’s Landing dock containing 2.28 acres, more or less; and ATS 921 according to the survey plat filed in the Petersburg Recording District on August 18, 1980, as Plat No. 80-4, containing 6.52 acres, more or less, aggregating 8.8 acres, more or less.

### VII. Title

Information from Title Report 22871, current as of February 2, 2024, confirms the State received title to the tidelands and submerged lands at statehood through the Alaska Statehood Act, the Submerged Lands Act in 1953, and the Doctrine of Equal Footing upon entry of the State into the

**Preliminary Decision**  
 AS 38.05.825 Tideland Conveyance – ADL 109287  
 Page 3 of 12

Union. Management is subject to the Public Trust Doctrine. An updated title report has been requested; if any concerns are discovered, they will be addressed in the FFD.

*State Reservation of and Access to Mineral Estate:* In accordance with *Section 6(i) of the Alaska Statehood Act and AS 38.05.125 Reservation [of Rights to Alaska]*, the State retains ownership of the mineral estate that may be in or upon the land that it sells. This retention is for all minerals, including both locatable minerals (such as gold, copper, silver, etc.), and leasable minerals (such as oil, gas, coal, etc.).

The State and its successors reserve the right to enter onto the land for the purposes of exploring for, developing, and producing these reserved mineral resources. Access reserved to these retained interests is superior to any and all surface uses. The State may also lease these retained interests to mineral developers or allow mining locations to be staked. However, AS 38.05.130 Damages and Posting of Bond also provides that the land estate owner will be compensated for damages resulting from mineral exploration and development.

*Navigable Waters:* Wrangell Narrows is a navigable body of water. Per AS 38.05.126(b) *Navigable and Public Waters*, "...the State has full power and control of all of the navigable or public water of the state, both meandered and unmeandered, and the State holds and controls all navigable or public water in trust for the use of the people of the state." This trust is in accordance with the principles of the Public Trust Doctrine, which are included in Article VIII, Section 14 of the Constitution of the State of Alaska and protected in the United States Constitution. It is vested in the title to this land, is not transferable, and the State's title to submerged lands under navigable waters cannot be relinquished by a transfer of the property. In holding with this concept, navigability determinations are made and access will be reserved per AS 38.05.127 *Access To and Along Public and Navigable Water*. For more information, see **Section XI. Access, Including Access To and Along Public or Navigable Water**.

*Other Conflicts or Pending Interest:* The Department of Transportation & Public Facilities (DOT&PF) holds interest in the dock under Interagency Land Management Agreement (ILMA) ADL 20978. However, per written communication, DOT&PF will transfer their interest to the Borough when the FFD becomes effective.

### **VIII. Background and Discussion**

The Borough submitted an application for acquiring the tidelands in September of 2022. The Borough Assembly signed Resolution #2022-14 on September 19, 2022, in favor of acquiring the tidelands and dock under AS 38.05.825 *Conveyance of Tide and Submerged Land to Municipalities*. The Borough has stated that the primary purpose of this conveyance is to maintain and manage the dock and tidelands for the benefit of the residents and visitors to the area. The dock would allow for public access for the mooring of boats and float planes, which would provide access to trails and other public areas of interest. The Borough has submitted a comprehensive plan to repair and maintain the dock and has contacted DOT&PF about acquiring the dock. Once the FFD becomes effective, DOT&PF has confirmed it will relinquish its interest in the ILMA.

Petersburg Borough has also applied to purchase the uplands at Papke's Landing (ADL 234165) under AS 38.05.810 *Public and Charitable Use*. The uplands would allow public access to the community dock and tidelands addressed in this decision

AS 38.05.825(a) *Conveyance of Tide and Submerged Land to Municipalities*, requires DNR to convey to the municipality tide and submerged lands suitable for occupation and development when requested by the municipality unless it is found that public interest in retaining State

**Preliminary Decision**

AS 38.05.825 Tideland Conveyance – ADL 109287

Page 4 of 12

ownership clearly outweighs municipal interest. The municipality must apply for conveyance, the tide and submerged lands must be within the boundaries of the municipality, the use cannot unreasonably interfere with navigation or public access, the land may not be subject to a shore fisheries lease under AS 38.05.082 Leases for Shore Fisheries Development, the land classification must be consistent with or compatible with the proposed use, and the land must be required for a public or private development approved by the municipality. The Borough has met the application requirements of the statute through the following:

- Public Interest - The public interest in retaining the lands within the subject parcel in State ownership does not outweigh the municipal interest in managing these submerged lands. The Borough plans to operate and maintain a facility that will be used by the public. LCS believes that there are no other overriding State interests in the subject parcel for conveyance; the municipal interest clearly rises above the public interest in retaining these lands in State ownership.
- Location - The land is within the boundary of the municipality.
- Navigation - The proposed use would not unreasonably interfere with navigation. An open channel for navigation will exist within the borough-owned tidelands.
- Public Access - The proposed use would not unreasonably interfere with public access and is intended to improve public access.
- Application - The Borough has submitted an application for conveyance.
- Shore Fisheries Leasing - The land is not subject to a shore fisheries lease.
- Land Classification - The land classification in the CSSEAP is consistent with the proposed action.
- Municipal Approval of Development - The Petersburg Borough Assembly supports the proposed development for this tideland conveyance and passed Resolution No. 2022-14.

**IX. Planning and Classification**

1. *Planning:* The subject parcel is located within the CSSEAP, Unit PT-18, Unit PT-55, and a small portion is unclassified. Unit PT-18 is co-designated Waterfront Development (Wd) and Shoreline Use (Sd), Unit PT-55 is co-designated Habitat (Ha), Harvest (Hv), and Public Recreation – Dispersed Use (Ru), and all state-owned lands not otherwise designated are designated General Use (Gu). These designations convert to classifications of Waterfront Development Land, Settlement Land, Wildlife Habitat Land, Public Recreation Land, and Resource Management Land.

The CSSEAP states that the plan's management intent for Unit PT-18 is as follows:

*Management Intent: Maintain the high fish and wildlife values and user hunting, fishing and wildlife viewing opportunities while still maintaining public access to private uplands. The Wd designation applies to the area of Papke's landing (see plan map), which is used as a log transfer facility; a public dock and log storage area adjoin it. The Wd designation also applies to the W1/2S1/2NW1/4 of Section 11, T. 059S, R. 060E. This area includes a site with deep water access development potential, appropriate for a commercial dock. The Sd designation is intended to support upland development and corresponds to the City of Petersburg zoning ordinance. The Ha and Hv designations also apply to the areas affected by the Sd designation.*

*Resources: This parcel contains an extensive mud flat and the mouths of two anadromous fish streams, Falls Creek and Twin Creeks. Outmigrant juvenile pink and coho salmon rear within this parcel and adult salmon and steelhead school near the mouths of the two anadromous fish streams. Dungeness crab are abundant in seaward portions of this parcel. The parcel receives considerable use by waterfowl including Vancouver Canada geese and puddle ducks. A portion at the southern end*

**Preliminary Decision**

AS 38.05.825 Tideland Conveyance – ADL 109287

Page 5 of 12

*of this parcel known as Papke's Landing contains a log transfer site that is also used by local residents as a boat ramp. The unit is a community harvest area for waterfowl and coho and king salmon and a commercial and community harvest area for Dungeness crab.*

The CSSEAP states that the plan's management intent for Unit PT-55 is as follows:

*Managed Resources/Intent: Protect fish and wildlife habitat and community use/harvest values.*

*Resources: This unit is a waterfowl/shorebird spring and fall concentration area. Vancouver Canada geese frequent the tidal flats on the east side of Wrangell Narrows. Juvenile pink and coho salmon rear and adult salmon school in the unit. Black bears concentrate along the shoreline/upper tide flats in spring. The unit is a terminal harvest area for coho and king salmon returning to the Crystal Lake Hatchery as well as a community harvest area for these salmon. Portions of the unit at the mouth of Falls Creek are a community harvest area for steelhead. The unit is a pot shrimp and Dungeness crab commercial harvest area. Non-consumptive wildlife users on cruise ships, the Alaska Marine Highway, charter boats and personal watercraft view waterfowl, deer and black bear along this portion of Wrangell Narrows.*

The management intent specified within the CSSEAP is consistent with the current and future use of the subject tide and submerged lands for a public dock. The nearest anadromous stream is approximately 900 feet south of the subject parcel. The tidelands have been authorized as a log transfer facility and public dock for over 60 years, therefore no new impacts to wildlife are expected.

AS 38.05.825(a)(5) Conveyance of Tide and Submerged Land to Municipalities, requires that land to be conveyed must be either "classified for waterfront development or for another use that is consistent or compatible with the use proposed by the municipality, or the proposed use of the land is consistent or compatible with a land use plan adopted by the municipality or the department." Although Wildlife Habitat Land is not typically a conveyable classification, Public Recreation Land can be conveyed depending on the management intent and relative value of the recreational resources. Chapter 3 of the plan also states that land designated as Habitat or Harvest "...will remain in state ownership except for areas where a tidelands conveyance to a municipality is allowed under AS 38.05.825." Per comments from DMLW Resource Assessment and Development Section (see below **Section XIV. DMLW and Agency Review**), the portion of Unit PT-55 within the project area would allow for conveyance to the Borough. Per CSSEAP chapter 3, page 26, General Use (Gu) designation applies to all state-owned lands not otherwise designated. The designation General Use converts to Resource Management Land, a conveyable classification to municipalities under AS 38.05.825.

2. *Land Use Classification:* The State classified the subject parcel as Waterfront Development Land, Settlement Land, Wildlife Habitat Land, Public Recreation Land, and Resource Management Land under Classification Order CL SE-00-001 based on the CSSEAP, adopted in 2000.
3. *Local Planning:* The Borough has submitted a comprehensive plan to maintain the dock and has contacted DOT&PF about acquiring the dock. The Borough has provided, with their application, the repair and replacement plans that a local contractor submitted.

**Preliminary Decision**

AS 38.05.825 Tideland Conveyance – ADL 109287

Page 6 of 12

The Petersburg Borough has assured, per their 2022-14 Resolution, that the use of the property will continue to be consistent with waterfront use for the public good as outlined in the Borough's Comprehensive Development and Waterfront Master plans and that the future development that is planned will enhance its use. Hunting and fishing lodges, subsistence users, sportfishing charters, local transportation, and the general public primarily use the dock and ramps.

**X. Traditional Use Findings**

The subject parcel is located within Petersburg Borough and a traditional use finding is therefore not required per AS 38.05.830 Land Disposal in the Unorganized Borough. However, information on current or traditional use is welcomed and can be given during the public comment period. See **Section XV. Submittal of Public Comments** at the end of this document and *Attachment B: Public Notice* for details on how to submit comment.

**XI. Access, Including Access To and Along Public and Navigable Water**

Terrestrial access to the selected tideland is via the Mitkof Highway then turning west onto Papke's Landing Road. Boats and float planes are used to access the dock from Wrangell Narrows and may moor at the dock. Pursuant to AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, the conveyance of tidelands cannot unreasonably interfere with public access and the municipality must provide reasonable access to public waters and tidelands.

*Access To and Along Public or Navigable Waters:* In accordance with AS 38.05.127 Access To Navigable or Public Water, DNR has determined Wrangell Narrows navigable. Regulations dictating the creation of easements or rights-of-way under this statute include 11 AAC 51.035 Determination of Navigable and Public Water, 11 AAC 51.045 Easements To and Along Navigable and Public Water, and 11 AAC 53.450, Buffer Strips, Reserved Areas, and Public Easements.

*Easements and Setbacks:* A 50-foot continuous public access easement seaward from the current MHW of public or navigable water bodies shall be reserved to the State in accordance with AS 38.05.127 Access To Navigable or Public Water

Where appropriate, reservations and restrictions will be depicted on the plat and described in plat notes.

**XII. Hazardous Materials and Potential Contaminants**

Based on a review of the Alaska Department of Environmental Conservation's (DEC) list of Contaminated Sites, no hazardous material or contamination from hazardous material is known to affect the subject parcel.

Petersburg Borough is expected to inspect the area of its tideland selection and familiarize itself with the condition and quality of the tideland. The State makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land here proposed for conveyance. The State does not assume any liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances ever be identified.

**XIII. Survey**

Upon DNR approval for the conveyance of the parcel, an Alaska Tideland Survey (ATS) performed by an Alaska Registered Land Surveyor under the direction of the DMLW Survey

**Preliminary Decision**

AS 38.05.825 Tideland Conveyance – ADL 109287

Page 7 of 12

Section will be required at the applicant's expense. The survey will be required before issuing a state tideland patent. There is no requirement under state statutes to appraise the land prior to conveyance.

ATS 251 was drafted in 1963, considered unapproved, and will require a new survey prior to issuance of a state tideland patent. The Borough is aware of these survey requirements and has agreed per resolution 2022-14. ATS 921 was filed with the Petersburg Recording District on August 18, 1980, as Plat No. 80-4, and will not need to be resurveyed.

**XIV. DMLW and Agency Review**

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this PD. Agency review was conducted between January 24, 2024, through February 23, 2024. The intent of an agency review is to request comments from agencies that may be affected by a municipal entitlement land conveyance decision. Agencies are given the opportunity to evaluate and comment on the municipality's land selection to determine if the State should retain all or a portion of the selected lands and, if so, provide supporting reasons for the requested action. Additionally, agencies are requested to identify any stipulations that may be appropriate if the land is to be conveyed out of state ownership.

DNR DMLW LCS received brief comments of non-objection from the following agencies: Department of Transportation & Public Facilities, DNR Division of Oil and Gas, and DNR DMLW Southeast Regional Land Office.

*DNR DMLW LCS Response:* LCS appreciates your review.

Comments from the DNR DMLW Public Access Assertion and Defense (PAAD):

“PAAD has a single recommendation for the conveyance of these state owned tide and submerged lands. Please make the conveyance subject to the following clause that has been located on other ATS conveyances: GRANTEE TAKES TITLE TO THE TIDELANDS SUBJECT TO THE RIGHTS OF THE PUBLIC UNDER THE PUBLIC TRUST DOCTRINE.”

*DNR DMLW LCS Response:* LCS appreciates your review. This conveyance will be made subject to the Public Trust Doctrine.

Comments from the Department of Fish & Game (ADF&G):

“Alaska Department of Fish & Game (ADF&G) has reviewed this a tideland selection and dock on Mitkof Island. AKDOT&PF currently manage the dock and tideland. This application is for the Petersburg Borough to own the dock and tidelands so they can maintain it for public access.

ADF&G has no objections to the conveyance of this tideland selection with the following comment:

The project area is adjacent to marine habitat used by multiple marine mammal species for foraging and travel. While construction activities may temporarily displace animals occurring in the area, any impacts would be temporary. There are no nearby pinniped haulouts, designated critical habitat areas or known biologically important area for cetaceans.

**Preliminary Decision**

AS 38.05.825 Tideland Conveyance – ADL 109287

Page 8 of 12

Thank you for the opportunity to review and comment on this tideland selection. Additionally, we request a copy of the decision documents when issued.”

*DNR DMLW LCS Response:* LCS appreciates your review.

*Comments from the DNR DMLW Water Resources Section (WRS):*

“The ADNR Water Resources Section has reviewed the ADL 109287 Application and associated materials.

Based upon the information available it appears that there will not be any significant water use per AS 46.15.180 and 11 AAC 93.035 associated with this tideland conveyance that would require authorization from the Department.

Additionally, a review of the ADNR Land Administrative System database for Sections 11 and 14, Township 60 South, Range 79 East, Copper River Meridian shows no existing water rights or water use authorizations associated with Alaska Tideland Survey No. 251 or Alaska Tideland Survey No. 921, or any of their immediately adjacent uplands. Therefore, the ADNR Water Resources Section has no objection to, or further comments regarding, the ADL 109287 Application.”

*DNR DMLW LCS Response:* LCS appreciates your review.

*Comments from the DNR DMLW Resource Assessment & Development Section (RADS):*

“Thank you for the opportunity to review and comment on the proposed Municipal Tideland Entitlement conveyance to the Petersburg Borough. The Resource Assessment & Development Section (RADS) has reviewed the available data, satellite imagery, and the applicable regional land use plan – Central/Southern Southeast Area Plan (CSSEAP) and provides the following comments.

**Background & Discussion:**

Petersburg Borough has requested the conveyance of state tideland parcel (ADL 109287) pursuant to AS 38.05.825. The parcel is partially surveyed by Alaska Tideland Survey ATS 921 which contains approximately 6.52 acres and makes up the majority of the parcel. The remaining area (approximately 2.28 acres) is identified on other adjacent surveys as ATS 251. However, ATS 251 has never been recorded and does not exist as a public record. The entire requested conveyance aggregates 8.80 acres, more or less.

The parcel has infrastructure important to the community. Currently, the Department of Transportation & Public Facilities (DOT&PF) manages a dock on the portion of the parcel shown as ATS 251 under Interagency Land Management Agreement (ILMA) ADL 20978. The Borough has been in contact with DOT&PF about acquiring the dock. The area of the parcel covered by ATS 921 contains a boat launch ramp. The Borough plans to maintain the dock and boat ramp to encourage public use. A comprehensive plan of development has been submitted.

The parcel is located within Sections 11 and 14, Township 60 South, Range 79 East, Copper River Meridian on the Wrangell Narrows at Papke’s Landing and entirely within the Petersburg Borough boundary. The parcel (ADL 109287) is within the Central/Southern Southeast Area Plan (CSSEAP) units PT-18 & PT-55 with a small portion being unclassified. Unit PT-18 is co-designated as Waterfront Development (Wd) and Shoreline Use (Sd), which converts to Waterfront Development Land and Settlement Land and is appropriate for conveyance. Unit PT-55 is co-designated Habitat (Ha), Harvest (Hv), and

**Preliminary Decision**

AS 38.05.825 Tideland Conveyance – ADL 109287

Page 9 of 12

Public Recreation – Dispersed (Ru) which converts to Wildlife Habitat Land and Public Recreation Land. Public Recreation land can be conveyed to Municipalities depending on the unit's management intent and the relative value of the recreational resources. In this case it would be appropriate to convey the portion located within Unit PT-55. Per chapter 3 page 26 the designation of General Use (Gu) applies to all state-owned lands not otherwise designated. The designation General Use converts to the classification Resource Management Land which is a conveyable classification to Municipalities under AS 38.05.825.

**Recommendation:**

Based on RADS review of the subject lands and taking the above area plan recommendations into account, the proposed state land conveyance to Petersburg Borough should move forward. The Petersburg Borough will be responsible for surveying the area shown as ATS 251. Thank you for the opportunity to review.”

*DNR DMLW LCS Response:* LCS appreciates your review.

*Comments from the DNR DOPR Office of History and Archaeology (AK OHA) - State Historic Preservation Office:*

“The Alaska Office of History and Archaeology (AK OHA) received your request (dated January 24, 2024) for review under the Alaska Historic Preservation Act (AHPA) (AS 41.35.070) on January 31, 2024. Following our review of the materials provided, we believe a finding "No Historic Properties Affected" is appropriate for this undertaking. However, our office may need to re-evaluate our decision if there are changes to project scope.

It should be noted that an AHRs site, PET-00273, which consisted of human remains, was found in a tidal area ¼ mile south of Papke's Landing in 1986. Should inadvertent discoveries of cultural resources occur during the project, work must halt, and our office must be promptly notified so that we can evaluate the resource(s) (Section 41.35.070[d]).

Please contact me if you have any questions or if we can be of further assistance.”

*DNR DMLW LCS Response:* LCS appreciates your review. If any changes to project scope occur, Petersburg Borough will need to notify AK OHA.

The following agencies or groups were included in the agency review, but no comment was received:

- U.S. Fish and Wildlife Service
- Alaska Conservation District
- Department of Environmental Conservation
- Office of Project Management and Permitting
- State Pipeline Coordinator's Section
- Department of Natural Resources
  - Division of Forestry & Fire Protection
  - Division of Geological and Geophysical Surveys
  - Alaska Mental Health Trust Land Office
  - DLMW Statewide Abatement of Impaired Lands
  - Division of Parks and Outdoor Recreation – Alaska State Parks

**XV. Submittal of Public Comments**

**See Attachment B: Public Notice for specific date and conditions**

**Preliminary Decision**  
 AS 38.05.825 Tidelands Conveyance – ADL 109287  
 Page 10 of 12

Pursuant to AS 38.05.945 Notice, LCS is issuing public notice for comment on this Preliminary Decision.

In accordance with AS 38.05.946(a) Hearings, a municipality or corporation entitled to receive notice under AS 38.05.945(c) Notice may hold a hearing within 30 days after receipt of the notice. If a hearing is held, the Commissioner (or representative) shall attend the hearing. The Commissioner has discretion whether or not to hold a public hearing.

LCS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the PD, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposal is approved and no significant change is required, the Preliminary Decision, including any deletions, minor changes, and summary of comments and LCS responses will be issued as a subsequent Final Finding and Decision without further notice.

Only persons from whom LCS receives timely, written comments during the identified comment period will be eligible to file an appeal of the Final Finding and Decision. Upon approval and issuance of a Final Finding and Decision, a copy of the decision will be made available online at <https://dnr.alaska.gov/mlw/landsales/public-notice/> and sent with an explanation of the appeal process to any party who provides timely written comment.

DNR is prepared to accommodate individuals with disabilities by providing auxiliary aids, services, or special modifications in order to participate in this review. Individuals who may need such assistance should contact DNR's Public Information Center. For more information, refer to the attached Public Notice.

**DEADLINE TO SUBMIT WRITTEN COMMENT IS  
 4:30 PM, FRIDAY, APRIL 25, 2025**

**XVI. Stipulations**

If approved for conveyance, applicable conditions, restrictions, and reservations will be imposed upon the transfer of equitable title when the Final Finding and Decision is effective and on the final conveyance document, including but not limited to the following:

1. Administration of state leases and permits in the surface estate, if any, will be transferred to PB when the FFD is effective. Applications for state leases or permits in the subject area that have not been adjudicated or issued will be closed.
2. Management authority for the approved subject parcel will be transferred to the Borough when the FFD is effective. Applications for state leases or permits in the subject area that have not been adjudicated or issued will be closed.
3. Interagency Land Management Agreement ADL 20978 will be closed when the FFD is effective.
4. All mineral-related permits, licenses, claims, and leases affecting the tidelands proposed for conveyance, if any, will remain under the authority of the State.
5. Notification to the Alaska State Historic Preservation Office in accordance with AS 41.35.070(d) Preservation of Historic, Prehistoric, and Archeological Resources Threatened

**Preliminary Decision**

AS 38.05.825 Tideland Conveyance – ADL 109287

Page 11 of 12

- by Public Construction is required upon discovery of historic, prehistoric, or archaeological sites, locations, remains, or objects.
6. A notice to proceed to survey will be issued if no appeals are received, or when appeals are resolved, after the issuance of the FFD. The applicant must hire a surveyor, and the surveyor must apply to DMLW's Survey Section for Survey Instructions. The applicant's survey must be approved by DMLW and the local platting authority, if any, as set forth in the Survey Instructions. Survey costs shall be borne by the municipality.
  7. The approved tideland conveyance is subject to the terms and conditions of AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, including: 1) Grantee may lease the land, but may not sell it; 2) Grantee takes title to the tide and submerged lands subject to the Public Trust Doctrine that may be enforced by the State in a court of competent jurisdiction; 3) The municipality shall be required to ensure that reasonable access to public waters and tidelands is provided; 4) The municipality may not lease land conveyed under this section for shore fisheries, but after conveyance, the land may be leased by the State for shore fisheries under AS 38.05.082 Leases for Shore fisheries Development; account if the Commissioner determines that the lease is compatible with the municipality's use of the land; and 5) Title to the land conveyed under this authority reverts to the State upon dissolution of the municipality.
  8. The approved tideland conveyance is subject to valid existing rights, including reservations, easements, and exceptions in the U.S. Patent, or other state or federal conveyance, and in acts authorizing the issue thereof, easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.
  9. Pursuant to AS 38.05.125 Reservation, the mineral estate shall not be conveyed.
  10. Pursuant to AS 38.05.127 Access To Navigable or Public Water, a 50-foot continuous public access easement seaward from the current MHW of public or navigable water bodies shall be reserved to the State.

**XVII. Discussion and Alternatives**

The following alternatives were considered:

Alternative 1: Convey Subject Parcel

Approve the proposed conveyance of the 8.8-acre tide and submerged land parcel to the Borough with management authority to be transferred when the Final Finding and Decision becomes effective. The subject parcel encompasses the area required for dock management and maintenance. This alternative meets the intent of AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities to convey tide and submerged land to municipalities where the municipality's interest in obtaining the subject parcel outweighs the public interest in retaining State ownership.

Alternative 2: Retain

LCS will reject and retain the tide and submerged land requested by the Borough. This alternative would, in effect, preclude the Borough's ownership of the tidelands considered to be important for their community development and access. This action would be inconsistent with the purpose of AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities and inconsistent with the basis for the disapproval of a tideland conveyance request in that section of the statute. A tideland conveyance request can only be rejected when the State's interest outweighs that of the municipality, and there is no basis for such a determination.

For the aforementioned reasons, Alternative 1 is the preferred alternative.


Recommendation follows.

**XVIII. Recommendation and Preliminary Decision**


This Preliminary Decision for the proposed disposal of State lands described throughout this document and its attachments are consistent with the overall management intent for state-owned land. Alternative 1 is the preferred alternative. Under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, no direct economic benefit is realized by the State, but further development of this parcel will serve the needs of the Petersburg Borough. Facilitating community development activities in the Borough indirectly provides economic benefit to the State by encouraging settlement and related economic activity. LCS believes that the proposed conveyance complies with the requirements of AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, as discussed above. Unless public comment indicates that the parcel does not qualify for conveyance under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, or that the public interest in retaining the parcel clearly outweighs the municipality’s interest in retaining the parcel, DNR must convey the parcel subject to the completion of a new ATS for the area of ATS 251.

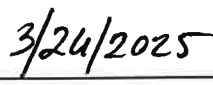
This Preliminary Decision, described above, represents the preferred alternative that has been reviewed and considered. After review and consideration of materials in this PD, LCS finds that the recommended action may be in the best interest of the State and that it is hereby approved to proceed to Public Notice in accordance with AS 38.05.945 Notice.

After public notice, the subsequent review process may result in changes to the preferred alternative(s) or disapproval of the proposed action altogether. A Final Finding and Decision will address any significant issues or concerns raised during the public review process.

  
\_\_\_\_\_  
Prepared by: Mary Hermon  
Natural Resource Specialist 2  
Land Conveyance Section  
Division of Mining, Land and Water  
Department of Natural Resources  
State of Alaska

  
\_\_\_\_\_  
Date

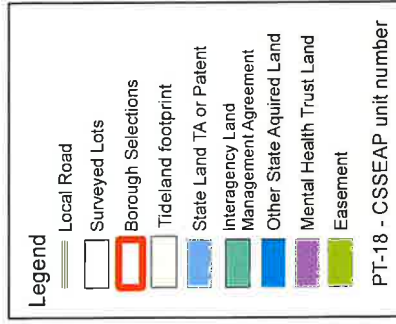
  
\_\_\_\_\_  
Approved by: Hannah Uher-Koch  
Section Chief  
Land Conveyance Section  
Division of Mining, Land and Water  
Department of Natural Resources  
State of Alaska

  
\_\_\_\_\_  
Date

ATTACHMENT A  
**Petersburg Borough**  
 Tideland Selection  
 Preliminary Decision

**ADL 109287**

Papke's Landing



Created by DNR-DMLW-LCS-ME

March 2025

Item 15A.



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.



STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER  
LAND CONVEYANCE SECTION

**Attachment B: PUBLIC NOTICE**

Requesting Input for a Proposed Conveyance Under AS 38.05.825  
**Petersburg Borough Municipal Tideland Selection – ADL 109287**

**COMMENT PERIOD ENDS: 4:30 PM, FRIDAY, APRIL 25, 2025**

The Department of Natural Resource (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) has prepared a Preliminary Decision (PD) for a proposal to convey approximately 8.8 acres of state-owned tide and submerged land (herein 'tideland') to Petersburg Borough (Borough), under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities. Located within DNR's Southeast Region, this tideland selection falls with *Region 3. Petersburg* as identified in the Central Southern Southeast Area Plan. LCS finds that the proposed conveyance is consistent with the requirements of AS 38.05.825, and that the Borough's interest in obtaining this state tideland outweigh the State's interest in retaining it.

Pursuant to AS 38.05.945 Notice, the public is invited to comment on this PD which proposes to transfer ownership of state tideland to the Petersburg Borough. **The deadline for submitting public comment is 4:30 PM, Friday, April 25, 2025.** Only persons from whom LCS receives timely written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision (FFD). Comments must be received in writing to the Division of Mining, Land and Water, Attention: Mary Hermon, at 550 West 7th Avenue, Suite 640, Anchorage, Alaska 99501, by fax at (907) 269-8916, or by email at [mary.hermon@alaska.gov](mailto:mary.hermon@alaska.gov). If you have questions, call Mary Hermon at (907) 269-6546.

The public notice is available on the Alaska Online Public Notice System at: <http://dnr.alaska.gov/commis/pic/pubnotfrm.htm>. The Preliminary Decision is available on the DMLW Land Sales website at: <https://dnr.alaska.gov/mlw/landsales/public-notice/>.

Following the comment deadline, LCS will consider the written responses received and may modify the decision to incorporate public comments in the FFD. Only persons who comment during this public comment period will be eligible to file an administrative appeal of the FFD. LCS will send a copy of the FFD to any person who comments on the PD. The FFD will include the appeal instructions. Please direct all inquiries or questions to Mary Hermon at the above address, by email, phone, or fax.

DNR is prepared to accommodate individuals with disabilities by providing auxiliary aids or services when requested. Individuals with audio impairments who wish to respond to this decision by telephone may call the DNR, Public Information Center in Anchorage between the hours of operation: 10:00 AM to 5:00 PM, Monday through Friday at TTY: 711 for Alaska relay or 800-770-8973 or go to <http://dnr.alaska.gov/commis/pic/>

If no significant change is required, the PD, including any minor changes and a summary of comments and responses, will be issued as the FFD, without further notice. A copy of the FFD will be sent to any persons who commented timely on the PD.

DNR reserves the right to waive technical defects in this notice.



June 2026

## Memorandum

**To:** Steve Giesbrecht, Borough Manager  
**Cc:** Mayor Bob Lynn and Members of the Borough Assembly  
**From:** Aaron Marohl, Public Works Director  
**Re:** Replacement of Sanitation Unit #117

The FY2027 approved Borough budget includes \$385,000 for replacement of Sanitation Unit #117. Public Works recommends purchasing a new 2027 Labrie Automizer 17 CY Side Loader refuse truck mounted on a 2027 Freightliner M2 106 Plus chassis.

Unit #117 is one of the Borough's two primary automated side-loading sanitation trucks and plays a critical role in residential refuse collection services. Due to its age and increasing maintenance requirements, replacement is necessary to maintain reliable service and minimize downtime.

Alaska Municipal Equipment LLC has provided a Sourcewell quote in the amount of \$385,758.38. The purchase exceeds the approved budget by \$758.38 (approximately 0.2%). Staff believe this additional cost can be accommodated within the Sanitation Department equipment replacement reserves and is justified given current equipment pricing and the importance of maintaining reliable sanitation services.

Borough Code Section 4.04.040(G) allows purchases through cooperative purchasing associations when competitively bid contracts provide advantageous terms to the Borough. The Sourcewell cooperative purchasing program satisfies these requirements and provides a cost-effective procurement method while reducing procurement time and administrative costs.

Payment for this purchase will be made from the Sanitation Department equipment replacement reserves. Upon delivery and placement into service, Unit #117 will be declared surplus and sold in accordance with Borough procedures, with sale proceeds used to offset the replacement cost.

For these reasons, Public Works recommends award of the purchase to Alaska Municipal Equipment LLC in the amount of \$385,758.38. If you agree with this recommendation, please forward it to the Borough Assembly for consideration at their regular meeting on July 6, 2026.

**Attachments:**

1. Alaska Municipal Equipment LLC / Labrie Sourcewell Quote (5 pages)
2. FY2027 Equipment Replacement Budget Documentation

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**MOTOR POOL RECOMMENDATION**

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**TO:** STEVE GIESBRECHT, BOROUGH MANAGER  
**FROM:** AARON MAROHL, PUBLIC WORKS DIRECTOR  
**SUBJECT:** FY27 VEHICLE/EQUIPMENT FLEET RECOMMENDATIONS  
**DATE:** 2/06/2026  
**CC:** MOTOR POOL FILE

**FY27 Replacement Recommendation Summary**

The following is a summary of the Motor Pool's recommendations for vehicle replacements and service extensions for the next budget year.

Units replaced:	<b>2</b>	<b>\$475,000</b>
Units extended:	<b>15</b>	
Total recommended replacement budget:		<b><u>\$475,000</u></b>

<u>Unit</u>	<u>Recommendation</u>	<u>Budget</u>
SAN #117 (2016 International garbage truck)	Replace	\$385,000
PD #86 (2017 Ford F250 4x4 crew cab pickup)	Replace	\$ 90,000
FD #27 (2015 Ford Expedition XL)	Extend for 3 years	-
FD #6 (1994 Pierce Pumper fire engine)	Extend for 2 years	-
FD #8 (2001 Pierce Saber Pumper)	Extend for 2 year	-
P&R #11 (2016 Nissan Frontier 4x4)	Extend for 2 years	-
P&R #ST132 (2015 Walker Mower)	Extend for 3 years	-
PW #33 (2004 CAT 924G Loader)	Extend for 1 year	-
PW #65 (2007 Int'l Dump Truck)	Extend for 1 year	-
PW #70 (1996 Int'l Plow Truck)	Extend for 3 years	-
PW #98 (2007 Int'l Swap Loader)	Extend for 2 years	-
PW #114 (2015 Ford F550 4x4)	Extend for 3 years	-
SAN #3 (2017 Int'l Heil Garbage Truck)	Extend for 1 year	-
WA #7 (2002 ACE Water Tank)	Extend for 1 year	-
WA #83 (2017 Ford F250 4x4)	Extend for 3 years	-
WA #GEN5 (1998 Onan Generator)	Extend for 3 years	-
WW #82 (2010 Ford F550 4x4)	Extend for 3 years	-
<b>Total Replacement Budget requested FY2027</b>		<b>\$475,000</b>

### Fleet Replacement Recommendations

**SAN #117 (2016 Heil Rapid Rail Garbage Truck)** This 17-yard refuse truck is used for the pickup and transport of municipal solid waste and recycling. The body box suffers from significant corrosion. Although we have been able to spot patch holes, finding solid material to weld patches is becoming increasingly difficult. The rapid rail arm is obsolete and hard to find parts for. It is time to replace this unit with a similar sized vehicle before a major failure occurs resulting in extensive expense and downtime.

**PD #86 (2017 Ford F250 4x4 crew cab pickup)** This unit serves the Police Dept as a patrol vehicle and also performs light duty trailer towing when required. It has generally served the department well but has had some engine problems that required it to be sent off-island for repairs and resulting downtime. At 9 years old and 71K island miles it is only a matter of time before this vehicle experiences another issue that results in extended downtime. This unit was budgeted for replacement in FY26, however, skyrocketing chassis and upfitting estimates resulted in a budget shortfall and prevented the procurement. The budget assumes replacement with a similar class of vehicle (truck or heavy SUV) and should support outfitting the new unit as a K9 carrier - if the department ends up implementing a K9 program.

### Fleet Extensions

A total of 15 units are recommended for extension. The various vehicles and equipment were evaluated by the Motor Pool dept. All units recommended for extension have been found to be reliable and in good mechanical condition. The units listed in the first page summary are being recommended for 1-3 year extensions with details provided upon request.

End of Recommendation



Seller  
**Labrie Environmental Group**  
 175-B Rte Marie Victorin  
 Lévis, Québec  
 Canada  
 G7A 2T3

QUOTE FORM		
Item 15B.		
Quote # / Rev. #	Reference #	Quoted Date
		2026-06-09
Price List / Currency	Last Revision Date	Quote Valid Until
2026-B / USD	2026-01-29	
Regional Sales Manager	Customer Service Rep.	Product Specialist
Opportunity Type	Carrier	Departure Region
SW End Client	Customer Pickup	Quebec, QC, CA

Dealership # 100006	SHIP TO	END CLIENT
Alaska Municipal Equipment LLC (BSI Equipment) 16924 Snowmobile Ln Eagle River, AK 99577 United States	Alaska Municipal Equipment LLC 16924 Snowmobile Ln Eagle River, AK 99577 United States	Petersburg Borough
Email : <a href="mailto:jjackey@akmequipment.com">jjackey@akmequipment.com</a>	Email : Phone :	Email : Phone :

**CHASSIS INFORMATION**

<b>Chassis Provided By :</b> Supplied by Customer	<b>Engine Make :</b> To Be Confirmed
<b>Chassis Manufacturer :</b> Freightliner	<b>Engine Model :</b> To Be Confirmed
<b>Chassis Model :</b> M2 106 Plus	<b>Engine Power :</b>
<b>Cab Style :</b> Conventional Cab	<b>Engine Torque :</b>
<b>Drivetrain :</b> 6X4	<b>Transmission Make :</b> Allison
<b>Auxiliary Axle :</b> Without Auxiliary Axle	<b>Transmission Model :</b> RDS 4000 Series WTEC 4 & 5
<b>CNG System Upon Arrival :</b> Without	<b>Transmission Type :</b> Automatic Transmission
<b>Driving Configuration at Delivery :</b> Sit-Down from Company on Streetside Only	
<b>Chassis Delivery Address :</b> Canada: 175-B Rte. Marie-Victorin, Lévis, QC, Canada G7A 2T3	

**COLOR INFORMATION**

<b>Cab Color :</b> White from Factory	<b>Cab Color Code :</b> To Be Confirmed
<b>Body Color :</b> White	<b>Body Color Code :</b> To Be Confirmed
<b>Chassis Color :</b> Black from Factory	<b>Chassis Color Code :</b> To Be Confirmed
<b>Paint Scheme Number :</b> Without	<b>Match Cab :</b> Yes

**CARTS INFORMATION**

<b>Cart Make :</b> Without or NOT Required	<b>Cart Type :</b> Without or NOT Required
<b>Cart Capacity :</b> Without or NOT Required	

**BODY CONFIGURATION**

<b>Body Model :</b> AUTOMIZER TTD	<b>Total Capacity :</b> 17yd <sup>3</sup> (15+2)
<b>Arm Model :</b> Single Right-Hand (Curb)	<b>Body Capacity :</b> 15yd <sup>3</sup>
<b>Body Type :</b> Standard	<b>Tailgate Capacity :</b> 2yd <sup>3</sup>
<b>Body Division :</b> Without Divison	

**BASE PRICE** 175,330.00\$

**OPTIONS**

#	Category	Option   Description	Price
2	Lifting	ALHG-STD01   Standard Height Gripper	0.00 \$
3	Lifting	AGRA-0030   Heavy Duty Arm & Gripper, "64 to 95 US gal and 300 US gal Round"	2,430.00 \$
4	Lifting	EAOA-STD01   Arm (or Mast) out alarm at 6 km/h - 4 mph	0.00 \$
5	Lifting	AGSS-0000   Spill shield on Gripper	510.00 \$



**Seller**  
**Labrie Environmental Group**  
**175-B Rte Marie Victorin**  
**Lévis, Québec**  
**Canada**  
**G7A 2T3**

QUOTE FORM		
		Item 15B.
Quote # / Rev. #	Reference #	Quoted Date
		2026-06-09
Price List / Currency	Last Revision Date	Quote Valid Until
2026-B / USD	2026-01-29	
Regional Sales Manager	Customer Service Rep.	Product Specialist
Opportunity Type	Carrier	Departure Region
SW End Client	Customer Pickup	

#	Category	Option   Description	Price
6	Hopper Area	BCPH-0000   Crusher Panel (1)	5,030.00 \$
7	Hopper Area	QUSS-0000   Crusher Panel Full Width	0.00 \$
8	Hopper Area	HAPT-STD01   RAM Type Packer Panel	0.00 \$
#	Category	Option   Description	Price
9	Consoles & Controls	AAJC-STD01   Single Arm (or Mast) Joystick NON-Moveable	0.00 \$
10	Consoles & Controls	ATJC-STD01   Grabber Control on Joystick	0.00 \$
#	Category	Option   Description	Price
11	Hydraulic	HHWL-0010   Hyd. Oil Level Sensor With in Cab Low Level Warning Light & Buzzer (Warning Light Only on RL & TS) - Early Warning	1,210.00 \$
12	Hydraulic	HHWT-0000   Hyd. Oil Temp. Sensor With in Cab High Temp. Warning Light	970.00 \$
13	Hydraulic	HCON-STD01   JIC	0.00 \$
14	Hydraulic	HHOH-0000   Hydraulic Oil Heater in Tank (Electric 110V) - Electrical Inlet on Cab	1,520.00 \$
15	Hydraulic	HPTO-6438   PTO Chelsea 897 Continuous Drive with Enclosed Shaft Extension	4,810.00 \$
16	Hydraulic	CCPM-STD01   No Particular Specifications From Customer	0.00 \$
17	Hydraulic	CHFT-STD02   Hydraulic Tank Mounted on Chassis	0.00 \$
18	Hydraulic	HHPG-0000   Hydraulic Pressure Gauge for Main Valve with Quick Coupler	190.00 \$
19	Hydraulic	EBCV-0010   Electric Over Hydraulic Body Main Valve	1,780.00 \$
#	Category	Option   Description	Price
20	Accessories	BCOT-0002   Broom, Shovel and Hoe at standard Labrie location. Location may change depending on truck's configuration.	500.00 \$
21	Accessories	BFEX-0001   Fire Extinguisher 20 lbs (1) at standard Labrie location. Location may change depending on truck's configuration.	490.00 \$
22	Accessories	BBTS-STD01   Standard Tailgate Seal	0.00 \$
#	Category	Option   Description	Price
23	Lighting	LLPA-0010   Add. Lights on Tg.: 2/3 Lightbar + Central Brake Light + Multifunctions Lights (4) (X Pattern)	1,380.00 \$
24	Lighting	LBLR-0035   Backup Lights on Rubrails Mid-Body - LED (2) - Truck-Lite #81105	920.00 \$
25	Lighting	LBLT-0035   Backup Lights on Tailgate 2/3 Centered - LED (2) - Truck-Lite #81105	920.00 \$
26	Lighting	LWLK-0035   Work Light Package - LED (3)	1,290.00 \$
27	Lighting	WL01-0000   Hopper Streetside (1)	0.00 \$
28	Lighting	WL03-0000   Curbside Post (3)	0.00 \$
29	Lighting	WL04-0000   Rail Curbside (4)	0.00 \$
30	Lighting	LILK-0010   Work Lights on Cab (2) - Trucklite #81105 (Streetside, Bumper + Rear of Cab, Pointing Rearward)	1,320.00 \$
31	Lighting	LAFL-0070   Alternating Strobing Lights 4" Amber on Tailgate 2/3 - LED (2)	1,040.00 \$
32	Lighting	LSLA-0020   Strobe Light Beacon Style on Tg. over Upper S/T/T Lights (If Appl.) Centered - Whelen L10HAP (1)	680.00 \$



QUOTE FORM		
Item 15B.		
Quote # / Rev. #	Reference #	Quoted Date
		2026-06-09
Price List / Currency	Last Revision Date	Quote Valid Until
2026-B / USD	2026-01-29	
Regional Sales Manager	Customer Service Rep.	Product Specialist
Opportunity Type	Carrier	Departure Region
SW End Client	Customer Pickup	Quebec, QC, CA

Seller  
**Labrie Environmental Group**  
 175-B Rte Marie Victorin  
 Lévis, Québec  
 Canada  
 G7A 2T3

#	Category	Option	Description	Price
33	Electronic	CCCC-0029	3X Renegade Camera(s) - 3X Standard Position(s) With Heater/Without Shutter	3,700.00 \$
34	Electronic	CL02-0000	Tailgate Center 1/2 (2) - Pointing Back	0.00 \$
35	Electronic	CL04-0000	Hopper Streetside (4) - Pointing Curbside	0.00 \$
36	Electronic	CL05-0000	Post Curbside (5) - Pointing Curbside	0.00 \$
37	Electronic	CCCM-INC21	Renegade 7" Color HD Monitor (Included in Camera System Base Price) (4 Channels)	0.00 \$
38	Electronic	CCML-INC01	On Ceiling, Centered, Near the Windshield (If Possible)	0.00 \$
39	Electronic	CCMM-STD01	Monitor Mounting Brackets for Labrie Standard Installation	0.00 \$
40	Electronic	AGCD-0000	Cart/Container Counting Device on Arm.s (or Mast)	380.00 \$
41	Electronic	EPHM-0000	Hour Meter - Hydraulics	380.00 \$
42	Electronic	MSPP-STD01	Multiplex Password Protection	0.00 \$
#	Category	Option	Description	Price
43	Electrical	ESYV-STD01	12V Body Electrical System	0.00 \$
#	Category	Option	Description	Price
44	Service & Maintenance	BRLS-0000	Centralized Grease Point for Follower Panel Rollers	1,150.00 \$
45	Service & Maintenance	BPLS-0000	Ground Level Grease Points for Packer Rails (Centralized)	900.00 \$
46	Service & Maintenance	BALS-0010	Ground Level Grease Points for Tailgate (Centralized) & Hopper Door(s)	1,530.00 \$
#	Category	Option	Description	Price
47	Structure, Liners & Materials	BSFL-0010	Body floor liner 48" x 4mm (0.160") - Hardox 450	1,180.00 \$
48	Structure, Liners & Materials	BSWL-0035	Body Side Wall liners 24" x 1/8" - Hardox 450	480.00 \$
49	Structure, Liners & Materials	BHWS-0000	Hopper Floor Liner 1/4" - Hardox 450	1,410.00 \$
50	Structure, Liners & Materials	BHSL-0000	Hopper Side Wall Liners 4mm (0.160") - Hardox 450	1,050.00 \$
#	Category	Option	Description	Price
51	Unit Appearance	PCBP-STD01	Urethane Body Paint	0.00 \$
52	Unit Appearance	UAPP-STD01	One (1) Coat of Urethane Primer	0.00 \$
53	Unit Appearance	PCCP-STD01	Paint Chassis Components same Color as Chassis	0.00 \$
54	Unit Appearance	BASA-STD01	Rubber Mud Guards - Rear of Rear Axle	0.00 \$
55	Unit Appearance	BASB-0030	Rubber Mud Guards - Front of Rear Axle	640.00 \$
56	Unit Appearance	BASF-INC01	Anti-sail Bars on Front Mud Guards (Rear Wheels)	0.00 \$
57	Unit Appearance	BASN-STD01	Mud Guards with Labrie Logo	0.00 \$
58	Unit Appearance	BODL-STD01	Informative Decals English	0.00 \$
#	Category	Option	Description	Price
59	Chassis	CFTD-STD01	Diesel Tank from Company or CNG/Electric	0.00 \$
60	Chassis	CRTH-0000	Tow hooks (2) on Chassis Rear End	460.00 \$
#	Category	Option	Description	Price
61	Cab	CHBM-INC01	Heated Bus Type Mirrors (2)	0.00 \$
62	Cab	CSRH-0000	Stand-up Drive Curbside LABRIE	37,870.00 \$
63	Cab	CADS-INC01	Foldable Seat Vinyl with Backrest on Curbside	0.00 \$
64	Cab	CWFD-INC01	2 Windows in Foldable Door on Stand-up Drive/Low Entry Floor Curbside	



**Seller**  
**Labrie Environmental Group**  
**175-B Rte Marie Victorin**  
**Lévis, Québec**  
**Canada**  
**G7A 2T3**

QUOTE FORM		
		Item 15B.
Quote # / Rev. #	Reference #	Quoted Date
		2026-06-09
Price List / Currency	Last Revision Date	Quote Valid Until
2026-B / USD	2026-01-29	
Regional Sales Manager	Customer Service Rep.	Product Specialist
Opportunity Type	Carrier	Departure Region
SW End Client	Customer Pickup	Quebec, QC, CA

<b>SUBTOTAL OPTIONS :</b>	<b>78,120.00\$</b>
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**NON-STANDARD OPTIONS**

<b>SUBTOTAL NON-STANDARD OPTIONS :</b>	<b>0.00\$</b>
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**COMMENTS**

End-User: Petersburg, AK
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<b>Expected Delivery Date :</b>		<b>Subtotal Base Price and Options :</b>	<b>253,450.00 \$</b>
		<b>Discount (2.00%) :</b>	<b>5,069.00 \$</b>
		<b>Subtotal Base Price and Options (Net) :</b>	<b>248,381.00 \$</b>
<b>Chassis Terms (if applicable) :</b> Net on delivery for release of MSO.		<b>Body Miscellaneous Charge #1 :</b>	<b>0.00 \$</b>
<b>Weight Distribution:</b> Quotes and pricing are subject to changes according to WD analysis which can alter specs. Upon receipt of PO and chassis specs, WD will be conducted and a confirmation of acceptance will be issued.		<b>Body Miscellaneous Charge #2 :</b>	<b>0.00 \$</b>
<b>Taxes :</b> Not Included.		<b>Body Miscellaneous Charge #3 :</b>	<b>0.00 \$</b>
<b>Disclaimer :</b> It is the quoting distributor's responsibility to verify the accuracy of this quote versus the specifications for the body and chassis. Labrie Environmental Group will not be responsible for any price differential between this quotation and what is required by the provided specifications. Interest fees on past due account of 1.5% per month (18% annual). Price list subject to change at all time due to the steel price index.  Labrie Environmental Group (LEG) does not accept floorplan charges, back charges, liquidated damages or third-party claims for any reason or cause, whether expressed or implied by specifications or other form of communication, including purchase order terms and conditions unless approved in writing by CEO or CFO at time of quotation.  Labrie Environmental Group (LEG) and/or seller shall not be responsible for any failure to perform, or delay in performance of, its obligations resulting from the COVID-19 pandemic or any future epidemic.		<b>Sourcewell Fee :</b>	<b>0.00 \$</b>
		<b>Material Surcharge :</b>	<b>0.00 \$</b>
		<b>Extended Warranty :</b>	<b>0.00 \$</b>
		<b>Extended Warranty Other :</b>	<b>0.00 \$</b>
		<b>Additional Trade Discount :</b>	<b>0.00 \$</b>
		<b>Inter Factory Transport :</b>	<b>0.00 \$</b>
		<b>Subtotal Body (Net) :</b>	<b>248,381.00 \$</b>
		<b>Chassis Price :</b>	<b>0.00 \$</b>
		<b>Subtotal Unit (Net) :</b>	<b>248,381.00 \$</b>
		<b>FET (12%) :</b>	<b>0.00 \$</b>
		<b>Change Fee #1 :</b>	<b>0.00 \$</b>
		<b>Change Fee #2 :</b>	<b>0.00 \$</b>
		<b>EV Fee :</b>	<b>0.00 \$</b>
		<b>Miscellaneous Charge #1 :</b>	<b>0.00 \$</b>
		<b>Miscellaneous Charge #2 :</b>	<b>0.00 \$</b>
		<b>Miscellaneous Charge #3 :</b>	<b>0.00 \$</b>
		<b>Freight Charges :</b>	<b>0.00 \$</b>
		<b>Total Unit (Net) :</b>	<b>248,381.00 \$</b>
		<b>Number of Units :</b>	<b>1</b>
		<b>Grand Total :</b>	<b>248,381.00 \$</b>
		<b>Currency :</b>	<b>USD</b>

Labrie Representative :

Customer : Alaska Municipal Equipment LLC (BSI Equipment)



Quote Date: 06/09/2026  
 Prepared By: Jim Lackey  
 Cell: (907) 841-9999  
 Email: [jlackey@bsiequipment.com](mailto:jlackey@bsiequipment.com)

**QUOTE FOR: Petersburg Borough**  
**CONTACT:** Tom Rummel / Aaron Marohl  
**PHONE:** / 907-772-5432  
**EMAIL:** [trummel@petersburgak.gov](mailto:trummel@petersburgak.gov) / [amarohl@petersburgak.gov](mailto:amarohl@petersburgak.gov)

**Revised Sourcewell Quote**  
**QUOTE VALID THROUGH**  
 07/09/2026

**(cont. from Labrie Quote) New 2027 Labrie Automizer™ 17 CY Side Loader Refuse Body  
 Tip to Dump RH Standup Drive on 2027 Freightliner M2 106 Plus Chassis**

Cab color: White  
 Body color: White  
 Chassis color: Black from Factory

✚ Refuse Body is designed with particular consideration for Alaska’s elements.

<i>Manufacturers Price w/ Options:</i>	<b>\$ 253,450.00</b>
<i>Sourcewell Discount:</i>	<b>\$ (5,069.00)</b>
	<b>\$ 248,381.00</b>
<i>Additional Municipal Discount Offered by Dealer, 2%:</i>	<b><u>\$ (4,967.62)</u></b>
<i>Price of Refuse Body:</i>	<b>\$ 243,413.38</b>
<i>Freight, QC Canada to Seattle, WA Freight:</i>	<b>\$ 12,625.00</b>
<i>PDI &amp; Setup:</i>	<b><u>\$ 1,680.00</u></b>
	<b>\$ 257,718.38</b>
<i>2027 Freightliner M2 106 Plus Chassis:</i>	<b>\$ 128,040.00</b>
<b><i>Total Purchase Price:</i></b>	<b><i>\$ 385,758.38</i></b>
<b>FOB – Petersburg, AK</b>	

**This pricing is in accordance with the terms and conditions set forth by and for Sourcewell Contracting.**  
 Reference Labrie Environmental Group No. 110223-LEG Petersburg Borough No. 101712



July 6, 2026

**Alaska Department of Transportation and Public Facilities**

P.O. Box 112500  
Juneau, AK 99811-2500

Dear Commissioner and DOT&PF Officials,

The past winter was particularly difficult with the amount and duration of snow here in Petersburg and throughout southeast Alaska. In particular, the Assembly recognizes the exceptional effort required to manage the heavy snow loads experienced this past winter. Despite these challenging conditions, DOT&PF crews performed their duties effectively and maintained essential transportation routes to a high standard, for which we are grateful. We recognize the limited number of personnel and equipment available and the need to set snow removal priorities.

The area the community expressed concerns is clearing pedestrian access along some of the roadways. The sidewalks and pedestrian routes along Haugen Drive leading to Petersburg James A. Johnson Airport and Sandy Beach Park serve as an essential corridor for residents, workers, students, and visitors. Similarly, the Libby Strait bike path is a heavily used non-motorized route connecting residential areas with key community destinations.

During the winter months, the absence of snow and ice removal renders these routes largely unusable. As a result, pedestrians and bicyclists are forced to travel on the adjacent roadways, creating unsafe conditions. This is especially concerning for school-aged children and other vulnerable users, who face increased risk of vehicle-pedestrian conflicts when these facilities are not maintained.

We understand that DOT&PF must prioritize their maintenance schedule, especially when heavy snow falls. Ensuring consistent and reliable snow removal on these facilities would significantly improve community mobility and reduce risk for non-motorized users.

The Borough is committed to working collaboratively with DOT&PF to identify solutions, coordinate efforts, or explore agreements that would enable these essential routes to be safely maintained during winter conditions.

Thank you for your consideration of this request and for your continued service to the communities of Alaska. Please do not hesitate to contact the borough manager if additional information is needed or to discuss this matter further.

Sincerely,

Bob Lynn  
Mayor, Petersburg Borough

**Borough Administration**  
PO Box 329, Petersburg, AK 99833 – Phone (907) 772-4519 Fax (907)772-3759  
[www.petersburgak.gov](http://www.petersburgak.gov)



June 2, 2026

VIA US MAIL ONLY

Mayor Robert Lynn  
Petersburg Borough  
12 Nordic Drive  
Petersburg, AK 99833

VIA EMAIL ONLY

Sara Heideman  
Petersburg Borough  
12 Nordic Drive  
Petersburg, AK 99833  
[hlolawalaska@gmail.com](mailto:hlolawalaska@gmail.com)

RE: *Ordinance #2026 – 12 An Ordinance Amending Title 19 Zoning, of the Petersburg Municipal Code to Regulate Wireless Communication Facilities (WCF) And Other Towers and Transmitters - Ordinance Amending Title 19*

Dear Mayor Lynn and Ms. Heideman:

I represent The Alaska Wireless Network, LLC (AWN), a GCI subsidiary, on its tower site and build in Petersburg. First of all, thank you for your time in meeting with the AWN team on Friday May 29. As the team promised, included below is the background of the tower and the applicable FCC law surrounding tower builds like this one in Petersburg. As discussed, AWN plans to build a monopine tower at 1111 South Nordic Drive in Petersburg, Alaska. AWN previously met with Director Cabrera and Building Official Jim Holder regarding local permit requirements prior to the new ordinance proposal and has started the FCC permitting process for the tower build. AWN relied upon the unamended ordinance and the discussions with the Borough in their decision to purchase the Nordic Drive property, and AWN will soon close on its purchase of the Nordic Drive property where its tower will be located.

Building this tower is a critical piece of wireless infrastructure for the Petersburg Borough and the Alaska Plan. The Alaska Plan is the FCC's high-cost support program for Alaska. GCI is a participant in the Alaska Plan, and Petersburg's wireless infrastructure is supported through this program. As part of that support, GCI is required to meet its federal obligations, which would include the Petersburg community, to provide defined wireless

service levels by the end of 2026. AWN’s tower at Nordic Drive is essential to meet the Alaska Plan service level needs in your community.

The Nordic Drive site would close a significant gap in wireless coverage in the Petersburg area. This coverage gap is the reason AWN purchased the site—the monopine tower on the Nordic Drive site will fill the significant coverage gap and is ideally situated between the two collocation sites AWN already operates in Petersburg. The two sites are located at 212 Hungerford Hill Road and 1302 Howkan Street and essentially straddle the main town of Petersburg. The two-mile distance between the sites and the beautiful but challenging topography contributes to the significant coverage gap. The gap is significant as critical infrastructure lies within the Petersburg boundaries such as the Coast Guard Station, dock, ferry terminal, the waterways around Peterburg, and a portion of the Petersburg Airport. It is essential that wireless coverage is sufficient to ensure proper operations and to provide coverage over these critical areas. Moreover, a significant portion of Petersburg itself lies within the significant coverage gap. This gap results in weak and unreliable coverage that is particularly problematic in emergency situations.

Ordinance #2026-12 will prevent AWN from closing this significant coverage gap. The Ordinance creates numerous overlapping barriers to entry for wireless providers, including prohibition on standalone towers in residential and Commercial 3 zoned areas. When the zoning requirements are considered together with Petersburg’s limited site availability and the Ordinance’s restrictive separation and setback requirements, **no viable sites exist to close the significant coverage gap.**

Because the Ordinance prohibits tower builds that would otherwise mitigate substantial gaps in coverage in Petersburg, it violates the Telecommunications Act of 1996 since it “effectively prohibits” any builds from AWN.<sup>1</sup> Under federal law “no State or local statute or regulation, or other State or local requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.”<sup>2</sup> In like fashion, the Telecommunications Act provides that “(i) the regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof – (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.”<sup>3</sup>

The Ninth Circuit has detailed how these provisions work within the context of municipal restrictions on wireless tower builds, particularly where—as here—the ordinance would “effectively prohibit” a provider from closing a significant coverage gap.<sup>4</sup> The court explained that a locality violates the “effective prohibition” clause of the

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<sup>1</sup> See generally 47 U.S.C.S. §§253 and 332(c)(7)(B)(II).

<sup>2</sup> 47 U.S.C.S. §253(a).

<sup>3</sup> 47 U.S.C. § 332(c)(7)(B)(II).

<sup>4</sup> See *T-Mobile USA Inc. v. City of Anacortes*, 572 F.3d 987 (9<sup>th</sup> Cir. 2009).

Telecommunications Act if it prevents “a wireless provider from closing a ‘significant gap’ in service coverage.”<sup>5</sup> A wireless provider would be prohibited from closing a gap in service coverage if the locality’s actions leaves it without available or feasible alternatives.<sup>6</sup> This is exactly the situation that Ordinance #2026 presents AWN here. The Ordinance’s waiver provisions do not change this analysis because they cannot save an otherwise facially invalid regulation by reserving discretion in the Borough to improperly apply the Ordinance to AWN.

The Ordinance also cites radio frequency emission levels and requires an independent audit of such levels. A local jurisdiction may not regulate wireless facilities based on RF emissions.<sup>7</sup> Through the Telecommunications Act, Congress preempted municipal regulation of RF emissions that comply with FCC standards.<sup>8</sup> Taken with the restrictive nature of the Ordinance, the RF emissions would provide an additional basis for preemption under the Telecommunications Act.

In selecting the site and designing the build, AWN carefully balanced the public safety needs of the Borough and concerns of citizens to ensure that the tower was in a commercial zone with minimal external effects but still able to meet the community’s wireless needs. AWN appreciates the viewshed concerns of the community and carefully designed the tower to both fit between its existing towers and minimize its effect on those views. And as designed, the tower will satisfy day-to-day communication needs, including 911 and other critical public safety needs, in an area that currently has spotty service in light of the coverage gap. Ordinance #2026 would foreclose any options available to AWN to meet those needs in the coverage gap.

The improved coverage provided by the new tower will help ensure Petersburg’s wireless network remains reliable, resilient, and capable of meeting increasing resident and public safety needs. Without continued network advancement, older phones and other devices that depend on modern wireless infrastructure become increasingly unreliable because outdated networks can no longer support them, leaving residents, businesses, and visitors with diminished service when dependable connectivity matters most. In short, the improved coverage will ensure Petersburg’s network continues to meet the increasing demands from the community well into the future.

AWN is under extremely tight deadlines to meet federal funding requirements to build this tower. We want to avoid costly and lengthy litigation over the proposed Ordinance. We ask that the Borough reconsider its opposition to the AWN tower so AWN can immediately

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<sup>5</sup> *T-Mobile*, 572 F.3d at 995-96.

<sup>6</sup> *Id.* At 997-98.

<sup>7</sup> *See City of Portland v. United States*, 969 F.3d 1020, 1046 (9<sup>th</sup> Cir. 2020).

<sup>8</sup> *Id.* at 1046.

begin construction on its Nordic Drive tower as anticipated. AWN is committed to working with the community to address any concerns and looks forward to moving forward.

Sincerely,

/s/ Jahna M. Lindemuth

Jahna M. Lindemuth, Partner

[jahna@cashiongilmore.com](mailto:jahna@cashiongilmore.com)

(907) 222-7932 (main)

(907) 339-4966 (direct)

**From:** Chris Cropley <ccropley@tlingitandhaida.gov>  
**Sent:** Monday, June 8, 2026 2:48 PM  
**To:** Stephen Giesbrecht <sgiesbrecht@petersburgak.gov>  
**Cc:** Bob Lynn <blynn@petersburgak.gov>  
**Subject:** Re: Ordinance

Thank you for allowing Tidal Network the opportunity to review the proposed wireless infrastructure ordinance. We support the Borough's goal of establishing a clear and predictable process for the siting of telecommunications facilities.

Several provisions of the draft ordinance raise concerns under federal law and current FCC policy because they create barriers that may delay, increase the cost of, or prevent the deployment of broadband and wireless infrastructure needed to serve current and future community needs. As wireless technology continues to evolve, networks increasingly require more infrastructure locations, not fewer. Modern 5G networks and future generations of wireless service often depend on a greater number of strategically placed facilities to provide the coverage, capacity, reliability, and speeds that users expect. When regulations become overly restrictive, providers may be less willing or able to invest in network improvements and expansion, making it harder for Petersburg to keep pace with growing communications, economic development, and public safety requirements.

Section 19.58.050 requires a tower base to be set back 110 percent of the total tower height from all property lines and public roads. This requirement significantly limits the number of viable sites and effectively excludes otherwise suitable commercial and industrial properties from consideration.

The ordinance also establishes a 1,500-foot setback from schools, childcare facilities, hospitals, and assisted living facilities. No engineering, structural safety, or land use justification is provided for this restriction. To the extent the setback is intended to address concerns regarding radiofrequency emissions, 47 U.S.C. § 332(c)(7)(B)(iv) preempts local regulation of wireless facilities based on the environmental or health effects of RF emissions where the facility complies with FCC standards.

The fixed half-mile separation requirement between communication towers appears arbitrary and is unsupported by any engineering analysis contained in the ordinance record. Modern wireless networks frequently require facilities at shorter intervals to address terrain, capacity demands, spectrum characteristics, redundancy, resiliency, and public safety communications. A mandatory separation distance unrelated to actual network requirements may materially inhibit deployment and network improvement.

The ordinance requires applicants to demonstrate that alternative sites are unavailable before preferred locations may be considered. It also requires applicants to establish the existence of a significant coverage gap before a facility may be approved.

FCC precedent increasingly focuses on whether a state or local requirement materially inhibits the provision, improvement, densification, modernization, or expansion of wireless service rather than whether an applicant can prove the existence of a significant coverage gap. Under current FCC interpretations of Sections 253 and 332 of the Telecommunications Act, a local requirement may constitute an effective prohibition if it materially limits or inhibits the ability of a provider to deploy, improve, upgrade, densify, or maintain wireless service.

Requiring applicants to prove that alternative sites are unavailable or unsuitable may improperly substitute local preferences for technical network design decisions. Wireless network design depends on propagation modeling, spectrum characteristics, terrain, capacity requirements, backhaul availability, redundancy needs, and future growth considerations that are uniquely within the expertise of the provider and its engineers.

While collocation should be encouraged where feasible, existing structures do not always meet the coverage, capacity, loading, height, spectrum, or operational requirements necessary to support modern wireless networks.

The ordinance requires towers to be constructed at the minimum feasible height while simultaneously requiring additional structural capacity to support future collocation.

Designing a tower to accommodate future collocation often requires additional structural capacity, mounting space, and, in some cases, additional height. Requiring both minimum feasible height and mandatory future collocation capacity creates conflicting design standards that may be impossible to satisfy simultaneously. When combined with extensive setback and separation requirements, these provisions significantly reduce the number of locations where compliant facilities can be deployed.

Section 19.58.050(H) limits wireless equipment protrusions to 36 inches from the supporting structure.

This limitation appears arbitrary and is unsupported by engineering evidence. Modern wireless deployments often require antenna mounting brackets, remote radio heads, cabling, ice bridges, equipment clearances, and antenna tilt configurations that exceed this restriction. The requirement may prevent the installation of standard equipment necessary for contemporary 4G, 5G, fixed wireless, and public safety communications systems.

Section 19.58.110(C) requires a minimum cash or surety bond of \$150,000 for facility removal. A fixed minimum bond of this magnitude is disproportionate for many modern telecommunications facilities and may significantly increase deployment costs regardless of the actual size, complexity, or removal expense associated with a particular site. Bonding requirements should be reasonably related to documented removal costs rather than applied uniformly to all facilities.

The FCC shot clock generally begins when a completed application is submitted, not when a public hearing is scheduled or held. Local procedural requirements cannot be used to indefinitely delay the commencement of federal review timelines or effectively extend federally established processing periods.

The FCC is actively evaluating additional measures to reduce local barriers to wireless deployment in [WT Docket No. 25-276](#). FCC Chairman Brendan Carr has specifically identified state and local permitting requirements that unnecessarily delay broadband deployment and has emphasized the Commission's authority to preempt local barriers that inhibit next-generation communications infrastructure.

While any individual provision may appear defensible in isolation, the cumulative effect of mandatory location hierarchies, alternative site analyses, significant setback requirements, tower separation mandates, conflicting design standards, and discretionary technical reviews substantially increases deployment costs and limits the ability to construct facilities where they are technically required.

When local governments impose technical design standards without engineering support, they risk substituting regulatory preferences for established telecommunications engineering practices. Collectively, these requirements may materially inhibit the deployment, improvement, densification, modernization, and maintenance of wireless networks and therefore raise concerns under Sections 253 and 332 of the Telecommunications Act. Tidal Network recognizes the Borough's interest in aesthetics, neighborhood compatibility, structural safety, and the responsible management of abandoned infrastructure. We respectfully request that the Borough revise these provisions before adoption and evaluate each requirement against current FCC precedent concerning material inhibition and effective prohibition.

We remain willing to work collaboratively with Borough staff, the Planning Commission, and the Borough Assembly to develop regulations that protect legitimate local interests while preserving the flexibility necessary to deploy modern communications infrastructure and broadband services.

The comments provided above are not intended to be an exhaustive review of every provision of the proposed ordinance. Rather, they highlight several of the more significant concerns identified during our initial review. Additional provisions may warrant further evaluation for consistency with federal law, FCC policy, accepted telecommunications engineering practices, and practical deployment considerations. For example, requirements affecting tower design, guy wire placement, access, collocation, maintenance, and other technical aspects of network construction may also have unintended impacts on the ability to deploy or upgrade communications infrastructure.

FCC's guidance for local governments regarding RF compliance and wireless infrastructure siting, available at:

<https://tidalnet.com/wp-content/uploads/2025/11/Local-Government-Officials-Guide-to-Transmitting-Antenna-RF-Emission-Safety-PDF.pdf>

FCC 25-276 docket.

<https://www.fcc.gov/document/fcc-aims-accelerate-wireless-infrastructure-buildout-0>

47 U.S. Code § 253 - Removal of barriers to entry

47 U.S.C. §§ 253(a), (c) <https://www.law.cornell.edu/uscode/text/47/253>

47 U.S. Code § 332 - Mobile services

332(c)(7)(B)(i)(II) <https://www.law.cornell.edu/uscode/text/47/332>

FCC Chairman Carr statements <https://docs.fcc.gov/public/attachments/FCC-25-67A2.pdf>

Gunalchéesh, Háw'aa (Thank You),

Chris Croyley

Director • Tidal Network [ccroyley@tingitandhaida.gov](mailto:ccroyley@tingitandhaida.gov)

**Central Council Tlingit & Haida Indian Tribes of Alaska**

Mailing Address: PO Box 25500 • Juneau AK 99802

Toll Free: 1.800.344.1432 • Direct: 907.538.8255

**From:** Mika hasbrouck <mikahasbrouck907@gmail.com>  
**Sent:** Friday, June 12, 2026 11:00 AM  
**To:** Assembly <assembly@petersburgak.gov>  
**Subject:** Tidal Tower

To the Petersburg Borough Assembly,

I urge you not to sell public land near the fire hall to Tidal Network. This proposal is unnecessary because an existing tower already serves the area and offers a viable opportunity for co-location. Before any additional tower is considered, every reasonable effort should be made to utilize existing infrastructure rather than introducing another industrial structure into a residential area.

The community has already spoken clearly on this issue. More than 300 residents have expressed their desire that cell towers not be located near homes, schools, hospitals, childcare facilities, and other places where families live, learn, and receive care. That level of public participation reflects a significant community concern that deserves legitimate consideration.

The question before the Assembly is not simply whether a tower can be built. It is whether public land should be used to facilitate a project that conflicts with the expressed wishes of hundreds of residents when a less intrusive alternative already exists.

Approving another tower would permanently alter the character of the surrounding neighborhood, affect nearby residents, and set a precedent for placing telecommunications infrastructure closer to community gathering places than many citizens believe is appropriate. Once public land is committed and a tower is erected, that decision cannot easily be undone.

Good stewardship of public land requires balancing infrastructure needs with the protection of residential neighborhoods and community values. Where existing infrastructure can be shared through co-location, the Assembly should prioritize that option over constructing a new tower.

Assembly members should not vote to sell borough land to Tidal Network against the clearly expressed will of the people, especially when Tidal Network enjoy's sovereign immunity protections that limit accountability for damages. The Borough should not have continued bargaining with Tidal Network after such substantial public opposition, yet those negotiations proceeded under the guidance of the Assembly.

The Assembly's responsibility is to represent and serve the citizens of Petersburg, not to advance the interests of powerful corporations like Tlingit and Haida/ Tidal Network over the concerns of the community.

Again, as a mother, taxpayer, and fourth-generation Petersburg resident, I respectfully ask the Assembly to reject the sale of the Firehall property to Tidal Network for their redundant wireless infrastructure and instead require the applicant to pursue co-location on existing facilities or an alternate less intrusive location away from homes for their project.

Sincerely,

Mika Cline



**From:** Judy Ohmer ohmer.alaska@gmail.com  
**Subject:**  
**Date:** June 22, 2026 at 10:06 AM  
**To:**

**TO:** Petersburg Borough Assemblymen  
**FR:** Judy Ohmer  
**DT:** June 21, 2026  
**RE:** Reports as Requested Related to Telecom Towers and their Setbacks

Much has been learned about the dangers and drawbacks since the already-existing towers in our town have been erected. Just because those towers have been very close to schools, childcare centers, assisted-living facilities...does not set a precedent for continuing to do the same. Three wrongs don't make a right.

Since October of 2025, in every public meeting, testimony has been about the placement of the proposed telecom towers. It's not been about no towers. The 1,500 setback required in many communities is neither a random number nor designed to deny tower construction. It's a safety issue. And in all that time, the intent and the hope has been to work WITH the Assembly on creating what's best for Petersburg, its people, and the future of our community.

The attachment outlines some of the history and what's currently known.

Handwritten signature of Judy Ohmer.

# Telecommunication Tower Setbacks

Research Briefing & Scientific Justification for a 1,500-Foot Setback Ordinance

Prepared June 2026 | Health · Safety · Aesthetic Grounds | Current 2025 Research Included

## PART 1 — WHY 1,500 FEET: THE SCIENTIFIC AND GOVERNMENTAL BASIS

The 1,500-foot setback is not arbitrary or precautionary in the abstract — it is the specific distance recommended by a peer-reviewed journal (Environmental Research, 2024), enacted by Bar Harbor, Maine, endorsed by the New Hampshire State 5G Commission, adopted by the Palo Alto Unified School District, and supported by multiple independent studies from four continents. The Assembly is not being asked to act on theory. It is being asked to act on an accumulating record.

### The Direct Scientific Basis for 1,500 Feet

*Levitt & Lai, Environmental Reviews (2010): 'As a general guideline, cell base stations should not be located less than 1,500 feet from the population, and at a height of about 150 feet.' This is the foundational peer-reviewed recommendation for the specific distance your Assembly is being asked to adopt.*

**★ 2025** *Pearce, Environmental Research (2024): Advises base stations be placed no closer than 500 meters (1,640 feet) from the population to minimize public RF exposure and decrease future municipal liability. States there is 'a large and growing body of evidence that human exposure to RFR from cellular phone base stations causes negative health effects.' This is the most current peer-reviewed scientific recommendation for the 1,500-foot distance.*

### New Hampshire State 5G Commission (2020)

*The New Hampshire Commission on 5G and Wireless Technology — a state government body led by Dr. Kent Chamberlin, Chair Emeritus of Electrical and Computer Engineering at the University of New Hampshire — recommended a minimum setback of at least 500 meters (approximately 1,640 feet) from homes, schools, and workplaces. The Commission's final report was submitted to the Governor and Legislature in November 2020. The Commission also referred to the FCC as a 'captured agency with undue industry influence,' citing the Harvard Press book Captured Agency.*

### Palo Alto Unified School District (2018–19)

*Resolution No. 2018-19.19 supports the City of Palo Alto immediately establishing local municipal zoning setback rules of 1,500 feet or more from an operating wireless transmitter and a school site, to protect individuals — especially children — from the potential negative effects associated with radiation exposure.*

### Enacted Ordinance Precedents — 1,500 Feet Is Not Unprecedented

Jurisdiction	Setback — 1,500 ft or Equivalent
Bar Harbor, Maine	1,500 ft from schools — ENACTED
Palo Alto, CA (School Board)	1,500 ft from wireless transmitter and school site — ENACTED
Encinitas, California	1,500 ft between antennas — ENACTED
New Hampshire 5G Commission	1,500–1,640 ft recommended — State Government Report
Bedford, New Hampshire	750 ft from nearest residentially-zoned property — ENACTED
Calabasas, California	1,000 ft from homes and schools — ENACTED
Scarsdale, New York	500 ft from homes, schools, parks, houses of worship — ENACTED
Vancouver School Board	1,000 ft from school property — ENACTED
Davis, California	500 ft from residential zone and schools — ENACTED

## PART 2 — HEALTH JUSTIFICATION: CURRENT AND ESTABLISHED RESEARCH

The Assembly has asked for scientific evidence. Below is both the established peer-reviewed record and the most current 2024–2025 studies, marked with ★. All effects documented below occurred at

radiation levels within or below current FCC limits — meaning the existing federal standard does not protect against these documented harms.

### ★ Most Current Research — 2024 and 2025

★ **2025** ★ *Sailo et al., Electromagnetic Biology and Medicine (June 2025, India): Residents living within 50 meters of cell towers reported significantly more adverse health symptoms — including anxiety, memory problems, inflammatory issues, and joint and nerve pain — all at radiation levels BELOW current FCC safety limits. A companion study (2025) found residents within 300 meters reported more allergies, infections, and cognitive issues than those more than 400 meters away. Study authors conclude the evidence justifies changes to policy. (Environmental Health News, August 2025)*

★ **2025** ★ *Gulati et al., Germany (2024): Found significantly higher rates of chromosomal aberrations — key indicators of genetic damage and a biologically plausible pathway to increased cancer risk — in residents living near cell towers. This is the most recent direct biological evidence linking tower proximity to cancer-related cellular changes. (Environmental Health Sciences, 2025)*

★ **2025** ★ *Hardell and Nilsson, Sweden (2024): Documented microwave syndrome symptoms — neurological symptoms, tinnitus, fatigue, insomnia, emotional distress, skin disorders, and blood pressure variability — in people newly exposed to 5G antennas. Symptoms resolved when people left the exposure area. (Environmental Health Sciences, 2025)*

★ **2025** ★ *Pearce, Environmental Research (2024): Peer-reviewed recommendation that base stations be placed no closer than 500 meters (1,500 feet) from the population to minimize RF exposure and decrease future liability for municipalities and carriers. States there is 'a large and growing body of evidence that human exposure to RFR from cellular phone base stations causes negative health effects.' (EHSciences.org, 2025)*

★ **2025** ★ *Lin, Frontiers in Public Health (2025): Comprehensive review of health and safety practices calls for urgently updated RF exposure policies. Published in a peer-reviewed medical journal.*

### Established Research Body — Peer-Reviewed Studies

*Balmori, Environmental Research (2022): Review of studies from 20 countries found 73.6% reported human health impacts near cell towers, including cancer. FCC exposure limits — unchanged since 1996 — do not account for long-term, continuous residential exposure. A recent analysis concluded the human exposure limit is 200 times too high to protect against cancer risk.*

*Khurana et al., International Journal of Occupational and Environmental Health (2011): Review of epidemiological studies found 8 of 10 studies reported increased adverse neurobehavioral symptoms or cancer in populations living within 500 meters of base stations. None reported exposure above accepted guidelines — suggesting current guidelines are inadequate.*

*Dode et al., Science of the Total Environment (2011): 10-year study by the Municipal Health Department and universities in Brazil found clearly elevated relative risk of cancer mortality within 500 meters. After publication, the city prosecutor sued several carriers and requested nearly half the antennas be removed. Many were dismantled.*

*Wolf and Wolf (2004, International Journal of Cancer Prevention): Among 622 residents within 350 meters of a cell tower, cancer incidence was 129 per 10,000 per year — compared to 16–31 per 10,000 among those farther away. A 300% increase in cancer was detected within 300 meters.*

*Eger et al. (2004, Germany): Residents within 400 meters had a significantly higher rate of newly diagnosed cancers and developed cancer on average 8 years earlier than those farther away. Within 5 years of tower operation, relative cancer risk tripled.*

*Falcioni et al., Environmental Research (2018): Large-scale animal study exposed rats to RF radiation at levels comparable to cell tower emissions and found elevated cancer rates — the same cancers found in the U.S. National Toxicology Program study.*

*Rodrigues et al., International Journal of Environmental Research and Public Health (2021): Found higher cancer mortality near cell towers in Brazil. Recommends deactivating towers within 500 meters of homes, workplaces, hospitals, and schools.*

## Immune System and Blood Markers: New Biological Evidence

**★ 2025 ★** *Zothansiyama et al. (India, 2017 — confirmed by 2025 follow-up): Residents within 80 meters of a cell tower had significantly higher micronuclei (DNA damage), increased lipid peroxidation, and reduced antioxidant capacity versus those more than 300 meters away. The 2025 companion study confirmed chronic immune stress markers, including elevated monocytes associated with cardiovascular risk and systemic inflammation. Epidemiologist Nicolas Hulscher described the monocyte finding as 'most striking.' (Children's Health Defense, March 2026)*

## A Local Example – Why This Ordinance Matters Now

*A GCI 125-foot telecommunications tower has been proposed in a local residential neighborhood at only 20 feet from the property line. While this placement may be technically legal under current zoning, it falls within every documented hazard zone identified in the research above. The closest cancer cluster studies document effects at 300–400 meters (approximately 1,000–1,300 feet). The closest symptom studies document effects at 50–80 meters. A 125-foot tower at 20 feet is not a setback — it is direct adjacency. The Assembly should be examining whether structures documented to cause harm at 300 meters should be permitted at 6 meters from a neighbor's property line, regardless of whether current zoning technically allows it. This is precisely the gap a setback ordinance exists to close.*

## International Regulatory Comparison

*Nations including Italy, Switzerland, China, and Russia have adopted RF exposure regulations 10 to 100 times stricter than the U.S., with corresponding setback requirements from residences, schools, and playgrounds. U.S. FCC limits have not been reviewed since 1996. The WHO's International Agency for Research on Cancer classified RF radiation as a Group 2B possible carcinogen in 2011. Scientists have since called for an upgrade to Group 1 (proven carcinogen). (Environmental Health Sciences; WHO IARC)*

*The American Academy of Pediatrics has called for cell tower siting that keeps children away from RF radiation exposure, citing children's developing biology as a specific vulnerability factor. Multiple California school districts — Los Angeles USD, Palo Alto USD, Temecula Valley USD — have passed resolutions banning new towers on or near school property. Portland Public Schools ended new leases for cell towers.*

## PART 3 — AESTHETIC, PROPERTY VALUE, STRUCTURAL & SAFETY IMPACTS

Property value impacts operate on multiple compounding dimensions — visual disamenity, cancer cluster stigma, structural fall zones, hazardous materials, fire risk, and an insurance exclusion landscape that transfers all financial risk to property owners and the municipality when damage occurs. Where a proposed tower sits only 20 feet from a property line — as with the proposed GCI 125-foot tower — every one of these layers applies to the adjacent property at maximum intensity, even if current zoning permits the placement.

### 3a. Aesthetic and Visibility Impact

*'Aesthetics — or rather the adverse impact on aesthetics — of externalities routinely has the largest impact on property values.'* — David E. Burgoyne, ASA, SR/WA, Certified General Real Estate Appraiser, submitted to FCC on behalf of Smart Communities and Special Districts Coalition (representing 31+ million residents). Research in the Journal of Real Estate Finance and Economics found declines averaging 2.46%, rising to 9.78% for homes in direct line of sight. Realtors report reductions up to 20–30% for properties in closest proximity.

### 3b. Cancer Cluster Documentation and Stigma Devaluation

For properties within the closest radius — under 500 meters — the cancer cluster research creates a documented category of devaluation beyond visual impact. Disclosure obligations in many states require sellers to reveal known material defects including environmental health concerns. The stigma discount is recognized in appraisal practice.

*Wolf and Wolf (2004): 300% cancer increase within 300 meters. Eger et al. (2004): cancer risk tripled within 400 meters. Dode et al. (2011): elevated cancer mortality within 500 meters. Gulati (2024): chromosomal damage markers near towers. These studies create a documented, citable body of evidence that directly suppresses market value for properties in closest proximity — and that suppression is a legitimate, established basis for municipal setback regulation.*

### 3c. Structural Hazard: Fall Zone

*The standard engineering convention is that a tower's fall zone equals its full height. A 125-foot GCI tower proposed at only 20 feet from a property line would have a fall zone of 125 feet — placing it entirely over the neighboring property and extending approximately 105 feet beyond it. Where towers can grow taller after initial permitting with little public oversight, the fall zone expands without neighboring owners' knowledge or consent. OSHA designates cell tower climbing the most hazardous occupation. (The Doan Law Firm, 2025; Environmental Health Sciences, 2025)*

### 3d. Fire Risk and Hazardous Materials

*Cell tower compounds contain diesel fuel tanks and lead-acid batteries. Documented fires include: a 125-foot tower fire at a Virginia church (2020); a 145-foot monopole fire in Memphis surrounded by apartments; fires at school athletic facilities in Ohio and California; and a 5G small cell fire in Los Angeles (2019). The NFPA recognizes five electrical hazard categories at cell sites. The International Association of Firefighters has officially opposed towers on fire stations since 2004 and secured an exemption from California SB649. (Environmental Health Trust; Wireless Estimator)*

### 3e. The Insurance Gap — Risk Transfers to the Municipality

*Major insurers, public school insurance pools, and municipal risk authorities classify EMF — including RF radiation from cell towers — as a pollutant explicitly excluded from most CGL, property, and umbrella policies. 'Bodily injury, personal injury, or property damage arising directly or indirectly out of electromagnetic radiation... this insurance does not apply.' U.S. wireless carriers have been unable to obtain insurance for long-term RF liability for over a decade. The Swiss Re Institute classifies 5G as an 'off-the-leash' risk comparable to early asbestos liability. T-Mobile's 2023 SEC filing disclosed that cell tower health lawsuits could have a 'material adverse effect' on its business — a warning it made to investors but not to the communities where it builds. (Environmental Health Trust, 2025; Swiss Re Institute; Genesis Insurance policy language)*

## PART 4 — CRITICAL LEGAL FRAMEWORK FOR A DEFENSIBLE ORDINANCE

This is the piece most advocacy posts leave out — and the most important for drafting language that will survive a legal challenge.

*The Telecommunications Act of 1996 (47 U.S.C. § 332(c)(7)) prohibits local jurisdictions from outright banning wireless facilities but expressly preserves local authority to regulate placement, construction, and modification — provided the overall regulation does not have the effect of prohibiting wireless service. A properly drafted setback ordinance with a variance process is regulation, not prohibition, and is legally defensible. (Steel in the Air, Cell Tower Zoning and Permitting, 2024)*

### Your ordinance language must include:

- Frame setbacks as **regulation**, not prohibition — courts consistently strike down ordinances that function as outright bans.
- Include a **variance process** — carriers must demonstrate no feasible alternative location exists and that strict application would prohibit service.
- Document findings in the ordinance's **Findings and Purpose section** — this is your administrative record and your legal defense.
- Cite **specific studies and government reports**. The NH Commission report is your strongest government-level citation. The Pearce 2024 peer-reviewed study directly supports the 1,500-foot distance.
- Require proof of a **significant gap in service coverage** through objective in-kind testing — drive-test data and dropped call records.
- Include **RF emissions monitoring** and conditions for permit revocation.

- Require a **sealed engineer's hazard report** (structural and electrical) before any permit — the Malibu, CA model.
- Require **hazardous materials disclosure** (diesel tanks, batteries) and a spill remediation bond.

## PART 5 — CITATION QUICK REFERENCE (★ = 2024–2025 Research)

Source	What It Supports
★ <b>Sailo et al. (2025) India</b>	Residents within 50m: significantly more mood, cognitive, inflammatory symptoms — BELOW FCC limits
★ <b>Gulati et al. (2024) Germany</b>	Higher chromosomal aberrations (DNA damage) near towers — direct cancer risk link
★ <b>Hardell &amp; Nilsson (2024) Sweden</b>	Microwave syndrome symptoms in people newly exposed to 5G antennas
★ <b>Pearce (2024) Env. Research</b>	500m (1,500 ft) setback recommended to minimize RF exposure and decrease municipal liability
★ <b>Lin (2025) Frontiers Public Health</b>	Urgently updated RF exposure policies needed — peer-reviewed medical journal
NH 5G Commission (Nov. 2020)	1,500–1,640 ft setback — official government commission recommendation
Palo Alto USD Res. 2018-19.19	School district formal support for 1,500 ft setback
Balmori (2022) Env. Research	73.6% of studies from 20 countries show health impacts near towers
Khurana et al. (2011)	8 of 10 epidemiological studies: adverse symptoms or cancer within 500m
Dode et al. (2011)	Elevated cancer mortality within 500m — 10-year study; prosecutor removed antennas
Wolf & Wolf (2004)	300% cancer increase within 300m; 129 vs 16-31 per 10,000
Eger et al. (2004) Germany	Cancer risk tripled within 400m; average 8 yrs earlier diagnosis
Navarro et al. (2003)	Dose-response symptoms; 300m minimum distance recommended
Falcioni et al. (2018)	Animal study: RF at cell tower levels caused elevated cancers — same as NTP study
Rodrigues et al. (2021)	Higher cancer mortality near towers; deactivate within 500m of homes and schools
Env. Science & Policy (2024)	Precautionary approach is a human rights obligation given incomplete science
J. Real Estate Finance & Econ.	Property value decline up to 9.78% within visibility range
Burgoyne Appraisal (2017)	Aesthetics = largest single property value impact factor
Swiss Re Institute	5G classified "off-the-leash" high risk; asbestos liability comparison
Genesis Ins. / major CGL policies	EMF explicitly excluded — insurance gap transfers risk to municipality
Bar Harbor, ME Ordinance	Precedent: 1,500 ft enacted setback for schools
Malibu, CA Ordinance (2021)	Model: sealed engineer hazard report required pre-permit

WHO IARC Classification	RF radiation: Group 2B possible carcinogen; upgrade to Group 1 called for by scientists
Environmental Health Trust	Clearinghouse: peer-reviewed studies, ordinance models, government actions

*★ = Research published 2024–2025, included to address Assembly request for current evidence. This briefing is for ordinance drafting and does not constitute legal advice. Consult municipal counsel when finalizing ordinance language.*

## Cell Tower Setbacks

*Real-World Cases, News Coverage & Government Actions*

*For Assembly Presentation | Compiled June 2026 | Alaska Cases Included*

*The following are documented, news-reported, and government-verified cases — not just studies. These are real communities, real people, real actions taken by elected officials, courts, and school boards across the country and in Alaska. Each one builds the case that a 1,500-foot setback is not precaution for its own sake... it is proportionate response to documented harm.*

### SECTION 1 — ALASKA CASES: THIS IS NOT JUST HAPPENING ELSEWHERE

Alaska communities are already fighting these battles. Two cases in Southeast Alaska — one resulting in a legal victory for residents — and an active dispute in the Haines Borough directly parallel the situation your Assembly now faces.

#### **Sitka, Alaska — Residents Win Against 120-Foot Tower (2025)**

**COVERED BY:** [KCAW Public Radio \(Sitka\)](#), [Children's Health Defense](#), [Daily Sitka Sentinel](#), Petersburg Pilot. Case decided by Alaska Office of Administrative Hearings.

**WHAT HAPPENED:** Tidal Network — a broadband enterprise of the Central Council of Tlingit and Haida Indian Tribes of Alaska — applied for a variance to build a 120-foot cell tower in the Nancy Court residential neighborhood of Sitka. Sitka's zoning code limits structures to 35 feet in residential zones. The proposed tower would have stood just 145 feet from neighboring homes. Resident Hal Spackman said publicly: 'It's so close to my home, I could stand on my back porch and hit it with a rock. A 120-foot cell tower on a landslide zone behind a bunch of houses with kids? Maybe it doesn't bother us at all. Maybe it can lead to serious health effects for little children later in their lives. I don't know. When you see a bad idea, you know it.'

**COMMUNITY ORGANIZING:** Neighbors organized as 'Sitka for Safe Tech,' retained a telecommunications attorney, and were supported by Children's Health Defense's Stop 5G initiative. The planning commission unanimously denied the variance in April 2025, finding Tidal Network failed to demonstrate the tower was the least intrusive means of closing a coverage gap and failed to show there were no alternative sites.

**TIDAL NETWORK APPEALED:** When the Sitka Assembly convened to hear the appeal, four of six assembly members disclosed conflicts of interest and could not participate. The case was referred to the Alaska Office of Administrative Hearings in Anchorage.

**OUTCOME — RESIDENTS WON:** On October 1, 2025, Administrative Law Judge Max Garner issued a 22-page decision upholding the planning commission's denial. The judge found that Tidal Network had not evaluated whether a 35-foot tower could meet its needs, and that it sought a variance not because of any issue with the property itself but because it wanted to use the property 'in a manner inconsistent with the restrictions' of a residential zone. Public comment was found to be 'uniformly opposed to the variance.'

**SIGNIFICANCE:** A state administrative law judge in Alaska sided with residents over a major carrier on cell tower siting in a residential neighborhood — on this exact type of issue. Residents' attorneys afterward called for 'appropriate ordinances to protect the health and safety of residents from inappropriate cell tower placement.' That is precisely what your Assembly has the authority to enact now — before a tower goes in and litigation becomes the only remedy.

### **Petersburg, Alaska — 150-Foot Towers Draw Community Opposition (2025–2026)**

**COVERED BY:** [KFSK Public Radio \(Petersburg\)](#), [Petersburg Pilot](#), [Chilkat Valley News](#). Borough Assembly meetings and work sessions, January–February 2026.

**WHAT HAPPENED:** Tidal Network obtained permits to build three 150-foot communications towers in Petersburg, Alaska. Construction began on the first tower on Mill Road in November 2025 — without prior resident notification, because borough code does not require notifying neighbors of building permits. Residents discovered the construction underway and were taken by surprise. One of the proposed towers is planned adjacent to the fire hall on Haugen Drive — construction on that tower has not yet begun. Significantly, a new hospital is being built in close proximity to that same site. The research is unambiguous about the risk of siting cell towers near medical facilities: patients are among the most vulnerable populations, and hospitals are classified as Sensitive Uses under protective setback ordinances for exactly this reason.

**COMMUNITY CONCERNS:** Petersburg school board president and real estate owner Sarah Holmgrain testified at the January 13, 2026 planning commission meeting: ‘From a real estate point of view, aside from all other concerns, the tower will hamper people within that vicinity from selling their property in the future.’ Resident Andy Wright described the situation as a ‘systemic communications failure’ — a lack of effective communication from local government about what was being permitted and where.

**OUTCOME:** The Borough Assembly and Tidal Network held [work sessions in January and February 2026](#). Tidal Network indicated it was ‘open to relocating’ two of the three unbuilt towers. Petersburg Mayor Bob Lynn stated the Borough would work with Tidal Network to find alternative sites if coverage could be maintained.

**SIGNIFICANCE:** In Petersburg, towers went up before residents knew. The community had no setback ordinance to invoke. The time to pass protective language is before a permit is issued — not after construction begins.

### **Haines Borough, Alaska — Assembly Actively Wrestling with Setback Rules (January 2026)**

**COVERED BY:** [Chilkat Valley News](#), January 2026.

**WHAT HAPPENED:** The Haines Borough Assembly is deliberating proposed cell tower setback rules. Tower companies, including Atlas Tower, have warned that setbacks could violate federal regulations and lead to legal disputes — the same argument your Assembly will hear. The issue remains unresolved, with further deliberations expected.

**SIGNIFICANCE:** The legal argument carriers use against setbacks — that they violate the Telecommunications Act — has been addressed in courts nationwide. A properly drafted ordinance with a variance process is regulation, not prohibition, and is legally defensible. Haines is navigating exactly the same pressure your Assembly will face.

## **SECTION 2 — THE LOCAL SITUATION: WHY THIS ORDINANCE MATTERS NOW**

### **A Proposed GCI 125-Foot Tower at 20 Feet from a Property Line**

A GCI 125-foot telecommunications tower has been proposed in a local residential neighborhood at only 20 feet from the property line. While this placement may be technically legal under current zoning, it falls within every documented hazard zone identified in peer-reviewed research. The closest cancer cluster studies document effects at 1,000 to 1,300 feet from a tower. The closest symptom studies document effects at 160 to 260 feet. This tower

is proposed at 20 feet — closer than any safety buffer identified in the scientific literature.

A 125-foot tower at 20 feet from a property line is not a setback — it is direct adjacency. By the standard engineering convention that a tower's fall zone equals its height, this tower would have a 125-foot fall zone — placing it entirely over the neighboring property and extending approximately 105 feet beyond it. In Alaska's winter conditions, the fall zone hazard is compounded significantly. Ice accumulation on tower structures — antennas, cables, and crossbars — can break free without warning, launching ice debris at high velocity across distances well beyond the tower's base. High winds, common in our area, can carry ice fragments even farther. This is not a theoretical risk. It is a documented structural hazard that OSHA and tower safety engineers recognize as a serious danger to anyone in proximity — particularly in residential settings where children play outdoors and neighbors have no reason to expect falling ice from a structure 20 feet away.

The Assembly should be examining whether structures documented to cause harm at 1,000 feet should be permitted at 20 feet from a neighbor's property line, regardless of whether current zoning technically allows it. This is precisely the gap a setback ordinance exists to close.

### **Tidal Network: Proposed Tower Near a Childcare Center, Assisted Living Facility, and Hospital Under Construction**

Tidal Network has proposed siting a tower in proximity to three of the most vulnerable-use facilities identified in the scientific literature and in our own draft ordinance's definition of 'Sensitive Uses' — a childcare center, an assisted living facility, and a hospital currently under construction. The research is unambiguous about who bears the greatest risk from RF radiation proximity: children, whose developing cells are more vulnerable to DNA damage; elderly residents in assisted living, whose immune systems are compromised; and patients in medical facilities, who are already in vulnerable health states. These are precisely the populations the 1,500-foot setback standard is designed to protect. The ordinance before your Assembly would classify all three of these facilities as 'Sensitive Uses' requiring a 1,500-foot setback from a freestanding macro tower. The proposed placement would not meet that standard — and the research record explains why that standard exists.

## **SECTION 3 — CASES REPORTED BY MAJOR NATIONAL MEDIA**

For Assembly members who need to see major news outlets on the record — these cases were reported nationally, not by advocacy groups.

### **Ripon, California — CBS News (Multiple Reports, 2019)**

**COVERED BY:** [CBS News \(national\)](#), [CBS13 Sacramento](#), Newsweek, and additional outlets. CBS News correspondent Carter Evans reported on-site. Multiple CBS segments aired nationally.

**WHAT HAPPENED:** At Weston Elementary School in Ripon, California, four students were diagnosed with cancer — kidney cancer, brain cancer, and others. A cell tower was located directly on the school campus. Parent Monica Ferrulli's son Mason required 14 hours of surgery to remove a brain tumor and had to relearn how to walk, talk, and eat.

**OUTCOME:** Sprint voluntarily shut down and removed the tower — a tower it had declared safe and claimed met all federal limits. CBS News quoted an electromagnetic radiation specialist: 'I wouldn't send my kids there at all, it absolutely is dangerous. Children are still developing and their cells are still being divided.'

**SIGNIFICANCE:** Sprint's removal of a tower it declared safe is itself the admission. The carrier calculated that proximity to children and cancer is a liability it could not afford — without any court order requiring it.

**Liberty, Missouri — Kansas City Star / EHN (May–June 2025)**

**COVERED BY:** [The Kansas City Star](#), Environmental Health News, [KCTV \(Gray News\)](#), KBTX. Story escalated to U.S. Congress.

**WHAT HAPPENED:** At Warren Hills Elementary School in Liberty, Missouri, at least six staff members — out of only 40 teachers — were diagnosed with breast cancer over a 12-year period. A seventh staff member died from liver cancer. A 120-foot cell phone tower stands just 130 feet from the school building. Parents began requesting school transfers for their children.

**CONGRESSIONAL ACTION:** U.S. Representative Sam Graves [formally notified HHS Secretary Robert F. Kennedy Jr.](#), calling for a federal investigation. Rep. Graves stated: 'The teachers, parents, and staff at Warren Hills Elementary School need some answers as to why so many of their friends, colleagues, and loved ones are being diagnosed with cancer.'

**SIGNIFICANCE:** A sitting U.S. Congressman demanding a federal investigation of a cell tower's proximity to a school is not fringe concern — it is Congress. May 2025.

**Pittsfield, Massachusetts — ProPublica, Berkshire Eagle, MA Supreme Judicial Court (2022–2025)**

**COVERED BY:** [ProPublica](#), The Berkshire Eagle, Children's Health Defense, Spectrum News. Case reached the [Massachusetts Supreme Judicial Court](#).

**WHAT HAPPENED:** When Verizon activated a cell tower in Pittsfield, Massachusetts, residents began getting sick almost immediately. The Board of Health investigated — reviewing over 1,000 peer-reviewed studies, interviewing scientists, and taking direct testimony. They identified 17 people made definitively ill. Symptoms included children vomiting in their beds, vertigo, heart palpitations, severe headaches, and sleep deprivation. Some residents slept in cars because their homes were uninhabitable.

**BOARD ACTION:** On April 11, 2022, the Pittsfield Board of Health issued a cease-and-desist order to Verizon — the first ever issued in the U.S. against a major wireless carrier — calling the tower a 'public nuisance' and a 'cause of sickness.'

**OUTCOME:** Verizon filed a federal lawsuit. City officials allegedly cooperated with Verizon to block the Board from obtaining independent legal counsel. The Board was coerced into rescinding its order. The case is now at the Massachusetts Supreme Judicial Court.

**SIGNIFICANCE:** This is the clearest U.S. documentation of a specific tower making specific people sick, confirmed by a government health board. And it illustrates exactly why proactive setback ordinances matter: once a tower is up and making people sick, the legal path to relief is nearly impossible.

**Long Beach, California — WHYY Public Radio / NPR (March 2023)**

**COVERED BY:** [WHYY Public Radio \(NPR affiliate\)](#), Children's Health Defense, multiple local outlets.

**WHAT HAPPENED:** Homeowners fought to stop AT&T from installing a 5G cell tower 25 feet from their front door. The hearing examiner's formal determination stated: 'It does appear through reliable, credible evidence that the FCC regulations as to what are safe RF emission standards are outmoded and inadequate to safeguard the

public... the FCC's determination as to what are safe and acceptable RF emission exposure levels are antiquated and not based on current scientific evidence and are instead industry sponsored, outdated, and just plain wrong, causing the public to be exposed to unnecessary and harmful radiation.'

**OUTCOME:** AT&T canceled the tower in March 2023.

**SIGNIFICANCE:** A government hearing examiner — not an activist, not a study author — declared FCC safety standards 'industry sponsored, outdated, and just plain wrong.' That language is on the official record.

### **Wyandotte, Michigan — Court Grants Restraining Order (2024)**

**COVERED BY:** [Environmental Health Trust](#) (near-daily coverage noted in case documentation).

**WHAT HAPPENED:** T-Mobile installed 5G antennas on the smokestack of Washington Elementary School in Wyandotte, Michigan. The school superintendent resigned amid the controversy. A Wayne County Circuit Court judge granted a temporary restraining order to delay activation. The [lawsuit](#) stated: 'Unless enjoined by this Court, T-Mobile will begin transmitting noxious, dangerous wireless radiation from the antennas atop Washington Elementary School continuously all day, every day at a site where young children study and play during their most important developmental years.'

**SIGNIFICANCE:** A sitting Michigan circuit court judge agreed there was sufficient basis to halt activation — and a school superintendent resigned over the controversy. Courts are beginning to take the evidence seriously.

## **SECTION 4 — WHAT THE WIRELESS INDUSTRY ADMITS IN ITS OWN FILINGS**

For Assembly members who trust industry over advocacy groups — here is what the carriers themselves have put in writing, under penalty of securities law.

[T-MOBILE SEC FILING, 2023](#) — Annual Report to Shareholders (legally required disclosure): 'We, along with equipment manufacturers and other carriers, are subject to current and potential future lawsuits alleging adverse health effects arising from the use of wireless handsets or from wireless transmission equipment such as cell towers. Any of these allegations or changes in risk assessments could result in significant legal and regulatory liability, and could have a material adverse effect on our business, reputation, financial condition, cash flows and operating results.'

**TRANSLATION:** T-Mobile told its investors — in a legally binding document — that cell tower health liability is a real financial risk to its business. It does not say that to the parents of children at schools near its towers.

[SWISS RE INSTITUTE](#) — One of the world's leading reinsurance authorities — classified 5G as an 'off-the-leash' risk. Their report states: 'Existing concerns regarding potential negative health effects from electromagnetic fields are only likely to increase. An uptick in liability claims could be a potential long-term consequence.' Insurance authorities have stated the situation mirrors the early history of asbestos liability. U.S. wireless carriers have been unable to obtain insurance coverage for liabilities related to long-term RF exposure for over a decade. Most Commercial General Liability policies now explicitly exclude bodily injury or property damage arising from electromagnetic radiation.

## **SECTION 5 — GOVERNMENT BODIES THAT HAVE TAKEN FORMAL ACTION**

Alaska cases are highlighted. Every jurisdiction below exercised exactly the local authority your Assembly holds today.

<a href="#">NH State 5G Commission</a>	Official report recommending 1,500–1,640 ft setback from homes, schools, and workplaces. Submitted to Governor and Legislature.	Nov. 2020
Palo Alto USD, CA	Resolution No. 2018-19.19 supporting 1,500 ft setback from schools and wireless transmitters.	2018–19
Bar Harbor, Maine	Enacted 1,500 ft setback ordinance for schools. Currently in force.	Enacted
<a href="#">Sitka, Alaska — Planning Commission + Admin. Law Judge</a>	Unanimously denied Tidal Network variance for 120-ft residential tower. Alaska Administrative Law Judge upheld denial on appeal. Public “uniformly opposed.”	Apr. & Oct. 2025
<a href="#">Haines Borough Assembly, Alaska</a>	Actively deliberating cell tower setback rules following community opposition. Tower companies warned setbacks could trigger federal legal challenges.	Jan. 2026
<a href="#">Pittsfield, MA Board of Health</a>	Issued cease-and-desist against Verizon — first ever in U.S. — declaring tower a “public nuisance” and “cause of sickness.”	Apr. 2022
<a href="#">U.S. Rep. Sam Graves (MO)</a>	Formally notified HHS Secretary RFK Jr. demanding federal investigation of cancer cluster at school 130 ft from a cell tower.	May 2025
<a href="#">Wayne County Circuit Court, MI</a>	Granted temporary restraining order halting T-Mobile antenna activation on elementary school smokestack.	2024
Intl. Assoc. of Firefighters	Officially opposed cell towers on fire stations since 2004; secured exemption from California SB649.	2004, 2017
Los Angeles USD, CA	Resolution opposing cell towers on school property; called for RF cautionary level 10,000x lower than FCC limits.	Enacted
Vancouver School Board	Resolution prohibiting cell antennas within 1,000 feet of school property.	Enacted
Bedford, NH	Ordinance: 750 ft setback from nearest residentially-zoned property.	Enacted
Calabasas, CA	No Tier 2 telecommunications facilities within 1,000 ft of homes and schools.	Enacted
Scarsdale, NY	No wireless facilities within 500 ft from homes, schools, parks, or houses of worship.	Enacted

Vermont: Manchester Selectboard	Rejected Verizon cell tower proposal, explicitly citing health concerns.	2025
Gila County, AZ	Rejected 165-foot cell tower despite planning staff recommendation to approve, following strenuous resident objection.	Recent
<a href="#">MA Supreme Judicial Court</a>	Agreed to hear Pittsfield cell tower case — first state supreme court to take up local government authority vs. carrier rights in a health dispute.	2025

## SECTION 6 — THE EQUITY DIMENSION: WHO BEARS THE BURDEN

Cell tower infrastructure and its associated health and aesthetic burdens fall disproportionately on communities least positioned to fight back.

[Montgomery County, Maryland Public Schools \(2022–23 data\)](#): An analysis of 25 high school campuses found that schools with cell towers on their property served significantly higher populations of low-income students — an average Free and Reduced-Price Meals (FARMS) rate of 51.88% versus 30.69% at schools without towers. (Environmental Health Sciences, 2026 — American Public Health Association presentation)

The FCC’s proposed 2025 rules to ‘eliminate barriers to wireless deployments’ — which would strip local governments of nearly all setback and siting authority — drew opposition from the [United States Conference of Mayors](#), the National League of Cities, the National Association of Counties, and the National Association of Telecommunications Officers and Advisors. Over 5,900 comments were filed in opposition. The organizations representing America’s cities and counties are fighting to preserve exactly the kind of local authority your Assembly is exercising. ([EHSciences, April 2026](#))

## SECTION 7 — TALKING POINTS FOR ASSEMBLY PRESENTATION

If you have five minutes at a mic, these are the points that land:

### 1. AN ALASKA ADMINISTRATIVE LAW JUDGE SIDED WITH RESIDENTS OVER A CARRIER.

In Sitka, Alaska — October 2025 — a state judge upheld the planning commission’s denial of a 120-foot tower in a residential neighborhood. The judge found Tidal Network hadn’t even evaluated whether a shorter tower would work. Residents’ attorneys afterward called for ordinances to protect the health and safety of residents from inappropriate cell tower placement. That is what this Assembly can do today.

### **2. A 125-FOOT GCI TOWER IS PROPOSED 20 FEET FROM A PROPERTY LINE IN OUR COMMUNITY.**

That is not a setback. A 125-foot tower has a 125-foot fall zone — which would extend entirely over and well past the neighboring property. In Alaska’s winters, ice accumulates on tower structures and breaks free without warning, carried by wind across distances well beyond the base. The research documents health effects at 1,000 feet. This tower is proposed at 20 feet.

### **3. SPRINT REMOVED A TOWER THEY SAID WAS SAFE.**

After four children at a California elementary school got cancer, Sprint voluntarily removed a tower it had repeatedly declared safe. They removed it because proximity to children and cancer is a liability they could not afford — and neither can we.

### **4. A U.S. CONGRESSMAN CALLED FOR A FEDERAL INVESTIGATION. MAY 2025.**

Rep. Sam Graves (Missouri) notified HHS Secretary RFK Jr. about cancer diagnoses among teachers at a school 130 feet from a cell tower. Six teachers out of 40 diagnosed with breast cancer. This is not fringe concern — this is Congress.

### **5. A GOVERNMENT HEALTH BOARD ISSUED THE FIRST CEASE-AND-DESIST AGAINST A MAJOR CARRIER.**

Pittsfield, Massachusetts Board of Health declared a Verizon tower a ‘public nuisance’ and ‘cause of sickness’ after 17 residents were made ill — some sleeping in their cars because their homes were uninhabitable. The case is now at the Massachusetts Supreme Court.

### **6. A HEARING EXAMINER CALLED FCC SAFETY STANDARDS ‘INDUSTRY SPONSORED AND JUST PLAIN WRONG.’**

Not an activist. Not a study author. A government hearing examiner, in an official ruling, in Long Beach, California, 2023. On the record.

### **7. T-MOBILE WARNED ITS OWN INVESTORS ABOUT CELL TOWER HEALTH LIABILITY.**

In its 2023 SEC filing — a legally binding document — T-Mobile disclosed that cell tower health lawsuits could have a ‘material adverse effect’ on its business. It did not make that disclosure to the parents of children at schools near its towers.

### **8. THE FCC’S SAFETY LIMITS HAVE NOT BEEN UPDATED SINCE 1996.**

Flip phones. No smartphones. No 5G. No streaming. That is the science base for the standards still in place today. A New Hampshire state commission recommended 1,500 feet. Bar Harbor, Maine enacted 1,500 feet. Palo Alto’s school board voted for 1,500 feet. Sitka, Alaska’s judge upheld their residential height limits. We are not the first. We will not be the last.

### **9. THE NATIONAL LEAGUE OF CITIES, THE U.S. CONFERENCE OF MAYORS, AND THE NATIONAL ASSOCIATION OF COUNTIES ARE ALL FIGHTING TO PRESERVE LOCAL SETBACK AUTHORITY.**

The FCC wants to strip that authority. The organizations representing America’s cities and counties are pushing back. Passing a protective ordinance is how we exercise the authority we still have — before it is taken.

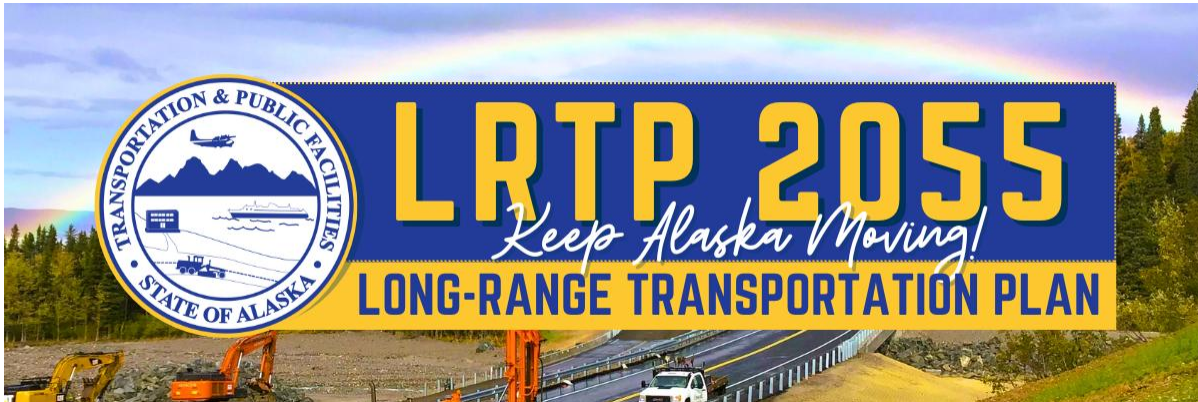
*Sources on file. All cases documented with citations available in the companion Research Briefing. Compiled June 2026 for ordinance drafting and public presentation purposes.*

**From:** Alaska LRTP 2055 <lrrtp2055@publicinput.com>

**Sent:** Wednesday, July 1, 2026 11:05 AM

**To:** Petersburg Borough

**Subject:** Alaska LRTP 2055: Public Review Open for Draft Policy Framework, Vision & Goals



## Your Feedback is Requested on Alaska's Long Range Transportation Plan

The Alaska Department of Transportation & Public Facilities invites you to review and comment on the draft Policy Framework, Vision & Goals Technical Report for the Alaska Long-Range Transportation Plan 2055.

This document establishes the vision, strategic goals, and objectives that will guide transportation planning and investment decisions across Alaska over the next 30 years. It reflects input from Alaskans, transportation partners, existing statewide plans, and federal and state planning requirements.

The draft addresses four statewide priorities:

- Access & Connectivity
- Safety & Reliability
- Economic Competitiveness
- Stewardship & Innovation

We encourage residents, businesses, local governments, Tribal governments, transportation providers, and other interested parties to review the draft and share feedback. To review the draft and submit comments visit <https://publicinput.com/j85355#tab-73384>.

Public comment period: July 1 - July 31, 2026

Your feedback will help refine the final vision and policy direction for Alaska's transportation system through 2055.

Thank you for participating in the future of transportation in Alaska.

**Statement  
of Rebecca Knight  
to Petersburg Borough Assembly  
for the July 6, 2026 Meeting**

Below are my suggestions regarding the proposed Wireless Communications Facilities (WCF) Ordinance 2026-14. I request that you do not make concessions to industry that will result in a weak Ordinance, largely unresponsive to Borough resident's concerns.

During the June 15 Assembly meeting several amendments were made to the first reading of the new WCF Ordinance. All were approved, most with little to no discussion. Because the public had no opportunity to weigh-in on those amendments, please reconsider three of those amendments during this second reading, as follows:

1. On June 1, a public request was made to the Assembly to insert language in the proposed Ordinance which addressed the topic of oversight.<sup>1</sup> The rationale was that the Borough should retain local control because the FCC has acted in a lawless manner due to its failure to comply with a 2021 court order to review and update its standards. Instead, during the subsequent meeting on June 15, a first reading amendment was approved for the new Ordinance <sup>2</sup> — with no discussion— identifying the FCC as the entity to determine a carrier's compliance with FCC regulations, not the Borough. Many other communities have been proactive in protecting its citizens in this and other realms by adopting local control Ordinance

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<sup>1</sup> See public testimony of R. Knight to the Petersburg Borough Assembly on June 1, 2026.

<sup>2</sup> See Borough of Petersburg Wireless Communications Facilities (WCF) Ordinance 2026-14 19.58.080 Section C Conditions of Approval p.13: Amendment added- "Determination of compliance hereunder shall be made by the FCC and the Borough is not responsible for enforcing or determining FCC requirements."

language.<sup>3, 4</sup> Abdication of local oversight to the FCC is akin to allowing a fox to guard the hen house. Also, that the FCC will simply rubber-stamp compliance, on behalf of their billionaire overlords, is likely.

2. Again, and with minimal discussion, an amendment to the proposed Ordinance was approved to alter “Sensitive Areas”, by striking “assisted living facilities, children’s nursery and hospitals” and to add “licensed” to childcare facility, from that section<sup>5</sup> to make it consistent with *earlier*

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<sup>3</sup> See list of communities which were successful in retaining local oversight control: <https://ehtrust.org/wp-content/uploads/EHT-U.S.-Local-Wireless-Ordinance-and-Cell-Tower-Laws-5.pdf>

<sup>4</sup> See, for instance, the Village of Scarsdale: <https://ecode360.com/SC0993/laws/LF1477994.pdf> “Independent Consultants. The Planning Board or their designee, in its discretion, may select and retain independent consultant(s) with expertise in telecommunications in connection with the review of any Application under this article. Such independent consultant review may be retained on any issue that involves specialized or expert knowledge in connection with an Application, including, but not limited to, Application completeness or accuracy, structural engineering analysis, or **compliance with FCC radio frequency emissions standards. The full cost of such independent consultant(s) shall be borne by the Applicant.** [emphasis added].

<sup>5</sup> See Borough of Petersburg Wireless Communications Facilities (WCF) Ordinance 2026-14 Section U Conditional Use Permits 19.72.020 D.1. b sensitive area setback (p. 17),

Ordinance language.<sup>6, 7</sup> language<sup>8,9</sup> in the Ordinance. The earlier section identified only two sensitive areas—“an existing school, or licensed childcare facility.” In fact, to maintain “consistency” the sensitive area language should include *all five sensitive areas throughout the Ordinance*.

I later learned from Borough staff that the earlier language which identified only two sensitive areas in the Sensitive Area Setback section<sup>10</sup>—schools and licensed childcare facilities — was a “policy decision.” Under what deliberative public status was that policy decided upon? On what basis does one sensitive area upstage the other? Given the overwhelming public concern for the sensitivity of all five areas<sup>11</sup>, the exclusion of three of them was arbitrary and has no apparent basis other than in-house decision making.

While I maintain that *all* residents of Petersburg are sensitive, hospital patients and residents who reside in assisted living facilities are also quite sensitive. The same for non-commercial children’s nursery where newborn infants and toddlers *not* enrolled in a licensed childcare facility reside 24 hours a day or

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<sup>6</sup> See list of communities which were successful retained local oversight control: <https://ehtrust.org/wp-content/uploads/EHT-U.S.-Local-Wireless-Ordinance-and-Cell-Tower-Laws-5.pdf>

<sup>7</sup> See, for instance, the Village of Scarsdale: <https://ecode360.com/SC0993/laws/LF1477994.pdf> “Independent Consultants. The Planning Board or their designee, in its discretion, may select and retain independent consultant(s) with expertise in telecommunications in connection with the review of any Application under this article. Such independent consultant review may be retained on any issue that involves specialized or expert knowledge in connection with an Application, including, but not limited to, Application completeness or accuracy, structural engineering analysis, or **compliance with FCC radio frequency emissions standards. The full cost of such independent consultant(s) shall be borne by the Applicant.** [emphasis added].

<sup>8</sup> See Borough of Petersburg Wireless Communications Facilities (WCF) Development Standard for WCFs 19.58.050A(b) (p. 9)

<sup>9</sup> Asserted by Assembly Member that: “What it is doing under the Sensitive Area Setbacks is removing the words assisted living facility and putting licensed childcare facility and removing the words children’s nursery or hospital. ... “...**all this change here is reflecting** [emphasis added] earlier in the ordinance the same verbiage earlier...this is going to reflect what’s **already back** [emphasis added] in the Ordinance.” Vice Mayor: “To reflect that, striking the words assisted living facility, adding licensed childcare facility and striking children’s nursery or hospital.”

<sup>10</sup> See Borough of Petersburg Wireless Communications Facilities (WCF) Ordinance 2026-14 Sec. 19.58.050 A.(b). p. 9.

<sup>11</sup> Assisted living facilities, children’s nursery, licensed childcare facilities, hospitals, and schools.

whose parents lack sufficient funds to cover enrollment in a licensed facility — if they can even find one. Deletion of a children’s nursery creates two classes of children.

3. Most importantly, I request that you reconsider the approval to reduce sensitive area setbacks from 1,500 feet to 500 feet. It was an arbitrary decision. When asked, the Amendment sponsor was unable to provide rationale for a reduced setback. Another Member came to the rescue and mentioned that during a conversation with Borough staff that additional land to locate a WCF would result with a 500 foot setback. It was also asserted that failure to appease industry with reduced setback distances, would cause future Assemblies to be in a “hard position” because an all-but-certain implementation of the Waiver provision would result. Isn’t the Waiver provision intended to be a high bar to navigate — not an automatic easy out to accomplish the initial intention? Regardless, if the goal was to appease the tech industry, it remains unclear if even 500 feet would be sufficient for industry. Also, how were multiple nationwide communities successful by enacting far more protective setbacks than this Ordinance proposes, yet our Borough finds it near impossible?<sup>12</sup>

Industry’s absence during public deliberations is glaring. Instead, one can only conclude that back-room pressure from industry, obliquely referred to during the June 15 meeting,<sup>13</sup> is driving decision-making. These communications should be publicly disclosed. Areas freed up from potential reduced setbacks must be disclosed so that all residents are informed, now, before adoption of an Ordinance. WCF’s could be coming to *any* resident’s front yard and impact their health, property value, aesthetics, and more. They deserve a voice in decision-making.

Finally, the beginning Ordinance’s fourth WHEREAS<sup>14</sup> (p.1) refers to **“community’s connectivity goals.”** I am unaware of any Assembly discussions or public process regarding those goals other than the vague “public safety, education, and economic development” mentioned in the second WHEREAS. Our community’s connectivity goals at the beginning of this process should be clearly defined to provide a basis for every aspect of the WCF

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<sup>12</sup> See Environmental Health Trust. Local Cell Tower Laws: Communities with Strong Restrictions on Antennas Near Homes and Schools\_28Jun25. <https://ehtrust.org/what-communities-have-strong-setbacks-for-cell-antennas-near-homes-and-schools/>

<sup>13</sup> Assembly Member 1 paraphrase: “So, since the last meeting there have been some development’s and some emails I guess you could say from some of these companies...”  
Assembly Member 2: “I mean we have been getting a lot of emails about this”

<sup>14</sup> See Wireless Communications Facilities (WCF) Ordinance 2026-14. p 1.

Ordinance including specific metrics<sup>15</sup> and will add essential clarity. The process should have begun with a public engagement stage to determine our genuine needs.

Sincerely,

Rebecca Knight

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<sup>15</sup> For instance, but not limited to 1. **clearly defined connectivity gaps based on community needs not industry needs** (similar to those used by SOA ADFG fishing areas descriptions is an excellent method), 2. agreed upon *RF\_EMF* emission levels, and a 3. Signal strength limits, 4G LTE vs. 5G needs, small cells, aesthetic parameters, educational needs and more.



July 1, 2026

The Honorable Bob Lynn, Mayor  
 Petersburg Borough Assembly  
 12 South Nordic Drive  
 PO Box 329  
 Petersburg, AK 99833

VIA EMAIL: [assembly@petersburgak.gov](mailto:assembly@petersburgak.gov); [bregula@petersburgak.gov](mailto:bregula@petersburgak.gov)

RE: Proposed Wireless Communication Facility (“WCF”) Code  
 Ordinance No. 2026-14 (A)  
 July 6, 2026, Public Hearing

Dear Mayor Lynn and Assembly Members:

I write on behalf of New Cingular Wireless PCS, LLC (“AT&T”) concerning Petersburg Borough’s proposed new WCF code, which we understand you will consider on second reading at your July 6, 2026, meeting.

AT&T appreciates the Borough’s work to update its WCF code, but it is concerned that some provisions in the proposed new code are unnecessarily restrictive, without policy justification, and/or contrary to federal law.

As you continue to deliberate, please consider the following suggested amendments to bring the code more in line with typical practice and governing law.

**Clarification or Deletion of the Protrusion Limit in Subsection 19.58.050(H)**

The proposed 36-inch protrusion limit appears to apply to both towers and non-tower structures to which antennas may be mounted.

Typically, the horizontal extension of antennas from towers is not regulated, and in some commonly used stealth designs, such as a monopine, a protrusion limit such as that proposed would prevent an effective design (monopine branches are designed to taper so that that the structure will appear more natural). In addition, generally, limits on the extension of antennas will reduce the effective operation of the WCF such that more facilities may be needed overall.

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July 1, 2026  
Page 2

Importantly, under the federal regulation allowing for certain modifications of existing WCFs (Eligible Facilities Requests), horizontal extensions of up to 20 feet from existing towers are considered *non*-substantial changes. 47 CFR § 1.6100(b)(7)(ii).

AT&T suggests deleting Subsection 19.58.050(H) or revising it as follows:

H. **Protrusion Limit.** No part of a WCF shall protrude more than 36 inches from the face of ~~the~~ a non-tower support structure, measured to the outer face of the WCF.

### **Permitted Modifications of Existing WCFs**

Existing legally permitted WCFs are listed as exempt from the new code under Subsection 19.58.030(E), with the proviso that “however, that any proposed modification to an existing WCF, including collocation, must comply with this chapter.”

This proviso is inconsistent with the federal regulations governing Eligible Facilities Requests for modifications of existing WCFs.<sup>1</sup> Under the federal regulation, so long as any modification of an existing WCF is non-substantial under the criteria in §1.6100(b)(7), it must be approved regardless of any local zoning provision to the contrary.<sup>2</sup>

AT&T suggests that Subsection 19.58.030(E) be revised as follows:

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 it qualifies as an eligible facilities request under 47 CFR §1.6100.**

Also with respect to Eligible Facilities Requests, the exemption listed next in the proposed code under subsection (F) (for Eligible Facilities Requests) is subject to the proviso “that any existing conditions of approval of the WCF are met,” but the relevant federal test is clear that enforcement of prior conditions is limited by the other criteria in the test for substantial change. See 47 CFR §1.6100(b)(7)(vi). In other words, the federal

<sup>1</sup> 47 CFR §1.6100.

<sup>2</sup> Jurisdictions may still enforce building, electrical, and safety codes. *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, 29 FCC Rcd 12865 (2014), *aff'd*, *Montgomery Cty. v. FCC*, 811 F.3d 121 (4th Cir. 2015).

July 1, 2026  
Page 3

test will control the extent to which the modification must comply with prior conditions of approval.

AT&T suggests that Subsection 19.58.030(F) be revised as follows:

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).

**Removal of Criterion Requiring Significant Gap/Least Intrusive Means for Every WCF**

According to proposed Subsection 19.58.050(N), Subsections 19.58.070(A)(2)-(3), and Subsection 19.58.080(A) *every* WCF application must prove a significant gap and least intrusive means, even when those proposals meet all of Peterburg's stated design and placement preferences.

The significant gap/least intrusive means standard is the judicial standard under which a federal court will order local approval of a proposed WCF regardless of what a local zoning code provides because a local siting standard or a denial of a proposed WCF would have the effect of prohibiting wireless service under federal law.<sup>3</sup>

The standard is not typically stated in local zoning codes, and when it is, it is usually reserved for instances in which the local jurisdiction would approve an exception or variance to WCF standards. This practice exists because some jurisdictions recognize that in some instances it is appropriate to relieve an applicant from strict compliance with a WCF code in order to avoid the prohibition of wireless service. Consistent with this typical practice, we see that the proposed code's section for waivers includes the significant gap/least intrusive means test as the first potential grounds for a waiver. See proposed Subsection 19.58.090(A)(1).

The proposed code otherwise clearly ranks siting preferences and specifies design and siting standards to guide development of WCFs. There is no reason to require an

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<sup>3</sup> *T-Mobile U.S.A., Inc. v. City of Anacortes*, 572 F.3d 987, 988 (9th Cir. 2009).

July 1, 2026  
Page 4

applicant to make a “federal case” for its proposed WCF unless a waiver of standards is required.

AT&T suggests that Subsection 19.58.050(N) be deleted and references significant gap and least intrusive means in Subsections 19.58.070(A)(2) & (3) and Subsection 19.58.080(A) be revised to apply only to waiver requests.

### **Reduction or Elimination of Setback from Sensitive Areas**

AT&T suggests deleting Subsection 19.58.050(A)(b), which provides for a sensitive area setback.

Local jurisdictions are prohibited from regulating wireless facilities on the basis of concerns about alleged health effects of radio frequency (“RF”) emissions.<sup>4</sup> AT&T finds no aesthetic grounds to support a 1,500-foot (or 500-foot) setback when the new code will establish provisions to provide for stealth design when warranted and 110% setbacks from shared property lines. Setbacks in excess of 110% that appear to focus on “protection” of “sensitive” schools and childcare facilities have no independent rationale that can support their adoption. When a court reviewed a similar requirement in a New Jersey case, a 1,000-foot setback from wireless facilities was found to violate federal law.<sup>5</sup>

AT&T believes the Assembly agreed to reduce the proposed 1,500-foot setback to 500 feet at its June 15<sup>th</sup> meeting, and at a reduced size, the provision is less likely to have the effect of prohibiting wireless service (also prohibited by federal law<sup>6</sup>). But without a justification other than concerns about health effects, any size of setback from “sensitive areas” is contrary to federal law.

### **Removal of Insurance Requirements in Section 19.58.100**

Jurisdictions typically impose insurance requirements when a proposed WCF will be placed in the public right-of-way or on other jurisdiction property.

It is highly unusual to impose an insurance requirement *on private property sites* via a *zoning* code. We find no example of any other uses in Petersburg for which such a standard is enforced; in fact, uses such as rock quarries with blasting activities are permitted without any proof of insurance. We see no basis for requiring proof of insurance from WCF permit holders under the zoning code.

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<sup>4</sup> 47 U.S.C. § 332(c)(7)(B)(iv).

<sup>5</sup> *Sprint Spectrum L.P. vs. Ringwood Zoning Board*, 898 A.2d 1054 (2005).

<sup>6</sup> 47 U.S.C. § 332(c)(7)(B)(i)(II).

July 1, 2026  
Page 5

AT&T suggests deleting Section 19.58.100.

**Reduction or Elimination of the Performance Guarantee and Removal Bond in Section 19.58.110**

For the same reasons discussed above regarding insurance, Section 19.58.110 imposes an atypical financial condition on private-property WCFs through the zoning code by requiring a cash or surety performance guarantee for tower removal. The mandated minimum of \$150,000, applicable “in no event less than” that sum regardless of the actual estimated cost of removal, bears no relationship to the actual removal cost of many facilities, such as rooftop, collocated, or non-tower WCFs, and a fixed floor untethered to the actual estimated cost is arbitrary. We are aware of no other private-property land use in Petersburg subject to a comparable removal-bond requirement.

AT&T suggests deleting Section 19.58.110 or, at a minimum, limiting any performance guarantee to the actual estimated cost of removal without a fixed minimum and exempting collocations and non-tower WCFs.

We appreciate your consideration of these comments.

Sincerely,

*Meridee Pabst*

Meridee Pabst  
meridee.pabst@wirelesspolicy.com

cc: Liz Cabrera, Community Development Director