



Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Agenda Planning Commission Regular Meeting

Tuesday, December 10, 2024

12:00 PM

Assembly Chambers

You are invited to a Zoom meeting.

When: December 10, 2024, 12:00 PM Alaska

Topic: December 10, 2024, Regular Planning Commission Meeting

Please click the link below to join the webinar:

<https://petersburgak-gov.zoom.us/j/86371203481>

Meeting ID: 863 7120 3481

Or Telephone:

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

1. Call to Order

2. Roll Call

3. Acceptance of Agenda

4. Approval of Minutes

A. November 12, 2024, Meeting Minutes.

5. Public Comments

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

6. Consent Calendar

7. Public Hearing Items

A. Final Plat approval for an application from John and Miriam Swanson for major subdivision and vacation of a portion of the Ramona St right-of-way at 1320 Nordic Dr. (PID: 01-002-161).

B. Recommendation to the Borough Assembly to rezone Lot 13B, Plat#2008-15 from Rural Residential to Single-Family Residential at 1020 Sandy Beach Rd. (PID: 01-014-700).

C. Recommendation to the Borough Assembly to establish a Marine Industrial Overlay District at the Port Dock area and Scow Bay Turnaround area.

8. Non-Agenda Items

A. Commissioner Comments

- Zoning Practice attached.

B. Staff Comments

C. Next Meeting is January 14, 2025, at 12:00pm.

9. Adjournment



Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Minutes Planning Commission Regular Meeting

Tuesday, November 12, 2024

12:00 PM

Assembly Chambers

1. Call to Order

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

2. Roll Call

PRESENT

Commission Chair Chris Fry
Commission Vice-Chair Heather O'Neil
Commissioner Jim Floyd
Commissioner Marietta Davis
Commissioner Phillip Meeks

ABSENT

Commissioner John Jensen

3. Acceptance of Agenda

The agenda was accepted as presented.

Motion made by Commissioner Floyd, Seconded by Commissioner Davis.

Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commissioner Floyd,
Commissioner Davis, Commissioner Meeks

4. Approval of Minutes

A. October 8, 2024, meeting minutes.

The October 8, 2024, meeting minutes were unanimously approved.

Motion made by Commissioner Floyd, Seconded by Commissioner Davis.

Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commissioner Floyd,
Commissioner Davis, Commissioner Meeks

5. Public Comments

None

6. Consent Calendar

None

7. Public Hearing Items

- A. Consideration of an application from Madelaine Valentine for a conditional use permit to allow a private school in a single-family residential district at 607 EXCEL ST (PID: 01-006-142).

Madeleine Valentine spoke on her own behalf to make herself available for any questions. This private school would provide gymnastics and fitness to the community. She is hoping to continue this service at the property her and her husband have purchased recently. The neighborhood already has multiple uses with the school, churches, daycare facilities and baseball field. She would make it of up most importance to respect neighbors and community around her with noise, traffic, and to make sure the families attending are following protocol.

Motion made by Commissioner Floyd, Seconded by Commissioner Davis.

Commissioner Floyd asked Madeleine how late her classes go and also the plan for parking.

Madeline spoke to say her latest class was out at 7:45PM and she would be happy to draw the line at 8:00PM. Now that she won't have to adhere to the rental facility schedule, she would like to spread her classes out and teach possibly one or two classes per evening vs the 3 classes she would teach at the rental location. Her plan for parking stays the same with cutting shrubs and adding rock fill to provide parking in front of the garage. The short-term parking plan stays the same with using the Rebbi Hus, PCC or the school's lot.

Commissioner Floyd stated this is the most support he's seen in writing for any public hearing item.

Commissioner Floyd asked Director Liz Cabrera if a motion was necessary to choose a time to stop daily operation.

Director Liz Cabrera explains she left the hour an X so the commission could choose a time based on the conversation with the commission and applicant. In this case X = 8:00PM.

Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commissioner Floyd, Commissioner Davis, Commissioner Meeks

- B. Acceptance and scheduling of an application from John & Miriam Swanson for a special use permit to use a portion of a borough-owned ROW as a driveway at 1400 NORTH NORDIC DR.

Motion made by Commissioner Floyd, Seconded by Commissioner Davis.

Commission Vice-Chair O'Neil asked if the existing driveway was going to be widened or if this is a new driveway.

Commission Chair Fry stated the application says widen.

Commissioner Meeks asked about the size and if the Swanson's would assume liability.

Director Liz Cabrera said yes, when the Borough issues a SUP it will spell out size and location. The applicant would take on maintenance and assume liability of the driveway. They cannot block access; this is the standard permit for driveways on ROW. On page 51 of the packet, it shows a triangle next to pump station 4, this is the area. It's not surveyed yet, so the width is not known at this time.

Commissioner Vice-Chair O'Neil stated the department heads are in favor of this.

Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commissioner Floyd, Commissioner Davis, Commissioner Meeks

C. Consideration of an application from Fin & Fjord Adventures to place remote signs on the sidewalk at 307 N 1ST ST and 110 N NORDIC DR.

Motion made by Commissioner Floyd, Seconded by Commission Vice-Chair O'Neil.

Commissioner Floyd asked for clarification on business approval of the sign. What if the store front business decided to no longer allow the sign.

Director Liz Cabrera stated that the commission could add a condition that it's subject to business approval.

Sam Marifern spoke as owner of Fin & Fjord Adventures; she apologized because she was unaware that she needed commission approval, the signs were out this summer. She explained that she did have approval from Tides Inn, Scandia House and coffee shop. The signs are removable.

Commission Chair Fry mentioned in the past with other sandwich signs the commission has limited it to one sign per business.

Liz confirmed, in the past the commission limited two other applications for sandwich signs to one sign per business because this is the same allowed for a store front business. Also, there were some concerns of how many signs can be approved to be in front of Scandia House.

Commissioner Floyd made an amendment to the motion to add as long as the businesses agree to allow them to put the sign up, Seconded by Commission Vice-Chair O'Neil.

Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commissioner Floyd, Commissioner Davis, Commissioner Meeks

Commissioner Floyd made an additional amendment to be consistent and keep with past practice one sign should be allowed, Seconded by Commission Vice-Chair O'Neil

Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commissioner Floyd, Commissioner Davis, Commissioner Meeks

Commissioner Floyd amended the original motion, I move to approve the application from Fin & Fjord for remote signs on 46" in height at Scandia House location, 110 N Nordic Dr., Seconded by Commission Vice-Chair O'Neil.

Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commissioner Floyd, Commissioner Davis, Commissioner Meeks

D. Consideration of an application from Tides Inn of Petersburg LLC for a minor subdivision at 307 N NORDIC DR (PID: 01-007-205).

Dave Thynes spoke as the surveyor working with the Ohmer's to make himself available for any questions.

Commission Chair Fry mentioned an email that was sent in today from Susie Burrell requesting to delay and to talk about a better location for the property line.

Dave Thynes mentioned he did not see the email and was unaware. He also mentioned that the Ohmer's do not want to delay.

Motion made by Commission Vice-Chair O'Neil, Seconded by Commissioner Floyd.

Commission Floyd stated Dave Ohmer is the owners and it's his call on tabling.

Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commissioner Floyd, Commissioner Davis, Commissioner Meeks

E. Consideration of a recommendation to the Borough Manager of an application from Skylark LLC to purchase borough-owned property for a public benefit purpose at 1104, 1105, 1107, 1111 ODIN ST AND LOTS 3 and 5, PLAT 90-14, AND GOV'T LOT 21 (PID: 01-010-752, 01-010-764, 01-010-760, 01-010-766, 01-010-247, 01-010-245, 01-010-430).

Bill Moulton spoke on his own behalf in support of Skylark LLC.

Jake Slaven spoke on his own behalf in support of Skylark LLC.

Mika Hasbrouck/Cline spoke on her own behalf with concerns of the sale of these properties, the road that would go through up to the future subdivision, volume of traffic and not ensure the quality of the single-family residential neighborhood.

Donna Marsh spoke on her own behalf with concerns that the road has no outlet, no cul-de-sac, the road ends and no room for emergency vehicles. Donna is in favor of the concept of a private owner being able to do what he or she wants with their property, secondly, having options for housing is a great idea.

Ray Peterson spoke on his own behalf with concern of the road placement but had no objection to affordable housing.

Ambre Burrell spoke for Skylark LLC to provide more information. She explains that the plating will come after the sale of the property and the road will have legal access with required cul-de-sac's and legal egress. That comes after the sale of the property, they will pay surveyor to plat the road, utilities etc. Legal access is through Westly and Odin, there is no legal access through Skylark to the 5 acres. Part of the reason for putting the road though lots 2 & 3 is to keep the greenbelt between their subdivision and Severson's subdivision.

Motion made by Commissioner Floyd, Seconded by Commissioner Davis.

Director Liz Cabrera made some amendments to the staff report

- page 75, Applicant request change 6 borough-owned parcels to 7
- page 75, Findings b. change 6 parcels to 7
- page 75, Findings c. change Five lots to Six lots
- page 76, Government lot 14 b. we will be needing additional floodplain plans and not only how it could affect housing development but as well as utility and road development.
- page 116 Exhibit D: Road's attachment, needing legal access that would require an easement to connect to Skylark

Commission Chair Fry, all in favor of the amendments.
Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commissioner Floyd, Commissioner Davis, Commissioner Meeks

Motion made by Commissioner Floyd, Seconded by Commissioner Davis.

Discussion.

Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commissioner Floyd, Commissioner Davis, Commissioner Meeks

8. Non-Agenda Items

A. Commissioner Comments

None

B. Staff Comments

None

C. Next Meeting is December 10, 2024, at 12:00PM.

Commission Chair Fry asked who will be attending the next meeting. Marietta said she may not be able to attend. The others should be able to make it.

9. Adjournment

The meeting adjourned at 1:03PM.

Planning Commission Staff Report & Findings of Fact

Meeting Date: December 10, 2024

APPLICANT/AGENT:

John and Miriam Swanson

OWNER(S), IF DIFFERENT:

Petersburg Borough (Ramona St)

LEGAL DESCRIPTION:

Lot 10, Block 234, USS 1252A

LOT AREA:

13,782 Sq Ft

LOCATION:

1320 N Nordic Drive

SURROUNDING ZONING:

North: Single Family Residential

South: Single Family Residential

East: Single Family Residential

West: Single Family Residential

ZONING:

Single Family Residential (SFR)

PID:

01-002-161

APPLICATION SUBMISSION DATE:

October 28, 2024

RECOMMENDATION:

Approve with conditions

I. APPLICANT REQUEST:

The applicant requests approval of the Final Plat for the Swanson Subdivision.

II. APPLICABLE CODES:

18.24 MAJOR SUBDIVISION

18.30 VACATIONS

19.48 SINGLE FAMILY RESIDENTIAL DISTRICT

III. FINDING:

- a. Applications for a major subdivision and vacation of rights-of-way were submitted by John and Miriam Swanson.
- b. The Planning Commission approved the preliminary plat on November 14, 2023, and the Petersburg Borough Assembly approved vacation of a portion of the Ramona St. right-of-way on January 2, 2024. The applicant submitted a Final Plat for approval on October 28, 2024. See Exhibit A.
- c. Following approval of the Final Plat, the applicant preferred the vacated portion of Ramona St be absorbed into their primary lot (Lot 1A) rather than Lot 10. This change necessitated a new survey and approval by the Platting Board.
- d. The subject property is a through lot on North Nordic Drive and an adjacent undeveloped right-of-way.
- e. The surrounding area is partially developed with residential dwellings.
- f. The stated intended use of the property is:
 - a. Lot 10A to be acquired by the Petersburg Borough for use as the site of a new wet well and valve vault as part of the Pumpstation #4 reconstruction project.
 - b. Lot 10B will remain in private ownership and zoned single-family residential.
 - c. A 20' wide utility easement will be established on Lot 10B to run a force main.

Planning Commission Staff Report & Findings of Fact

Meeting Date: December 10, 2024

- g. Currently, Lot 10 is of an unusual shape and does not meet the minimum lot size or road frontage for the single-family residential district.
- h. The proposed Lot 10A would be a substandard lot and would not meet the minimum size nor road frontage for the single-family residential district.
- i. Lot 10A will be acquired by the borough for the utility department’s use and is not intended for future residential development. The limited use of the parcel will not be detrimental to public safety, welfare or injurious to adjacent properties.
- j. Following the subdivision, Lot 10B will no longer have direct access to N Nordic though electric utilities will be available from Valkyrie St.
- k. The proposed vacation eliminates most of the existing Ramona St right-of-way between N. Nordic and Valkyrie St. The vacated portion of Ramona St will attach to the adjacent lot to create Lot 1AA.

V. PUBLIC NOTICE

Per 18.12.060, a public hearing is not required for Final Plat approval.

A notice specifying the subject, time, and date of the public meeting was posted in a public location at the municipal building and radio station.

V. APPLICATION REVIEW

The application is classified as a request for approval of a Final Plat; however, public notices were mailed out to surrounding property owners.

a. ZONING DISTRICT STANDARDS – Single Family Residential

Minimum Standards for Zoning District and Use			
	Requirement	Proposed Lots	Analysis
Minimum Lot Size	8,000	Lot 10A – 2,080 sf Lot 10B – 11,702 sf	Lot 10A is substandard but will be owned by the borough.
Minimum Road Frontage	80 ft	Lot 10A – 36.58 ft Lot 10B- 100 ft	Road frontage for Lot 10A is substandard, but the lot will be owned by the borough.
Front Yard	20’		For Lot 10A, all improvements will be underground.
Rear Yard	20’		For Lot 10A, all improvements will be underground.
Side Yard	10’		For Lot 10A, all improvements will be underground.
Max. Height	32’		For Lot 10A, all improvements will be underground.

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Max Lot Coverage	35%		For Lot 10A, all improvements will be underground.
Fire Code Separation	N/A		
Off-street Parking	N/A		
Max Height Fence	6 feet		

b. Final Plat Criteria

	PMC Final Plat	Analysis
18.24.045 – Platting board review		
B2. Prior to approval of the final plat, all required and elected improvements shall be completed by the sub-divider	N/A	There are no public improvements required for this subdivision.
B3. The sub-divider may submit a final plat on or before the expiration date of the preliminary plat.	Conforms	Preliminary plat approval date: November 14, 2023 Final plat submission date: October 28, 2024
C. Prior to submittal of final plat, the sub-divider shall furnish to the city engineer the following engineering plans	N/A	There are no public improvements required for this subdivision.
18.24.050 – Final Plat Submission		
A. Subdivider shall submit a final plat that bears the information specified for the preliminary plat in Section 18.24.040 .	Conforms	The preliminary plat was found to conform with requirements of Title 18 and approved by the Planning Commission on November 14, 2023.
A1. The boundaries of the plat shall clearly show the initial point of survey, original or reestablished corners, with description of them, and actual traverse showing area of closure and all distances, angles and calculations required to determine initial point, corners and distances of the plat.	Conforms	
A2. Bearings and distances to the nearest established street lines, section lines or official monuments necessary to describe the location of the plat.	Conforms	
A2. All monuments found shall be indicated and proper references, including the date set, type of monument, the surveyor and his registration number shall be indicated.	Conforms	

Planning Commission Staff Report & Findings of Fact

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A3. Centerlines of all streets, lengths, tangents, radii, and central angles of all curves, the total width of each street	Conforms	
A4. The width, bearing and other necessary data to delineate all easements to which the lots are subject.	Conforms	
A5. All lot and block numbers.	Conforms	
A6. Sufficient data to determine readily the bearing and length of each line. No ditto marks shall be used.	Conforms	
A7. The names of adjacent subdivisions and the lot numbers of adjacent lots.	Conforms	
A8. The exact boundaries of all areas to be dedicated or reserved for public use or for the common use of property owners. The purpose of the dedication or reservation shall be set forth on the plat.	Conforms	A 20' utility easement is identified in the plat.
A9. All lots, blocks, or tracts affected by the floodplain regulations adopted by the borough shall be labeled "Flood Hazard Area" on the face of the plat.	N/A	See Exhibit C.
B1. Certification of Surveyor	Conforms	
B2. Certification of Ownership and Dedication.	Conforms	
B3. Certificate of Payment of Taxes.	Conforms	
B4. Certification of Approval by the Platting Board	Conforms	
C Final Plat Monuments		
C1. Primary Monuments established	Conforms	
C2. Secondary monuments established	Conforms	
D1. statement referring to private covenants	N/A	There are no private covenants governing the subdivision.
D2. Statement limiting placement of habitable structures, if any portion of the plat depicts areas within the floodplain.	N/A	Lot 10A will be owned by the borough and is not for residential development. See Exhibit C.
E. Development Plat Restriction.	N/A	No public improvements were required for this subdivision.
F. On any zero lot line subdivision	N/A	This is not a zero lot line subdivision.
18.24.060 Design Principles		
A1. Compliance with ordinances of the borough.	Nonconforming	Lot 10A does not meet the minimum lot size for the district, however it is not intended for residential development. Platting variance granted 11/14/23

Planning Commission Staff Report & Findings of Fact

Meeting Date: December 10, 2024

A2. Proposed name of the subdivision shall not duplicate, or too closely approximate the name of any other subdivision.	Conforms	Swanson Subdivision does not duplicate or approximate the name of any existing subdivision. See Exhibit D.
A3. Lands which have been found to be unsuitable for subdivision because of potential hazards, shall not be subdivided or included in any building lot.	N/A	
18.24.070 Streets		
Street Design	N/A	Per the Final Plat, no public streets are dedicated as part of the subdivision.
18.24.080 Easements		
C. There shall be at least a ten-foot-wide easement on either side of any creek or stream.	N/A	

VI. ACTION

Proposed motion: I move to approve the Swanson Subdivision, including vacation of a portion of the Ramona St ROW, along with the findings of fact and conditions of approval as presented.

Based on the preceding findings of fact, the Petersburg Planning Commission, acting as the Platting Board, makes the following determination:

- a. The proposed Swanson Subdivision meets the criteria outlined in Title 18 for final plat approval.
- b. As a condition of approval, the Applicant/Owner shall:
 - Submit a plat with legible lettering meeting the generally accepted standards for good draftsmanship as prepared by a professional land surveyor, properly registered in the state of Alaska, drawn to scale, and provided in a format, size, suitable for recording for signatures.
 - Borough Assembly will need to re-approve the plat and vacation of Ramona St.
 - Prior to recording the final plat, a certificate to plat shall be updated to a date not more than fifteen days prior to submission of the final plat to the borough clerk for recording.

EXHIBITS

- A. Applicant submission - Final Plat for Swanson Subdivision
- B. Flood Insurance Rating Map
- C. Subdivision Name Search
- D. Public Hearing Mailout

CERTIFICATE OF APPROVAL BY THE BOROUGH ASSEMBLY

I, HEREBY CERTIFY THAT THE VACATION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE PETERSBURG BOROUGH, AND THAT SAID PLAT HAS BEEN APPROVED BY THE ASSEMBLY, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE DISTRICT MAGISTRATE, EX OFFICIO RECORDER, PETERSBURG, ALASKA.

DATE _____ BOROUGH MANAGER, PETERSBURG BOROUGH

ATTEST:

DATE _____ BOROUGH CLERK, PETERSBURG BOROUGH

CERTIFICATE OF APPROVAL BY THE PLATTING BOARD

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

DATE _____ CHAIRMAN, PETERSBURG PLATTING BOARD

ATTEST:

DATE _____ BOROUGH CLERK, PETERSBURG BOROUGH

CERTIFICATE OF PAYMENT OF TAXES

STATE OF ALASKA } ss.
FIRST JUDICIAL DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING ASSESSOR FOR THE PETERSBURG BOROUGH, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE PETERSBURG BOROUGH, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN

THE NAMES OF: _____

AND

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

DATED THIS _____ DAY OF _____, 20____ AT PETERSBURG, ALASKA.

TREASURER - PETERSBURG BOROUGH

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE _____ OWNER: _____

DATE _____ OWNER: _____

DATE _____ OWNER: _____

NOTARY'S ACKNOWLEDGMENT

U.S. OF AMERICA
STATE OF ALASKA
CITY OF PETERSBURG

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED _____

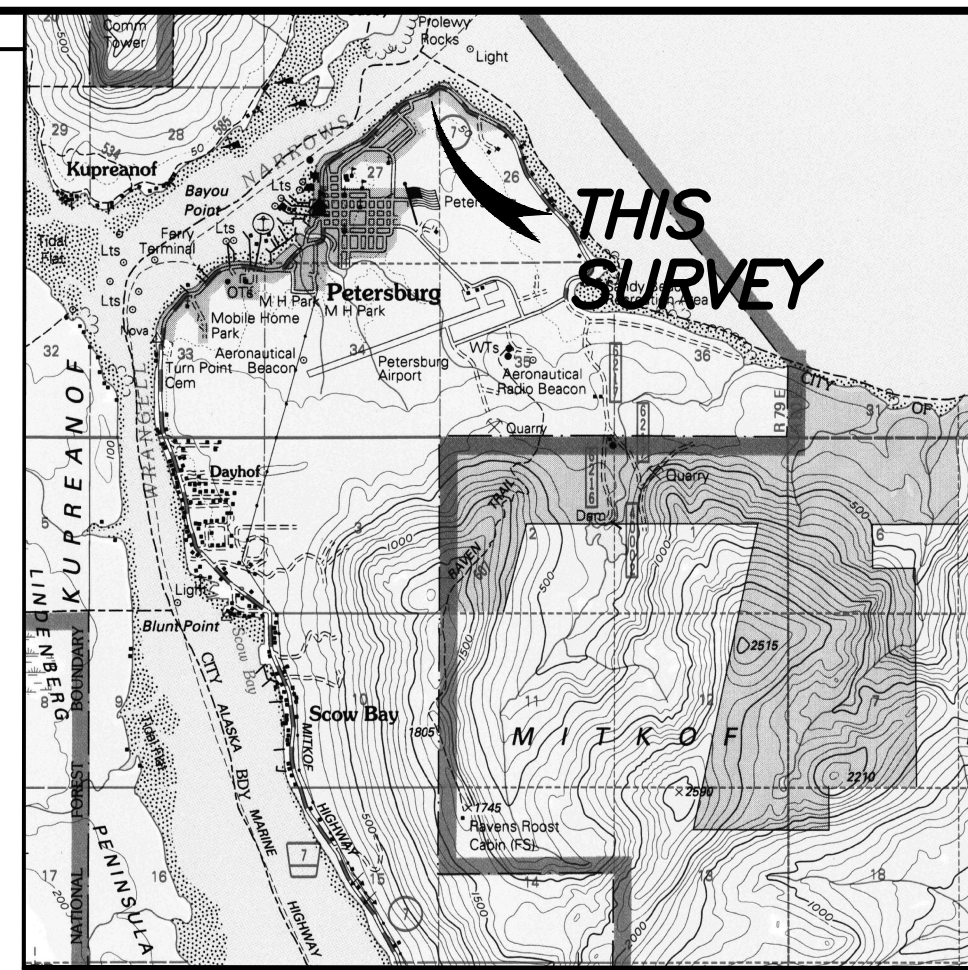
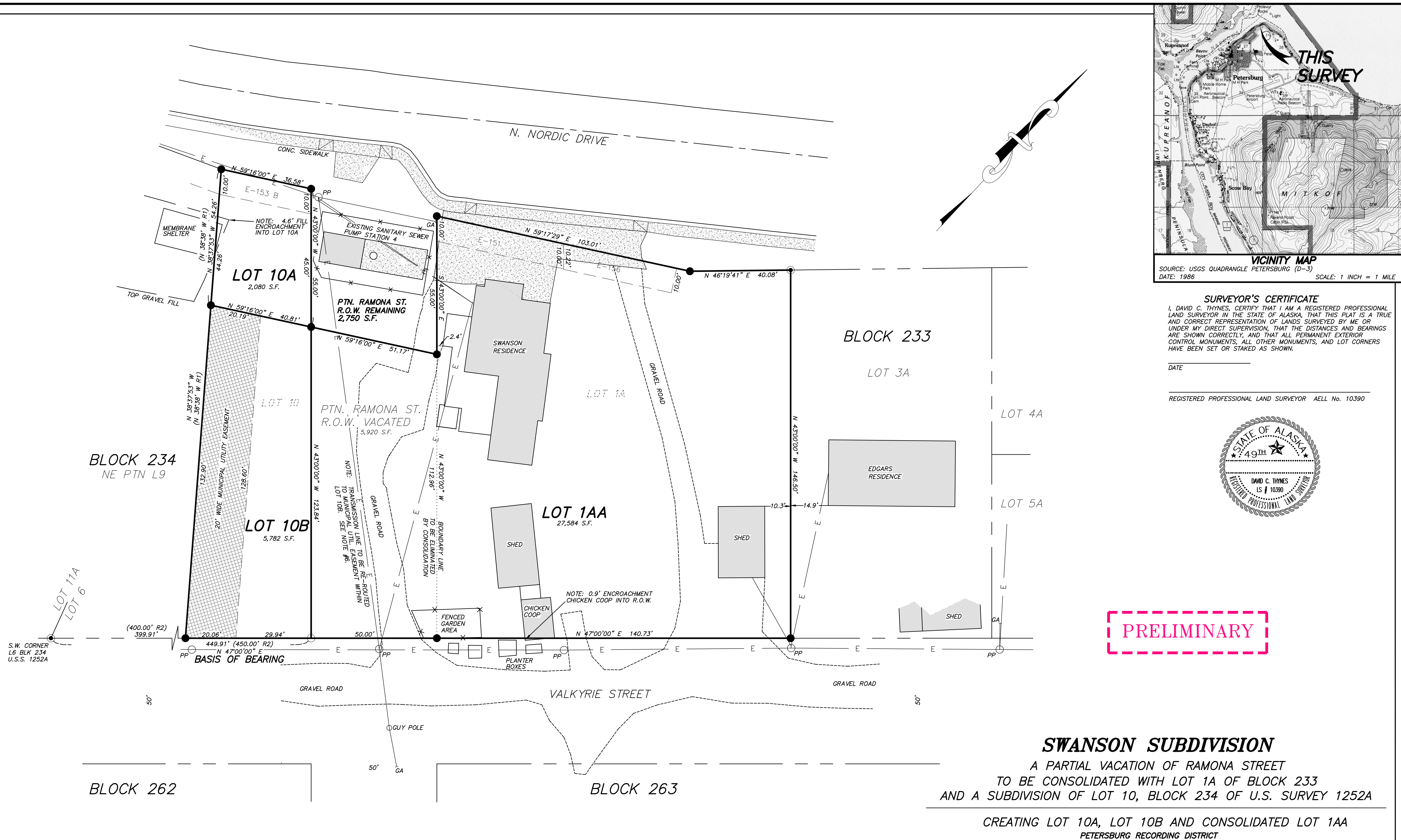
TO ME

KNOWN TO BE THE IDENTICAL INDIVIDUALS MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND THEY ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

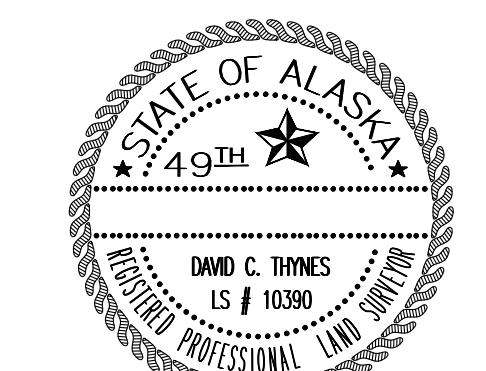
MY COMMISSION EXPIRES: _____



VICINITY MAP
SOURCE: USGS QUADRANGLE PETERSBURG (D-3)
DATE: 1986 SCALE: 1 INCH = 1 MILE

SURVEYOR'S CERTIFICATE
I, DAVID C. THYNES, CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA, THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF LANDS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE DISTANCES AND BEARINGS ARE SHOWN CORRECTLY, AND THAT ALL PERMANENT EXTERIOR CONTROL MONUMENTS, ALL OTHER MONUMENTS, AND LOT CORNERS HAVE BEEN SET OR STAKED AS SHOWN.

DATE _____
REGISTERED PROFESSIONAL LAND SURVEYOR AELL No. 10390



PRELIMINARY

SWANSON SUBDIVISION
A PARTIAL VACATION OF RAMONA STREET
TO BE CONSOLIDATED WITH LOT 1A OF BLOCK 233
AND A SUBDIVISION OF LOT 10, BLOCK 234 OF U.S. SURVEY 1252A
CREATING LOT 10A, LOT 10B AND CONSOLIDATED LOT 1AA
PETERSBURG RECORDING DISTRICT

PARCEL OWNERSHIP SUMMARY:
SUBJECT: CONSOLIDATED LOT 1A, BLOCK 233 U.S.S. 1252A - JOHN R. AND MIRIAM M. SWANSON
DOC# 2000-000378-0 (ORIGINAL WARRANTY DEED DOC# 1978-001885-0)
ADJOINER: LOT 3A, BLOCK 233 U.S.S. 1252A - SANDRA EDGARS
DOC# 1979-000854-0
SUBJECT: RAMONA STREET R.O.W. BETWEEN N. NORDIC AND VALKYRIE STREET - PETERSBURG BOROUGH U.S. SURVEY 1252A
ADJOINER: N.E. PORTION OF LOT 9, BLOCK 234 U.S.S. 1252A - EDGARS LIVING TRUST
DOC# 2020-000743-0

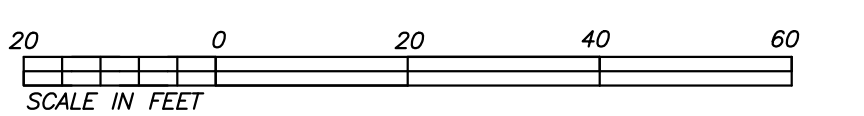
AREA SUMMARY:
UNSUBDIVIDED PARENT LOT 10 = 7,862 S.F.
UNCONSOLIDATED LOT 1A = 21,664 S.F.
PORTION OF LOT 10 FORMING LOT 10B = 5,782 S.F.
PORTION OF LOT 10 FORMING LOT 10A = 2,080 S.F.
PORTION OF RAMONA STREET R.O.W. CONSOLIDATED INTO LOT 1AA = 5,920 S.F.
PORTION OF RAMONA STREET R.O.W. REMAINING AS R.O.W. = 2,750 S.F.

GENERAL NOTES

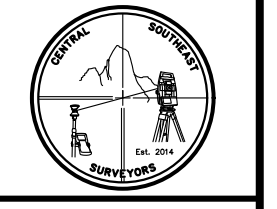
- THE PURPOSE OF THIS SUBDIVISION AND PARTIAL R.O.W. VACATION IS TO CONSOLIDATE A PORTION THE OF RAMONA STREET R.O.W. WITH LOT 1A OF BLOCK 233 TO CREATE CONSOLIDATED LOT 1AA AND TO SUBDIVIDE LOT 10 OF BLOCK 234 TO CREATE LOT 10A AND LOT 10B.
- THE BASIS-OF-BEARING UTILIZED TO CONDUCT THIS SURVEY IS THE BEARING OF THE LINE BETWEEN AN 1.5" ALUMINUM CAP MONUMENT (LS 5485), MARKING THE S.W. CORNER OF LOT 6, BLOCK 234, U.S. SURVEY 1252A AND AN IRON PIPE MONUMENT MARKING THE S.E. CORNER OF LOT 10, BLOCK 234, U.S. SURVEY 1252A, THE ACCEPTED BEARING BEING N 47°00'00" E.
- THE ACCURACY OF THIS SURVEY IS GREATER THAN 1:10,000.
- ALL BEARINGS SHOWN ARE TRUE BEARINGS AND ARE ORIENTED TO THE BASIS-OF-BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
- WHEN RECORD COURSES DIFFER FROM MEASURED COURSES, RECORD COURSES ARE SHOWN IN PARENTHESES () FOLLOWED BY THE SOURCE OF THE RECORD INFORMATION.
- PETERSBURG MUNICIPAL POWER & LIGHT DEPT. WILL RELOCATE THE OVERHEAD TRANSMISSION LINES RUNNING FROM THE POWER POLE ON N. NORDIC TO THE POWER POLE ON VALKYRIE ST. CROSSING LOT 10B. RE-ROUTED LINES WILL RUN INSIDE THE 20' MUNICIPAL UTILITY EASEMENT ALONG THE SOUTHWEST BOUNDARY OF LOT 10B.
- THE MINOR ENCROACHMENTS WITHIN LOT 10A WILL BE ADDRESSED DURING THE CONSTRUCTION PHASE OF THE PUMP STATION 4 SANITARY SEWER FORCE MAIN PROJECT.
- THE FOLLOWING PLATS AND RECORDS WERE USED TO EXECUTE THIS SURVEY:
(R1) U.S. SURVEY 1252A, APPROVED 11/4/1947 & ACCEPTED 3/4/1948
(R2) AN UNRECORDED AS-BUILT SURVEY BY RICK G. BRAUN LS 5485 SHOWING LOT 6 AND LOT 10 AND THE PORTIONS OF LOT 8 AND LOT 9, OF BLOCK 234, U.S. SURVEY 1252A.
(R3) THE MARTINSEN - ETCHER SUBDIVISION PLAT No. 2013-9, PETERSBURG RECORDING DIST.
(R4) R.O.S. BY BISSET SURVEYING LS 10391 SHOWING THE EASTERLY LINES OF LOT 3A OF THE MARTINSEN - ETCHER SUBDIVISION, BLOCK 234, U.S. SURVEY 1252A. PLAT No. 2017-12.
(R5) ISKUT STREET VACATION PLAT No. 90-21, PETERSBURG RECORDING DIST.
(R6) A.D.O.T.& P/F R.O.S. OF CONTROL MONUMENTS ALONG N. NORDIC DRIVE AND SANDY BEACH ROAD PETERSBURG, ALASKA PLAT No. 2008-2 PETERSBURG RECORDING DISTRICT.
(R7) A.D.O.T.& P/F R.O.W. MAP JOY ST. TO SANDY BEACH S-0937(10) PLAT No. 85-35 PETERSBURG RECORDING DISTRICT.
- EASEMENTS E-151, E-153 B AND E-156, PER A.D.O.T. P/F R.O.W. MAP ALASKA PROJECT NUMBER S-0937(10), PLAT No. 85-35 SHEET 2 OF 17.

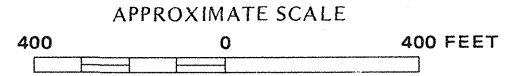
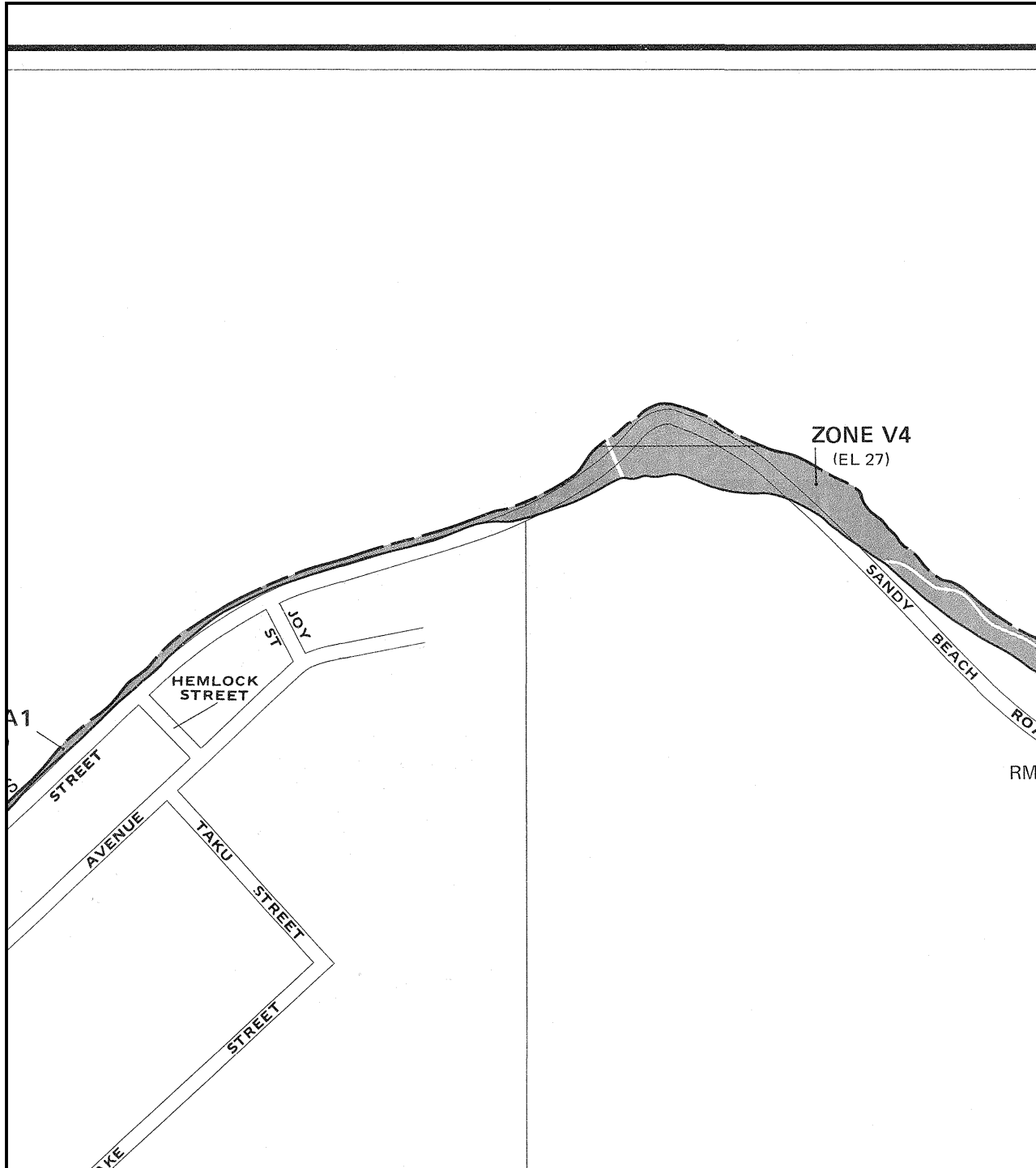
- LEGEND**
- IRON PIPE RECOVERED THIS SURVEY
 - 1.5" ALCAP LS 5485 ON 5/8" REBAR RECOVERED THIS SURVEY
 - C.S.S. L.S. 10390 2" ALCAP MON ON 5/8" REBAR
 - ESTABLISHED THIS SURVEY
 - LOT LINE ELIMINATED BY CONSOLIDATION
 - - - - - EASEMENT BOUNDARY
 - ==== SUBDIVISION BOUNDARY LINE
 - ==== SIDELINE BOUNDARY
 - PP ○ POWER POLE
 - GA ○ GUY ANCHOR
 - - - - - OVERHEAD ELECTRICAL AND/OR COMMUNICATION TRANSMISSION LINE
 - [Hatched Box] MUNICIPAL UTILITY EASEMENT
 - [Solid Box] BUILDING/STRUCTURE
 - [Stippled Box] CONCRETE
 - TYPICAL 2" DIAM. ALUMINUM CAP MONUMENT SET THIS SURVEY

CLIENTS: JOHN & MIRIAM SWANSON
P.O. BOX 1546
PETERSBURG, AK 99833
PETERSBURG BOROUGH
P.O. BOX 329
PETERSBURG, AK 99833



SURVEYOR:
CENTRAL SOUTHEAST SURVEYORS
P.O. BOX 533, PETERSBURG AK 99833
PH (907) 518-0075
Email: tmocono@gmail.com
RPLS #10390
SURVEY COMPLETED 10/23/2024
DRAWN BY D.C.T. DRAWING No. SWANSON SUBD REV 2024





NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
PETERSBURG, ALASKA
WRANGELL-PETERSBURG
DIVISION

PANEL 1 OF 16
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
020074 0001 B

EFFECTIVE DATE:
JUNE 1, 1982



Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.



C. Subdivision name search

Alaska Department of Natural Resources
RECORDER'S OFFICE

Recorder's Office - Search By Subdivision Name

Please Note: Can't find the subdivision you are looking for? Check the Name Search.

In District:

110 - PETERSBURG

Starting Subdivision Name:

SWANSON

Next Subdivision Name:

TONGASS NATIONAL FOREST STIKINE AREA

New Search

SUBDIVISION NAME	ASSOCIATED PLAT	PLAT
SWANSON - WORHATCH SUBDIVISION	98-38	Image
SWANSON BRYNER SUBDIVISION	96-26	Image
TANGO SUBDIVISION	2018-15	Image
TANNER SUBDIVISION	93-9	Image
TATE SUBDIVISION WEST	92-2	Image
TATE TRACT SUBDIVISION	2018-16	Image
TEBENKOF BAY WILDERNESS AREA	93-4RS	Image
TED KERRI SUBDIVISION	90-3	Image
TED MORRISON SUBDIVISION	2001-8	Image
TED SMITH SUBDIVISION	96-7	Image
TED SOKOL II SUBDIVISION	97-20	Image
TED SOKOL SUBDIVISION	88-14	Image
THE GROGAN SUBDIVISION	2020-12	Image
THE MILL INC SUBDIVISION	2015-5	Image
THE REID SUBDIVISION	2023-6	Image
THE TIDELANDS ADDITION SUBDIVISION	2015-4	Image
THE TIDELANDS ADDITION SUBDIVISION	2019-7	Image
THIRTEENTH STREET RELOCATION SUBDIVISION	94-6	Image
THOMAS BAY ALASKA SUBDIVISION	82-16	Image
THOMAS BAY ALASKA SUBDIVISION	82-17	Image
THOMASSEN SUBDIVISION	2005-16	Image
THOMPSON SUBDIVISION	84-34	Image
THORNDYKE SUBDIVISION GENE	84-7	Image
THORSTENSON SUBDIVISION	2001-3	Image
TIDELANDS ADDITION	64-176	Image
TIDELANDS ADDITION	64-177	Image
TIDELANDS ADDITION	64-178	Image

SUBDIVISION NAME	ASSOCIATED PLAT	PLAT
TIDELANDS ADDITION	64-179	Image
TIDELANDS ADDITION	64-180	Image
TIDELANDS ADDITION	64-181	Image
TIDELANDS ADDITION	64-182	Image
TIDELANDS ADDITION	64-183	Image
TIDELANDS ADDITION	64-184	Image
TIDELANDS ADDITION	64-185	Image
TIDELANDS ADDITION	64-186	Image
TIDELANDS ADDITION	64-187	Image
TIDELANDS ADDITION	64-188	Image
TIDELANDS ADDITION	85-14	Image
TIDELANDS ADDITION SUBDIVISION	92-23	Image
TIDELANDS ADDITION SUBDIVISION	2005-31	Image
TIDELANDS ADDITION SUBDIVISION	2013-22	Image
TIDELANDS ADDITION SUBDIVISION	2015-8	Image
TIDELANDS ADDITION SUBDIVISION	2018-8	Image
TIDELANDS ADDITION SUBDIVISION LOT T-168	87-25	Image
TIDELANDS ADDITION SUBDIVISION THE	2015-4	Image
TIDELANDS ADDITION SUBDIVISION THE	2019-7	Image
TIDELANDS LEASE	85-21	Image
TIDELANDS SUBD	90-31	Image
TIDELANDS SURVEY NO 9		NONE
TONGASS NATIONAL FOREST CHATHAM AREA	96-12	Image

Please Note: Can't find the subdivision you are looking for? Check the Name Search.

[Documents continue](#)

[Back](#)

[More Documents](#)

Documents are entered in nonsequential batches. Temporary document number gaps may exist in current data.

If you identify a possible indexing error (typo, reversed names, etc) or cannot locate the record you are trying to find please **Contact Us**

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[Recorder's Office Home Page](#) | [UCC Central Home Page](#) | [Dept.of Natural Resources Home Page](#)

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November 18, 2024

**KVERNVIK JERALD A KVERNVIK JANICE K
PO BOX 1221
PETERSBURG, AK 99833-1221**

NOTICE OF SCHEDULED PUBLIC HEARINGS

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

Final Plat approval for an application from John and Miriam Swanson for major subdivision and vacation of a portion of the Ramona St right-of-way at 1320 Nordic Dr. (PID: 01-002-161).

The public hearing and consideration of the application will be held:	Tuesday, December 10th, 2024, at 12:00 PM Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via ZOOM , please contact Anna Caulum at 907-772-5409.	

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

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

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

Sincerely,

Liz Cabrera
Community & Economic Development Department

Name1	Name2	Address1	City	State	Zip	EMAIL
CHRIST FRY		PO BOX 1440	PETERSBURG	AK	99833-1440	nwwood@mac.com
HEATHER O'NEIL		PO BOX 1083	PETERSBURG	AK	99833-1083	fvrogue@gci.net
JIM FLOYD		PO BOX 281	PETERSBURG	AK	99833-0281	jim@hammerandwikan.com
JOHN JENSEN		PO BOX 681	PETERSBURG	AK	99833-0681	i.fishjensen@gmail.com
PHIL MEEKS		PO BOX 1514	PETERSBURG	AK	99833-1514	psmeeks@aptalaska.net
MARIETTA DAVIS		PO BOX 673	PETERSBURG	AK	99833-0673	mariettajoanne12@gmail.com
SWANSON JOHN R	SWANSON MIRIAM M	PO BOX 1546	PETERSBURG	AK	99833-1546	
ALASKA STATE OF		550 W 7TH AVE STE 1050A	ANCHORAGE	AK	99501-3579	
ALBERG KAYLYNN		17904 3RD AVE NW	SHORELINE	WA	98177	
BIGGERS PATRICIA L		PO BOX 1633	PETERSBURG	AK	99833-1633	
BIRCHELL CURTIS W	BIRCHELL KRISTI A	PO BOX 12	PETERSBURG	AK	99833-0012	
CURRY CLYDE	CURRY JEAN	PO BOX 572	PETERSBURG	AK	99833-0572	
EDDY KATIE T	EDDY STUART D	PO BOX 2085	PETERSBURG	AK	99833-2085	
EDGARS GORDON	EDGARS SANDRA	PO BOX 641	PETERSBURG	AK	99833-0641	
EDGARS JAMES FREDERICK	JESTEL ALISA MICHELLE	PO BOX 1814	PETERSBURG	AK	99833-1814	
HARAI SUSAN E		PO BOX 612	PETERSBURG	AK	99833-0612	
JAKOBSEN MAGNUS A	JAKOBSEN PAULINE G	PO BOX 201	PETERSBURG	AK	99833-0201	
KRAVITZ MARY	KRAVITZ GARRETT	PO BOX 2073	PETERSBURG	AK	99833-2073	
KVERNVIK JERALD A	KVERNVIK JANICE K	PO BOX 1221	PETERSBURG	AK	99833-1221	
LYONS COLT H	CRAIN CAROLINE	PO BOX 74	PETERSBURG	AK	99833-0074	
MARTINSEN JAMES H	MARTINSEN DONNA	PO BOX 385	PETERSBURG	AK	99833-0385	
MARTINSEN JUDINE M	BISSET GEORGE J	PO BOX 2112	PETERSBURG	AK	99833-2112	
NILSEN MATT J	NILSEN VALAREE J	PO BOX 1463	PETERSBURG	AK	99833-1463	
OHMER JUDY M		PO BOX 372	PETERSBURG	AK	99833-0372	
RAVEN 1 LLC		307 NE 7TH ST	MCMINNVILLE	OR	97128	
STOLPE BJORN H	STOLPE SHANNON R	PO BOX 1487	PETERSBURG	AK	99833-1487	
STOLPE JAMES D	STOLPE TERESA G	PO BOX 1466	PETERSBURG	AK	99833-1466	

Planning Commission Staff Report & Finding of Fact

Meeting Date: December 10, 2024

APPLICANT/AGENT:

Petersburg Borough

OWNER(S), IF DIFFERENT:

LEGAL DESCRIPTION:

Lot 13B, Plat 2008-15

LOT AREA:

Lot 13B - 98,881 sf

LOCATION:

1020 Sandy Beach Rd (Lot 13B)

SURROUNDING ZONING

North: Rural Residential

South: Public Use/Single Family

East: Public Use/Single Family

West: Unclassified

ZONING:

Rural Residential

PID:

01-014-700

APPLICATION SUBMISSION DATE:

Assembly motion – 11/4/2024

RECOMMENDATION:

Recommend rezone

I. APPLICANT REQUEST: The Borough Assembly initiated an amendment of the Borough zoning map.

II. APPLICABLE CODES:

19.84 AMENDMENTS

19.19 RURAL RESIDENTIAL DISTRICT

19.20 SINGLE-FAMILY RESIDENTIAL DISTRICT

III. FINDINGS:

- a. Ron and Anne Loesch applied to purchase borough property at 1020 Sandy Beach Rd (Lot 13B).
- b. At the October 2024 Planning Commission meeting, the commission recommended the Borough Assembly rezone the property prior to disposal. The Assembly concurred and initiated a motion to rezone.
- c. The subject property is a vacant lot.
- d. The RR district requires a minimum of 1-acre lots and is intended for one single-family home per acre. However, conditional uses in the RR include mobile homes and mobile home parks.
- e. The immediate surrounding area is zoned SF or public use and is a well-developed residential area with some institutional uses (churches, park, playground) with road access and municipal power, water, and sewer located nearby.
- f. Rezoning from RR to SF would allow single-family or duplex as a primary use and reduce the minimum lot size from 1 acre to 8,000 sf. The maximum number of dwellings per lot is 2 with single family, two-family (duplex), and detached accessory dwellings allowed use. Mobile homes and mobile home parks are not allowable uses in SF.
- g. Rural residential zoning has primarily been used for areas of Service Area 1 without access to municipal water and sewer. The larger minimum lot size of 1 acre is intended to ensure sufficient acreage for on-site septic systems and create a more rural, lower density area.
- h. Although the Sandy Beach Rd neighborhood is zoned single-family, lot sizes vary significantly from large multi-acre parcels to lots of 9,000/10,000-sf. The area is generally less dense than other neighborhoods apart from certain stretches of the waterfront.

Planning Commission Staff Report & Finding of Fact

Meeting Date: December 10, 2024

IV. PUBLIC NOTICE

The borough provided public notice consistent with PMC 19.84.040. Notice was mailed by first class mail to the owner of record of the property within six hundred feet of the exterior boundary of the property that is the subject of the application.

V. APPLICATION REVIEW

- a. The application is classified as a request to amend the borough zoning map.
- b. Criteria – Per 19.84.030, The Planning Commission’s report to the Assembly shall include findings as to need and justification for the proposed change, including findings as to the effect which the proposed change would have on the objective of the comprehensive plan.

The 2016 comprehensive plan recommends future land use for this area be Low- Density Residential. The intended use is lower density residential, *Single family or duplex residential, option for accessory dwelling units and home-based businesses, 1-4 dwellings per acre (DUA) is most common; but allow option for densities up to 6-8 DUA.*

VI. ACTION

Proposed motion: I move to recommend to the Borough Assembly that the borough zoning map be amended by rezoning Lot 13B, Plat # 2008-15 from Rural Residential to Single-Family Residential, including findings of fact as presented.

Based on the preceding findings of fact, the Petersburg Planning Commission makes the following recommendation to the Borough Assembly:

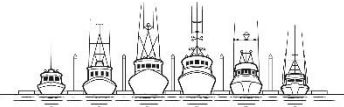
1. The rezone responds to market demand for developable residential property.
2. The rezone is consistent with the objectives of the comprehensive plan by providing residential land for development at appropriate densities.
3. The proposed development is located on the road system and utility service area, so it is appropriate to zone for higher residential density.
4. No significant expansion of municipal roads or utilities is required to develop the property.

EXHIBITS

- A. Applicant materials
- B. Vicinity & Detail Maps
- C. Public Hearing Mailout

A. Applicant Material

Item 7B.

 PETERSBURG BOROUGH LAND USE APPLICATION		CODE TO: 110.000.404110
		BASE FEE:
		PUBLIC NOTICE FEE: \$70.00
		TOTAL:
DATE RECEIVED:	RECEIVED BY:	CHECK NO. or CC:
APPLICANT/AGENT		LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)
NAME Petersburg Borough		NAME
MAILING ADDRESS PO Box 329		MAILING ADDRESS
CITY/STATE/ZIP Petersburg, AK 99833		CITY/STATE/ZIP
PHONE 907-772-4425		PHONE
EMAIL		EMAIL
PROPERTY INFORMATION		
PHYSICAL ADDRESS or LEGAL DESCRIPTION: 1020 Sandy Beach Rd		
PARCEL ID: 01-014-700	ZONE: RR	OVERLAY:
CURRENT USE OF PROPERTY: vacant		LOT SIZE: 98,881
PROPOSED USE OF PROPERTY (IF DIFFERENT): residential		
CURRENT OR PLANNED SEWER SYSTEM: <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> DEC-approved on-site system		
CURRENT OR PLANNED WATER SOURCE: <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Cistern/Roof Collection <input type="checkbox"/> Well		
LEGAL ACCESS TO LOT(S) (Street Name): Sandy Beach Road		
TYPE OF APPLICATION & BASE FEE		
<input checked="" type="checkbox"/> 19.84 Zoning Change (\$100)		
<input type="checkbox"/> 18.18 Record of Survey (\$50) (Note: No Public Notice Fee)		
<input type="checkbox"/> 18.20 Minor Subdivision/18.24 Preliminary Plat/18.19 Replat (\$75 + \$10 per lot)		
<input type="checkbox"/> 18.24 Final Plat (\$25 per lot)		
SUBMITTALS:		
For Zoning Change, please submit letter stating the new zoning and explaining the need for the change. For Subdivision approvals, please submit a prepared plat map as required by borough code.		
SIGNATURE(S):		
I hereby affirm all of the information submitted with this application is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner(s) or authorized agent thereof for the property subject herein.		
Applicant(s): _____		Date: _____
Owner: _____		Date: _____
Owner: _____		Date: _____
Owner: _____		Date: _____

Petersburg Borough Property
 1020 Sandy Beach Road
 01-014-700

Item 7B.

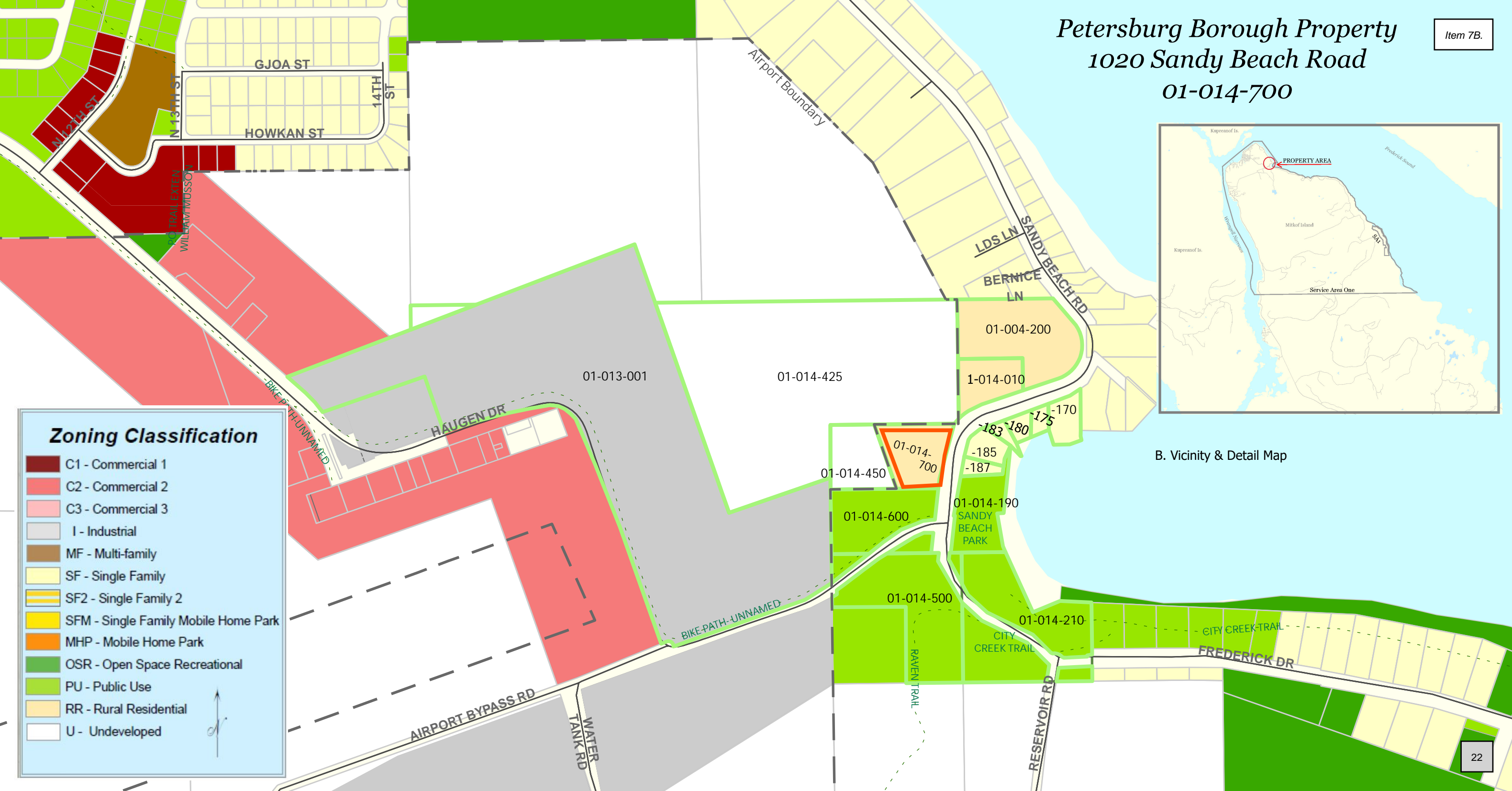


B. Vicinity & Detail Map

Zoning Classification

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

↑





November 18, 2024

**PETERSBURG BIBLE CHURCH
PO BOX 704
PETERSBURG, AK 99833-0704**

NOTICE OF SCHEDULED PUBLIC HEARINGS

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

Recommendation to the Borough Assembly to rezone Lot 13B, Plat#2008-15 from Rural Residential to Single-Family Residential at 1020 Sandy Beach Rd. (PID: 01-014-700).

The public hearing and consideration of the application will be held:	Tuesday, December 10th, 2024, at 12:00 PM Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via ZOOM , please contact Anna Caulum at 907-772-5409.	

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

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

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

Sincerely,

Liz Cabrera
Community & Economic Development Department

Name1	Name2	Address1	City	State	Zip
CHRIST FRY		PO BOX 1440	PETERSBURG	AK	99833-1440
HEATHER O'NEIL		PO BOX 1083	PETERSBURG	AK	99833-1083
JIM FLOYD		PO BOX 281	PETERSBURG	AK	99833-0281
JOHN JENSEN		PO BOX 681	PETERSBURG	AK	99833-0681
PHIL MEEKS		PO BOX 1514	PETERSBURG	AK	99833-1514
MARIETTA DAVIS		PO BOX 673	PETERSBURG	AK	99833-0673
LOESCH RONALD JOHN LOESCH ANNE MARIE		PO BOX 451	PETERSBURG	AK	99833-0451
OHMER SUSAN		PO BOX 556	PETERSBURG	AK	99833-0556
STRAND NANCY		PO BOX 505	PETERSBURG	AK	99833-0505
BERGERON SAMUEL EDWARD MILLARD LINDA GAY		PO BOX 2090	PETERSBURG	AK	99833-2090
DUDDLES MATTHEW W DUDDLES JOLYN I		PO BOX 490	PETERSBURG	AK	99833-0490
FORNER MURPHY FORNER MARY		PO BOX 191056	ANCHORAGE	AK	99519-1056
PETERSBURG BIBLE CHURCH		PO BOX 704	PETERSBURG	AK	99833-0704
ALASKA STATE OF		550 W 7TH AVE STE 1050A	ANCHORAGE	AK	99501-3579

Planning Commission Staff Report & Finding of Fact

Meeting Date: December 10, 2024

APPLICANT/AGENT:

Petersburg Borough

OWNER(S), IF DIFFERENT:

I. APPLICANT REQUEST: Applicant requests development of a Marine Industrial Overlay for industrial property currently (or recently) owned by the borough in the Port Dock and Scow Bay areas.

II. APPLICABLE CODES:

19.84 AMENDMENTS

III. FINDINGS:

- a. On August 23, 2023, the Borough Assembly agreed to the sale of borough-owned tidelands located at 103a Dock St to Wikan Enterprises. The sale was the first-time leased tideland parcels on Dock St were sold out of public ownership.
- b. On February 15, 2024, the Borough Assembly held a work session with the Harbor Board to discuss harbor tideland leases, the effect of private ownership on tidelands, and future uses of these properties. The work session included a discussion of creating a marine industrial overlay to guide development in these specific waterfront areas.
- c. On February 21, 2024, the Harbor Advisory Board held a meeting to craft a definition of "Marine Industrial" to include the allowable uses of waterfront property in Petersburg and make recommendation to the Assembly.
- d. On April 15, 2024, the Borough Assembly approved the sale of borough-owned tidelands to Island Refrigeration. The sales agreement included the following language:

"In the event that the Borough Assembly subsequently approves a zoning ordinance adopting a Marine Industrial Overlay Zone and the parcel is located either wholly or partially within this Zone, the Buyer agrees that the uses, prohibitions, development standards, and other restrictions and conditions of that Zone will apply to the parcel; Buyer hereby waives in full, permanently and without reservation, any nonconforming status of the land, and any structure(s) or use(s), which may otherwise be applicable under Chapter 19.68 of the Petersburg Municipal Code. This waiver will be placed in the deed to notify any subsequent purchaser."
- e. On November 16, 2024, the Harbor Advisory Board met to review the draft ordinance for a Marine Industrial Overlay. The Board recommended the Borough Assembly approve the draft ordinance. Motion passed 6-0.
- f. The stated need for the ordinance is that lease or sale of tidelands without ensuring that those parcels are used for marine industrial purposes may limit the availability of land for essential facilities like boatyards, processing plants, and public docks; make it difficult for marine industrial businesses to establish or expand; or lead to development that may not be compatible with marine industrial uses.
- g. The creation of a dedicated marine industrial overlay zone can ensure tidelands properly remain available for essential commercial fishing and other marine industrial uses.
- h. The borough's Comprehensive Plan includes a Waterfront Master Plan (2016). The Waterfront Plan's goal and strategies include *"Changing zoning policies to be more strategic about the use of waterfront land for water-dependent uses; focusing on commercial fishing, but also including tourism"*

Planning Commission Staff Report & Finding of Fact

Meeting Date: December 10, 2024

and high-value residential uses.” (p.19). The proposed ordinance would dedicate the subject properties to water-dependent uses, especially commercial fishing uses, as recommended in the plan.

- i. The Marine Industrial Overlay includes borough-owned tidelands, many of which are leased, as well as to three parcels that were recently sold by the borough to private parties.

IV. PUBLIC NOTICE

The borough provided public notice consistent with PMC 19.84.040. Notice was mailed by first class mail to the owner of record of the property within six hundred feet of the exterior boundary of the property that is the subject of the application.

V. APPLICATION REVIEW

- a. The application is classified as a request to amend Title 19 Zoning by creating a new section titled '19.50. Marine Industrial Overlay'.
- b. Criteria – Per 19.84.030, The Planning Commission’s report to the Assembly shall include findings as to need and justification for the proposed change, including findings as to the effect which the proposed change would have on the objective of the comprehensive plan.

VI. ACTION

Proposed motion: I move to recommend to the Borough Assembly that Title 19 be amended by adding Section 19.50 Marine Industrial Overlay, attached here for reference along with the findings of fact as presented.

EXHIBITS

- A. Applicant materials
- B. Vicinity & Detail Maps
- C. Public Hearing Mailout
- D. Public Comments

**PETERSBURG BOROUGH
ORDINANCE #2024-XXX**

AN ORDINANCE AMENDING CHAPTER 19, ZONING, OF THE PETERSBURG MUNICIPAL CODE TO ESTABLISH OVERLAY ZONES WITHIN MUNICIPAL ZONING REGULATIONS, AND TO CREATE A MARINE-INDUSTRIAL OVERLAY ZONE

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

Whereas, the Borough Assembly believes that the adoption of provisions regarding overlay zones within Service Area No. 1 would be beneficial; and

Whereas, a portion of the waterfront area of Service Area No. 1 is currently located within the Industrial District (I-1), and a number of tideland parcels are located within that District, the majority of which are borough-owned and may be sold or leased in the future; and

Whereas, Petersburg has a long and rich history as a commercial fishing community, and the availability of tidelands for marine industrial uses is essential for the continued success of commercial fishing and for the economic well-being of our community; and

Whereas, the lease or sale of tidelands without ensuring that those parcels are used for marine industrial purposes may limit the availability of land for essential facilities like boatyards, processing plants, and public docks; make it difficult for marine industrial businesses to establish or expand; or lead to development that may not be compatible with marine industrial uses; and

Whereas, the creation of a dedicated marine industrial overlay zone can ensure tidelands properly remain available for essential commercial fishing and other marine industrial uses; and

Whereas, the Borough Assembly wishes to adopt zoning provisions applicable generally to the establishment of overlay zones, and further wishes to create, consistent with those provisions, a new marine industrial overlay zone within the Industrial (I) Zone of Service Area No. 1, the boundaries of which are reflected in attached Exhibit A; and

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

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

Section 2. Purpose: The purpose of this ordinance is to allow for Overlay Zones under Title 19, *Zoning*, of the municipal code, and to establish the standards for a Marine Industrial Overlay Zone.

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

A. New Section. Chapter 19.04, *Definitions*, is hereby amended by adding a new section 19.04.582, entitled Overlay Zone, to read as follows:

19.04.582 - Overlay Zone

An Overlay Zone is a special zoning subdistrict, placed over an existing zoning district or districts, which establishes special provisions applicable to the land located in the subdistrict in addition to those established for the underlying district. The Overlay Zone may add new standards or uses, or delete or modify existing standards or uses governing the underlying district. An Overlay Zone may share common boundaries with one or more districts, may overlay only part of an underlying district, or may overlap, in part, different district boundaries.

B. New Section. Chapter 19.08, *Districts*, is hereby amended by adding a new section 19.08.015, entitled Overlay Zones, to read as follows:

19.08.015 - Overlay Zones.

An Overlay Zone may be placed over any use district established under section 19.08.010, pursuant to the provisions of Chapter 19.50 of this Title.

C. New Chapter. A new Chapter, entitled Overlay Zones, is hereby added to Title 19, to read as follows:

Chapter 19.50. Overlay Zones

19.50.010 - Purpose

19.50.020 - Applicability

19.50.030 - Identification of Overlay Zones

19.50.040 - Marine Industrial Overlay (MIO) Zone.

19.50.010 - Purpose.

This Chapter establishes the Overlay Zones permitted under this Title. An Overlay Zone may, without limitation, be used to impose supplemental restrictions on uses in the underlying district, permit uses otherwise not permitted in the underlying district, or implement a site or architectural design program in order to fulfill specific community objectives.

19.50.020 - Applicability.

A. Overlay Zones shall be established, and thereafter amended, under the provisions of Chapter 19.84 of this Title. Overlay Zones shall be shown on the borough's official zoning map.

B. The standards of an Overlay Zone apply in addition to the standards of the underlying district. In the case of a conflict between the standards of the

underlying district and the Overlay Zone, the standards of the Overlay Zone shall apply.

C. An Overlay Zone may further establish Designated Specific Areas that are areas within the Zone subject to additional regulations aimed at preserving or enhancing the unique characteristics of the Zone.

D. Unless otherwise prohibited herein, a variance from the standards of an Overlay Zone may be granted by the planning commission under the procedures and conditions of Chapter 19.80 of this Title, except that a variance cannot be utilized to allow a use which is prohibited or otherwise not permitted within the Overlay Zone.

19.50.030 - Identification of Overlay Zones.

The following Overlay Zones are herein established:

A. Marine Industrial Overlay (MIO).

19.50.040 - Marine Industrial Overlay Zone.

A. Purpose. The Marine Industrial Overlay (MIO) Zone is established to protect and promote the maritime economy by restricting uses on certain land or tidelands to:

- 1. Protect the finite economic resources of marine waterfront and related land;
- 2. Shield the maritime economy, including commercial fishing and marine industry, from incompatible uses; and
- 3. Strengthen the maritime economy by reserving waterfront land for water-dependent marine industrial uses and marine industrial uses which directly provide goods and services to water-dependent uses. For purposes of this section, water-dependent uses are those uses and activities that can only be conducted on, in, or directly adjacent to the water body due to an inherent need for water access.

B. MIO Zone Map. The MIO Zone is applicable within the following described areas, which shall be incorporated into an MIO Zone Map and made a part of the borough's official zoning map:

[Insert legal description]

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

- 1. Harbors, marinas, moorage facilities,
- 2. Float plane and boat launch facilities;

- 3. Cargo terminals for marine commerce or industry, and marine fuel dock terminals;
- 4. Construction, maintenance, and repair of vessels including marine engine repair, marine electronics, and marine refrigeration;
- 5. Harbormaster’s offices;
- 6. Seafood processing plants and cold storage facilities;
- 7. Vessel sales and supply;
- 8. Vessel and fishing gear storage facilities;
- 9. Boat rigging operations;
- 10. Retail businesses whose predominant business is the sales of goods and services used in manufacturing, repairing, or servicing vessels or marine industrial facilities; and
- 11. Marine passenger terminals.

D. Accessory uses. The following are the only permitted accessory uses in the MIO Zone:

- 1. A watchman or caretaker dwelling that is no larger than eight hundred (800) gross square feet in size; and
- 2. Uses and structures that are clearly incidental and subordinate in size and scale to the principal use, and which are located on the same lot.

E. Prohibited uses. Any use that is not a principal or accessory use set out in paragraphs C and D above. For clarity purposes, any principal, accessory, conditional or other use that would otherwise be permitted in the Industrial (I-1) zone is specifically prohibited in the MIO Zone, excepting those uses expressly set out in the preceding paragraphs.

F. Existing Uses. Legally established uses existing prior to the adoption of the MIO Zone may be allowed to continue provided that they meet the requirements of Chapter 19.68 of this Title.

G. Development Standards within the MIO Zone.

- 1. Lot development standards in the MIO Zone will adhere to the requirements of Sections 19.44.050-.080 of this Title.
- 2. Notwithstanding the provisions of Chapter 19.64, off-street parking within the MIO Zone shall equal 40% of the spaces required under Section 19.64.010.

H. Designated Specific Areas within the MIO Zone.

- 1. Scow Bay Turnaround – In the Scow Bay Turnaround designated area, as shown on the MIO Zoning map, the only uses permitted are the principal uses set out in paragraph C above. All other uses are prohibited, including any accessory uses.

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

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

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this ____ day of _____, 2024.

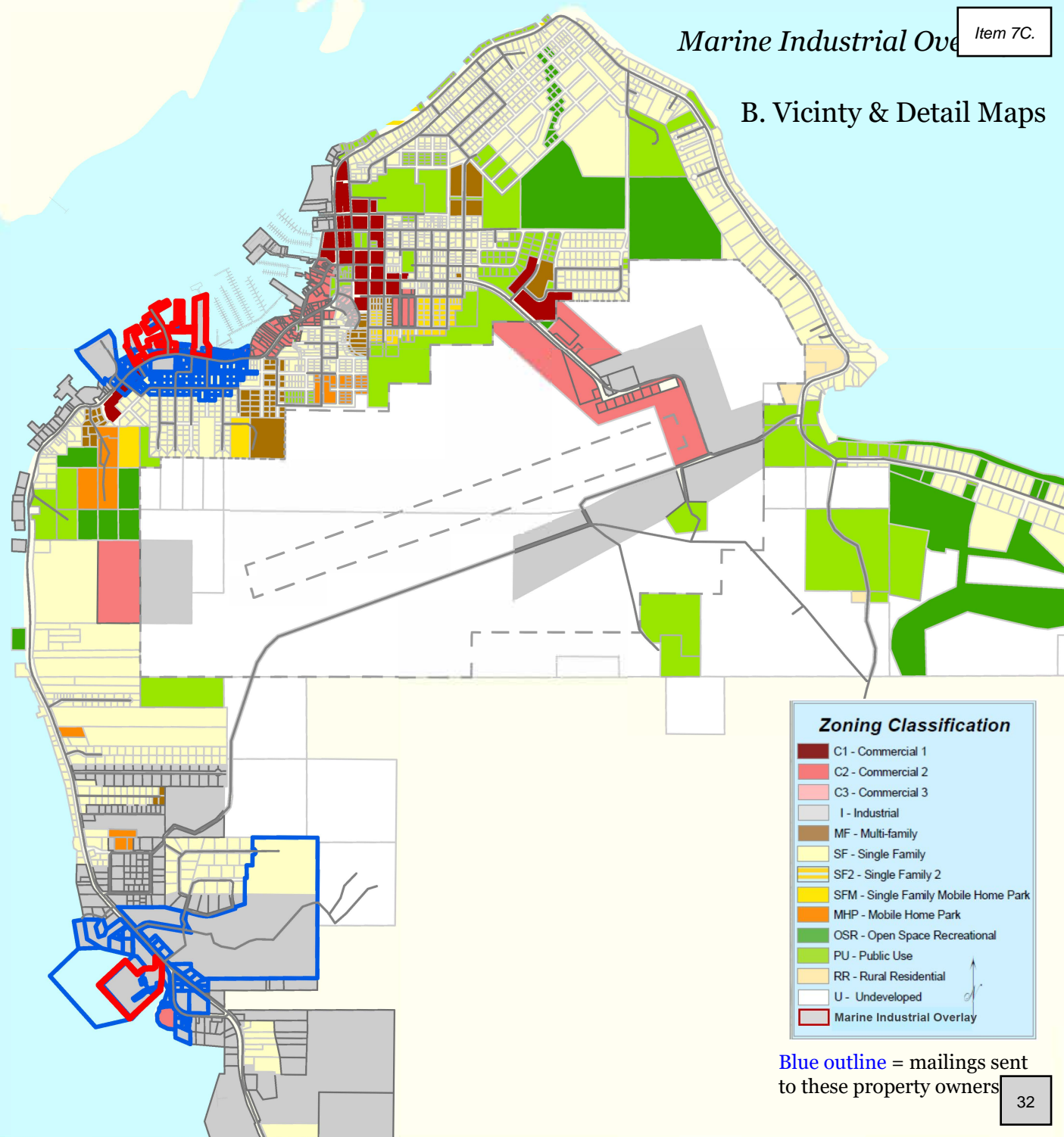
Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Clerk

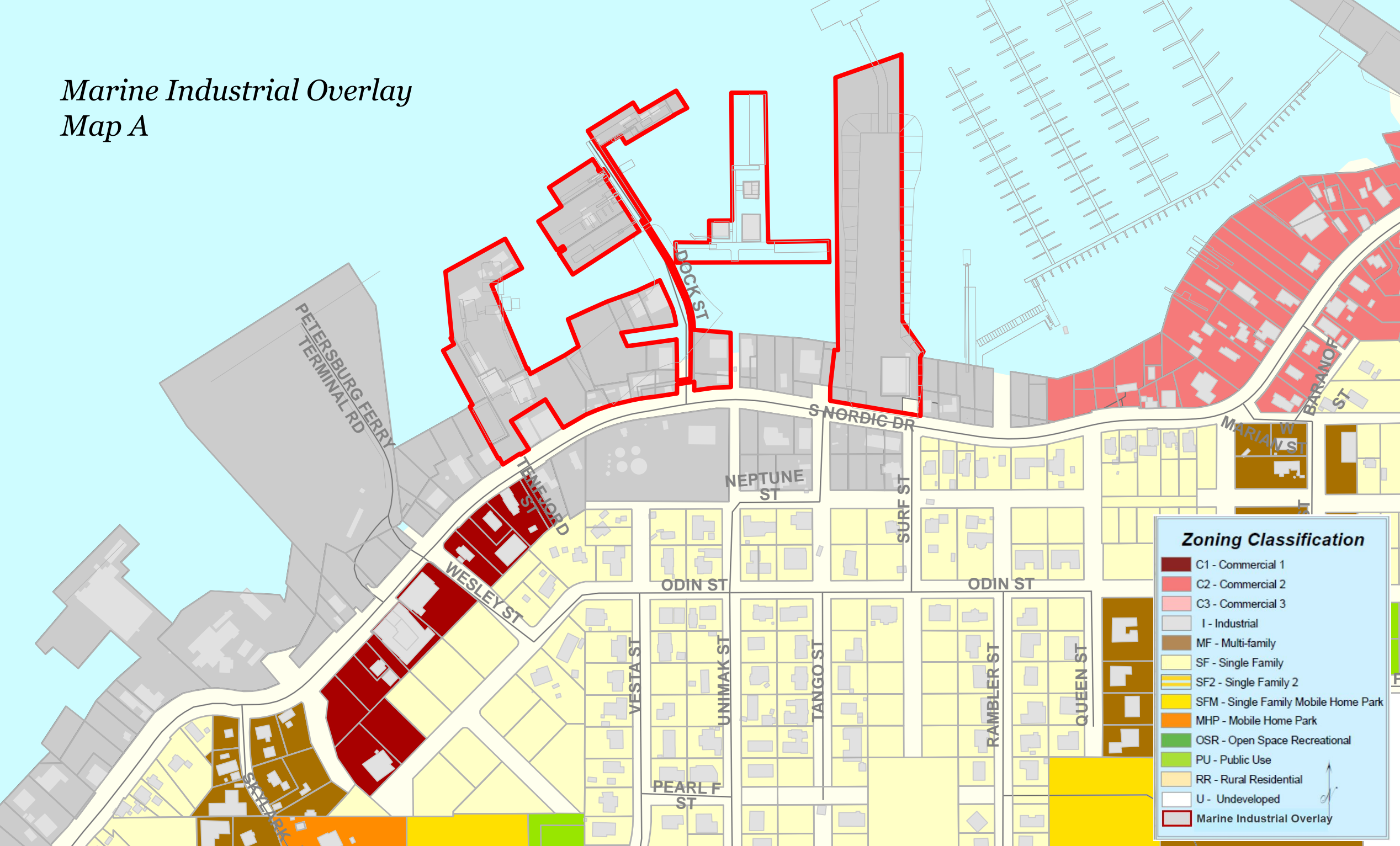
Adopted:
Noticed:
Effective:

B. Vicinity & Detail Maps



Blue outline = mailings sent to these property owners

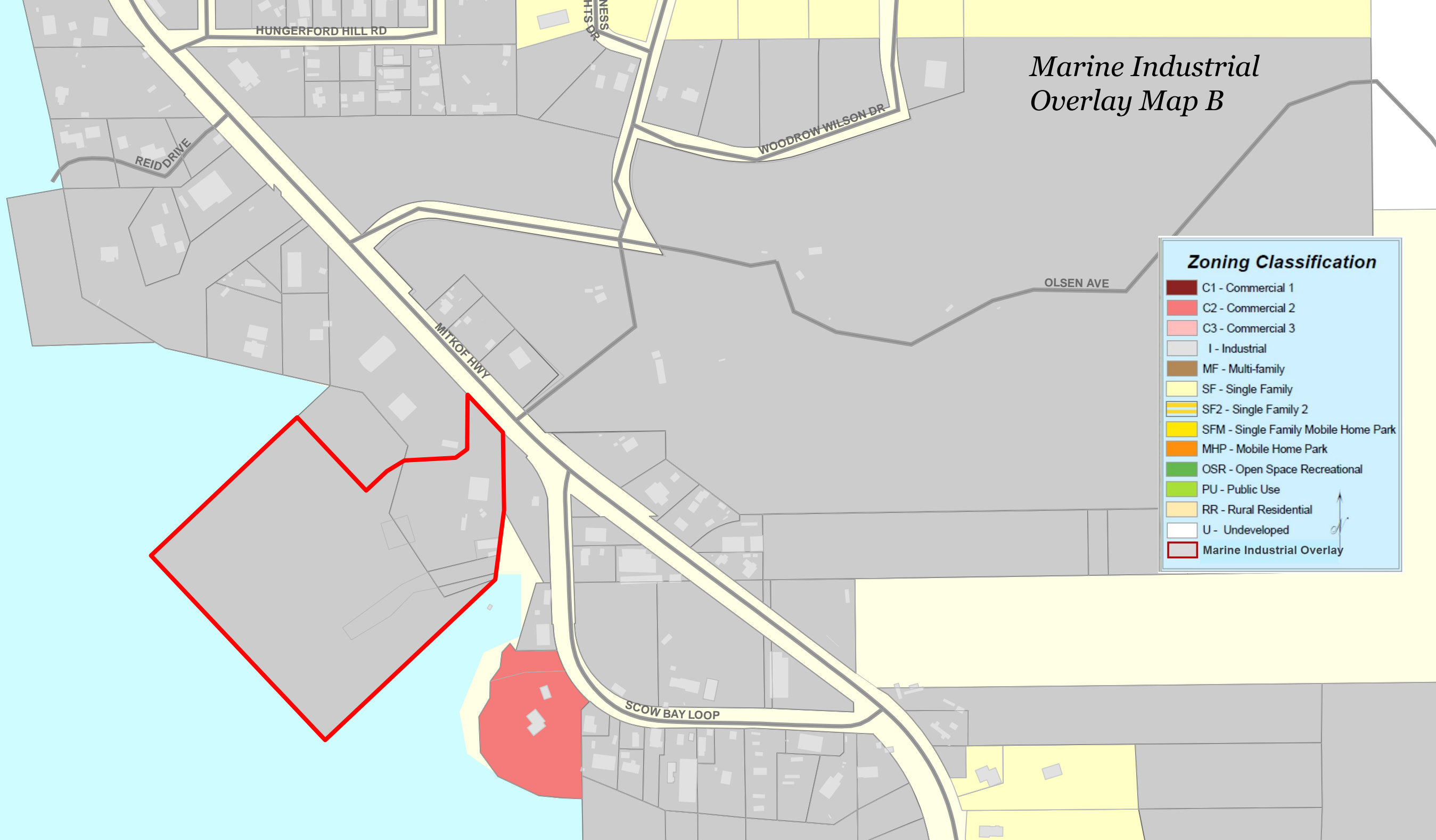
Marine Industrial Overlay Map A



Zoning Classification

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

Marine Industrial Overlay Map B



Zoning Classification

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



November 18, 2024

**NORDIC HOUSE BED & BREAKFAST INC
PO BOX 469
PETERSBURG, AK 99833-0469**

NOTICE OF SCHEDULED PUBLIC HEARINGS

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

Recommendation to the Borough Assembly to establish a Marine Industrial Overlay District at the Port Dock area and Scow Bay Turnaround area.

The public hearing and consideration of the application will be held:	Tuesday, December 10th, 2024, at 12:00 PM Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via ZOOM , please contact Anna Caulum at 907-772-5409.	

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

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

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

Sincerely,

Liz Cabrera
Community & Economic Development Department

Name1	Name2	Address1	City	State	Zip
CHRIST FRY		PO BOX 1440	PETERSBURG	AK	99833-1440
HEATHER O'NEIL		PO BOX 1083	PETERSBURG	AK	99833-1083
JIM FLOYD		PO BOX 281	PETERSBURG	AK	99833-0281
JOHN JENSEN		PO BOX 681	PETERSBURG	AK	99833-0681
PHIL MEEKS		PO BOX 1514	PETERSBURG	AK	99833-1514
MARIETTA DAVIS		PO BOX 673	PETERSBURG	AK	99833-0673
ALASKA COMMERCIAL ELECTRONICS LLC		PO BOX 1144	PETERSBURG	AK	99833-1144
ALASKA STATE OF		550 W 7TH AVE STE 1050A	ANCHORAGE	AK	99501-3579
ANDERSON AMY E		PO BOX 1781	PETERSBURG	AK	99833-1781
BIRCHELL PROPERTIES LLC		PO BOX 12	PETERSBURG	AK	99833-0012
BOJORQUEZ-FELIX RICARDO		PO BOX 2011	PETERSBURG	AK	99833-2011
BUSCHMANN RONN	BUSCHMANN TINA L	PO BOX 1367	PETERSBURG	AK	99833-1367
CABRAL JAIME K	CABRAL HEIDI E	PO BOX 2087	PETERSBURG	AK	99833-2087
COOK JEROD		PO BOX 1262	PETERSBURG	AK	99833-1262
CRISTINA KARNA	CRISTINA NEIL	19504 SE 324TH ST	KENT	WA	98042
CURTISS KERRI		PO BOX 1532	PETERSBURG	AK	99833-1532
DAHL JEROME E	DAHL STACEY	PO BOX 1275	PETERSBURG	AK	99833-1275
DIAMANTE GIFT SHOPPE INC		PO BOX 1029	PETERSBURG	AK	99833-1029
EDDY STUART	EDDY KATIE	PO BOX 2085	PETERSBURG	AK	99833-2085
FINNEY BRANNON P		PO BOX 1755	PETERSBURG	AK	99833-1755
FLOYD JIM EDWARD	FLOYD MAUREEN KATHLEEN	PO BOX 281	PETERSBURG	AK	99833-0281
FRENTZ STEPHEN	FRENTZ MELANIE	PO BOX 66	PETERSBURG	AK	99833-0066
GARD TIMOTHY	GARD LISA	21700 WILDFLOWER DR	NEWBERG	OR	97132
GILPIN LEE	GILPIN KATHLEEN	PO BOX 1511	PETERSBURG	AK	99833-1511
HERMOSA HOLDINGS LLC		PO BOX 1393	PETERSBURG	AK	99833-1393
HONMA ALAN I	HONMA MERLITA	PO BOX 29	PETERSBURG	AK	99833-0029
HULEBAK ALICE	HULEBAK ERIK	PO BOX 632	PETERSBURG	AK	99833-0632
ISLAND REFRIGERATION LLC		PO BOX 2185	PETERSBURG	AK	99833-2185
KANDOLL BRIAN	KANDOLL CAROL	PO BOX 1363	PETERSBURG	AK	99833-1363
KIVISTO ROBERT S		PO BOX 1781	PETERSBURG	AK	99833-1781
LITSHEIM PETER	LITSHEIM THERESA	PO BOX 856	PETERSBURG	AK	99833-0856
LYONS DRAKE		PO BOX 1855	PETERSBURG	AK	99833-1855
MADSEN KENNETH G	MADSEN STACEY R	PO BOX 918	PETERSBURG	AK	99833-0918
MAIN KEVIN		PO BOX 1704	PETERSBURG	AK	99833-1704
MARSH KIRT	MARSH DONNA	PO BOX 1421	PETERSBURG	AK	99833-1421
MARTIN BROCK F	WEBB SUZANNE M	PO BOX 1398	PETERSBURG	AK	99833-1398
MENISH SCHONBERG LIVING TRUST		PO BOX 877	PETERSBURG	AK	99833-0877
MORRILL DANIEL	MORRILL ELLEN	112 BLACK POWDER RD	FOLSOM	CA	95630
MORRISON CHRISTINA TRUSTEE	ARNOLD G FREDRICKSEN	PO BOX 284	PETERSBURG	AK	99833-0284
NEIDIFFER KIMBERLY		PO BOX 1913	PETERSBURG	AK	99833-1913
NIEMI SAMUEL H	KESO NIEMI SHANNON L	PO BOX 1286	PETERSBURG	AK	99833-1286
NILSEN PETE	NILSEN SYLVIA	PO BOX 427	PETERSBURG	AK	99833-0427
NORDIC HOUSE BED & BREAKFAST INC		PO BOX 469	PETERSBURG	AK	99833-0469
OLSEN OLIVIA J		PO BOX 221	PETERSBURG	AK	99833-0221
ONEIL DENNIS	ONEIL HEATHER	PO BOX 1083	PETERSBURG	AK	99833-1083
OWENS DAVE M	OWENS STEPHANIE L	PO BOX 1853	PETERSBURG	AK	99833-1853
PARKER SAMMY	NEWTON LEEROY	PO BOX 1364	PETERSBURG	AK	99833-1364
PERRY DONALD E	PERRY LYNNE M	PO BOX 1566	PETERSBURG	AK	99833-1566
PETERSBURG FLYING SERVICES LLC		PO BOX 1348	PETERSBURG	AK	99833-1348
PETRO 49 INC	HARBOR ENTERPRISES INC	PO BOX 389	SEWARD	AK	99664
PISTON AND RUDDER SERVICE INC		PO BOX 1308	PETERSBURG	AK	99833-1308
RENO SEAIRA	SCHONBERG FRANZ	PO BOX 1434	PETERSBURG	AK	99833-1434
RIBICH ELI	RIBICH GAIL	PO BOX 110	PETERSBURG	AK	99833-0110
ROCKY'S MARINE INC.		PO BOX 690	PETERSBURG	AK	99833-0690
ROSVOLD ERIC		PO BOX 1144	PETERSBURG	AK	99833-1144
ROUNDTREE DANE T		PO BOX 963	PETERSBURG	AK	99833-0963
RUTHERFORD ANDREW		PO BOX 190498	ANCHORAGE	AK	99519-0498
SCRIBNER MARK E	SCRIBNER KARLA	PO BOX 733	PETERSBURG	AK	99833-0733
SEVERSON JODI MARIE	SEVERSON AARON STEWART JEFFREY	PO BOX 507	PETERSBURG	AK	99833-0507
SEVERSON MARK J	SEVERSON KAREN L	PO BOX 1502	PETERSBURG	AK	99833-1502
SHORT BRIDEY L		PO BOX 933	PETERSBURG	AK	99833-0933
SMITH LYNN M		PO BOX 841	PETERSBURG	AK	99833-0841
SMOLAR STEPHEN		PO BOX 906	PETERSBURG	AK	99833-0906
STUEBER NORIE	STUEBER GERALD M JR	PO BOX 102	PETERSBURG	AK	99833-0102
STROMDAHL JAMES	STROMDAHL MARY	PO BOX 1326	PETERSBURG	AK	99833-1326
TAIBER ANTHONY T	TAIBER MOLLY L	PO BOX 1861	PETERSBURG	AK	99833-1861
THE MILL INC		PO BOX 790	PETERSBURG	AK	99833-0790
TUCKER EMIL K	CHRISTENSEN CARIN L	PO BOX 1785	PETERSBURG	AK	99833-1785
US COAST GUARD		PO BOX 1290	PETERSBURG	AK	99833-1290
US FOREST SERVICE		PO BOX 1328	PETERSBURG	AK	99833-1328
VOLK EDWARD J	VOLK RENEE I	PO BOX 1564	PETERSBURG	AK	99833-1564
WAGEMAKER BRANDON	WAGEMAKER MARIA	PO BOX 1926	PETERSBURG	AK	99833-1926
WEATHERS ANDREA		PO BOX 167	PETERSBURG	AK	99833-0167
WIKAN JOHN B WIKAN SHERI L	WIKAN ENTERPRISES INC	PO BOX 929	PETERSBURG	AK	99833-0929
WORHATCH ERICA		PO BOX 986	PETERSBURG	AK	99833-0986
YOUNG ELROY L & ALICE H		PO BOX 2100	PETERSBURG	AK	99833-2100
REGULA RANDY R & REBECCA A		PO BOX 1687	PETERSBURG	AK	99833-1687
ALASKA DOT & PF		PO BOX 112505	JUNEAU	AK	99811-2505



ZONING PRACTICE

Unique Insights | Innovative Approaches | Practical Solutions

Doing Public Participation Better



In This Issue: [Participation Requirements](#) | [The Participation Problem](#) | [Solutions](#) | [Conclusion](#)

Doing Public Participation Better

By Anika Singh Lemar

There is a growing awareness that the approach taken to public participation in land use and zoning processes is flawed. Often when public participation goes wrong, it overrepresents certain viewpoints and voices and ignores important policy priorities. Participants in public processes are predictably nonrepresentative of their larger communities (Einstein, Palmer, and Glick 2019). They tend to be well-off, older homeowners who are more opposed to new housing production than the average resident is.

Because planners must advance policy goals (set out in zoning and planning ordinances and state constitutions and zoning and environmental laws) that are often not priorities for the people who most commonly testify in the public hearing

process, local decision-makers may be tempted to ignore those policy goals. When this happens, it makes housing more scarce and less affordable and generally preserves an inequitable status quo.

This issue of *Zoning Practice*, which draws from and builds on my earlier work, recounts some key flaws of typical public participation processes and, more importantly, proposes some solutions. My hope is that some of the proposals described here can be adopted and implemented by city, town, and county staff and commissioners, without the need for drawn out fights for new state enabling legislation. Other solutions will require changes to state enabling legislation that would better advance the goals of public participation, equal treatment, and transparency.

Detroit residents playing the Game of Zones to inform the city's comprehensive zoning rewrite process (Credit: Detroit City Planning Commission)



Participation Requirements

The [Standard State Zoning Enabling Act](#), for the most part, defers to local governments to establish the process by which they adopt a zoning code. It does, however, require one element of the process: a public hearing held prior to initial adoption of or later amendment to a local zoning code. The Standard Act is explicit that the public hearing should be open to all “citizens,” including those who do not own property in the relevant zoning district. While the Standard Act grants participation rights to all, it prioritizes participation by nearby property owners. If immediately adjacent property owners or the owners of 20 percent of nearby lots object to a proposed rezoning, a 75-percent supermajority of the zoning commission must approve a rezoning. While a number of states have done away with this protest petition provision in their state enabling acts, 20 states continue to require supermajorities in the event of a protest petition (Furth and McKinley 2022).

Notably, the Standard Act distinguishes between decisions to adopt or modify generally applicable zoning provisions and site-specific decisions. The Standard Act does not require public hearings in connection with site-specific relief, like variances, conditional use permits, and site plan approvals. Over the course of the last century, of course, many states have modified their state zoning

enabling acts and, in doing so, have added public participation requirements to the processes required in connection with site-specific relief. In some states, additional public participation requirements are sometimes layered onto zoning and land use requirements. Some states, most notably New York ([§43-B-8](#)) and California ([Public Resources Code §21000 et seq.](#)), impose state-level environmental review requirements on adoption of an amendment to zoning ordinances. These “little NEPAs” include their own public notice and comment opportunities in connection with land use and transportation planning decisions.

The Participation Problem

Unfortunately, in the land use and zoning sphere, public participation models are not built to draw in underrepresented voices, to address misinformation, or to force commissioners and board members to decide which (if any) participants are providing useful information to the process. The process does not typically permit or attempt to facilitate community education or dialogue. The loudest voices at public hearings tend to skew decision-making in predictably nefarious ways. As a result, the processes amplify, rather than counteract, self-interested misinformation. This section describes some of the ways in which typical public participation processes fail.



■ A public hearing in front of the Miami Beach, Florida, Planning Board (Credit: [Ines Hegedus-Garcia, Flickr](#))

Local Prejudice and Misinformation

While an idealized public hearing might feature knowledge sharing and dialogue, regular public hearing attendees know that those features are rare (Bezdek 2013). Testimony is often impassioned and unreliable because it is both self-interested and speculative. Resident expertise does not lie in predicting the impacts (e.g., from traffic to nearby property values) of a proposed development project (MacLeod 2013). Local expertise lies, instead, in describing the current neighborhood and expressing desires for the neighborhood's future. These are necessary, but not at all sufficient, elements of an effective neighborhood planning process.

While some public participation is willfully ignorant or dishonest, even well-intentioned participation can have nefarious impacts on local development and governance decisions.

While some public participation is willfully ignorant or dishonest, even well-intentioned participation can have nefarious impacts on local development and governance decisions. As an Oakland, California, transportation planner, Warren Logan, recounts, while it is informative to hear from commuters about the travel conditions they navigate, their proposed solutions are likely to be blind to the needs of other commuters and are unlikely to incorporate empirical data about the effects of those solutions in various contexts (Holder 2019). In other words, crowdsourced knowledge has its limits and must be balanced.

It is hardly surprising, then, that when a development is built despite public opposition, it often does not yield the negative impacts anticipated by public testimony. One frequently hears from neighbors of once-controversial development projects: "Now that it's in, it's OK."

One of the most contentious real

estate developments of the last century was the Ethel R. Lawrence Homes, the affordable housing project built as a result of [*Southern Burlington County NAACP v. Township of Mount Laurel 336 A.2d 713, 67 N.J. 151 \(1978\)*](#), finding that New Jersey municipalities must zone in furtherance of statewide general welfare and, in doing so, accommodate the development of affordable housing. Neighbors decried the development's potential nefarious impacts: lower property values, more crime, more traffic, and overburdened public schools (Massey et al. 2013). The project was built only after decades of civil rights litigation forced the town's hand.

Examining the impacts of the Ethel R. Lawrence Homes on both residents and neighbors, researchers found that none of the claimed nefarious impacts came to pass. Neighbors were even wrong about the impact on property values, a data point one might assume could be reliably crowdsourced. The development had significant positive impacts on the people who moved in, none of whom were "existing residents" or "neighbors" whose views would have been credited or prioritized during the public participation process.

Because of the overwhelming demand for the units at Ethel Lawrence Homes, tenants were selected on a first-come, first-served basis. The tenant selection process made it possible for researchers to compare life outcomes between those who were selected and those who were not. It also created a situation in which, even if public participation processes had been open to and inclusive of future residents, those future residents had very little incentive to participate, because any one potential tenant had a small chance of success in obtaining a unit, even if it were built.

Insularity and Hoarding

Not everyone is heard or credited during the public participation process. Crafting participation processes requires determining who the participants ought to be. In theory, public participation opportunities might provide a mechanism to counterbalance low-income people's inability to participate in the marketplace. Presumably, the effects of urban renewal on communities of color would have been

substantially less disastrous had displaced families had the resources to depart for more desirable neighborhoods. That is, in fact, what happened to white families displaced by urban renewal who, unlike their Black counterparts, enjoyed access to subsidized mortgage lending and a welcoming suburban housing market. As Richard Rothstein recounts, the housing market was not just unfriendly to Black individuals, it was violent—and that violence was undertaken under color of law (2017).

Today, low-income communities lack control over their neighborhoods in part because they cannot leave their neighborhoods. Market power requires the ability to exit and to exercise purchasing ability. Low-income residents have less ability to exit both because of irreplaceable social capital and because of their lack of wealth. Notably, the inability to exit, or credibly threaten to exit, also dampens the efficacy of low-income people's exercise of public participation rights. As Carol M. Rose puts it, "the opportunity for exit has been a constant threat behind voice at the local level" (1983). Moving is expensive. And the more desirable a neighborhood is, the higher the cost of housing in that neighborhood. Because poor people cannot effectively participate in the marketplace, perhaps they require a greater ability to participate in the public process around real estate development.

The majority of low-income people who live in low-income neighborhoods, however, cannot exercise power and influence by testifying at local land use hearings simply because, without new development, there are no land use hearings to attend. Only a small minority of all low-income people reside in desirable, gentrifying neighborhoods (Zuk et al. 2018; Mallach 2018; Richardson, Mitchell, and Franco 2019). Public participation empowers only those people who live in neighborhoods attractive to developers, and those people are disproportionately well-off. And even where there are gentrification pressures, often that gentrification manifests as combining multiple units to create fewer, larger units, a conversion that does not require land use approvals (Godsil 2013).

However, low-income communities are

The majority of low-income people who live in low-income neighborhoods, however, cannot exercise power and influence by testifying at local land use hearings simply because, without new development, there are no land use hearings to attend.

disproportionately targeted for undesirable uses, such as the operation of power plants. These uses are often subject to a different land use and public participation regime centralized at the state level. For example, in Connecticut undesirable facilities seeking to locate in heavily impacted neighborhoods must conduct additional community engagement and public participation prior to filing permit applications ([§22a-20a](#)). This is, in any event, properly addressed with enhanced participation rights tied specifically to environmental injustices and limited to communities disproportionately impacted by such uses.

Finally, while participation proponents cite a need to counterbalance developers' market power, they do not often acknowledge the power imbalances inherent to public participation fora. There is nothing inherently inclusive about participation (Rahman and Simonson 2020). And the political sphere often replicates the inequities apparent in the economic sphere. It is hardly surprising, then, that researchers studying participation processes find that participants are not representative of the broader population and that participants' contributions are not valued equally (Einstein, Palmer, and Glick 2019; Tauxe 1995).

Researchers find that participants testifying at Boston-area land use hearings are whiter, wealthier, and more opposed to housing development than the population of the neighborhoods in which they reside or voters in those neighborhoods (Einstein, Palmer, and Glick 2019). Even in wealthy towns, the people who participate in land use hearings are still wealthier than their average neighbor. Unsurprisingly

then, almost two-thirds of mayors nationwide report that, while “policy areas like schools and policing [are] dominated by majority public opinion,” when it comes to housing development, “a small group with strong views” dominates public discussion (Einstein, Palmer, and Glick 2019).

Other research concludes that,

Other research concludes that, even where participation is widespread, authorities use race and class to prioritize some voices over others.

even where participation is widespread, authorities use race and class to prioritize some voices over others. “[Setting participation as a goal] assumes that government can employ neutral tactics and obtain a fair result even in the face of significant hierarchies of power” (McFarlane 2001), but there is no reason to make such an assumption. In fact, participants with less formal education, less wealth, and less political power can be “systematically disempowered by the formal planning process, so that their voices carr[y] less weight in decisions” (Tauxe 1995). Homogenous, well-off communities that share physical space, like an existing neighborhood, are much easier to organize than are heterogeneous population spread out over large spaces. In addition, a host of illegitimate factors will influence a decision-maker’s willingness to take testimony seriously. Researchers posit that those factors include homeownership status, the likelihood that participants might bring litigation to enforce their preferences, and participants’ ability to make political donations or otherwise influence the electoral process (Stern 2011; Tauxe 1995). These factors vary positively with household wealth and income. As a result, public participation processes do not counteract wealth and income disparities; they exacerbate them.

Prioritizes Current Residents at Others’ Expense

Many public participation processes are designed to preference the people who already live in the neighborhood where the development will take place. Formally, only neighbors typically receive notice of public hearings mailed to their homes. Some zoning enabling acts and zoning codes also require posted notice in addition to mailings, but again, existing residents are the people most likely to see the posted notice. Informally, when delivering testimony, people commonly describe themselves not as neighbors or residents or would-be residents, but as current homeowners, and recite the length of their tenure in the neighborhood, all to secure legitimacy in the eyes of the people—themselves disproportionately homeowners—making land use planning decisions.

Certainly, existing residents are affected by new development in a way that others are not. New construction may deviate from their previous expectations as to what local resources their property affords them, regardless of whether the property is owned by a homeowner or leased by a tenant. Courts and legal scholars have long prioritized owners’ expectations when considering whether certain property rights ought to be protected (Rosser 2015). It is far from clear that the preferences of people already comfortably housed ought to come at the expense of the needs of people seeking new homes.

But even if one assumes that existing communities deserve more say in development than outsiders do, the tools available to existing communities are crafted to delay development and preserve the status quo, rather than to encourage the development of beneficial goods and resources. Zoning codes that prioritize the status quo risk sacrificing one of the key characteristics of the urban environment: dynamism (Singh Lemar 2015). Demographics change. Average household size changes. The average number of children per family changes. The average age at which people become parents changes. Birth rates go up, and birth rates go down. Housing preferences evolve. The nature and location of jobs and industry respond

to technological innovation and economic booms and busts. Transportation costs rise and fall.

Neighborhoods, particularly those proximate to amenities, must evolve as well. Too often neighborhoods are not allowed to change as a result of land use regulations, whether aesthetic strictures tied to existing context or prioritization of existing residents in decision-making. As a result, quality of life suffers because households are not able to find housing that meets their needs and preferences. Poor households are most likely to lose when demand outpaces supply. It is no surprise, then, that empiricists studying public participation in land use hearings worry that “rather than empowering under-represented interests, these institutions could, in fact, be amplifying the voices of a small group of unrepresentative individuals with strong interest in restricting the development of new housing...” (Einstein, Palmer, and Glick 2019).

Solutions

Public participation is not the only basis on which boards and commissions make zoning and land use decisions. Instead, public participation must be balanced against property rights and policy goals described in both state enabling acts and local zoning ordinances. These policy goals vary by state but might include traffic, infrastructure, desegregation, environmental, and housing affordability considerations. Planners face two fundamental problems in connection with public participation. First, they must advance that broad array of policy goals, many of which are often simply not priorities for the people who most commonly testify in the public hearing process. When public input dictates a zoning decision, those policy goals are likely to be ignored. Second, planners must balance public input against other data, such as expert studies. Notably, while expert studies are held to familiar evidentiary standards, public input is not and is admitted without regard to relevance or expertise.

While some public participation requirements are set out in state law, others are the result of local ordinance, policy, or practice. In my previous writing,

I have proposed major reforms to state zoning enabling acts that would bring land use public participation processes in line with public participation processes in other areas of law (Singh Lemar 2015). I describe these proposals below in Things That Will Have to Happen at the State Level. First, however, I discuss reforms that can take place more immediately, at the local level, without waiting for state-houses to act.

Things You Can Do Locally

State law sets out minimum requirements for accommodating public participation. Local governments can layer on additional requirements, most importantly, to seek input from those who are otherwise least likely to participate. I have described some of these problems as “overparticipation” and am generally skeptical that more public participation can wholly correct for the problems described above. That said, it makes good sense to develop processes that solicit input widely. Most importantly, planning and zoning staff ought reach out to groups of people that are underrepresented in existing participation fora.

Go Where the People Are

First, staff should consider conducting outreach through the community events and gatherings that people attend organically, whether or not they have an outsized self-interest in a particular planning or zoning decision. Attend community festivals and get-togethers to solicit perspectives on pending planning decisions (Holder 2019). Relying on traditional public meetings risks preferencing the perspectives of “wealthy homeowners.” In addition to community festivals and events, planners might use local public schools, houses of worship, public library branches, parks, and social services agencies to host hearings, disseminate information, or seek feedback. For example, at a table at a street festival, staff might provide information on a comprehensive planning or rezoning process and permit people to submit testimony on their phones using a QR code.

While zoning enabling acts require that notice be given to neighbors, zoning and planning departments can go further and distribute notice more broadly. A public

The Montgomery County, Maryland, Planning Department table at a community festival (Credit: [Montgomery Parks, MNCPPC, Flickr](#))



school district can use its listservs and text messaging systems to disseminate information. A high school student body can provide feedback on proposals affecting their neighborhoods. Anyone should be able to sign up for a listserv that disseminates notice of all land use hearings. Connecticut, for example, requires each individual town to make such registries available ([§8-7d\(g\)\(2\)](#)). Towns could go a step further and collaborate and share such registries. Affordable housing advocates, the homebuilders' lobby, disability advocates, advocates for social services agencies, and others could then easily register to receive notice and share their expertise on relevant applications. And staff can reach out to known experts and advocates alerting them to a meeting agenda item, whether or not they have registered to receive notice.

Track and Respond to Feedback

Staff and commissioners ought to track public comments, including commenters' addresses and home ownership status. Knowing whether commenters were representative of the locality or the broader region should inform outreach efforts, in connection with the instant application or proposal and future ones.

Local bodies are not, generally, subject to the procedures required of federal and state agencies. They can, however, and should adopt those procedures that would better incorporate and balance public participation. Administrative agencies subject to the federal Administrative Procedures Act ([5 USC §551 et seq.](#)) or one of its state analogs must not only receive public input, but also respond to it. Under the model state administrative procedures law, issuance of a final rule must be accompanied by an explanatory statement that responds to substantive feedback and commentary made in oral and written testimony (NCCUSL 2010). A board or commission that must respond to arguments made cannot rely on public participation as a proxy for a referendum. Instead, it is required to explain why it agreed with or credited certain comments and not others. When writing the decision, staff will want to describe the comments received, and whose perspective those comments represented. While this is hardly a failsafe against unreasonable decisions, it provides a better basis for judicial review in those instances when a neighbor, a would-be developer, or another party challenges a decision in court. Because the board or commission

has explained its decision, a court is better equipped to assess whether that decision comports with the law.

Responding to comments will provide commissioners and staff an opportunity to assess both the relevant and the validity of comments received. Comments might be forceful and impassioned but irrelevant to the standards set out in the zoning code or authorizing statute. Alternatively, they might be unsubstantiated. A written assessment of those comments requires the writer to engage with the reasoning, not the passion. For example, if a homeowner claims that a proposed development will pollute a nearby watershed or lower property values but does not present evidence of their claim, a written decision that responds to comments should take that lack of evidence into account (Infranca, forthcoming).

Reach Out to a Broad Array of People and Interests

Tracking commenters will allow staff to direct outreach to those groups least well-represented at traditional public hearings. Katherine Levine Einstein and Maxwell Palmer suggest convening focus groups consisting of groups underrepresented in the public hearing process, groups such

as people with disabilities, renters, and young people (2022). If, for example, renters are poorly represented at a traditional public hearing, it might make sense to compose a focus group consisting of renters or disseminate surveys and collect survey data from a broader range of respondents. Einstein and Palmer tracked one Massachusetts town’s work with focus groups and found that “the differences in housing support between the focus group participants and traditional meeting attendees are massive.”

Einstein and Palmer found that some will argue that focus groups are “unfair” because they are outside of the public testimony process with which many serial NIMBYs are familiar. But the point of public comment is to maximize relevant information received by the board or commission, not to set up a competition to see who can mobilize the most people to attend a hearing. Diversifying the sources of that information serves an important purpose because it maximizes information and allows the board or commission to parse that information and assess it. If voices are missing from the conversation, it is more likely that facts and information will be missing.



Youth participating in a comprehensive planning workshop in Vancouver, Washington (Credit: City of Vancouver)



Newly appointed planning commissioners from across Georgia at a training event hosted by Fayette County, Georgia (Credit: Fayette County)

Train Commissioners to Balance Public Input Against Other Considerations

Commissioners should receive periodic training on land use law. In addition, they should be advised as to the scope of their jurisdiction. If a different board, commission, or agency is charged with protecting wetlands, determining sewer or septic capacity, historic preservation, or making traffic decisions, then planning and zoning officials should be advised that public testimony on those issues is irrelevant to their charge. In addition, commissioners and board members should be trained on fair housing and discrimination law and the ways in which biases appear in public testimony, particularly where there is a risk that illegal considerations will inform a planning or zoning decision (e.g., [Mhany Management, Inc. v. County of Nassau, 819 F.3d 581 \(2d Cir. 2016\)](#); [Avenue 6E Investments, LLC v. City of Yuma, Ariz., 818 F.3d 493 \(9th Cir. 2016\)](#)). They should also be trained on the trade-offs inherent in land use and zoning decisions.

In addition, commissioners should be trained on the proper, legal bases on which planning and zoning decisions can be made. Zoning enabling legislation often

sets out proper purposes for zoning. In states where purpose language is no longer included in zoning enabling statutes, nevertheless, there will be case law and local law that sets out what zoning can and cannot be used to regulate. Commissioners should be made aware of both the scope and the limits of their authority so that they can properly parse public comment.

Changes to Local Regulations/Policies

While none of the changes described above require changes to local or state law, a local government earnestly committed to better public participation processes could incorporate some of these reforms into local law. More inclusive public participation can be codified in broader notice requirements, for example (see [“An Equitable Approach to Zoning Notifications”](#) in the May 2024 issue of *Zoning Practice*). And local law can require that boards and commissions not only decide on applications but issue written decisions explaining their reasoning and the ways in which their decisions responded to or rejected public comments received.

Things That Will Have to Happen at the State Level

While the modest reforms described above can be made locally, systemic reform must take place at the state level. If reform takes place locally, then only those jurisdictions that are already most interested and invested in best practices will embrace them. The jurisdictions most committed to exclusion will continue to use dysfunctional public participation processes to launder those exclusionary practices. For that reason, my hope would be that some of these reforms will find their way into state law and that planners working locally would work in furtherance of better state laws.

Elsewhere I have argued at length that land use and zoning boards ought to follow the same participation processes used by agencies subject either to the federal Administrative Procedures Act or one of its state analogs (Singh Lemar 2021). In short, public hearings are held when a rule or standard is being adopted but not every time it is applied to an individual applicant. Those rules must comply with policies and priorities defined by statute. An agency acting to adopt a rule must balance public input against other data and it must assess and respond to public input when it issues a final rule. Public hearings should not be used to launder poor decision making as simply being “responsive” to the “community.”

Conclusion

There is growing awareness that local land use and zoning processes are broken and that major, systemic reform must take place in state law. In the meantime, however, local actors, including staff, can make important changes to improve processes, making them more inclusive and equitable, and less likely to result in detrimental impacts to housing affordability and the environment. Local governments

are sometimes hesitant to embrace process changes because they fear legal challenges from vested interests that benefit from the status quo. There are, however, changes that can be made consistent with state law.

Equally important, there is a role for local governments to play in advocating for state law reforms that will better allow local governments to serve a greater number of people, particularly those who are housing insecure. Local government lobbies have frequently served as barriers to progress and defenders of the status quo. Those local planners who have developed best practices for engaging in productive public participation and balancing those processes against expertise and data can use their experience to advocate for necessary state law reforms.

Note: Portions of this article are adapted from Anika Singh Lemar, “[Over-participation: Designing Effective Land Use Public Processes](#),” *Fordham Law Review* 90: 1083–1150 (2021).

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