



# Petersburg Borough

12 South Nordic Drive  
Petersburg AK, 99833

## Meeting Minutes Planning Commission

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Tuesday, October 25, 2016

4:30 PM

Assembly Chambers

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### 1. Call To Order/Roll Call

**Present:** 6 - Chris Fry, Richard Burke, Otis Marsh, Tor Benson, Carli Byrer and Carli Byrer

**By Phone:** 1 - Dave Kensinger

**Absent:** 1 - Yancey Nilsen

### 2. Approval of the previous meetings minutes

The motion to approve the previous meetings minutes from October 25, 2016 passed unanimously.

Meeting Minutes 8.23.2016

**Attachments:** [Meeting Minutes 8.23.2016](#)

### 3. Amendment and approval of agenda

Commissioner Fry added under New Business, line item e), another trail discussion that needs to be brought up making connection to the new boardwalk to Mountain View Manor, proposed by Petersburg Indian Association with a map submitted.

Director Cabrera added under Discussion Items, line item b) an update on revising the zoning code.

The motion to approve the agenda as amended passed unanimously.

#### **4. Oath of Office - Election of officers**

Commissioner Fry stated that since the new members of the Commission have already been sworn in, the Commission will move on to the election of officers.

Carli Byrer nominated Chris Fry as Chair, seconded by Richard Burke.  
Passed unanimously.

Chris Fry nominated Dave Kensinger as Vice Chair, seconded by Otis Marsh.  
Passed unanimously.

Otis Marsh nominated Richard Burke as Secretary, seconded by Carli Byrer.  
Passed unanimously.

#### **5. Public Hearing**

**The motion to open all public hearings at once passed unanimously.**

- a) Public hearing for an application from Rob and April O'Niell for a variance from the side yard setback requirement to allow enclosure of an existing deck 7' from the property line at 610 Sandy Beach Rd. (PID#: 01-003-200)

Applicants are out of town. No other comments were made or received.

- b) Public hearing for an application from Amber and Forest Parsley for a conditional use permit to allow a trailer during construction in a rural residential district at 779 Mitkof Highway. (PID#: 01-174-480)

Applicants are out of town. One letter was received in support by Everett and Kristine Kissinger.

- c) Public hearing for an application from Kris Norosz to purchase borough-owned property at 919 Sandy Beach Road. (PID#: 01-014-125)

Kris Norosz spoke on her own behalf. Ms. Norosz thanked the Commission for postponing this issue until she could be in town to testify. Norosz went on to explain her reasons for wanting to purchase this portion of the proposed property for a variety of reasons, first being to keep the buffer in a natural state between herself and whoever might buy the property, to allow for some access and to allow continued use of a pull-out that's been there. Norosz also stated that her request is applicable to the many different issues related to this property and wants the Commission to know exactly what she's talking about. Norosz submitted a map to support her testimony that she's not looking at purchasing the whole easement all the way from the beach to Sandy Beach Road, but just that portion that's adjacent to lot N.

Norozz also submitted a letter that she wrote a short while ago, addressed to the Petersburg Borough Assembly, clarifying issues about false statements regarding October's meeting and false statements that were made about the pull-out and structures on her property and she felt it is important to set the record straight. When Norosz purchased the property from the State of Alaska back in 1979, the driveway and the pull-outs were existing and she has not done anything to change them. Prior to building the shop, it came before Planning & Zoning and she obtained a building permit, it was posted during construction, and the building inspector came out a number of times. Norosz feels that for the sake of clarification she would like to submit the letter to the Commission. Norosz has no intention to build anything on the easement or subdivide it, she just wants the space to be a natural buffer for her property.

- d) Public hearing for proposed pedestrian trail within the undeveloped right-of-way at Odin St. (between Queen St and Noseeum St.) and Pearl F. St. (between Lumber St. and Hogue Alley).

Susan Harai, Petersburg Indian Association's Transportation Engineer and licensed land surveyor, spoke on PIA's behalf, giving a history of the proposed trail from Severson's Subdivision to the Petersburg Fire Hall. Harai and Associates have since gone and walked the proposed trail getting distances and bearings and found that it is not possible at this time to build this trail. Harai explained that the airport boundary abuts the Borough's Public Works shop property and the properties are so close that the trail would be running along the edge of the property line of the borough's shop. Since PIA would have to get an easement of 200 feet, at least, on the airport boundary from the State of Alaska, it does not make this trail viable at this time. The only part of that trail that would be viable would be the portion that begins on Noseeum Street and goes to Queen Street. This would be a raised boardwalk that is similar to the one that PIA is now building on the Hungry Point trail. The new trail would be about 1400 feet which would make a nice loop for walking.

Commissioner Marsh asked why the trail would have to be raised. Discussion.

Kathryn Schneider spoke on her own behalf in support of the trail.

Alice Cumps spoke on her own behalf in opposition of the trail due to the potential of inappropriate times of travel in the area, increased traffic, increased pet excrement and the need for increased lighting of the area.

Denise Loucks spoke on her own behalf, asking who would maintain the trail? Ms. Harai responded that PIA would maintain it. Loucks then asked if the extension of the original trail should one day be feasible in the future, would there be another meeting? Director Cabrera answered in the affirmative. Loucks stated her support of the previous testimony of Ms. Cumps regarding the foot traffic.

Inspector Bertagnoli asked if Aaron Phillips' written comments were included in the packet. The letter was not, so Bertagnoli read it into the record. Mr. Phillips wrote in opposition to the trail due to the potential to lack of privacy, garbage and safety to both the foot traffic and himself. Phillips expressed concern about trespassing, possible property damage and theft, additional pet excrement, as well as the likelihood of additional lighting having to be put up.

Karen Malcom, staff, stated that another citizen wanted to testify but was told they would be able to do that later in the meeting. Malcom requested that they be heard during the deliberations. The Commission agreed to let them do that.

- e) Public hearing on an application from Timothy and Polly Koeneman to purchase borough-owned property at 919 Sandy Beach Road. (PID#: 01-014-125)

Tim Koeneman, neighboring property owner to 919 Sandy Beach Road, spoke on his and his wife's behalf. Koeneman stated that they purchased their property in 1979 and that he has submitted numerous maps and documents to the Commission during previous meetings. Koeneman described the portion of the proposed sale property that he would like to buy as being about 20 feet away from the strip of land that Ms. Norosz would like to buy. Koeneman expressed frustration over the history of the purchase by the City and his attempts to acquire it from the State at that same time, then to have that property zoned as "Green Zoned" once he had made improvements on his land. Koeneman stated that those improvements, as well as the value of his and neighboring properties, were then compromised when the City rezoned that area to "Public Use". Koeneman communicated that he would prefer that the city rezone that property back to "Green Zoned" and leave it as it is, but if that's not going to happen, then that is why he submitted his application to purchase, which would allow him to take down part of the trees that he deems as dangerous. Koeneman noted that he is willing to compromise on the width or length of his requested purchase area. He agrees with Ms. Norosz that the Planning Commission is held responsible for protecting landowners during rezoning issues.

Commissioner Byrer thanked Mr. Koeneman for his detailed documentation. Commissioner Kensinger asked if there would be further discussion on this later in the meeting. Fry answered in the affirmative.

Kathryn Schneider spoke on her own behalf expressing her feeling that the property should remain zoned as "Green Zone". Discussion on parliamentary procedures.

- f) Public hearing on an application from Don Koenigs and Gloria Ohmer for a variance from the front yard setback requirement to cover an existing front porch 14' from the property line at 801 Sandy Beach Rd. (PID#:01-004-125)

John Hoag spoke on the Koenigs' behalf as well as his own, as their neighbor, in support of this application. Hoag also spoke to his desire that future amendments to zoning provisions will be made so that applications of this sort will no longer be required to appear on the agenda.

Discussion on testimony from Melana Marvin regarding the previously proposed PIA trail. Cabrera asked if the Commission would still allow Ms. Marvin's testimony at a later time during the meeting. Commissioner Fry answered in the affirmative. Staff, Karen Malcom, reported that Ms. Marvin was interested in testifying in support of the original trail but since that has changed, Marvin may or may not still call in.

Ms. Marvin responded from the telephone her presence and reported that there is a lot of support on Lumber Street for a pedestrian trail that would go to the Post Office or town center. Ms. Marvin requested continued discussion on this matter at some point. Ms. Harai explained the issues to Ms. Marvin as to why the original trail is not feasible at this time.

**A motion was made by Commissioner Otis Marsh, seconded by Commissioner Richard Burke that all public meetings be closed. The motion passed unanimously.**

**6. Visitors' views related to agenda items**

Inspector Bertagnoli asked the Commission if they would be hearing testimony or comments from applicants during the deliberations of those applications as there may be call-ins from folks who are out of town, specifically, the Parsleys.

**7. Visitors' views unrelated to agenda items**

None

**8. Report of staff members**

None

**9. Unfinished Business**

- a) Review of conditional use permit issued to Everett Kissinger to operate a home occupation at 795 Mitkof Highway. (PID#: 01-174-310)

Commissioner Fry asked if anyone from the Commission had gone out and spoken with the Kissinger's. Commissioner Marsh stated that he had talked with them.

Everett Kissinger spoke on his own behalf to answer any questions the Commission may have. Kissinger gave a history of the mill, stating that he first started operating the mill in 1996, using it to build his own house and shop and after that started a small business for supplying other folks, operating in a rural residential area. There has now been a complaint of noise by the neighbor, Russ Beers. Kissinger reported that he does all he can to alleviate the noise as much as he can. It's a small operation doing less than 20,000 board feet a year, doing all custom work.

Commissioner Byrer asked if the mill had been moved. Kissinger replied in the negative due to the location of his machine shop and that the outside of the mill is facing away from Russ Beers property and if he'd moved the mill to the other side of his property, the open end would be facing Mr. Beers property. Discussion.

Russ Beers spoke on his own behalf. Commissioner Fry asked if the efforts Kissinger has made to reduce the noise level have made any difference. Beers stated that the noise has not abated but when asked about Kissinger's hours, Beers stated that the work has remained within business hours. Commissioner Bensen asked if there was any room for compromise here and Beers answered that when this issue was presented to the Commission last year, that he got the impression from the Commissioners that they weren't really considering having Kissinger move the mill to a more appropriately zoned area. Beers said that the Commission did ask Kissinger if he could do something to reduce the noise and Beers met with Kissinger after that last meeting and asked if Kissinger could move the mill further away from Beers' property. Kissinger said he would consider it, and that's where it was left. Beers stated that he is disappointed that, many years ago, the conditional use permit was allowed in the first place. Discussion. Commissioner Benson asked that if Kissinger is following the conditions of the permit, then what are the Commission's options. Director Cabrera directed the Commission to the ordinance regulating this to use as guidance for them. Byrer stated that if Kissinger is following the conditions of his permit, then he ought to be allowed to continue. Burke concurred as did Kissinger that the Commission really doesn't have any grounds to take any action on this and since this is a review of the permit, no action is needed to be taken.

Kissinger dox

**Attachments:**     [Kissinger Docs 9.2016](#)

- b) Review of DOT purchase of avigation easement on a portion of 1601 Haugen Drive.  
(PID: 01-014-600)

Director Cabrera gave a history of the application of the DOT request to purchase Borough owned property located at 1601 Haugen Drive. The State of Alaska Department of Transportation has requested a purchase of an avigation easement. The State would not be purchasing the easement but a portion of the easement so that they would be able to go onto the property to cut trees and that we, as a Borough, don't allow anything that might interfere with the runway. This property is at the approach of the runway on Haugen Drive. That property has a stipulation on the deed already which states that the Borough cannot use it for anything other than "public recreation" so it's not even a fully developable lot. The State suggested originally that the Borough "give" them the property, which the Commission declined and the State has come back with an offer of \$7,950.00. Cabrera is looking for a recommendation from the Commission whether to accept this offer or not. Cabrera stated that she did speak with the assessor and he indicated that if the Borough received more than \$5,000.00, they'd be doing well.

**The motion to accept the State of Alaska, Department of Transportation's offer of \$7,950.00 for the purchase of avigation easement on a portion of 1601 Haugen Drive. (PID: 01-014-600) passed unanimously.**

DOT Easement dox

**Attachments:**     [Easement ALL](#)

- c) Review and recommendations of an application from the Petersburg Borough to vacate a portion of a public easement at 919 Sandy Beach Rd. (PID#: 01-014-125)

**A motion was made by Commissioner Richard Burke, seconded by Commissioner Carli Byrer, that this be approved. The motion failed by a vote of**

**Yes:** 3 - Commissioner Fry, Commissioner Burke and Commissioner Byrer

**Opposed:** 3 - Vice Chair Kensinger, Commissioner Marsh and Commissioner Benson

Borough Vacate dox

**Attachments:**     [Vacation ALL](#)

- d) Review and recommendation of an application from the Petersburg Borough for a rezone from Public Use to Single-Family Residential at 919 Sandy Beach Rd. (PID#: 01-014-125)

**The motion failed for lack of second.**



Borough Rezone dox

**Attachments:**     [Rezone-ALL](#)

- e) Consideration of an application from Rob and April O'Niell for a variance from the side yard setback requirement to allow enclosure of an existing deck 7' from the property line at 610 Sandy Beach Rd. (PID#: 01-003-200)

**The motion to approved the Conditional Use Permit by Rob and April O'Niell passed unanimously.**

O'Niell dox

**Attachments:**     [ONiell\\_All](#)

- f) Consideration of an application from Amber and Forest Parsley for a conditional use permit to allow a trailer during construction in a rural residential district at 779 Mitkof Highway. (PID#: 01-174-480)

**The motion to approve the Conditional Use Permit from Amber and Forest Parsley passed unanimously, with the conditions laid out in the Staff Report of Findings of Fact.**

Parsley dox

**Attachments:**     [Parsley\\_ALL](#)

- g) Preliminary review and recommendations on application from Kris Norosz to purchase borough-owned property at 919 Sandy Beach Road. (PID#: 01-014-125)

**A motion was made by Vice Chair Dave Kensinger, seconded by Commissioner Carli Byrer, approve the Borough Assembly consider the application from Kris Norosz to purchase borough-owned property at 919 Sandy Beach Road. (PID#: 01-014-125) And to also consider the public's desire to keep this property public use and not sell it at all, passed unanimously.**

Norosz dox

**Attachments:**     [Norosz\\_All](#)

- h) Recommendations on proposed pedestrian trail within the undeveloped right-of-way at Odin St. (between Queen St and Noseeum St.) and Pearl F. St. (between Lumber St. and Hogue Alley).

Commissioner Fry opened the discussion on recommendations to the Borough Assembly to protect the adjacent property owners. Commissioner Byrer recommended that the trail be well lit in all areas, stating that there is a trail behind her property that is not lit at all which is nice in the respect that the light doesn't shine into her windows, however; the darkness can lead to unwanted behaviors. Inspector Bertagnoli reminded the Commission that approving the trail would limit access to property owners as the trail would be in the right-of-way, and that the letter from one property owner, who is impacted the most by this proposed route, is in opposition to this trail. Discussion regarding recommending that the trail be constructed of gravel rather than being a raised boardwalk. Director Cabrera also stated that the property owner located on the corner of Queen and Odin street, which is on the other side of the street of the proposed trail also submitted a letter in opposition, which is submitted in the packet.

Susan Harai, from PIA, stated that there would be a small pedestrian bridge across a span that is used for drainage, that would span about 20 feet which would eliminate the entire trail being gravel.

Thomas Cumps spoke on his own behalf asking that the new proposed trail be postponed until the entire trail could be constructed, citing that this reduced plan opens up just the area in the closed off area that he lives in, which is a dead-end at this time. Cumps stated he did not see why this pristine area needed to be opened up and graveled just for a small pedestrian trail that would leave his property open to unwanted street lights. Cumps is also concerned about problems with leash laws which is already a problem in the area with dogs coming onto their property and having dog excrement throughout the neighborhood. Cumps feels that this proposed trail impacts their little neighborhood more than anywhere and doesn't see why this has to take place at this point. Discussion.

**The motion to recommend to the Assembly the proposed pedestrian trail from Odin Street to Pearl F Street failed unanimously.**

Pedestrian Trail dox

**Attachments:**     [Trail ALL](#)

## **10. New Business**

- a) Consideration of an application from Don Koenigs and Gloria Ohmer for a variance from the front yard setback requirement to cover an existing front porch 14' from the property line at 801 Sandy Beach Road. (PID#:01-004-125)

**The motion to approve the variance application passed unanimously.**

Koenigs variance dox

Attachments: [Koenigs dox](#)

- b) Preliminary review and recommendations on application from Timothy and Polly Koeneman to purchase borough-owned property at 919 Sandy Beach Road. (PID#: 01-014-125)

Commissioner Fry asked if the recommendations for Koeneman are the same as for the Norosz application. Discussion.

**The motion to adopt the same recommendations for the application from Timothy and Polly Koeneman to purchase borough-owned property at 919 Sandy Beach Road (PID#: 01-014-125) as was applied to the Kris Norosz application ie to approve the Borough Assembly consider the application from Timothy and Polly Koeneman to purchase borough-owned property at 919 Sandy Beach Road. (PID#: 01-014-125) And to also consider the public's desire to keep this property public use and not sell it at all.**

**Yes:** 6 - Commissioner Fry, Vice Chair Kensinger, Commissioner Burke, Commissioner Marsh, Commissioner Benson and Commissioner Byrer

Koeneman dox

Attachments: [Koeneman\\_ALL](#)

- c) Consideration of a request from Eric Grundberg for a 12-month extension on a conditional use permit and variance to build within 0' of the property line for purposes of rebuilding an existing net house at 207 Hogue Alley. (PID#: 01-007-716)

**The motion to approve a 12-month extension on a conditional use permit and variance passed unanimously.**

Grundberg extension request

Attachments: [Grundberg extension request](#)

- d) Preliminary review and recommendations on application from Kim Randrup to lease approximately 4,000 sq. ft. of borough-owned property at 908 South Nordic Drive (PID#: 01-010-041)

Director Cabrera gave a history of this land use lease. Discussion. Kim and Joel Randrup were present to answer questions regarding the length of the lease and the area of the proposed property.

**The motion to recommend to the Borough Assembly the application from Kim Randrup to lease approximately 4,000 sq. ft. of borough-owned property at 908 South Nordic Drive (PID#: 01-010-041) to amend the lease agreement length to 20 years and non-transferrable passed unanimously, with Commissioner Kensinger recused for financial interests.**

Randrup dox

**Attachments:**    [Randrup dox](#)

- e)    New trail proposal by PIA from the existing Hungry Point trail to Mountain View Manor

Susan Harai spoke on Petersburg Indian Association's behalf regarding the proposal of a new trail from Mountain View Manor to hook up with the Hungry Point trail. Discussion regarding getting public and staff input.

## **11. Discussion items**

- a) Review of conditional use permit issued to Galen Burrell allowing dormitories on an industrial zoned property at 124 Scow Bay Loop Road.

Director Cabrera reported receiving a letter expressing some concern about a conditional use permit issued at Scow Bay Loop Road for bunkhouses. There was concern that some trees in the buffer zone along the fence being downed and apparently there was some confusion as to the property line initially, but that issue has been since been resolved. The only condition set on the permit was to construct a 50 foot long fence along that property line and that condition has been met and that it sounds like it's a matter between the property owners. Byrer asked if the trees were on Burrell's property and it was reported that they were. Petersburg Municipal Power & Light cut some of the trees down to protect power lines and both property owners were present when that occurred.

Galen Burrell, owner of Tonka View RV Park, spoke on his own behalf stating that this whole issue started out as a maintenance issue for the RV Park. He began cutting the trees down and then the complaint came in that he was rolling the cut trees down on the neighboring property which would cost them money to have the trees removed. Burrell reported that the only way he could address the complaint was to cut along the property line. During that time, Burrell found out he's entitled to cut any of those trees down that he wants to. Commissioner Marsh asked if some of the trees were on the neighboring property and Burrell answered that all the trees were on his property.

Ken Kvernvik and his wife, Gayle spoke on their own behalf regarding the letter he received from Director Cabrera stating that the only way a conditional use permit can be modified is if the permittee has not met the terms of the permit or if the permit was issued based on incorrect information and that the permit only required a fence of 50 feet. Kvernvik stated that they feel they have been misled by Burrell as they didn't know anything about the requirements Burrell had set up. Kvernvik expressed frustration over the fact that Burrell brought them a petition to sign, twice, to have the containers placed on his property to be used as bunkhouses and they refused to sign, but once they did sign the petition, Burrell assured them that their presence at the Planning Commission meeting was not necessary. When Burrell began building the fence and only got 60 feet built, he came to them and told them that he could not afford to finish the fence until the next year. That was five years ago. Kvernvik stated that that was not what he and Burrell had agreed to in order to get their signatures on the petition. Discussion. Commissioner Benson asked Kvernvik what his request is and Kvernvik responded that they want the containers removed and a buffer restored. Byrer asked how much space is between the fence and their dwelling. Kvernvik answered that it is 30 feet from his kitchen window to his property line and maybe about a dozen feet from there to the fence. Commissioner Fry stated that he drove by there today and the fence is not on the property line as it lays in the ditch, so it's actually on Burrell's side of the property line and the trees were in the ditch. Byrer asked if they would consider putting alders on their property; Kvernvik answered that they already have some. Byrer asked if they would be amicable to planting their own trees, which they are.

Fry stated that he didn't feel that this issue is one that ought to be brought before the Commission as Mr. Burrell has not violated his conditions of use. Discussion.

Burrell.G

**Attachments:**    [Burrell.dox](#)

b)    Update on revising the zoning code

Cabrera stated that Chris Beck of Agnew / Beck, the consultants that did the Comprehensive Plan, will be in town and he is looking at reviewing zoning code revisions specifically focusing on changes to the downtown commercial district, the Sing Lee Alley area and the Hammer Slough area, as well as ways of streamlining permitting processes and make things clearer for everyone. Mr. Beck would like to meet with the Planning Commissioners. Discussion. Commissioners plan to meet from 4pm - 6pm.

c)    The next meeting date/time

Discussion regarding Commissioners availability for the next meeting. Scheduled for Tuesday, November 22nd at 4:30pm.

## **12. Adjournment**

**Motion to adjourn passed unanimously.**

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Commission Chair

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Date