Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Agenda

Planning Commission
Regular Meeting

Tuesday, September 08, 2026	12:00 PM	Assembly Chambers

You are invited to a Zoom meeting.
When: Tuesday, September 8, 2026, 12:00 PM Alaska
Topic: Regular Planning Commission Meeting
Please click the link below to join the webinar:

https://petersburgak-gov.zoom.us/j/85312491279?pwd=zaiu9bwswYbPkR7LIp1CeeNTNYtama.1

Passcode: 896010

Webinar ID: 853 1249 1279

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. Approval of meeting minutes 8/11/26.

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. Unfinished Business

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

8. Public Hearing Items

A. Consideration of applications from Skylark Park LLC for:

- a platting variance from the lot frontage requirement for Lot 1 of the proposed subdivision allowing for creation of a flag lot.
- a platting variance from the requirement for aa 40’ dedicated right-of-way along for 30’-33’ dedicated rights-of-way with 5’-7’ slope easements.
- a preliminary plat for a major subdivision at Lot 15B, Fort Magill Subdivision, recorded as Plat 2004-14; Gov’t Lot 14, Gov’t Lot 20, Gov’t Lot 21 within Section 33, T58 South, R79 East; and Lots 1, 2, 3, 5, and 6, Block A and Lot 5A, Block 221, within Skylark II Addition Subdivision, according to Plat 90-14.

B. Consideration of an application from David Thynes (agent) for a minor subdivision (consolidation) at 106 and 108 S SING LEE ALLEY (PIDs: 01-007-537, 01-007-535).

C. Recommendation of an ordinance to the Borough Assembly establishing a one-year moratorium on data centers.

9. Non-Agenda Items

A. Commissioner Comments

- Data Center draft ordinance (requested by Kowalske)
- Ordinance amending PMC 3.64.020 Membership (requested by Fine-Walsh)
- Ordinance amending PMC 3.64.050 Meetings (requested by Fine-Walsh)

B. Staff Comments

C. Next Meeting is October 13, 2026

10. Adjournment

Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Minutes

Planning Commission
Regular Meeting

Tuesday, August 11, 2026	12:00 PM	Assembly Chambers

1. Call to Order

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

2. Roll Call

PRESENT
Commission Chair Chris Fry
Commission Vice-Chair Heather O'Neil
Commission Secretary Sarah Fine-Walsh
Commissioner Mika Cline
Commissioner Thomas Kowalske

ABSENT
Commissioner Joshua Adams
Commissioner Jim Floyd

Commission Chair Fry excused Commissioner Adams from this meeting.

3. Acceptance of Agenda

Commission Secretary Fine-Walsh moved to amend the agenda to add a discussion item under Commissioner Comments regarding comments to the Borough Assembly about a previous Commission decision that has been appealed to the Assembly. Seconded by Commission Vice-Chair O'Neil.

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

Motion was approved as amended.

Motion made by Commission Secretary Fine-Walsh, Seconded by Commissioner Cline.
Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commission Secretary Fine-Walsh, Commissioner Cline, Commissioner Kowalske

4. Approval of Minutes

A. Meeting Minutes 7/14/2026

The July 14, 2026, meeting minutes were unanimously approved.

Motion made by Commission Secretary Fine-Walsh, Seconded by Commissioner Cline.
Voting Yea: Commission Chair Fry, Commission Vice-Chair O'Neil, Commission Secretary Fine-Walsh, Commissioner Cline, Commissioner Kowalske

5. Public Comments

Kirsten Dupree spoke on her own behalf regarding the proposed cell tower overlay zoning. She asked what steps a homeowner would need to take if the overlay included their property and whether the proposal would be subject to a public vote. Commission Chair Fry explained that the map is currently a proposal intended to identify potential cell tower zoning overlay locations. The goal is to develop the proposal further and gather public feedback. He noted that the designated areas were identified by the Commission as potentially suitable locations for towers, but public input is needed before any decisions are made. Commission Vice-Chair O'Neil explained that the property owner has a right to not sell or lease to a tower. If you are within the overlay boundary you have a right as a property owner to say no.

Mary Evens speaking for herself asked the Commission to pause the data center process to allow time for due diligence and community discussion.

Becky Knight representing herself spoke regarding the data center ordinance. She has concern regarding privacy and data breach. She urged the Commission to authorize a moratorium on all such centers until the community can develop policies on them.

David Bebbe spoke representing himself regarding the telecom tower ordinance.

6. Consent Calendar

None

7. Public Hearing Items

A. Consideration of an application from Wes Davis and Ken Howard for a minor subdivision at 1004 and1006 N NORDIC DR (PID: 01-002-230/229).

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

Commissioner Kowalske mentioned the minor adjustment with this subdivision and he has no opposition.

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

B. Recommendation to the Borough Assembly regarding an application for a special use permit from Kito’s LLC dba Kito’s Public House at 200 CHIEF JOHN LOTT ST (PID: 01-007-382).

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

Commission Secretary Fine-Walsh noted that the 1992 approved special use permit was non-transferable and since the business sold, the new owner must get a special use permit for themselves. She sees no reason to deny it.

Commission Chair Fry mentioned it's an existing use and sees no problem with it.

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

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

Aaron Buller owner of 705 Haugen Drive spoke representing himself. He submitted a building permit originally with the intension of building the stairs on the side of the building but later realized it would impede on the privacy of the tenant with windows facing the stairs. He changed the plans to move the stairs to the front of the building which requires a variance.

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

Commissioner Kowalske questioned the parking. Aaron Buller responded that there would not be any parking in front in the stairwell. They have already made parking on the right side of the building as well as a driveway on the 8th street side.

An amendment to the motion made by Commission Secretary Fine-Walsh amending resolution 2026-803 to change references of one-foot to seven foot.

All in favor.

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

An amendment to the motion by made Commission Secretary Fine-Walsh amending resolution 2026-803 to include Finding 4. The seven-foot encroachment would not be problematic if no parking is allowed in front of the staircase that could encroach onto the sidewalk.

All in favor.

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

Voting on original motion as amended.

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

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

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

Commission Secretary Fine-Walsh mentioned this seems straightforward and is in favor of this.

Commissioner Kowalske hasn't heard any opposition.

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

8. Non-Agenda Items

A. Commissioner Comments

1. Communications Facility Overlay Ordinance

Commission Secretary Fine-Walsh appreciated Kirsten Dupree comments regarding the cell tower overlay zoning. She is fine with reducing the size of those parcels to give more of a setback to residences.

The Commission discussed the proposed ordinance.

2. Data Center Ordinance

Commission Secretary Fine-Walsh requested that a moratorium on data centers be placed on next month’s meeting agenda as an action item.

3. Comments to the Borough Assembly regarding a previous Commission decision that has been appealed to the Assembly

Commissioner Cline stated that the Title Network motion did not receive a second at the previous Planning Commission meeting and is now being appealed to the Assembly. She asked whether the Commission could submit comments to the Assembly supporting the Commission’s decision, explaining the basis for that decision, and requesting that the decision be upheld.

Commission Secretary Fine-Walsh with help from the Commission drafted a letter to be submitted to the Borough Assembly.

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

All in favor.

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

B. Staff Comments

Zoning Practice

Director Liz Cabrera stated there will be a meeting in September.

C. Next Meeting is September 8, 2026

9. Adjournment

The meeting adjourned at 1:18PM.

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

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

MEMORANDUM

August 31, 2026

TO: Planning Commission
FR: Liz Cabrera
RE: Application for a Minor Subdivision on Remand

BACKGROUND

This minor subdivision application is back before the Planning Commission, sitting as the Platting Board, because the Petersburg Borough Assembly, sitting as the Board of Adjustment, granted in part the appeal filed by the Central Council of the Tlingit & Haida Indian Tribes of Alaska ("CCTHITA") and remanded the matter.

By way of background: CCTHITA, through its President, Richard J. Peterson, submitted an application for a minor subdivision plat for a portion of U.S.S. 1168, Petersburg Townsite (Parcel ID 01-012-010), located at 1200 Haugen Drive and identified on the proposed plat as "Parcel A," in furtherance of Assembly Resolution 2026-16 approving the sale of the parcel to CCTHITA.

At the July 14, 2026, public hearing on the application, a motion to approve was made but died for lack of a second; as a result, no vote was taken, no decision was recorded, and no findings were adopted. CCTHITA appealed that non-action.

On August 17, 2026, the Board of Adjustment found the Platting Board's failure to vote, record a decision, or adopt findings on the application to be a failure to act contrary to PMC 18.12.050, and — because no decision on the merits was ever rendered — remanded the matter rather than deciding it on appeal.

What the Board of Adjustment's Order Requires

The Board's written decision directs the Platting Board to take formal action on the application, as required under PMC 18.12.050, **at its next regularly scheduled meeting and by no later than September 25, 2026.** Specifically, the Planning Commission, sitting as the Platting Board, must:

1. **Vote on a motion to approve or deny** the application, with that decision recorded in the minutes; and
2. **Adopt findings of fact** supporting the decision, based on the facts presented and the Board's debate, addressing the applicable criteria for approval of a minor subdivision under PMC 18.20.010(A). The decision is adopted when signed by the chairman.

The Board of Adjustment's decision is on the existing evidentiary record; the remand does not itself reopen the application for new evidence or a new public comment period unless the Platting Board determines that is otherwise required. The Platting Board's decision on remand is itself subject to appeal under PMC 18.36.030.

What Findings Should Address

Whatever decision the Commission reaches, the findings should address each of the following criteria under PMC 18.20.010(A), applying them to the facts in the record:

1. The plat subdivides a single lot into not more than four lots;
2. The plat provides legal and physical access to a public highway or street for each lot created by the subdivision;

3. The plat does not contain or require a dedication of a street, right-of-way, or other area;
4. The plat does not require a vacation of a public dedication of land or a variance from a subdivision regulation;
5. The outside corners of each lot are marked and at least two outside corners of the whole subdivision tract are referenced to publicly recorded survey markers; and
6. The written approval of the public works, engineering, power and light, and police departments has been noted on the application (or, if forty-five days passed without response from a department after receipt of the application, that department may be treated as having no objection).

Attachments

- Board of Adjustment Decision on Appeal (August 17, 2026)
- CCTHITA Minor Subdivision Application and Record
- PMC Chapter 18.20 (Minor Subdivision Plat Procedure)

Petersburg Borough Assembly, sitting as the Board of Adjustment

Decision on July 23, 2026 Appeal filed by the Central Council of the Tlingit & Haida Indian Tribes of Alaska

On August 17, 2026, by a vote of 6 - 0 , the Assembly of the Petersburg Borough, sitting as the Board of Adjustment, having considered the appeal filed by the Central Council of the Tlingit & Haidi Indian Tribes of Alaska ("CCTHITA") from the failure of the Petersburg Borough Planning Commission, sitting as the Platting Board ("the Platting Board"), to consider CCTHITA's Application for Minor Subdivision, hereby GRANTS the appeal in part, and REMANDS the matter back to the Platting Board, with direction to take formal action on the Application at its next regularly scheduled meeting, and by no later than September 25, 2026.

Based upon the evidentiary record on appeal, and the written arguments of those opposing or supporting the appeal, the Board of Adjustment hereby adopts the following Findings of Fact and Conclusions of Law.

Findings of Fact:

1. The legal description of the parcel that is the subject of this appeal is a portion of U.S.S. 1168, Petersburg Townsite, Parcel ID 01-012-010, to be subdivided as shown on the proposed plat as "Parcel A" ("the site"). The site contains approximately 10,036 square feet (0.23 acres) of vacant, unsubdivided land owned by the Petersburg Borough, currently zoned Public Use (P-1).

2. By Resolution 2026-16, adopted June 15, 2026, the Borough Assembly approved the sale of the site to CCTHITA, for $45,000.00, pursuant to a Contract of Sale dated June 23, 2026. The Contract of Sale is contingent upon, among other things, CCTHITA's timely subdivision of the site in accordance with PMC Chapter 18.20.

3. An application for a minor subdivision at 1200 Haugen Drive ("the application") was submitted on behalf of CCTHITA by Richard J. Peterson, President, in furtherance of Assembly Resolution 2026-16.

4. Borough staff reviewed the application and proposed plat and recommended approval of the minor subdivision subject to conditions. The Public Works, Power & Light, Police, and Fire/EMS Departments each reviewed the application and reported no comments or objections.

5. On June 22, 2026, a notice of the public hearing to be held on the application was mailed to all owners of property within six hundred feet of the exterior boundary of the property that is the subject of the application.

6. On June 23, 2026, a notice of public hearing was posted at the subject property, 1200 Haugen Drive.

7. On July 7, 2026, notice of the public hearing was posted at the Municipal Building and provided to the local radio station for broadcast.

8. On July 8, 2026, a notice of the public hearing was posted to the borough's web site and posted on the notice board at the U.S. Post Office building.

9. On July 9, 2026, a notice of the public hearing was published in the local newspaper of general circulation.

10. On July 14, 2026, the public hearing on the application was held by the Platting Board, all seven members being in attendance, and the Board received written and oral testimony from the public regarding the application.

11. Following the public hearing, a motion was made by Commissioner Floyd to approve the application for minor subdivision. No motion to second was made by any commissioner, and Commissioner Floyd's motion died for lack of second.

12. Since no motion to approve or deny was voted on, no decision was recorded in the minutes, and no findings of fact were adopted or signed by the chairman.

13. On July 23, 2026, pursuant to PMC Chapter 18.36, CCTHITA, as the applicant, filed a Notice of Appeal from the Platting Board's failure to consider the application.[1]

14. The hearing on the appeal was scheduled to be heard by the Petersburg Borough Assembly, sitting as the Board of Adjustment, at a meeting on August 17, 2026, at 5:30 PM.

15. On August 6, 2026, notice of the appeal and of the Board of Adjustment appeal hearing were mailed to the persons entitled to notice of the proceedings before the Platting Board.

16. General public notice of the Board of Adjustment meeting was posted at least five calendar days prior to the date of the meeting.

17. The Board of Adjustment met on August 17, 2026, and at the hearing considered the appeal on the evidentiary record before it, including review of the materials submitted and presented to the Platting Board, a transcript of the relevant portions of the Platting Board meeting, the appeal filed by CCTHITA, and written arguments from the public in support of or in opposition to the appeal.

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[1] CCTHITA timely filed their appeal on July 23, 2026, however the Borough provided the applicant with the incorrect appeal form. The correct appeal form was then provided, and CCTHITA was instructed to resubmit their appeal by August 5, 2026.

Conclusions of Law:

1) The site is located within the Petersburg Borough, and the Borough has jurisdiction over platting and subdivision matters within Service Area No. 1.

2) The Borough Planning Commission serves as the Platting Board for the Borough. PMC 18.12.010.

3) Pursuant to Resolution 2026-16, CCTHITA, through its President, submitted an application for a minor subdivision plat, proper in form, for a portion of a Borough-owned parcel located in Service Area No. 1.

4) Notice of the Platting Board meeting on the application was provided to the public and to surrounding property owners, posted, and published.

5) A public hearing was held before the Platting Board on the application for a minor subdivision plat, as required by PMC 18.12.060.

6) The July 23, 2026 CCTHITA appeal from the Platting Board's failure to act on the application and that is the subject of this Decision was timely filed under PMC 18.36.030(B).[2]

7) Notice of the appeal and of the appeal hearing before the Board of Adjustment was provided to the public and to those entitled to notice of the Platting Board proceedings in compliance with PMC 18.36.040(A) and (B).

8) Per PMC 18.12.050, *Action on Application*, the Platting Board is required to take formal action on an application for a minor subdivision plat "by voting on a motion to approve or deny an application." The Board's decision approving or denying the application is to be recorded in the minutes prepared by the secretary to the Board. Further, the Board action is to include findings of fact supporting the decision, based on the facts presented and the Board's debate. A decision is adopted when signed by the chairman.

9) PMC 18.12.050 imposes a mandatory duty on the Platting Board to take formal action by vote, with recorded findings on applications properly before it.

10) The Board failed to vote on, record, or adopt findings on the CCTHITA application, and this failure constitutes a failure to act contrary to PMC 18.12.050.

11) This failure to act is appealable under PMC 18.36.030.

12) As no decision on the merits of the application was ever rendered by the Platting Board, there is no fact-based decision for the Board of Adjustment to affirm,

[2] See footnote 1.

reverse, or modify. Remand is the appropriate remedy to ensure the application receives the formal action required by PMC 18.12.050.

Accordingly, the appeal is GRANTED in part, and the matter is hereby REMANDED to the Planning Commission, sitting as the Platting Board, with direction to take formal action on the application for Minor Subdivision, as required under PMC 18.12.050, at its next regularly scheduled meeting, and by no later than September 25, 2026. The Board shall issue a written decision approving or denying the application together with findings of fact supporting that decision. The Platting Board's decision on remand, as directed hereunder, is subject to appeal under PMC 18.36.030.

Robert Lynn, Borough Mayor

Dated: 8·26·2026

Certificate of Service: This Decision was sent on August 28, 2026, by email to the following: See attached mailing list

Rebecca Regula, Borough Clerk

Notice: This is notification of a Final Decision of the Board of Adjustment. Pursuant to PMC Chapter 18.36.060, this Decision may be appealed by an aggrieved person to the Superior Court, State of Alaska, First Judicial District, within thirty (30) days of the date of mailing, in accordance with the applicable rules of court.

Mailing List for Decision

Emailed to:

Central Council of the Tlingit & Haidi Indian Tribes of Alaska
David Beebe
Judy Ohmer
Kirsten Dupree
Mika Cline
Tom Kowalske
Nicole McMurren
Rebecca Knight
Ayla Dupree
Paul Dupree

PLANNING COMMISSION STAFF REPORT

Action #	2026-0101
Meeting Date:	7/14/2026, 9/8/2026
Applicant(s):	Central Council of the Tlingit & Haida Indian Tribes of Alaska
Property Owner(s):	Petersburg Borough
Agent/Representative:	
Property Address:	1200 HAUGEN DR
Legal Description:	Ptn of USS 1168
Parcel ID	01-012-010
Acreage/Lot Size	10,036
Current Zoning	Public Use
Comp Plan Designation:	Public Facilities
Request Type:	Minor Subdivision

EXECUTIVE SUMMARY

Applicant Request:	Applicant requests approval of a minor subdivision.
Staff Recommendation:	Approve with conditions
Key Issues:	Minor subdivision on Haugen Drive Borough Assembly has approved sale of the parcel.

PROJECT DESCRIPTION

Proposal Details

Intended Use	TO SUBDIVIDE A PARCEL TO CREATE A 10,036 SF LOT

SITE CHARACTERISTICS

Size:	10,036 sf
Topography:	muskeg
Existing Structures:	none
Legal Access:	Haugen Dr
Utilities:	Adjacent
Flood Zone:	n/a
Constraints:	none

ZONING AND LAND USE ANALYSIS

Current Zoning	
Zone	Public Use
Intent	P-1 provides for areas for public uses, such as parks, playgrounds, government-owned buildings, and municipal facilities.
Principal Uses	Uses outlined in Section 19.48.20 for P-1 include, but are not limited to, all uses in SF and gov't and quasi-gov't uses.
Conditional Uses	There are no conditional uses in the P-1 district.

Surrounding Zoning		Actual Land Use
North	Commercial-1	Commercial/Industrial
South	Commercial-2	Vacant
East	Commercial-1	Commercial/Industrial

West	Public Use		Public

LOT DEVELOPMENT STANDARDS				
Standard	**Required**	**Proposed**	**Conforms?**	**Comment**
Min. Lot Size	0	10,036 sf	Yes	
Max. Lot Coverage	100%		Yes	

SUBDIVISION CRITERIA	**18.20.010**		
STANDARD		**PROPOSED**	**COMMENT**
1.The plat subdivides a single lot into not more than four lots;		2	
2.The plat provides legal and physical access to a public highway or street for each lot created by the subdivision;		Haugen Dr.	
3.The plat does not contain or require a dedication of a street, right-of-way, or other area;		No dedication required.	
4.The plat does not require a vacation of a public dedication of land or a variance from a subdivision regulation;		No vacation or variance required.	
5.The outside corners of each lot are marked and at least two outside corners of the whole subdivision tract are referenced to publicly recorded survey markers;			Will be required on final plat submission.
6.The written approval of the public works, engineering, power and light and police departments has been noted on the application.			See below.

DEPARTMENT REVIEWS	
Department Name	**Comments**
Public Works:	No comments.
Power & Light:	No comments.
Police Dept	No comments.
Fire/EMS:	No comments.

PUBLIC NOTICE

The borough provided public notice consistent with PMC 18.12.040. Notice was mailed by first class mail to the owner of record of the property within a distance of six hundred feet of the exterior boundary of the property that is the subject of the application. See Attachment D for notification list.

FINDINGS AND CONDITIONS OF APPROVAL

See draft resolution on next page for findings of fact and conditions of approval

Proposed Motion

I move to approve Resolution No. 2026-0101 TO SUBDIVIDE A PARCEL TO CREATE A 10,036 SF LOT at 1200 HAUGEN DR

ALTERNATIVES

The Planning Commission has the following options:

1. Approval of the application as submitted.
2. Approval of the application with staff-recommended conditions

3. Approval of the application with modified or additional conditions.
4. Continue the hearing to allow for additional information or public input.
5. Disapprove the application.

If the Planning Commission chooses to recommend the application contrary to staff recommendation, specific findings suppporting that decision should be provided.

ATTACHMENTS

A. Maps	C. Public Comments	E. Resolution 2026-16
B. Applicant Materials	D. Public Notice	

APPEAL (PMC 19.92)

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

PLANNING COMMISSION RESOLUTION NO. 2026-0101
A RESOLUTION OF THE PETERSBURG BOROUGH PLANNING COMMISSION RECOMMENDING THE APPROVAL OF A MINOR SUBDIVISION
TO SUBDIVIDE A PARCEL TO CREATE A 10,036 SF LOT AT 1200 HAUGEN DR

WHEREAS, on July 14, 2026, the Planning Commission, acting as the Platting Board, conducted a duly and properly noticed public hearing to consider an application for a minor subdivision TO SUBDIVIDE A PARCEL TO CREATE A 10,036 SF LOT at 1200 HAUGEN DR, legally described as Ptn of USS 1168, and

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

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

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

Finding 1: The proposed project meets the criteria for a minor subdivision of 18.20.010 as detailed in the staff report.

Finding 2: The applicant has demonstrated compliance with applicable zoning and development standards.

Finding 3: The applicant has submited a plat that generally meets accepted standards for good draftsmanship.

Finding 4: This subdivision allows for conveyance of a 10,036 sf parcel approved for sale by the Borough Assembly, on June 15, 2026 as Resolution 2026-16, to the Central Council of the Tlingit & Haida Indian Tribes of Alaska dba Tidal Networks.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the Petersburg Borough, acting as the Platting Board, hereby approves the Minor Subdivision, subject to the following conditions:

Condition 1: 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.
Condition 2: Plat will have at least two outside corners of the whole subdivision tract referenced to publicly recorded survey markers.
BE IT FURTHER RESOLVED, that the chairperson is authorized to sign this resolution on behalf of the Planning Commission.

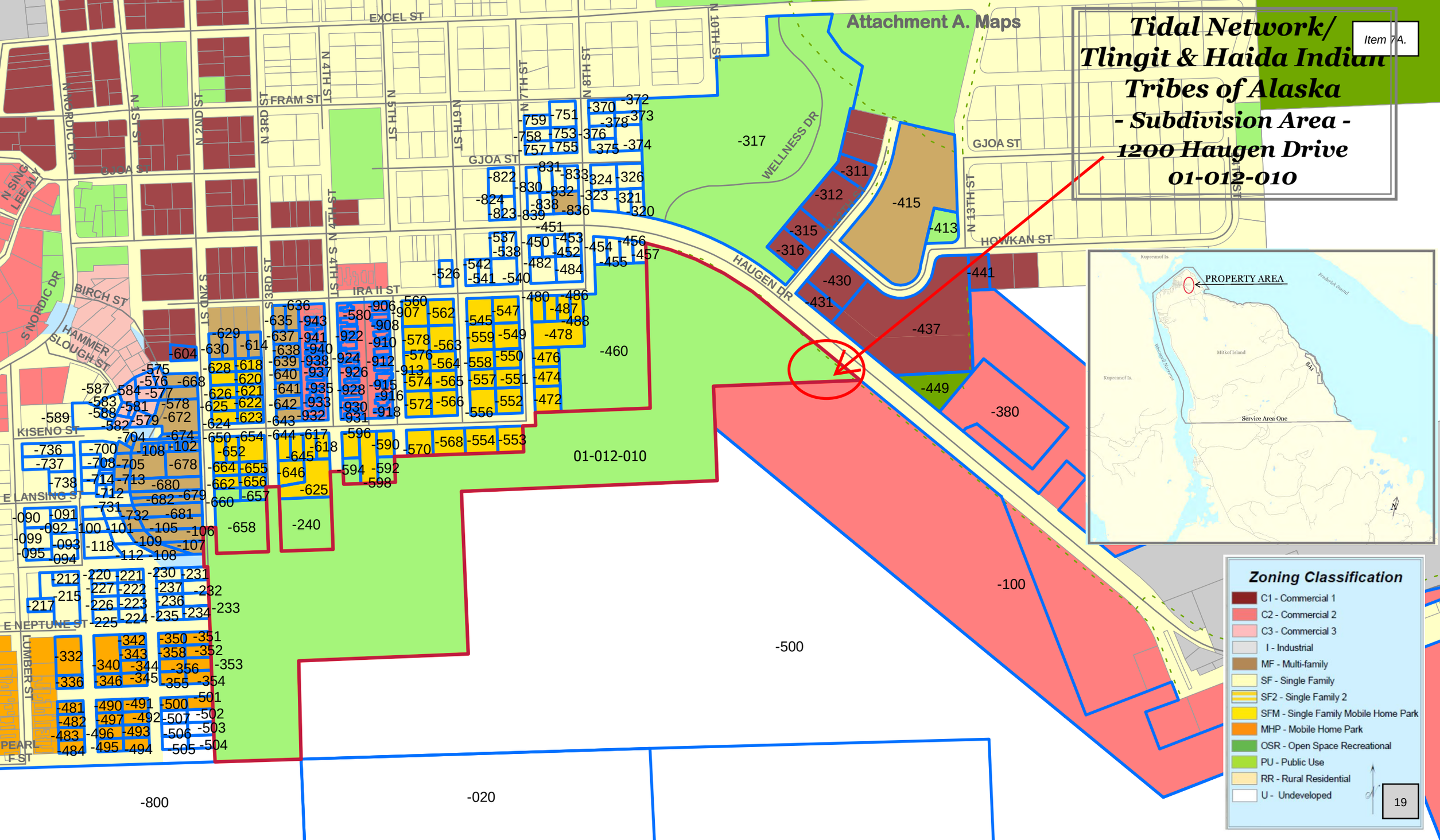
ADOPTED this 8th day of September, 2026, by the following vote:
AYE:
NAY:
ABSENT:

Chair, Planning Commission

Item 7A.

Tidal Network/ Tlingit & Haida Indian Tribes of Alaska

- Subdivision Area - 1200 Haugen Drive 01-012-010



Attachment B. Applicant Material

PETERSBURG BOROUGH
LAND USE APPLICATION

For Borough Use	Date:
Base Fee:	Check No. or CC:
Public Notice Fee: $70	Received by:
Total:	Code to: 110.000.404110

APPLICANT INFORMATION

NAME: Richard Peterson

PROPERTY INFORMATION

PHYSICAL ADDRESS or LEGAL DESCRIPTION: 1200 Haugen Drive			Lot Size:
LOT:	BLOCK:	SUBDIVISION:	PLAT #:
PARCEL ID: 01-012-010		ZONE:	OVERLAY:

Current Use of Property: Owned by the City of Petersburg

Proposed Use of Property: A build site for Fixed Wireless Broadband with the capacity to expand emergency services, cellular carriers, radio equipment, etc.

LEGAL ACCESS AND UTILITIES

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

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

LEGAL ACCESS TO LOT(S) (Street Name):
Haugen Drive

TYPE OF APPLICATION AND BASE FEES

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

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

☐ 18.24 Final Plat ($25 per lot)

SUBMITTALS

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

SIGNATURE(S)

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

Applicant(s): _____ **Date:** 12/05/2025

Owner (if different from applicant): _____ **Date:**_____

Owner (if different from applicant): _____ **Date:**_____

CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE HAUGEN SUBDIVISION AS SHOWN ON THIS PLAT. I APPROVE THIS SURVEY AND PLAT.

XX XX XX
1200 HAUGEN DRIVE, PETERSBURG,
ALASKA 99833

DATE

NOTARY'S ACKNOWLEDGEMENT

SUBCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF

_____, 20_____.

BY: _____.
(PERSON APPEARING)

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

PLAT APPROVAL

I CERTIFY THAT THIS SUBDIVISION PLAT AS SHOWN COMPLIES WITH THE SUBDIVISION REGULATIONS OF THE CITY OF PETERSBURG. THIS SUBDIVISION PLAT IS APPROVED FOR THE RECORDING BY THE DISTRICT RECORDER IN THE PETERSBURG RECORDING DISTRICT.

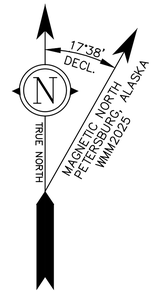
DATE — CHAIR, PETERSBURG PLATTING BOARD

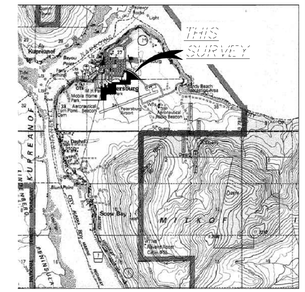
DATE — ATTEST
SECRETERY, PETERSBURG PLATTING BOARD

TAX CERTIFICATE

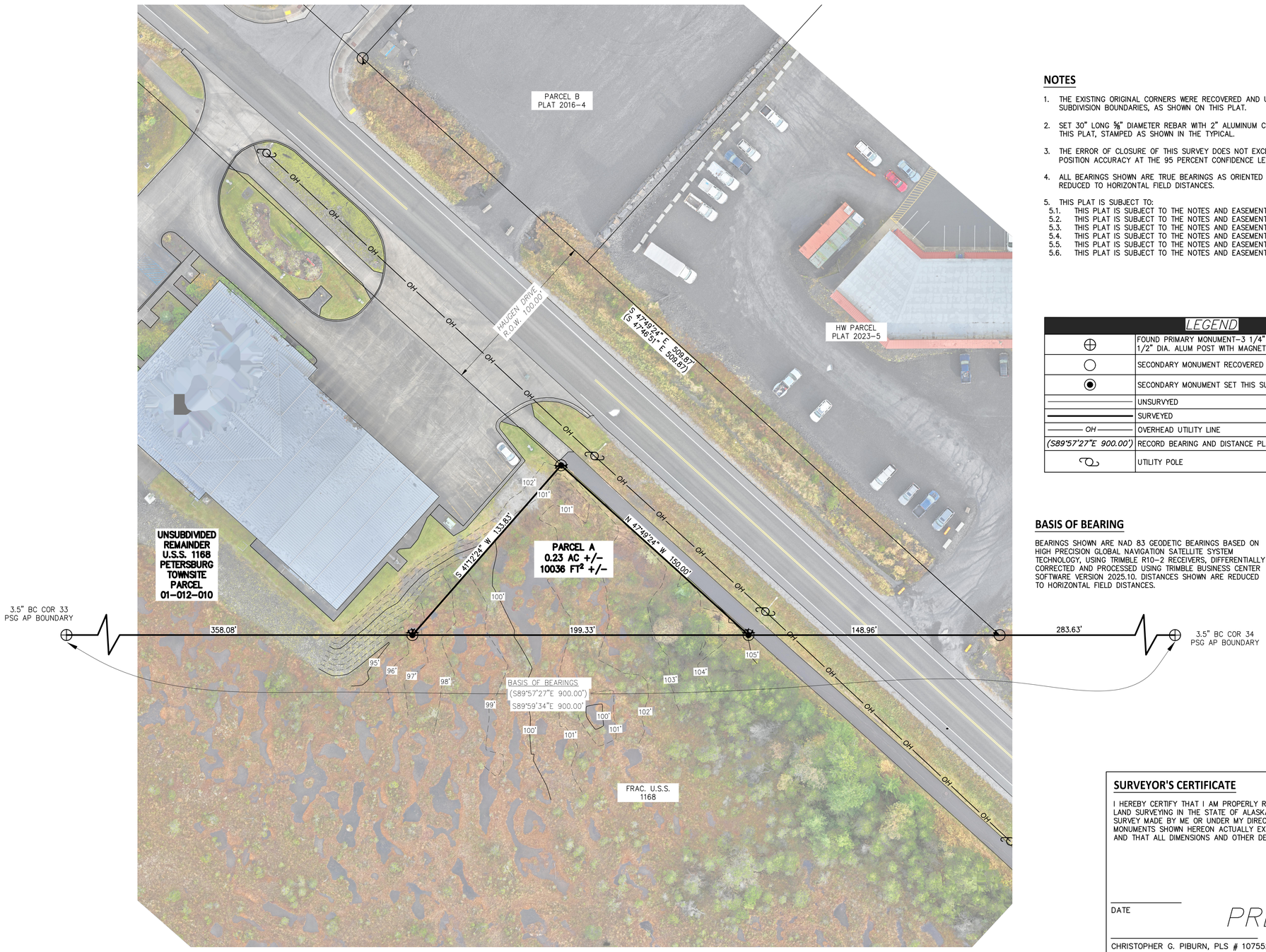
I CERTIFY I AM THE FINANCE DIRECTOR OF THE CITY OF PETERSBURG. U.S. SURVEY NO.1168 IS OWNED BY THE CITY OF PETERSBURG, SO THERE ARE NO TAXES ASSESSED AGAINST THIS PARCEL.

NAME: _____ DATE: _____





VICINITY MAP
SOURCE: U.S.G.S. QUADRANGLE PETERSBURG (D-3), ALASKA 1986
1"= 1 MILE



NOTES

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2. SET 30" LONG ⅝" DIAMETER REBAR WITH 2" ALUMINUM CAP WITH PLASTIC INSERT AT LOCATIONS AS INDICATED ON THIS PLAT, STAMPED AS SHOWN IN THE TYPICAL.
3. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000, AND/OR CORNER POSITIONS HAVE A RELATIVE POSITION ACCURACY AT THE 95 PERCENT CONFIDENCE LEVEL OF 0.13 FEET PLUS 100 PPM.
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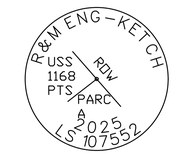
LEGEND	
⊕	FOUND PRIMARY MONUMENT-3 1/4" DIA. ALUM. CAP ON 2 1/2" DIA. ALUM POST WITH MAGNET UNLESS OTHERWISE NOTED
○	SECONDARY MONUMENT RECOVERED
◉	SECONDARY MONUMENT SET THIS SURVEY
———	UNSURVYED
═══	SURVEYED
——— OH ———	OVERHEAD UTILITY LINE
(S89°57'27"E 900.00')	RECORD BEARING AND DISTANCE PLAT 2009-16
	UTILITY POLE

TYPICAL SECONDARY MONUMENT SET THIS SURVEY



SET 5/8" X 30" LONG REBAR (UNLESS OTHERWISE NOTED) AND 2" ALUMINUM CAP WITH PLASTIC INSERT

BASIS OF BEARING

BEARINGS SHOWN ARE NAD 83 GEODETIC BEARINGS BASED ON HIGH PRECISION GLOBAL NAVIGATION SATELLITE SYSTEM TECHNOLOGY, USING TRIMBLE R10-2 RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED USING TRIMBLE BUSINESS CENTER SOFTWARE VERSION 2025.10. DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.

SCALE 1"=30'

THIS DRAWING MAY BE REDUCED, VERIFY SCALE BEFORE USING

0 15 30 60 90 120 FEET
0 3 6 9 12 15 30 36 METERS

1 METER = 3.2808333 U.S. SURVEY FEET
1 U.S. ACRE = 0.4047 HECTARES

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE

PRELIMINARY

CHRISTOPHER G. PIBURN, PLS # 107552

STATE OF ALASKA — 49TH — LICENSED PROFESSIONAL LAND SURVEYOR — NO. 107552

DATE OF SURVEY:
BEGINNING: OCTOBER 2025
ENDING: OCTOBER, 2025

R&M ENGINEERING-KETCHIKAN, INC.
7180 REVILLA ROAD, SUITE 300
KETCHIKAN, AK 99901
Phone: (907) 225-7917
CERTIFICATE OF AUTHORIZATION #: C576

A PLAT OF
HAUGEN SUBDIVISION
CREATING PARCEL A

A SUBDIVISION OF
USS 1168 PETERSBURG TOWNSITE
PARCEL 01-012-010
LOCATED WITHIN
USS 1168 PETERSBURG TOWNSITE

CREATING PARCEL A
CONTAINING 0.23 ACRES MORE OR LESS

PETERSBURG RECORDING DISTRICT

DRAWN BY: EBH
DATE: NOVEMBER 2025
SURVEYOR: EBH

SCALE:	CHECKED:	RM PROJECT NUMBER
1"=30'	CGP	252759.01

CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE HAUGEN SUBDIVISION AS SHOWN ON THIS PLAT. I APPROVE THIS SURVEY AND PLAT.

XX XX XX
1200 HAUGEN DRIVE, PETERSBURG,
ALASKA 99833

DATE

NOTARY'S ACKNOWLEDGEMENT

SUBCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF

_____, 20_____.

BY: _____.
(PERSON APPEARING)

_____
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

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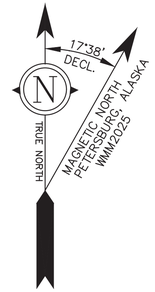

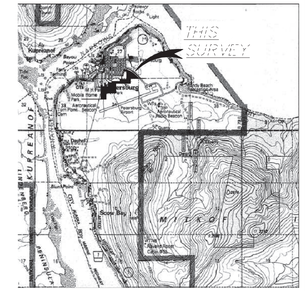

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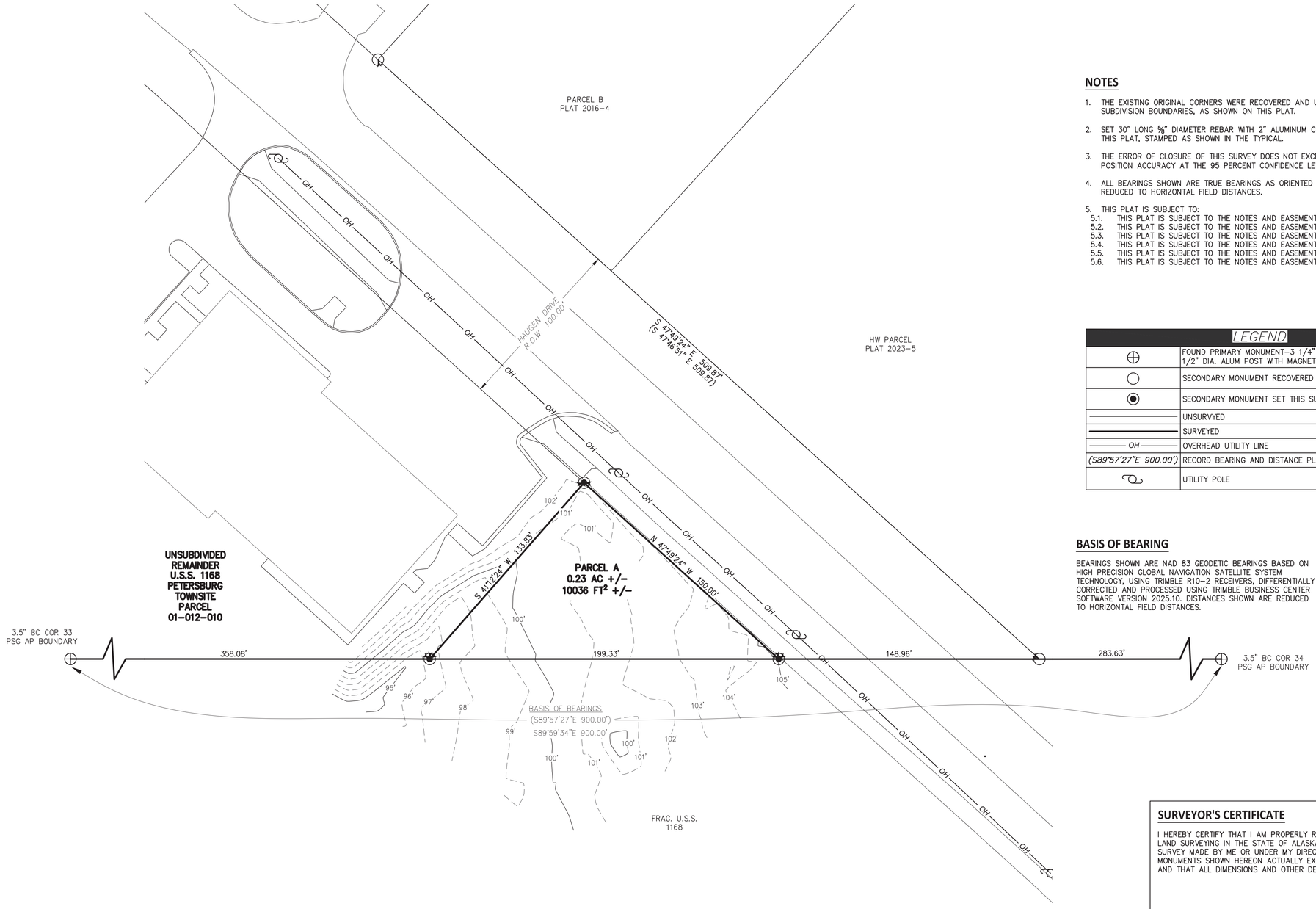

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PETERSBURG RECORDING DISTRICT

DRAWN BY: EBH
DATE: NOVEMBER 2025
SURVEYOR: EBH

SCALE:	CHECKED:	RM PROJECT NUMBER
1"=30'	CGP	252759.01

From: [redacted]
To: Anna Caulum
Subject: letter for Psg Planning Commission
Date: Saturday, January 3, 2026 2:53:41 PM
Attachments: 5 G tower letter 2026.docx

External Email! Use Caution

Hi Anna, please see the attached letter for the Public Hearing for the 5G tower. Kurt Kvernvik [redacted]

January 3, 2026

Petersburg Borough Planning Commission

RE: Consideration of an application from Central Council Tlingit Haida for a fixed wireless broadband

My name is Kurt Kvernvik and my wife Janet, and I own a home located at 105 south 7th street, just off IRA street. Our residence is approximately 1000 feet from the proposed 5 G tower placement.

We have taken time to research 5 G technology and the towers that are used to transmit radio waves. A simple google search will pull up many opinions and research concerning the use of cell phones and the safety of being near the towers that provide the signal for them.

There is a large amount of information on the web concerning the subject of RF effects on animals and less so on humans. Much of what I read could lead a person to conclude that the RF emissions from cell towers are in general considered to be 100% safe for humans to be exposed to.

Also based on past and current scientific studies, it is open for a person to conclude that there are health concerns regarding neurological symptoms, sleep disturbances, headaches, reproductive issues and cancer risks. (This paragraph was copied from a scientific study in France that is listed at the American Cancer Society web site).

As it turns out, there are very few studies among the thousands on the subject that look specifically if there is a link between 5G towers and adverse effects to humans. Most organizations call for higher quality long term studies. Particularly for the High Frequency millimeter waves used by 5G towers.

The more one looks at the subject, the more it becomes clear that there is much more research to be done. This is not surprising at all as there are many things in life that do not adversely affect us until years or decades of exposure or use have transpired. There were many medicines, consumer products and treatments in the past that were once considered safe and effective. Asbestos, Lead Paint, Lobotomies, Mercury, Cocaine, Heroin cough suppressant, DDT, Talc, Radium, Arsenic, Benzene, and Tabaco all come to mind.

As with many health issues of the day, we do not know who to trust to give us an unbiased answer. I think it may be decades before we have any conclusive proof as to whether 5g towers are safe or harmful to Humans. So, for now, let’s assume that RF exposure levels, as stated, are low and that the long-term RF effects from the tower will not damage our health.

What may affect us adversely is our property value.

There is nearly 100% consensus that having a cell tower near your dwelling lowers your property values. Anywhere from 2.8% all the way to 20%. Homes near cell towers are also on the market longer than homes that are not. So, expect to have your home worth less and to have a harder time selling your home if it is near a cell tower.

Would anyone in this room care to live 100 feet from a tower? How about 200 feet? Would this be a factor in buying your dream house? What is the perfect distance if 200 feet is too close?

Whether my wife and I have health concerns does not change our homes value. But what does matter to our homes value is whether potential home buyers have any health concerns with living close to a cell tower when they are looking at our home to purchase.

I think the city should do everything possible to protect its citizens from adverse harm to health or property. Do you plan to compensate homeowners if their property value declines? How about if their health declines?

We are not against 5G towers but feel that Central Council Tlingit Haida can find a less intrusive location. I ask the Borough to weigh the risk and reward of the 5G site and suggest a home for the tower that is more removed from locals' homes.

Sincerely,

Kurt & Janet Kvernivk
105 South 7th Street

Outlook

Consideration of Minor Subdivision at 1200 Haugen Drive

From [redacted]
Date Mon 3/2/2026 10:57 PM
To Liz Cabrera <lcabrera@petersburgak.gov>
Cc Cabrera Liz <lcabrera_at_petersburgak_gov_45fncy54ky4435_aed9eb38@icloud.com>

External Email! Use Caution

Hello. I am writing to make known my objection to the application from Central Council Tlingit Haida for a minor subdivision at 1200 Haugen Drive (PID:01-012-010), originally scheduled for discussion at the January 13, 2026 P&Z meeting and moved to the March 10 meeting. Though this step of approving a minor subdivision has infrequently been mentioned throughout the entirety of the Tidal Network process, given it requires a public hearing, I am assuming that public opinion does hold some sway and that is not just a 'given' that the land, will in fact, be subdivided.

I have several thoughts and questions about the overall effort by Tidal Networks to build 3 cell towers in the greater Petersburg community. I will seek to focus on the site in town proper, as it is not yet built and is not proposed to be built on private land.

I object to this minor subdivision for the following reasons:

1) I believe it is a poor precedent to set to utilize public use land to solve a private industry problem. I understand that the application is from a federally recognized tribe, however this is purely a commercial undertaking. As acknowledged by Chris Copley, Tidal Network Director, building the cell tower will only provide wireless internet service in a two and one half mile radius of where the tower is located. This does not provide new service to previously unserved areas. It is my understanding that what the construction of the cell tower will bring - is the cell tower - no other new services. There has been much talk of extending emergency services and expanding cell services - my understanding again, is that this MIGHT happen, if another company that provides such services decides to lease space on the Tidal Tower. Not by virtue of this effort will those benefits be realized. The way that Tidal will make their money is by leasing space on their tower. Build it and they will come? Perhaps not. Hence, public land solving a private industry problem.

2) I do not see where in the permitted uses a cell tower would fit in. It is being considered a government building or facility? That seems a stretch.

3) By way of our own ordinances we are ill prepared for further construction of cell towers. Let us get our house in order before inviting company over, and lock the door until we are ready to accept them. THEN we can address this issue. I do not see why Tidal's urgent need to spend these funds becomes our emergency. They can also apply for extensions, as stated by Mr. Copley.

3) What becomes of the 35 ft. height restrictions as discussed in the Commercial 1 Zone that this lot would be subject to should the sub division be granted? Am I mis-reading the zoning ordinances naming that limitation?

4) There is a cell tower located ACROSS THE STREET from the proposed lot. Tidal could not provide much of an answer when asked why they could not utilize the structure, though that is what our current ordinance discusses and advocates for.

5) It's unsightly. Can we keep one side of the street inviting as the entry into our community from the airport?

For the past several months, I have asked the question and not received an answer as to *why the Borough feels so beholden to find a location for these towers*. At the most recent work session I believe I heard the Borough Manager state that H Street was simply the only place that could be found in town that would meet Tidal's need. Well, it DOESN'T meet the need of the community that surrounds it, so why does it count as viable?

I would also like to note, that at the time of August 12th, 2025 P&Z meeting to discuss the land purchase, there was little information included in the packet sent to adjacent landowners describing this project; in particular the height of the tower, the overall footprint of the project, or the number of towers that Tidal was seeking to build in our community. (Some of this information was included in the P&Z agenda packet.) The application IS however, filled with possibilities of what increases in services MIGHT come to Petersburg should these towers be built, that it seems some of our community has decided is an imminent reality and therefore loud selling point. But there are no promises, no agreements, no cost estimates, no plans. What if we build it and they don't come?

Please do not bet our public use space on what MIGHT happen. Again, this is a dangerous precedent to set.

Thank you all for your service and for your time.

Nicole McMurren
[redacted]
500 Kiseno
[redacted]

PETERSBURG
ALASKA

June 22, 2026

[redacted]

NOTICE OF SCHEDULED PUBLIC HEARINGS

The Petersburg Borough Planning Commission has scheduled a public hearing to consider**:**
Consideration of an application from Central Council Tlingit Haida for a minor subdivision at 1200 Haugen Drive (PID: 01-012-010).

The public hearing and consideration of the application will be held:	**Tuesday, July 14, 2026, at 12:00 PM** Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via **ZOOM**, please contact Anna Caulum at 907-772-5409.	

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

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

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

Sincerely,

Liz Cabrera
Community & Economic Development Department

Name1	Name2
CHRIS FRY	
HEATHER O'NEIL	
SARAH FINE-WALSH	
THOMAS KOWALSKE	
JOSHUA ADAMS	
JIM FLOYD	
MIKA CLINE	
TLINGIT HAIDA	RICHARD PETERSON
13 RENTALS LLC	
ALASKA DOT & PF LESSOR	
ALASKA STATE OF	
ANDERSON TROY E	ANDERSON ROSEANNE
B & W RENTALS LLC	
BARNETT JAY	
BENITZ DAVID	BENITZ CEAN
BERKLEY BENJAMIN	
BETHESDA FELLOWSHIP	BETHESDA FELLOWSHIP
BROOKS ROBERT	BROOKS RAMONA
BUNGE WILLIAM S S	BUNGE LINDA J
BUOTTE BLAKE	BUOTTE TAYLOR
CALHOUN JENNIFER	CALHOUN URIAH
CAPLES PENNIE	CAPLES DUSTIN
CARR REED	CARR TONYA
CASEY DERRICK	
CASTRO ERIC	
CHILDS HOLLY	
CHURCH OF GOD	BETHESDA FELLOWSHIP
CLEMENS GEORGE D	CLEMENS MARY A
CONNOR DUSTIN	
CONNOR MARIANNE	CONNOR WILLIAM H
COOK SHYLA	
COPELAND JEANETTE MARIE	FORGEY JR CARL G
COVINGTON MARY	
CRESON DAN	
CRISTINA KARNA	CRISTINA NEIL
DAHL JULIE D	
DUNHAM LARRY D	MACDONALD LARINE H
ELLIS SANDRA J RESEERVED LIFE ESTATE	
ENGE IVAR K	
ENGE VALORI JEAN	ENGE IVAR KENNETH
EUDAVE JOSE LUIS	
FENTER CELESTIAL	
FIGUEROA MARCI	
FITTJE DANIEL	
FORD JOHN C	
FRANKLIN JESSICA L	FRANKLIN KYLE AND VIKKI
GIESBRECHT STEPHEN D	ROKEY MARY D
GRUNDBERG ERIC A	MARVIN MALENA
HAMILTON JENNIFER	
HAMMER & WIKAN	
HANSON JOHN	HANSON ARLENE
HAWLEY JESSICA	WEBER ERNEST
HEITSTUMAN BYRON	
HISAW EDMOND K	HISAW MELANIE G
HOMER STEPHEN DUANE	
HUETTL ANN P	
HUMPHREY JENNIFER	
INGLE DAWN R	
ISLAND PROPERTIES LLC	
JANKE JUDY	CARDENAS ABEL
JENNY NEIL	
JIMENEZ SAVANNAH	
JOHNSTON BILL	
JOSEY JESSICA	
KANDOLL BRIAN	KANDOLL CAROL
KANGAS DANIEL	
KEUTMANN CHELSEA	KEUTMANN PETER
KIVISTO KIMBERLY J	
KNIGHT JAMES ANDREW	KNIGHT KATHLEEN ANN
KVERNVIK KURT G	KVERNVIK JANET L
L&L HOLDINGS LLC	
LAMBE KELSEY J	MCCAY TREVOR
LAND MICHAEL	CRASKE MAX
LAPEYRI JASON	
LICHTENSTEIN MATTHEW S	WOOD HILARY A
LITTLETON RODNEY	LITTLETON IRENE J
LOCKHART MARCI A	
LOPEZ CHRISTOPHER & LORENZO	LOPEZ CECILIA & CHRISTINA
LOUCKS MICHAEL	LOUCKS DENISE
LUND PAUL	
LUTTON GREG	

LYONS COLYN S	LYONS CARLEEN K
LYONS NATOCHA	
LYONS NEIL S LYONS JACK & GREGORY	RESERVED LIFE ESTATE OF
MALDONADO-LOPEZ ALEJANDRO	WARE VERONICA
MARDEN DEBBIE	
MARSH OTIS	MARSH DIANE
MARTIN MARIA	
MARTIN ROBERT W	MARTIN BECKY J
MARTINEZ VICTORIA	
MARVIN MALENA	GRUNDBERG ERIC A
MCCULLOUGH KARIN	
MCCULLOUGH LAUREL C	
MCMURREN ALEC R	MCMURREN NICOLE
MCMURREN PATRICK L	C/O DANDO FINANCIAL LLC
MIDKIFF NATHAN	
MILLER CHRIS	
MORRISON BLAKE ANTHONY	MORRISON COURTNEY ANN
MOST WORSHIPFUL GRAND LODGE OF FREE ANI	GRAND LODGE OF ALASKA
MULBURY BRANDY	
MUMBY RYAN	
NAYLOR ANDREA	
NELSON RYAN	NELSON ARLEN
NEWLUN NEIL	NEWLUN MARGARET
NICHOLS THIMOTHY ALLEN	
NORTHWIND APARTMENTS LLC	
OHMER NICHOLAS E	OHMER RACHEL M
OLSEN ROBERT G JR	OLSEN NICCOLE M
OLSON KEN	
OLSON MICHAEL	
ORTIZ GOMEZ QUINTIN M	
OSBORNE JEAN	
OTNESS DIANE	BIRCHELL GREG
PADGETT ROBERT C	PADGETT JOAN D
PATTESON RICHARD M	
PAUL CARSON S	PAUL SONJA A
PEELER DONALD R	
PETERSBURG INDIAN ASSOCIATION	
PHILLIPS THERESA	
RANDRUP JEFF A	RANDRUP MELVA Y
RANDRUP PATRICIA P	
RICHARDS BRAIN	RICHARDS ALEKSANDRA
RICHARDS DONALD	
ROBERGE SCOTT W	SMITH JANE
ROCKNE TOM	
RONIMOUS MARVIN E JR	
ROUNDTREE DANE T	
ROUSSEAU LINDA	ROUSSEAU HAROLD
RUSK DANNY M	GARWOOD RAMONA
SAKAMOTO CHRISTINA L	
SALLENBACH WILLIAM	SALLENBACH BRENDA
SCHNEIDER KATHRYN M	
SCHWEITZER DAN	
SEMITARA ASTER	
SHAY TIMOTHY	SHAY SUSAN
SHELDON MICHAEL	
SHORT LUKE P	
SMALL JOHN M	
SNIDER JEANETTE	STRICKLAND RALPH
SOMERVILLE BARBARA	
SOSA BENITEZ KARLA MARIA	ASTORGA JUAN
STEELE WILLIAM	
STURGEON MARK A	STURGEON RUFINA P
SUNSET CONDOMINIUM ASSOCIATION	
THOMAS NYLE	
THOMASSEN FRED	C/O GREG LUTTON
THYNES DAVID C	THYNES TANYA C
TOTH JESSICA	
UNITED STATES POSTAL SERVICE	
US COAST GUARD	
V&J PROPERTIES 1 LLC	
VERSTEEG NICHOLAS A	
VERWERS SHANNON L	
WAECHTER ROBERT LOUIS	WAECHTER CHRISTINE LYNN
WAGNER JILL	
WARE ADAM	WARE WILLIAM JR
WARE REBECCA M	
WASHBURN HUGH DEVERE	
WEAVER PAT	
WELCH TRACY	
WIGLE SHERMAN	
YOUNGBERG NAOMI R	YOUNGBERG BARRY D
YUEN FRANCES	
ZERINGUE BLAKE	

PETERSBURG BOROUGH
RESOLUTION #2026-16

A RESOLUTION APPROVING THE SALE OF A BOROUGH PARCEL TO THE CENTRAL COUNCIL OF THE TLINGIT & HAIDA INDIAN TRIBES OF ALASKA, DOING BUSINESS AS TIDAL NETWORK

WHEREAS, the Petersburg Borough owns a parcel of real property described as follows:

An unsubdivided parcel, approximately .23 acre in size (10,036± sq.ft.), located within U.S.S. 1168, Petersburg Townsite, as more specifically shown on Exhibit A hereto (the "parcel")

WHEREAS, the parcel has a total FY 2026 assessed value of $45,000.00; and

WHEREAS, on June 11, 2025, the Central Council of the Tlingit & Haida Indian Tribes of Alaska, doing business as Tidal Network, submitted an application to purchase the parcel from the Petersburg Borough; and

WHEREAS, on August 12, 2025, the Petersburg Borough Planning Commission reviewed the application and proposed sale after a duly noticed public hearing and recommended approval to the Borough Assembly; and

WHEREAS, the Borough Assembly, on September 2, 2025, approved and advanced the application, authorizing direct negotiations for the sale of the parcel, with the final terms subject to Assembly approval; and

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

WHEREAS, the Borough Assembly has determined that the parcel is not required for municipal purposes and finds that the proposed sale of the parcel to the Central Council of the Tlingit & Haida Indian Tribes of Alaska, doing business as Tidal Network, supports the goal of economic development within the borough; and

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

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

PETERSBURG BOROUGH
RESOLUTION #2026-16

Section 1. The Petersburg Borough Assembly hereby approves the sale of the parcel to the Central Council of the Tlingit & Haida Indian Tribes of Alaska, doing business as Tidal Network, pursuant to the terms and conditions contained in the attached Contract of Sale.

Section 2. The Borough Manager is hereby authorized to execute the Contract of Sale and, upon approval and recordation of the plat by the Planning Commission, any associated closing documents, deeds, disclosures, or agreements necessary to complete the conveyance of the parcel to the Buyer.

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

PASSED AND APPROVED by the Assembly of the Petersburg Borough, Alaska, this 15th day of June, 2026.

Leigh Stanton Gregor, Vice Mayor

ATTEST:

Rebecca Regula, Borough Clerk

Exhibit A

CONTRACT OF SALE

This contract of sale (this "Agreement"), effective as of the date of the last signature below (the "Effective Date"), is made by and between the Petersburg Borough, P.O. Box 329, Petersburg, Alaska, 99833 (hereinafter "Seller"), and the Central Council of the Tlingit & Haida Indian Tribes of Alaska, doing business as Tidal Network, P.O. Box 25500, Juneau, Alaska 99802 (hereinafter "Buyer"). Seller and Buyer are collectively referred to hereinafter as the "parties."

Recitals

A. Seller, as successor-in-interest to the City of Petersburg, is the owner of the following real property, located in the Petersburg Recording District, First Judicial District, State of Alaska:

An unsubdivided parcel, approximately .23 acre in size (10,036± sq.ft.), located within U.S.S. 1168, Petersburg Townsite, as more specifically shown on Exhibit A hereto (the "parcel")

B. Buyer has requested to purchase the parcel to install and construct a communication tower to support the expansion of fixed wireless broadband coverage in the community (the "project").

Therefore, Seller hereby agrees to sell and convey, and Buyer agrees to purchase, the parcel upon the following terms and conditions and those set out in Petersburg Borough Assembly Resolution #2026-16, incorporated herein by reference:

1. Purchase Price. The total purchase price for the parcel is $45,000.00 (the "purchase price").

2. Payment of Purchase Price; Costs of Sale. A deposit equal to a minimum of five percent (5%) of the purchase price shall be paid to Seller within five (5) business days of the effective date. The balance of the purchase price shall be paid in full to Seller at the time of conveyance of the parcel to Buyer. Conveyance shall take place within thirty (30) days of satisfaction of the contingencies set out below in Subsections 3(A) and (B). Buyer is responsible for all costs of sale and closing of the transaction, including without limitation costs set out in Petersburg Municipal Code (PMC) 16.12.090, any title insurance premiums, escrow fees or closing costs, recording fees, and the commission of any real estate agent or broker representing Buyer in this transaction. In the event any other claim for real estate commissions or compensation arises in connection with Buyer in this transaction, Buyer agrees to indemnify, defend, and hold harmless Seller from any loss or damage, including attorney fees incurred by Seller as a result of such claim.

All payments shall be made at the Borough Finance Office, P.O. Box 329, 12 S. Nordic Drive, Petersburg, Alaska in readily available funds.

If Buyer defaults, by failing to timely make the required deposit, timely subdivide the parcel or meet

any other contingency of sale, or timely pay the balance of the purchase price, any deposit made by Buyer shall be forfeited to Seller and Buyer shall have no further interest in or to the parcel, or right to purchase the parcel. This section is not intended to limit any other legal remedy available to Seller.

3. Contingency of Sale. The sale and conveyance of the parcel under this Agreement is contingent upon the following. A failure by Buyer to timely meet either of these contingencies is considered a default under this Agreement.

A. Subdivision of the parcel. Buyer shall, within 90 days of the effective date, submit an application and proposed plat to the Borough Planning Department, in accordance with Petersburg Municipal Code (PMC) Chapter 18.20, to legally create the parcel, and shall thereafter diligently pursue approval of the plat. Seller will sign the subdivision application, however Buyer is solely responsible for the performance of all other acts and filings required to properly subdivide the real property and create the parcel, and for payment of all fees and costs of subdivision, including surveying and engineering fees, borough platting fees, and recording fees. The plat must be finalized, approved by borough authorities, and recorded within one (1) year of the Effective Date of this Agreement, unless the Borough Assembly agrees to an extension, and such approval shall not be unreasonably withheld. If the plat is timely submitted, and review and consideration of the plat by the Borough Planning Department or Platting Board is unreasonably delayed, the period of such delay shall not be counted toward the one (1) year deadline.

B. Driveway Permit. Buyer shall, within one (1) year of the effective date of this Agreement, obtain a Driveway and Approach Road Permit from the Alaska Department of Transportation and Public Facilities to access the parcel directly from Haugen Drive, unless the Borough Assembly agrees to an extension, and such approval shall not be unreasonably withheld. Buyer understands and acknowledges that access to the parcel cannot be provided through the adjacent borough fire department facilities.

4. Rights of Seller Following Completion of Sale.

A. Right of Repurchase and Right of First Refusal. In the event that development of the project has not been completed with respect to the parcel within five (5) years from the effective date, Seller shall have the absolute right, but not the obligation, to repurchase the parcel, at Seller's sole discretion, for a price equal to the purchase price set out in Section 1 of this agreement, less ten percent (10%). Seller may exercise such right of the repurchase only by providing written notice to Buyer in accordance with Section 13 of this Agreement, no later than six (6) months after the expiration of such five (5) year period. Such notice shall state that the Seller is exercising its right of repurchase under this Section and shall specify a closing date for the repurchase, upon which Seller shall tender to Buyer the repurchase price in full. If Seller does not provide such written notice of its intent to exercise its repurchase right within said six (6) month period, Seller's right of repurchase under this section shall

expire. For purposes of this Agreement, project development will be considered to have been completed upon Buyer's performance of the tape drop and Buyer's reporting of that event and final completion of construction to the FAA and FCC. Buyer shall provide Seller with written verification confirming that these actions have been completed. If project development is not completed within such five (5) year period, any subsequent completion shall not impair Seller's right to exercise its right of repurchase during the six (6) month notice period set forth above.

In the event of Seller's exercise of its repurchase right and payment of the repurchase price at closing, Buyer relinquishes all right, title, and interest in and to the parcel, and fee simple title to the parcel shall automatically vest in Seller, free and clear of any right, claim, or interest of Buyer, without the necessity of further action by either party except that the Buyer is obligated to and shall execute and deliver to Seller at closing such instruments as may be reasonably required to effectuate conveyance and recordation of Seller's title in the parcel.

In addition to its right of repurchase, and in the event the Borough does not exercise such right, the Borough shall have the right of first refusal with respect to any subsequent sale of the parcel by Buyer. Prior to any such sale, Buyer shall provide the Borough with written notice of the terms and conditions of the proposed sale. The Borough shall have sixty (60) days from receipt of such notice to exercise its right to purchase the parcel on the same terms and conditions. Buyer shall not sell the parcel on terms more favorable to a third-party purchaser than those offered to the Borough. These provisions shall be recorded in the deed to be issued under paragraph 6 hereof.

B. Right of Installation. As a municipal government, Seller may in the future expand its police, fire and emergency response services beyond the current boundaries of Service Area 1 of the Borough, or may need additional equipment to adequately serve Service Area 1. Such expansion may create a need for Seller to place antennas and repeaters on Buyer's communication towers located within the Borough to support the necessary public-safety equipment. The parties agree that Seller may install, operate, maintain, repair and replace public-safety antennas, repeaters, and similar and necessary equipment on Buyer's towers and adjacent ground, at no cost to Buyer, and Seller shall not be charged any rental or other usage fee by Buyer. Seller shall be responsible for any electrical power consumption by Seller's equipment.

If such installation becomes necessary, the parties shall negotiate in good faith regarding the placement, technical specifications, and frequency use of the Seller's equipment; however, Seller's equipment shall not unreasonably interfere with Buyer's current or future operations. If at any time available capacity on a tower owned by Buyer is reduced to space sufficient for only one additional installation, Seller shall have the right of first refusal to occupy such remaining space. Buyer shall provide Seller with written notice of such availability, along with applicable terms and conditions (other than rental or usage fees, which shall not apply), and Seller shall have sixty (60) days from receipt of

notice to elect, in writing, to occupy the space. If the Seller does not timely exercise its right of first refusal, the Buyer may offer the remaining space to another party on terms not materially more favorable than those offered to the Borough. Seller shall be liable for any damage caused to Buyer's tower by Seller's installation of any public-safety antennas, repeaters, and similar equipment.

5. Parcel Sold in its Present Condition; Assumption and Presumption for Environmental Conditions. The parcel is sold "as is, where is", in its current condition and with all faults, known or unknown, as of the effective date. Buyer has entered into this Agreement relying solely upon information and knowledge obtained from Buyer's own investigation and/or inspection of the parcel. Seller expressly makes no representations regarding, and disclaims any liability for, the parcel, and any improvements located thereon, including without limitation (1) the condition of the parcel (including the existence of any hazardous or environmental conditions); (2) the existence or condition of any improvements located thereon; (3) the exact location or size of the parcel, the existence of markers on the parcel, or the ability or cost of surveying the parcel; (4) the status or insurability of title to the parcel, including the existence of any liens, encumbrances or conditions on the parcel; (5) the ability of Buyer to utilize the parcel or any improvements in any fashion and for any particular purpose or use; (6) any zoning of the parcel; and (7) the existence, or the potential for installation, of any utility or access on or to the parcel. The parcel is sold subject to all platted easements, rights-of-way and reservations, and all liens, encumbrances, and conditions, of record or not of record, including but not limited to matters which would have been disclosed by a survey or physical inspection of the parcel. Seller makes no representations, warranty or guarantees, express or implied, as to quality, merchantability or suitability of the parcel for a particular purpose or use. Closing of the purchase hereunder will constitute an acknowledgment by Buyer that Seller is relieved from any and all responsibility and liability for the condition of the parcel.

Additionally, Buyer assumes all risks for any adverse environmental conditions, past, present or future, existing on the parcel, including hazardous substances, waste and materials. Buyer agrees that should any subsequent cleanup, remediation or removal of hazardous substances, waste or materials be necessary due to environmental conditions or contamination occurring on or from the parcel, such clean-up, removal or remediation shall be the sole responsibility of, and shall be performed at the sole cost and expense of, Buyer and Buyer shall have no claim against the Seller.

6. Conveyance. Conveyance of the parcel to Buyer shall be by quitclaim deed, upon payment of the full purchase price. Seller is not obtaining title insurance for the parcel. If Buyer desires to obtain title insurance, Buyer may do so at Buyer's own expense.

7. Further Conditions of Sale. Seller and Buyer acknowledge the following conditions of sale apply to the project:

A. Fuel Tank. In connection with the operation of its communication tower, Buyer may

install a fuel tank to support its equipment and activities. The parties acknowledge and agree that any such fuel tank shall have a maximum capacity of two hundred (200) gallons and shall be designed, located, installed, and maintained in the configuration and manner depicted on Exhibit B. The fuel tank shall comply with all applicable federal, state, and local laws, regulations, and industry standards, including those governing the storage, handling, and containment of fuel. Any modification to the size, configuration, or location of the fuel tank shall require the Borough's prior written consent, which shall not be unreasonably withheld.

B. Development of parcel.

(i) The project shall be developed on the parcel in accordance with the plans attached hereto as Exhibit C. Any material change in development from that set out in Exhibit C, including placement of additional or different structures, or location of structures, shall require the Borough's prior written consent, which shall not be unreasonably withheld. In this provision, "material" includes any change that increases the tower height, expands the ground footprint from that provided for in Exhibit C, or alters the visual appearance or profile of the site from that provided for in Exhibit C.

Excepting material changes that require building official review under the Borough Code, and notwithstanding the provisions of the foregoing paragraph, Buyer shall not be required to obtain Seller's consent for: 1. The installation, modification, or replacement of antennas, microwave dishes, remote radio heads, cabling, or similar telecommunications equipment on the tower by Buyer or its tenants (provided the tower height does not exceed the maximum set forth in Section 7(D)); or 2. The placement of additional ground equipment shelters, cabinets, or generators within the fenced compound; provided, however, that all such equipment and installations shall be installed and maintained in compliance with applicable federal, state, and local safety standards, including but not limited to those established by the Federal Communications Commission (FCC).

(ii) Buyer shall design, engineer, and construct the communication tower to include one or more engineered breakpoints, intended to cause controlled structural failure at predetermined locations, to ensure that the tower does not fall onto a public roadway or critical borough infrastructure, including the adjacent borough fire department facilities. At the time of submission of its permit application to the Borough's Planning Department, Buyer shall include a certified engineered fall zone letter, stamped by a professional engineer licensed in the State of Alaska, verifying inclusion of the necessary breakpoints.

C. *Intentionally omitted.*

D. Maximum height of tower. The maximum height of the communication tower to be constructed on the parcel shall be One Hundred Thirty Feet (130'), inclusive of lightning rod.

E. No further communication towers on Mitkof Island. Buyer agrees that other than the

three communication towers described in Subsection 7(C) above, Buyer shall not, either by itself or in concert or coordination with others, install or construct any other or further communication towers, whether for broadband, cellular, or other communications technologies, on Mitkof Island, Alaska for five (5) years from the Effective Date without approval of the Petersburg Borough Assembly, which shall not be unreasonably withheld. Notwithstanding the foregoing, Buyer retains the right to repair, reinforce, or replace its three (3) towers on Mitkof Island at their current or planned locations, in accordance with the provisions of Subsection 7 hereof, provided such work does not result in a new tower in a wholly new location.

F. Disclosure of Construction Costs. Upon completion of construction of the tower contemplated by this Agreement, as well as any other tower constructed by Buyer within the Borough, Buyer shall provide to the Borough Finance Department its total cost of construction of the tower, including all labor, materials and equipment costs ("total costs of construction"), in order for the Borough to properly assess the tower for purposes of real property taxation under AS 29.45 and PMC 4.24. In the event that Buyer has previously constructed a tower within the Borough, the Buyer shall, upon the Effective Date, provide the total costs of construction for such existing tower(s).

G. Noninterference. The parties understand and acknowledge that the tower contemplated by this Agreement will be constructed on a parcel located immediately adjacent to the Borough's fire department facilities, which house the Borough's back-up 911 system and its fire, police, and emergency services radio system ("emergency systems"). Buyer shall not permit installation or operation of any equipment on the tower that causes interference with the emergency systems and shall, upon notice from the Borough of any such interference, promptly take all necessary actions to eliminate it.

The parties expressly acknowledge and agree that these conditions are essential and material terms of this agreement, form part of the bargained-for consideration, and are intrinsic to Seller's willingness to enter into this Agreement, without which Seller would not have agreed to the sale.

8. Tower at Papke's Landing. Buyer understands and acknowledges that there has been substantial community concern regarding its plans to install and construct a communication tower on Rory Road at Papke's Landing. Buyer agrees to attempt, in good faith and using all reasonable means, to establish an alternative location for this tower, to move it away from residential structures.

9. Entire Agreement. This Contract of Sale is fully integrated and sets forth the entire understanding and agreement of the parties with respect to the purchase and sale of the parcel. This Agreement supersedes any and all prior negotiations, discussions, agreements, and understandings between the parties with respect to the subject matter hereof.

10. Amendment. This Contract of Sale may not be modified, amended or subjected to a novation

except by a written agreement executed and delivered by both Seller and Buyer.

11. Interpretation. Both Buyer and Seller have had an opportunity for independent counsel to review and modify the Contract of Sale. The rule of construction to the effect that any ambiguities are to be strictly construed against the drafter shall not apply to any interpretation of this agreement. The captions in this Contract of Sale are inserted for convenience of reference only and in no way define, describe or limit the scope or intent of this agreement or any of the provisions of this agreement.

12. Assignment. Buyer may not assign Buyer's rights, obligations or interest in this Contract of Sale to any other person or entity without first obtaining the prior written consent of Seller, to be granted at Seller's sole discretion.

13. Notices. Any notices or communications required or permitted to be given under this Agreement, including any written notice of termination of this agreement, shall be given in writing and shall be delivered (i) in person, (ii) by certified mail, postage prepaid, return receipt requested, or (iii) by electronic mail. Such notices shall be addressed as follows:

To Seller:
c/o Borough Manager
PO Box 329
Petersburg, Alaska 99833
Email: sgiesbrecht@petersburgak.gov

To Buyer:
c/o President
PO Box 25500
Juneau, Alaska 99802
Email: tidalmgnt@tlingitandhaida.gov

Any such notice or communication shall be considered given or delivered, as the case may be, on the date of personal delivery, three (3) days after deposit in the United States mail, or in the case of email transmission, upon the date sent, provided the party has proof of such sending. Rejection or other refusal to accept or inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice or communication. Either party may at any time change its contact information by giving notice hereunder.

14. Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall nonetheless remain in full force and effect so long as the intent of the parties can be reasonably accomplished thereby.

15. Governing Law/Waiver of Jury Trial. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Alaska. The parties hereby waive any and all rights to a trial by jury in any action or proceeding brought in connection with this Agreement, and consent to the jurisdiction of the courts of the State of Alaska, located in Petersburg, Alaska. Buyer hereby agrees to a limited waiver of any sovereign immunity that it may possess to permit an action to be brought against it by the Borough in the State Courts of the State of Alaska to enforce the provisions of this

Agreement, as set forth in the Resolution attached hereto as Exhibit D. This limited waiver shall survive closing of this sale, to the extent necessary to enforce the provisions of this Agreement.

16. No Joint Venture; No Third-Party Beneficiaries. This Agreement shall not be construed or interpreted to create a partnership or joint venture between the parties. The provisions of this Agreement are and will be for the benefit of Seller and Buyer only and are not for the benefit of any third party. Accordingly, no third party shall have the right to enforce any provision of this Agreement.

17. Counterparts and Electronic Mail Signatures. This Agreement may be executed and delivered in one or more counterparts. Each such counterpart shall be deemed an original instrument, but all such counterparts together shall constitute one agreement. Signatures on documents forwarded by electronic mail are intended to be the equivalent of original signatures.

IN WITNESS WHEREOF the parties have hereunto executed this Agreement.

SELLER: Petersburg Borough

By: Stephen Giesbrecht
Its: Borough Manager
Dated: 6/23/2026

BUYER: Central Council of the Tlingit & Haida Indian Tribes of Alaska, dba Tidal Network

By: Richard J. Peterson
Its: President
Dated: 06/23/2026

Chapter 18.20 MINOR SUBDIVISION PLAT PROCEDURE

Sections:

18.20.010 Application.

A. The minor subdivision plat procedure shall be available to create a subdivision of a single parcel into no more than four parcels. The following general conditions must be met to be considered for a minor subdivision:

1. The plat subdivides a single lot into not more than four lots;
2. The plat provides legal and physical access to a public highway or street for each lot created by the subdivision;
3. The plat does not contain or require a dedication of a street, right-of-way, or other area;
4. The plat does not require a vacation of a public dedication of land or a variance from a subdivision regulation;
5. The outside corners of each lot are marked and at least two outside corners of the whole subdivision tract are referenced to publicly recorded survey markers;
6. The written approval of the public works, engineering, power and light and police departments has been noted on the application. If the above listed departments have not provided the planning department with approval or disapproval notice within forty-five days of receipt of the application, it may be assumed that they have no objection.

B. Pre-application procedures of the major subdivision plat requirements (Section 18.24.020) are advisable if there are any questions regarding suitability under this procedure.

C. The sub-divider shall submit to the planning department an application and associated fees for plat approval, at least thirty days before the regular meeting of the platting board at which the plat is to be considered.

The following items shall be submitted for action:

1. The sub-divider shall submit a plat with legible lettering meeting the generally accepted standards for good draftsmanship. The plat shall be prepared by a professional land surveyor, properly registered in the state of Alaska, drawn to scale and provided in a format, size and quantity as required by the planning director.
2. When the subdivision is not adjacent to the existing Petersburg sewer or water system, the sub-divider shall submit to and obtain approval of the state of Alaska, Department of Environmental Conservation, for the following:
   a. All soils and engineering data required by state regulatory authorities for the review of installation of on-site sewer and water facilities, if such are needed;
   b. Applications proposing community water supply and/or sewage disposal systems, shall include engineering plans, data and any other information required under Section 18.24.050.
3. All other requirements for major subdivision procedure (see Sections 18.24.040 and 18.24.050) shall also be required for the standard minor subdivision procedure to the extent required by the platting board.

(Ord. 907 § 3 (part), 2007; Ord. 631 § 3 (part), 1989)

18.20.020 Minor subdivision procedure after application.

A. The time for submission for action by the platting board and appeals from the platting board, shall be as specified in Section 18.12.040.

B. All notices shall be required and given as provided for in subdivision procedures (see Section 18.12.040).

C. After consideration of the minor subdivision, the platting board may require a plat restriction concerning improvements.

D. A Mylar plat shall be prepared by a registered land surveyor and shall bear the certificates as required in Section 18.24.050. The city clerk shall file the signed approved plat in the Petersburg recording district within thirty days after obtaining the fully-executed certificates of approval.

(Ord. 907 § 3 (part), 2007; Ord. 631 § 3 (part), 1989)

MEMORANDUM

TO:	Petersburg Borough Planning Commission, sitting as the Platting Board
FROM:	Liz Cabrera
DATE:	September 8, 2026
RE:	Burrell Subdivision — Order of consideration for Resolutions 2026-601, 2026-602, and 2026-603

Purpose

Three separate actions concerning the Burrell Subdivision are before the Commission at this meeting. They are related but legally distinct, each governed by different criteria and each requiring its own motion, vote, and resolution. This memorandum explains what each action is, the order in which they should be taken, and what follows from each possible outcome.

The three actions

Action	What it is	Governing criteria	Effect if denied
2026-601	Platting variance — lot frontage, Lot 5A, Block 221 (flag lot)	PMC 18.32.010, both conditions	Lot 5A remains as previously platted. The subdivision is otherwise unaffected and the plat may still be approved.
2026-602	Platting variance — right-of-way width, Svea Circle and the ADL 55411 corridor	PMC 18.32.010, both conditions	The plat cannot be approved as submitted. The road serves the entire subdivision and the layout must be redesigned and resubmitted.
2026-603	Preliminary plat — Burrell Subdivision, Lots 1–34 and Tract A	PMC 18.24.045 and 18.24.060–.090	No subdivision is approved. The applicant may submit a revised preliminary plat.

Why they must be decided separately

The two variances are governed by PMC 18.32.010, which requires the Commission to find that granting the variance will not be detrimental to public safety or welfare or injurious to adjacent property, and that the tract is of such unusual size, shape, or topographical conditions that strict application of the subdivision regulations would cause undue and substantial hardship. Both conditions must be satisfied, and the applicant carries the burden on each.

The preliminary plat is governed by an entirely different set of standards in PMC 18.24 — lot design, street design, easements, utilities, and suitability of the land. A variance and a plat approval are therefore not two halves of one decision. Combining them would obscure which findings support which action, and if one were later challenged the entire approval would be exposed.

Separate votes also produce a cleaner record. Each resolution should stand on its own findings, and the minutes should reflect three distinct decisions.

Recommended order of business

1. Action 2026-601 — lot frontage variance. Open the hearing, take testimony, close the hearing, move and vote.

2. Action 2026-602 — right-of-way width variance. Same procedure.
3. Action 2026-603 — preliminary plat. Same procedure, taken up only after both variances have been decided.

The variances are taken first because the preliminary plat depicts a lot frontage and right-of-way widths that do not meet the applicable standards absent relief. Approving the plat before deciding the variances would rest the plat approval on an undecided contingency. Taking them in order allows the Commission to evaluate the plat against the standards as they will actually apply.

What follows from each outcome

If Action 2026-601 (lot frontage) is denied

The preliminary plat may still be approved. Lot 5A, Block 221 remains configured as shown on Plat 81-19 as revised by Plat 90-14, and the final plat is revised accordingly. No other lot is affected. Staff can confirm that revision; the matter need not return to the Commission.

If Action 2026-602 (right-of-way width) is denied

The preliminary plat cannot be approved as submitted. The interior road serves the entire subdivision, and providing a conforming forty (40) foot dedicated right-of-way would change the road corridor and the lots adjoining it. That is a redesign, not a correction, and it cannot be handled by condition.

In that event the appropriate action on Action 2026-603 is to continue the item to a date certain to allow submission of a revised preliminary plat, rather than to approve it subject to conditions. Approving a plat contingent on relief the Commission has just denied would be an approval that can never take effect. If the Commission continues the item, staff recommends obtaining the applicant's written consent to any resulting extension of the platting review period and entering it in the record.

If both variances are granted

The Commission may take up the preliminary plat and approve, conditionally approve, continue, or deny it on its own merits. Granting the variances creates no entitlement to plat approval.

Two matters the Commission should be aware of

Condition 2 of PMC 18.32.010 is the limiting factor on both variances

For each variance, the applicant must show that an unusual size, shape, or topographic condition of the tract causes the hardship. Reduction in lot yield, the cost of the project, the borough's documented housing need, and the applicant's obligations under the Real Property Conveyance and Improvement Agreement are not physical conditions of the land and do not satisfy this condition, however much weight the Commission may give them under Condition 1 or as a matter of policy.

Amendment No. 1 to the Conveyance and Improvement Agreement, approved by the Assembly on August 3, 2026, expressly confirms that the forty (40) foot right-of-way requirement in that Agreement does not limit the Commission's authority to consider a variance under PMC Chapter 18.32. That amendment removes any contractual obstacle to the Commission acting. It does not supply, and cannot supply, the findings PMC 18.32.010 requires.

Conditions that change lot lines are placed before engineering plan approval

Two of the recommended plat conditions — resolution of the configuration of Lot 12, and retention of the ADL 55411 right-of-way along the southern boundary — may require revision to lot lines. Both are drafted to be satisfied prior to approval of engineering plans under Condition 1, rather than prior to final plat approval, so that any revision occurs before the road and utilities are designed and built. Deferring them to the final plat stage would mean revising lot lines after construction has begun.

A further condition provides that staff may confirm compliance with those conditions where the alignment of the interior right-of-way is unchanged and no lots are lost other than Lot 12, and that any more substantial departure returns to the Commission.

Appeals

Each of the three decisions is separately appealable to the Borough Assembly within ten days by the applicant, a property owner within six hundred feet, or an affected governmental agency. Because the preliminary plat approval depends on the right-of-way variance, Condition 10 of the plat resolution provides that if that variance is reversed on appeal or otherwise set aside, the plat approval is void and a revised preliminary plat must be submitted.

Summary

Three actions, three motions, three votes, in the order 2026-601, 2026-602, then 2026-603. Denial of the frontage variance does not stop the plat. Denial of the right-of-way variance does, and the plat should then be continued rather than conditionally approved. Both variances rise or fall on the hardship showing under PMC 18.32.010, Condition 2.

ACTION 2026-601

LOT FRONTAGE VARIANCE – FLAG LOT

PLANNING COMMISSION STAFF REPORT
PLATTING VARIANCE
BURRELL SUBDIVISION – LOT FRONTAGE VARIANCE – FLAG LOT

Action #:	2026-601	**Meeting Date:**	September 8, 2026
Applicant(s):	Skylark Park LLC	**Property Owner(s):**	Skylark Park LLC
Agent/Representative:	Vector Surveying LLC / Aaron Brown, PLS	**Property Address:**	1104 ODIN STREET
Legal Description:	Lot 5A, Block 221, Skylark II Addition Subdivision (Plat 81-19, revised by Plat 90-14), Petersburg Recording District	**Parcel ID(s):**	01-010-752
Acreage / Lot Size:	873,725.05 SF (20.058 acres, more or less)	**Current Zoning:**	Single-family Residential (SFR)
Comp Plan Designation:	Low-Density Residential	**Request Type:**	Platting Variance – PMC 18.32

A. EXECUTIVE SUMMARY

Applicant Request	Approval of a platting variance to allow lot frontage (flag lot) of Reduced frontage (flag lot configuration) for Lot 5A, Block 221 (as subdivided) – flag lot in lieu of the required [Per zoning district minimum – staff to confirm] (PMC 18.32).
Staff Recommendation	Request does not satisfy condition of approval 2.
Key Issues	Whether the two conditions of PMC 18.32.010 are satisfied: (1) the variance will not be detrimental to public safety, welfare, or adjacent property; and (2) unusual size, shape, or topography of the tract causes undue hardship from strict application of the subdivision regulations.

B. PROJECT DESCRIPTION

Subdivision Name	Burrell Subdivision
Variance Type	Lot Frontage (Flag Lot)
Affected Lot(s)	Lot 5A, Block 221 (as proposed to be subdivided)
Relation to Major Subdivision	This variance is concurrently requested with the Burrell Subdivision preliminary plat (Action 2026-601).

C. APPLICABLE CODE – PMC 18.32 PLATTING VARIANCES

PMC 18.32.010 authorizes the platting board to grant a variance from the subdivision regulations when the applicant demonstrates that both of the following conditions are met:

Condition 1: The granting of a platting variance will not be detrimental to the public safety or welfare, or injurious to adjacent property.

Condition 2: The tract to be subdivided is of such unusual size, shape, or topographical conditions that strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property.

Both conditions must be satisfied in order to qualify for a variance. Under no circumstances shall a variance be granted to permit a use of land or structure not otherwise permitted in the zone.

D. VARIANCE STANDARDS ANALYSIS

Standard	Required	Proposed	Comment
Lot Area	8,000 sf	11,479 sf	
Lot Frontage (Flag Lot)	80’	30’	Lot 5A, Block 221 (as subdivided)

E. STANDARD ANALYSIS

Condition 1 – No Detriment to Public Safety, Welfare, or Adjacent Property

The variance is consistent with planned use and surrounding development. It is unlikely to be detrimental to public safety, welfare, or injurious to adjacent properties.

Condition 2 – Unusual Size, Shape, or Topography Causing Undue Hardship

The applicant has not demonstrated that Lot 5A is of such unusual size, shape, or topographical conditions that strict application of the subdivision regulations would result in undue and substantial hardship.

H. PUBLIC NOTICE

The borough provided public notice consistent with PMC 18.32. Notice was mailed by first class mail to owners of record of property within six hundred (600) feet of the exterior boundary of the subject property. See Attachment D for sample letter.

I. FINDINGS AND CONDITIONS OF APPROVAL

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

Proposed Motion:

I move to approve RESOLUTION 2026-601 denying a platting variance for Lot 5A, Block 221 for lot frontage (flag lot).

J. ALTERNATIVES

The Planning Commission has the following options:

1. Approval of the platting variance as submitted.
2. Approval of the platting variance with staff-recommended conditions.

3. Approval of the platting variance with modified or additional conditions.
4. Continue the hearing to allow for additional information or public input.
5. Deny the platting variance application.

K. ATTACHMENTS

A. Applicant Materials / Variance Application and Justification	B. Public Comments
SHARED ATTACHMENTS AT THE END OF PACKET	
A. Vicinity Map	D. Topographic Map and Utility Layout
B. Public Notice Letter (Mailing list upon request)	E. Certificate to Plat
C. Preliminary Plat (Burrell Subdivision, 3 sheets)	

L. APPEAL (PMC 19.92)

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

PLANNING COMMISSION RESOLUTION NO. 2026-601

A RESOLUTION OF THE PETERSBURG BOROUGH PLANNING COMMISSION DENYING A PLATTING VARIANCE FOR BURRELL SUBDIVISION – LOT FRONTAGE VARIANCE – FLAG LOT

WHEREAS, on September 8, 2026, the Planning Commission conducted a duly and properly noticed public hearing to consider a platting variance application for Lot 5A, Block 221 – flag lot, Burrell Subdivision, legally described as: Lot 5A, Block 221, Skylark II Addition Subdivision (Plat 81-19, revised by Plat 90-14), Petersburg Recording District; and

WHEREAS, the applicant requests a variance from the minimum lot frontage requirement, proposing reduced frontage (flag lot configuration) in lieu of the required 80' required in the Single-Family Residential District, and

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

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

WHEREAS, the Planning Commission has considered the proposed request considering the conditions of approval required by PMC 18.32.010; and

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

Finding 1: No Detriment to Public Safety, Welfare, or Adjacent Property (PMC 18.32.010, Condition 1)

The granting of the variance will not be detrimental to public safety or welfare, or injurious to adjacent property, because

Finding 2: Unusual Size, Shape, or Topography Creating Undue Hardship (PMC 18.32.010, Condition 2)

The applicant has not demonstrated that Lot 5A is of such unusual size, shape, or topographical conditions that strict application of the subdivision regulations would result in undue and substantial hardship.

a. Lot 5A, Block 221 is an existing lot of record, created by Plat 81-19 and revised by Plat 90-14, and presently [conforms to the dimensional standards of the Single-Family Residential District, including the minimum eighty (80) foot frontage requirement.

b. No physical condition of Lot 5A prevents its continued use and development in conformance with applicable standards. The lot has 130' feet of existing frontage on the Odin St ROW and is of regular configuration.

c. The need for reduced frontage arises solely from the applicant's proposed layout for the larger Burrell Subdivision, which would reconfigure Lot 5A into a flag lot to increase the overall number of lots within the subdivision.

f. The requested variance would authorize a lot configuration that does not meet the frontage standards applicable to all other lots in the Single-Family Residential District.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the Petersburg Borough hereby denies the platting variance for Lot 5A, Block 221 to create a flag lot.

ADOPTED this 8th day of September, 2026, by the following vote:

AYE:

NAY:
ABSENT:

Chair, Planning Commission

PETERSBURG BOROUGH PLATTING VARIANCE

CODE TO:	**110.000.404110**
BASE FEE:	$50.00
PUBLIC NOTICE FEE:	$70.00
TOTAL:	**$120.00**

DATE RECEIVED:	RECEIVED BY:	CHECK NO. or CC:	

APPLICANT/AGENT	**LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)**
NAME VECTOR SURVEYING LLC, AARON BROWN	NAME SIG AND AMBRE BURRELL
MAILING ADDRESS PO BOX 156	MAILING ADDRESS PO Box 648
CITY/STATE/ZIP SOLDOTNA, ALASKA 99669	CITY/STATE/ZIP PETERSBURG ALASKA 99833
PHONE 907-519-4553	PHONE 907-518-0707
EMAIL AARONBROWN.AK@GMAIL.COM	EMAIL sig@rocknroadak.com

PROPERTY INFORMATION

PHYSICAL ADDRESS or LEGAL DESCRIPTION:

LOT 15B, FORT MAGILL SUBDIVISION, RECORDED AS PLAT 2004-14, GOVERNMENT LOT 14, GOVERNMENT LOT 20, GOVERNMENT LOT 21 WITHIN SECTION 33, TOWNSHIP 58 SOUTH, RANGE 79 EAST, COPPER RIVER MERIDIAN AND LOTS 1, 2, 3, 5, AND 6, BLOCK A AND LOT 5A, BLOCK 221, WITHIN SKYLARK II ADDITION SUBDIVISION, ACCORDING TO PLAT 81-19 AND REVISED BY PLAT 90-14.

PARCEL ID: 01010752	ZONE: SING FAM RES.	OVERLAY:
CURRENT USE OF PROPERTY: SINGLE FAMILY MODULAR HOMES AND VACANT; PROPOSED SUBDIVISION		LOT SIZE: 873,725.05 SQUARE FEET OR 20.058 ACRES MORE OR LESS

PROPOSED USE OF PROPERTY (IF DIFFERENT):

SINGLE FAMILY MODULAR HOMES AND VACANT.

SEPTIC SYSTEM: Is there a septic system on the property? ☐ YES ☒ NO
What is current or planned system? ☒ Municipal ☐ DEC-approved on-site system

WATER SOURCE: ☒ Municipal ☐ Cistern/Roof Collection ☐ Well

LEGAL ACCESS TO LOT(S) (Street Name):
ODEN STREET AND WESLEY STREET

SUBMITTALS:

☒ Sketch plat or photocopy of the most recent survey

☒ Evidence of title of the applicant

☒ Explanation of conditions, facts, and reasons why a variance should be granted.

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:** 5/17/2026 & 6/15/2026

Owner: _____ **Date:** _____

Owner: _____ **Date:** _____

Owner: _____ **Date:** _____

18.32 PLATTING VARIANCE APPLICATION

Applicant(s):_SIG AND AMBRE BURRELL OWNERS

VECTOR SURVEYING LLC, SURVEYOR – AARON BROWN, PLS

Subdivision: ~~**BERGEN SUBDIVISION**~~ BURRELL SUBDIVISION

Variance Requested:

☐ Lot Area **X Lot Frontage** ☐ Other:

Conditions of approval as required in Petersburg Municipal Code 18.32.010:

(Note that both conditions must be satisfied in order to qualify for a variance.)

1. Explain how the granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property.

The applicant proposes to subdivide Lot 5A, Block 221 (Plat 90-14) into one conforming lot and one flag lot with reduced frontage. The requested variance pertains solely to the minimum lot-frontage requirement.

Both proposed lots will obtain legal and physical access from a platted right-of-way that is scheduled for construction as part of the subdivision improvements. Access will meet borough standards for width, grade, and construction.

Sight distance along the subdivision collector road is adequate for safe ingress and egress to the proposed flag lot. The driveway connection is located on a straight tangent section of roadway, and no geometric constraints or visibility obstructions are present.

The proposed flag lot contains sufficient buildable area to support a single-family modular home with appropriate site design. No adverse impacts to drainage, traffic circulation, or emergency access are anticipated.

No evidence indicates that the reduced frontage will create detrimental effects on public safety, public welfare, or adjacent properties. The subdivision maintains the functional intent of the frontage requirement by providing safe, reliable access and preserving neighborhood development patterns.

The variance therefore does not appear to create injury to surrounding properties and does not compromise public health, safety, or welfare.

2. Explain how the tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property.

The parent parcel's size, configuration, and orientation limit the number of conforming lots that can be created while still accommodating the internal road, drainage, and utility layout required for phased development.

The subdivider is undertaking Phase 1 of a larger project intended to create multiple single-family modular home lots to address the borough's need for attainable housing. The project's design intent is consistent with borough housing goals.

Strict application of the frontage requirement would materially reduce the number of feasible lots within the tract, thereby increasing per-lot infrastructure costs. Roadway, drainage, and utility improvements represent significant engineering and construction expenses.

The ability to create one additional lot through a flag-lot configuration helps distribute infrastructure costs across more units, reducing the financial burden on future homeowners and supporting the project's affordability objectives.

The hardship arises from the parcel's physical configuration, and the infrastructure demands of the subdivision—not from actions of the applicant—and strict compliance would impose undue and substantial difficulty without advancing public benefit.

The requested variance therefore alleviates a practical hardship while maintaining the intent of the subdivision code and supporting orderly development.

ACTION 2026-602

PLATTING VARIANCE
BURRELL SUBDIVISION — RIGHT-OF-WAY WIDTH

PLANNING COMMISSION STAFF REPORT
PLATTING VARIANCE
BURRELL SUBDIVISION — RIGHT-OF-WAY WIDTH

Action #:	2026-602	**Meeting Date:**	September 8, 2026
Applicant(s):	Skylark Park LLC	**Property Owner(s):**	Skylark Park LLC (Sigmund Burrell and Ambre Burrell, Managing Members)
Agent/Representative:	Vector Surveying LLC / Aaron T. Brown, PLS, PSM (Reg. No. 131102)	**Property Address:**	
Legal Description:	Lot 15B, Fort Magill Subdivision (Plat 2004-14); Government Lots 14, 20, and 21 within Section 33, Township 58 South, Range 79 East, Copper River Meridian; and Lots 1, 2, 3, 5, and 6, Block A, and Lot 5A, Block 221, Skylark II Addition Subdivision (Plat 81-19, revised by Plat 90-14), Petersburg Recording District	**Parcel ID(s):**	
Acreage / Lot Size:	873,725.05 SF (20.058 acres, more or less)	**Current Zoning:**	Single-family Residential (SFR) / Single-family Mobile Home (SFMH)
Comp Plan Designation:	Low Density Residential (area zoned SFR) / Medium-High Density Residential (area zoned SFMH)	**Request Type:**	Platting Variance — PMC 18.32

A. EXECUTIVE SUMMARY

Applicant Request	Approval of a platting variance from the requirement for a forty (40) foot dedicated right-of-way, to allow thirty (30) to thirty-three (33) foot dedicated rights-of-way with five (5) to seven (7) foot slope easements (PMC 18.32). The request covers two segments: Svea Circle, proposed at thirty (30) feet dedicated with five (5) foot easements on each side; and the ADL 55411 corridor along the southern boundary, an existing thirty-three (33) foot right-of-way with a seven (7) foot easement proposed on the subdivision side.
Staff Recommendation	Approval subject to conditions. Condition 1 can be satisfied provided the adjoining easements are dedicated for utility, drainage, and snow storage purposes in addition to slope. Condition 2 is thinly supported on the applicant's submittal; findings are provided for the Commission's consideration, together with alternate findings for denial.

Key Issues	(1) The Conveyance and Improvement Agreement requires a 28-foot roadway. That roadway leaves one (1) foot per side inside a 30-foot dedication and two and one-half (2.5) feet per side inside a 33-foot dedication; (2) whether the slope easements may be relied upon for utility, drainage and snow storage, or whether the additional width should be dedicated; (3) whether unusual size, shape, or topography causes undue hardship under PMC 18.32.010; and (4) the applicant's written justification is addressed to a 60-foot standard that does not apply.

B. PROJECT DESCRIPTION

The applicant proposes to subdivide a 20.058-acre parent tract into 34 residential lots and Tract A, served by a new interior road, Svea Circle, which connects at its southern terminus to the ADL 55411 right-of-way along the southern boundary of the subdivision.

The borough standard is a forty (40) foot dedicated right-of-way. Two segments are proposed below that standard. Svea Circle is proposed at thirty (30) feet of dedicated right-of-way with five (5) foot slope easements on each side. The ADL 55411 corridor is an existing thirty-three (33) foot right-of-way, to which the applicant proposes to add a seven (7) foot slope easement along the subdivision side. In each case the additional width needed to reach forty (40) feet is proposed as slope easement rather than as dedicated right-of-way. That is the substance of the request.

Plat Note 3 dedicates the front five feet of all lots adjoining a right-of-way created by this subdivision as slope easements. Plat Note 4 provides that private onsite water and sewer systems are not permitted and that all lots are intended to be served by borough water and sewer. Plat Note 5 grants a temporary 50-foot radius turnaround at the southern terminus of Svea Circle.

The applicant characterizes the request as an "exception request." Staff has processed it as a platting variance under PMC 18.32, which is the applicable procedure. This variance is one of two before the Commission; Action 2026-601 requests relief from the lot frontage standard for Lot 5A, Block 221. The preliminary plat is Action 2026-603.

C. BACKGROUND — CONVEYANCE AND IMPROVEMENT AGREEMENT

The subject lots were conveyed to Skylark Park LLC by the Petersburg Borough under Assembly Resolution No. 2025-20, adopted October 20, 2025, which authorized sale at fifty percent of appraised value for a public benefit purpose. The Assembly found that the project would provide a minimum of twenty reasonably priced residential lots with utilities, addressing a documented shortage of available housing, and that this benefit outweighed maximizing direct monetary payment to the borough.

The sale is governed by a Real Property Conveyance and Improvement Agreement dated October 31, 2025. Section 5(b)(i) of that Agreement provides that roads constructed as part of the improvements "shall be 28' in width (12' lanes with 2' shoulders), within a platted 40' right-of-way," designed to meet Local Access Street criteria under PMC 18.24.070.F(7) and the 2012 Standard Specifications.

By Amendment No. 1, approved by the Assembly on August 3, 2026 and executed in August and September 2026, Section 5(b)(i) was amended to provide that the 40-foot platted right-of-way width is subject to, and does not limit, the authority of the Planning Commission sitting as the Platting Board to consider and approve a variance from that requirement under PMC Chapter 18.32.

Two points follow. First, the Assembly has expressly contemplated that this variance may be considered, and the Agreement is no longer an obstacle to the Commission acting on it. Second, the Amendment addresses the right-of-way width only. The 28-foot roadway width required by Section 5(b)(i) is unchanged, and remains a contractual obligation of the applicant independent of this variance.

D. APPLICABLE CODE — PMC 18.32 PLATTING VARIANCES

PMC 18.32.010 authorizes the platting board to grant a variance when the applicant demonstrates that both of the following are met:

Condition 1: The granting of a platting variance will not be detrimental to the public safety or welfare, or injurious to adjacent property.

Condition 2: The tract to be subdivided is of such unusual size, shape, or topographical conditions that strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property.

Both conditions must be satisfied. The applicant bears the burden of demonstrating each. The Assembly's amendment of the Conveyance and Improvement Agreement authorizes the Commission to consider this variance; it does not supply, and cannot supply, the findings required by PMC 18.32.010.

E. VARIANCE STANDARDS ANALYSIS

Standard	Required	Proposed	Comment
Svea Circle — dedicated width	40'	30'	10' reduction
Svea Circle — slope easement	N/A	5' each side	Plat Note 3; easement interest only
Svea Circle — total encumbered	40'	40'	Equal; 10 feet is easement, not dedication
ADL 55411 — dedicated width	40'	33'	Existing state corridor; 7 feet short
ADL 55411 — slope easement	N/A	7' subdivision side	One side only
ADL 55411 — total encumbered	40'	40'	Equal; 7 feet is easement, not dedication
Roadway width	28'	28'	Unchanged; Agreement Sec. 5(b)(i), PMC 18.24.070.F(7)

F. STANDARD ANALYSIS

Threshold — the applicant's justification is addressed to an inapplicable standard

The applicant's written submittal requests "reduction of required right-of-way width from 60 feet to 30 feet" and frames both of its findings around the burden of providing a 60-foot corridor. The borough standard is 40 feet. The applicant is seeking a 10-foot reduction, not the 30-foot reduction its narrative describes. The magnitude of the request is therefore materially smaller than represented, which weighs in the applicant's favor; but the hardship narrative has not been shown to hold at 40 feet.

Condition 1 — No detriment to public safety, welfare, or adjacent property

Staff finds Condition 1 can be satisfied, subject to the conditions below. The analysis turns on the following:

a. Margin inside the dedication. The required roadway is 28 feet. Within a 40-foot right-of-way, six feet remain on each side of the roadway inside the dedicated corridor for ditches, drainage, snow storage, and maintenance. Within the proposed 30-foot Svea Circle right-of-way, one foot remains on each side. Within the 33-foot ADL 55411 corridor, two and one-half feet remain on each side if the roadway is centered. The reduction therefore removes most or all working area from inside the dedication.

b. Total encumbered width. With the proposed easements, each segment is encumbered to a total of 40 feet. On Svea Circle, six feet are available on each side of the roadway measured from the pavement edge. On the ADL 55411 corridor, nine and one-half feet are available on the subdivision side and two and one-half feet on the opposite side, because the applicant does not control the land beyond the corridor on that side. The physical width is therefore equal to the standard in total, though it is distributed asymmetrically on the ADL segment.

c. Dedication versus easement. In each case the applicant proposes to supply the shortfall as slope easement rather than as dedicated right-of-way. The distinction is not academic: dedicated right-of-way is owned by the borough and available for any public street purpose, while a slope easement conveys only a limited interest and leaves the underlying fee in private ownership. The variance before the Commission is therefore, in substance, a request to satisfy the last seven to ten feet of the corridor by easement rather than by dedication. Whether that is acceptable is the question presented under Condition 1; if it is not, the request should be denied rather than conditioned, since the Commission is not asked to require additional dedication.

d. Water and sewer mains. The mains are to be located within the roadway section, inside the dedicated right-of-way. Applicable separation requirements will be met within the roadway prism and are a matter of engineering design rather than corridor width. Sewer laterals with cleanouts and water service lines with curb stops are to be extended to the property line of each lot under Agreement Section 5(b)(ii), and fire hydrant placement and spacing is subject to Petersburg Fire Department approval.

e. Electrical distribution. Petersburg Municipal Power and Light has recommended a twenty (20) foot utility easement along the front property line of the adjoining lots, running concurrent with the required front yard setback, with additional easements as determined necessary during final electrical system design. That easement is for electrical distribution and is required independently of this variance. Because it runs concurrent with the setback, it does not reduce the buildable area of the affected lots.

f. Character of the slope easements. A slope easement conveys a limited interest for cut-and-fill purposes and does not by its terms authorize drainage facilities, snow storage, or public use. Because drainage and snow storage would occur largely within the easements rather than the dedications, the easements must be broadened for the corridors to function. Staff recommends a condition requiring dedication as a slope, utility, drainage, and snow storage easement.

g. Agency review. [Insert Public Works comments.] [Insert Fire Department comments.] PMP&L has recommended that approval be conditioned upon a 20-foot utility easement along the applicable rights-of-way, with additional easements as determined necessary during final electrical system design.

Condition 2 — Unusual size, shape, or topography causing undue hardship

Condition 2 is thinly supported. The Commission should be aware of the following in weighing it:

a. Topographic record. LIDAR mapping in the record shows ground elevations across the tract from approximately 20 to 80 feet, with the Svea Circle corridor traversing a side slope. The tract is further constrained by a slough on the western boundary, a tidally influenced drainage, and muskeg and wet ground east of the proposed lots. These are physical conditions the Commission may properly consider, however the applicant has not connected that record to the request.

c. Lot yield is not hardship. The applicant states that widening the right-of-way would reduce the number of feasible lots. Reduction in lot yield is an economic consequence of the proposed layout and is not a hardship arising from the size, shape, or topography of the land.

d. Housing need and contractual obligation are not physical conditions. The applicant cites the borough's documented housing shortage. The Conveyance and Improvement Agreement separately obligates the applicant to create a minimum of twenty lots of at least 75 by 100 feet, at least fourteen of them within Government Lot 21. The Commission may weigh the public benefit of the project under Condition 1. Neither the housing need nor the applicant's contractual obligations are physical conditions of the tract, and neither establishes hardship under Condition 2.

Relationship to other pending actions

The recommended order of business is Action 2026-601 (lot frontage), then Action 2026-602 (right-of-way width), then Action 2026-603 (preliminary plat). Each variance should be moved and voted separately. Denial of this variance would require the preliminary plat to be redesigned and resubmitted, because the interior road serves the entire subdivision.

G. PUBLIC NOTICE

The borough provided public notice consistent with PMC 18.32. Notice was mailed by first class mail to owners of record of property within six hundred (600) feet of the exterior boundary of the subject property. See Attachment D for sample letter.

H. FINDINGS AND CONDITIONS

(See resolution on following page. Alternate findings for denial are provided at the end of the resolution should the Commission determine that Condition 2 is not satisfied.)

Proposed Motion:

I move to approve RESOLUTION 2026-602 granting a platting variance from the minimum interior subdivision right-of-way width for Burrell Subdivision, subject to the conditions set forth in the resolution.

I. ALTERNATIVES

1. Approval of the platting variance as submitted.
2. Approval of the platting variance with staff-recommended conditions.
3. Approval of the platting variance with modified or additional conditions.
4. Continue the hearing to allow submission of additional information.
5. Deny the platting variance application.

J. ATTACHMENTS

A. Applicant Materials / Variance Application and Justification	C. Assembly Resolution No. 2025-20 and Real Property Conveyance and Improvement Agreement (October 31, 2025)
B. Public Comments	D. Amendment No. 1 to Real Property Conveyance and Improvement Agreement
SHARED ATTACHMENTS AT THE END OF PACKET	
A. Vicinity Map	D. Topographic Map and Utility Layout
B. Public Notice Letter (Mailing list upon request)	E. Certificate to Plat
C. Preliminary Plat (Burrell Subdivision, 3 sheets)	

L. APPEAL (PMC 19.92)

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

PLANNING COMMISSION RESOLUTION NO. 2026-602
A RESOLUTION OF THE PETERSBURG BOROUGH PLANNING COMMISSION GRANTING A PLATTING VARIANCE FOR BURRELL SUBDIVISION — RIGHT-OF-WAY WIDTH

WHEREAS, on September 8, 2026, the Planning Commission conducted a duly and properly noticed public hearing to consider a platting variance application for the proposed Burrell Subdivision, legally described as: Lot 15B, Fort Magill Subdivision (Plat 2004-14); Government Lots 14, 20, and 21 within Section 33, Township 58 South, Range 79 East, Copper River Meridian; and Lots 1, 2, 3, 5, and 6, Block A, and Lot 5A, Block 221, Skylark II Addition Subdivision (Plat 81-19, revised by Plat 90-14), Petersburg Recording District; and

WHEREAS, the applicant requests a variance from the requirement for a forty (40) foot dedicated right-of-way, proposing thirty (30) to thirty-three (33) foot dedicated rights-of-way with five (5) to seven (7) foot slope easements, specifically: Svea Circle at thirty (30) feet dedicated with five (5) foot easements on each side, and the existing thirty-three (33) foot ADL 55411 corridor along the southern boundary with a seven (7) foot easement on the subdivision side; and

WHEREAS, public notice of this hearing described the request as a platting variance from the requirement for a forty (40) foot dedicated right-of-way for thirty (30) to thirty-three (33) foot dedicated rights-of-way with five (5) to seven (7) foot slope easements; and

WHEREAS, the subject lots were conveyed to the applicant under Assembly Resolution No. 2025-20 for a public benefit purpose, and Section 5(b)(i) of the Real Property Conveyance and Improvement Agreement dated October 31, 2025 requires a twenty-eight (28) foot roadway within a platted forty (40) foot right-of-way; and

WHEREAS, by Amendment No. 1 to that Agreement, approved by the Assembly on August 3, 2026, Section 5(b)(i) was amended to provide that the forty (40) foot platted right-of-way width does not limit the authority of the Planning Commission, sitting as the Platting Board, to consider and approve a variance from that requirement under PMC Chapter 18.32; and

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

WHEREAS, the Planning Commission has reviewed the staff report, the preliminary plat dated July 28, 2026, and all other relevant documents and materials, and has heard the testimony presented at the public hearing; and

WHEREAS, this variance is considered and acted upon prior to the Commission's consideration of the Burrell Subdivision preliminary plat (Action 2026-603) at this same meeting, and this resolution grants relief from a single subdivision design standard only; and

WHEREAS, the Planning Commission has considered the request against the conditions of approval required by PMC 18.32.010; and

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

Finding 1: No Detriment to Public Safety, Welfare, or Adjacent Property (PMC 18.32.010, Condition 1)

The granting of this variance will not be detrimental to public safety or welfare, nor injurious to adjacent property.

a. Svea Circle is an interior subdivision road serving only lots within the subdivision, and will operate at low speeds and low traffic volumes.

b. The roadway is required to be twenty-eight (28) feet in width under Section 5(b)(i) of the Real Property Conveyance and Improvement Agreement and PMC 18.24.070.F(7). That requirement is unchanged by this variance.

c. Water and sewer mains are to be located within the roadway section, inside the dedicated right-of-way. Applicable separation requirements will be met within the roadway prism and are a matter of engineering design rather than corridor width. All lots will be served by borough water and sewer, with no private onsite systems permitted (Plat Note 4), and fire hydrant placement and spacing is subject to Petersburg Fire Department approval under Section 5(b)(ii) of the Agreement.

d. Electrical distribution will be located within a twenty (20) foot utility easement dedicated to Petersburg Municipal Power and Light along the front property line of the adjoining lots, running concurrent with the required front yard setback. That easement is required independently of this variance and does not reduce the buildable area of the affected lots.

e. On Svea Circle, with five (5) foot easements dedicated on each side of the thirty (30) foot right-of-way, six (6) feet remain on each side of the roadway measured from the pavement edge for utilities, drainage, snow storage, and maintenance, which is the same working width a forty (40) foot right-of-way with a twenty-eight (28) foot roadway would provide.

f. Along the ADL 55411 corridor, the existing dedicated right-of-way is thirty-three (33) feet, to which a seven (7) foot slope easement is added on the subdivision side, for a total encumbered width of forty (40) feet. As conditioned below, that easement will be dedicated for slope, utility, drainage, and snow storage purposes. The easement lies within the required front yard setback of the adjoining lots and does not reduce their buildable area.

g. As conditioned below, the easements along both segments will be dedicated for slope, utility, drainage, and snow storage purposes, so that the full forty (40) foot corridor is available for the functions the right-of-way standard is intended to serve.

h. A temporary fifty (50) foot radius turnaround is provided at the southern terminus of Svea Circle under Plat Note 5.

i. Public Works has expressed no concerns with proposed ROW.

Finding 2: Unusual Size, Shape, or Topography Creating Undue Hardship (PMC 18.32.010, Condition 2)

The tract to be subdivided is of such topographical conditions that strict application of the requirements of this title would result in undue and substantial hardship to the owner of the property.

a. The tract is constrained by a slough along the western boundary, a tidally influenced drainage, and wet ground and muskeg identified on the topographic and ortho-aerial sheets, which limit the corridor available for road placement.

b. The requested deviation is the minimum necessary, and the proposed corridor provides the full forty (40) feet of encumbered width contemplated by the standard.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the Petersburg Borough hereby grants a platting variance from the requirement for a forty (40) foot dedicated right-of-way, to allow a thirty (30) foot dedicated right-of-way for Svea Circle and a thirty-three (33) foot dedicated right-of-way along the ADL 55411 corridor within the Burrell Subdivision, subject to the following conditions:

Scope of relief granted

1. This variance grants relief solely from the requirement for a forty (40) foot dedicated right-of-way, and solely as to Svea Circle and the ADL 55411 corridor as aligned and dimensioned on the preliminary plat of Burrell Subdivision dated July 28, 2026. It grants no relief from the twenty-eight (28) foot roadway width required by Section 5(b)(i) of the Real Property Conveyance and Improvement Agreement and PMC 18.24.070.F(7), nor from any other standard of PMC Title 18 or of the applicable zoning districts.

2. If the plat is revised in any manner that changes the alignment, length, terminus, or configuration of Svea Circle or the ADL 55411 corridor, this variance shall be void as to the revised layout and a new variance application shall be required.

Conditions to be satisfied prior to approval of engineering plans

3. The plat shall be revised to show the five (5) foot easements on each side of the Svea Circle right-of-way and the seven (7) foot easement along the subdivision side of the ADL 55411 corridor as dedicated slope, utility, drainage, and snow storage easements, and Plat Note 3 shall be revised accordingly. Revision will be confirmed by borough staff.

Conditions to be satisfied prior to final plat approval

4. The final plat shall dedicate a five (5) foot easement on each side of the Svea Circle right-of-way and a seven (7) foot easement along the subdivision side of the ADL 55411 corridor, in each case for slope, utility, drainage, and snow storage purposes.

5. The final plat shall bear a plat note stating that the width of the Svea Circle right-of-way was authorized by Planning Commission Resolution No. 2026-602, adopted September 8, 2026.

Effect and expiration

6. This variance becomes effective upon approval of the Burrell Subdivision preliminary plat by the Planning Commission. If the preliminary plat is not approved, this variance shall be void without further action by the Planning Commission.

7. If the approved preliminary plat is withdrawn or allowed to expire, or if the final plat is not recorded within 24 months of the date of this resolution, this variance shall expire, unless extended by the Planning Commission upon written request filed before expiration.

ADOPTED this 8th day of September, 2026, by the following vote:

AYE:

NAY:

ABSENT:

_____

Chair, Planning Commission

ALTERNATE FINDINGS — DENIAL

If the Commission determines that Condition 2 of PMC 18.32.010 is not satisfied, the following findings may be substituted and the resolution retitled to deny the variance.

Finding 1: No Detriment to Public Safety, Welfare, or Adjacent Property (Condition 1)

The Commission does not reach a determination on this condition. Because the conditions of PMC 18.32.010 are conjunctive and both must be satisfied, the applicant's failure to satisfy Condition 2 is dispositive.

Finding 2: Unusual Size, Shape, or Topography Creating Undue Hardship (Condition 2)

The applicant has not demonstrated that the tract is of such unusual size, shape, or topographical conditions that strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property.

a. The applicant's written justification requests relief from a sixty (60) foot right-of-way standard. The applicable standard is forty (40) feet, and the applicant has submitted no analysis of the hardship imposed by the applicable standard as to either segment.

b. The applicant identified reduction in the number of feasible lots as a consequence of applying the standard. Reduction in lot yield is an economic consequence of the proposed layout and is not a hardship arising from the size, shape, or topography of the land.

c. The applicant identified the borough's housing need as a basis for relief. While the Commission acknowledges that need and the public benefit purpose recognized in Assembly Resolution No. 2025-20, housing need is not a physical condition of the tract and does not establish hardship under Condition 2. The applicant's obligations under the Real Property Conveyance and Improvement Agreement likewise are not physical conditions of the tract.

d. Amendment No. 1 to the Real Property Conveyance and Improvement Agreement authorizes the Commission to consider this variance but does not supply the findings required by PMC 18.32.010.

e. The applicant submitted no alternative layout demonstrating that the tract cannot be subdivided with a conforming right-of-way width.

ACTION 2026-603

MAJOR SUBDIVISION – PRELIMINARY PLAT REVIEW
BURRELL SUBDIVISION

PLANNING COMMISSION STAFF REPORT

MAJOR SUBDIVISION – PRELIMINARY PLAT REVIEW

BURRELL SUBDIVISION

Action #:	2026-603	**Meeting Date:**	September 8, 2026
Applicant(s):	Skylark Park LLC	**Property Owner(s):**	Skylark Park LLC
Agent/Representative:	Vector Surveying LLC / Aaron Brown, PLS	**Property Address:**	
Legal Description:	A subdivision of Lot 15B, Fort Magill Subdivision (Plat 2004-14); Government Lots 14, 20, and 21 within Section 33, Township 58 South, Range 79 East, Copper River Meridian; and Lots 1, 2, 3, 5, and 6, Block A and Lot 5A, Block 221, Skylark II Addition Subdivision (Plat 81-19, revised by Plat 90-14), Petersburg Recording District	**Parcel ID(s):**	
Acreage / Lot Size:	873,725.05 SF (20.058 acres, more or less)	**Current Zoning:**	Single-family Residential (SFR) / Single-family Mobile Home (SFMH)
Comp Plan Designation:	Low Density Residential (area zoned SF)/Medium-High Density Residential (area zoned SFMH)	**Request Type:**	Major Subdivision – Preliminary Plat

A. EXECUTIVE SUMMARY

Applicant Request	Preliminary plat approval to subdivide approximately 20.058 acres into 34 single-family lots and Tract A (Burrell Subdivision), creating lots for single-family dwellings and single-family manufactured homes. Two platting variances (Actions 2026-601 and 2026-602) are concurrently requested.
Staff Recommendation	Approval subject to conditions, contingent upon approval of Platting Variance Action 2026-602. If that variance is denied, staff recommends the item be continued to a date certain to allow submission of a revised preliminary plat.

Key Issues	(1) Buildability of proposed Lot 12, which is bounded by right-of-way on three of its four sides with a 20-foot front yard setback applying to each frontage; (2) proposed vacation of the ADL 55411 right-of-way along the southern boundary, which provides the second point of connection for Svea Circle and whose retention requires revision to the southern lot lines of the adjoining lots; (3) whether the rights-of-way dedicated by this plat will be constructed for their full dedicated length, and physical access to the lots they serve; (4) dependence of this approval on Platting Variance Action 2026-602 (right-of-way width); and (5) the anadromous slough on the western boundary and the width of the required drainage easement.

B. PROJECT DESCRIPTION

Subdivision Name	Burrell Subdivision
Intended Use	Residential development
Total Acreage	20.058 acres (873,725.05 SF), more or less
Number of Lots Proposed	34 residential lots (Lots 1–34) plus Tract A
Lot Size Range	Approximately 7,500 SF – 11,476 SF
Streets / Access	Access via Odin Street and Wesley Street; new internal subdivision road to be constructed and dedicated to Petersburg Borough. A temporary 50' radius emergency vehicle access cul-de-sac (Tract A) is provided via this plat; the cul-de-sac configuration may be vacated upon a future approved platting action.
Utilities	Proposed to install municipal water, sewer, and power.
Phasing (if applicable)	Phase 1 of a larger phased development. The preliminary plat depicts Lots 1–34 and Tract A as Phase 1.
Timeline	Application dated May 27, 2026; preliminary plat dated July 2026

C. SITE CHARACTERISTICS

Topography	Predominantly muskeg with some forested areas along stream drainage.
Existing Structures	Vacant
Legal Access	Odin Street and Wesley Street; additional ROW to be dedicated.
Utilities	None existing
Flood Zone	A portion of Tract A
Anadromous Streams / Watercourses	Slough depicted on western edge of parcel; included in the Anadromous Waters catalog
Environmental Constraints	Wetlands

D. ZONING AND LAND USE

Zoning District	Actual Land Use
Single-family Residential (SFR) / Single-family Mobile Home (SFM)	Vacant

Surrounding Area

Direction	Zoning District	Actual Land Use
North	Single-family Residential (SFR); Commercial	Residential; existing Skylark II subdivision
South	Open Space Recreation	Undeveloped / vacant; airport boundary area
East	Public Use / Undeveloped	Vacant; Petersburg Airport boundary
West	Mobile Home Park	Mobile Home Park

E. PRELIMINARY PLAT SUBMISSION CHECKLIST (PMC 18.24.040)

Submission Requirement (PMC 18.24.040)	Submitted?	Comment
Three blue/black line prints (§18.24.040.B.1)	Yes	Preliminary plat submitted in required format
Plat prepared by registered land surveyor (§18.24.040.B.2)	Yes	Aaron T. Brown, PLS, PBM – Vector Surveying LLC; Registration No. 131102
Title block with required information (§18.24.040.B.3.a)	Yes	Name, scale, date, area, description, lot/block numbers, surveyor and subdivider info shown
North arrow and graphic scale (§18.24.040.B.3.b–c)	Yes	Shown on all three sheets
Vicinity map at 1"=1,000 ft (§18.24.040.B.3.d)	Yes	Vicinity map at 1"=1,000' shown on Sheet 1
Dedicated rights-of-way, easements, reservations (§18.24.040.B.3.d)	Yes	Internal road ROW, slope easements, and 30' access easement shown
Adjacent property lines shown (§18.24.040.B.3.e)	Yes	Adjacent parcels and boundaries shown on plat
Proposed lot lines, dimensions, areas, curve data (§18.24.040.B.3.f)	Yes	Dimensions and areas shown for all lots; segment curve table provided
Proposed public areas designated (§18.24.040.B.3.g)	Yes	Road ROW dedicated to Petersburg Borough shown on plat

Topography with required contour intervals (§18.24.040.B.3.h)	Yes	Staff to confirm contours are provided at required intervals
Preliminary utility / street locations (§18.24.040.B.3.i)	Yes	Internal road shown; utility layout to be confirmed
Location of water bodies, drainage, flood hazard areas (§18.24.040.B.3.j)	Yes	Slough depicted on western portion; flood hazard area to be confirmed
Existing facilities/structures within subdivision (§18.24.040.B.3.k)	Yes	Existing structures shown.
Legal access from public road system (§18.24.040.B.3.l)	Yes	Access via Odin Street and Wesley Street shown
Multi-sheet index (if >1 sheet) (§18.24.040.B.3.n)	Yes	Three-sheet plat with Sheet 1 showing overall subdivision
Ownership information / deeds / title report (§18.24.040.B.4)	Yes	Certificate to plat provided.
Phasing master plan (if phased development) (§18.24.030.B.2)	[ ]	Phase 1 depicted; master plan for full phased development to be confirmed.
Platting variances/vacation applications submitted with preliminary plat (§18.24.030.A)	Yes	Two platting variance applications submitted (Action 2026-601 and 2026-602)
Application fee paid (§18.08.020)	Yes	Fee of $895.00 paid
Submitted ≥ 30 days before platting board meeting (§18.24.040.B)	Yes	Application dated May 27, 2026; prelim plat submitted July 26, 2026.

F. DESIGN STANDARDS REVIEW (PMC 18.24.060–18.24.090)

Design Standard	Required	Proposed	Conforms / Comment
Streets (PMC 18.24.070)			
Street arrangement continues adjacent streets (§070.C.1)	Yes	Yes	Internal road connects to Wesley Street and Odin Street
Streets extended to tract boundary unless topography prevents (§070.C.2)	Yes	Yes	Road extended to subdivision boundary; emergency vehicle access provided via Tract A
Cul-de-sac max length	400 ft	N/A	ADL 55411 right-of-way along the southern boundary provides access

Cul-de-sac turnaround radius	≥50 ft	50 ft	Temporary 50' radius cul-de-sac shown on plat
Max street grade	10%	Pending submittals	Street grade to be confirmed from engineering plans
Intersection angle	≥70°	Yes	Intersections conform.
Min sight distance at intersections	150 ft	Adequate	Applicant states driveway on straight tangent section with no obstructions
Street names approved / no duplicates (§070.E)	Yes	Pending	Street name to be assigned by Planning Dept. and approved as part of Final Plat
Local access ROW width	40 ft min	Proposed varies from 50' to 30'	Platting variance requested for proposed ROW that are <40'.
Local access roadway width	28 ft min	Pending submittal.	Roadway width to be confirmed from submitted engineering plans.
Easements (PMC 18.24.080)			
Front property line utility easement	≥5 ft	Proposed 5 ft slope easement	Public Works OK; PMP&L recommend 20' front line utility easement.
Drainage easement each side of creek/stream	≥10 ft	Pending Final Plant	Added as condition of approval for final plat.
Wider stream easement if anadromous (§080.C.2)	Per ADFG	Pending Commission action.	Anadromous status of slough confirmed. ADFG consultation needed if wider stream easement desired.
Lots & Blocks (PMC 18.24.090)			
The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.	Generally.	Lot 12	Lot has an awkward shape and multiple sides constrained by 20' setback. Unclear whether this is a developable lot.
Lot dimensions meet zoning ordinance (Title 19) (§090.B.1)	Yes	Yes (with variances)	All lots meet area requirements; one lot require lot-frontage variances (Actions 2026-601)
Corner lots sized for dual setbacks (§090.B.4)	Yes	Pending	Corner lots to be confirmed on final plat
No land in flood hazard area subdivided without §18.12.020(E) compliance	Yes	Yes	No subdivision occurring in flood area on this plat.

Naming & General (PMC 18.24.060)			
Subdivision name designated, no duplicate names (§060.A.2)	Yes	Yes	No duplicate name in recording district
Lands unsuitable for development excluded or mitigated (§060.A.3)	Yes	Pending future development.	Slough area on western boundary; buildability of lots adjacent to slough to be confirmed.

G. REVIEW CRITERIA (PMC 18.24.045 – Platting Board Review)

After public hearing, the Platting Board may approve, approve with modifications/conditions, or disapprove the preliminary plat per PMC 18.24.045(A). The following criteria guide staff analysis:

1. Conformance with PMC 18.24.060.A.1

The preliminary plat proposes to subdivide approximately 20.058 acres into 34 single-family lots and Tract A. The subject parcel is zoned Single-family Residential (SFR) and Single-family Mobile Home (SFMH). All proposed lots meet the minimum lot area requirement of the district in which they are located. One lot requires a platting variance for minimum lot frontage (see Action 2026-601); with that relief, the proposed lots meet the minimum frontage requirements of the applicable districts. If the variance is denied, Lot 5A remains as originally platted.

Staff notes one lot configuration issue. Proposed Lot 12 is an irregular parcel bounded by dedicated right-of-way on three of its four sides. A 20-foot front yard setback applies to each right-of-way frontage, and the 20-foot utility easement discussed in subsection 5 may further reduce the area available for a structure. Although Lot 12 meets the minimum lot area, the applicant has not demonstrated that a dwelling meeting all applicable setback and dimensional standards can be sited on it. A lot that cannot accommodate the permitted use without later variance relief presents a problem best resolved at the platting stage, since any hardship would arise from the approved subdivision design rather than from a condition of the land. Staff recommends a condition requiring a buildable envelope exhibit, or revision of the lot, prior to approval of engineering plans.

2. Suitability of Land for Development (PMC 18.24.060.A.3)

The subject property is largely undeveloped. A slough is present on the western boundary, and a portion of Tract A is within a flood hazard area. The slough is included in the State's Anadromous Waters Catalog. The slough area is not proposed for subdivision by this plat, and no development, crossing, or improvement is proposed within or across it in this phase. The remaining land appears generally suitable for subdivision.

3. Street Design and Access (PMC 18.24.070)

The preliminary plat depicts an internal subdivision road, Svea Circle, connecting to Wesley Street and Odin Street, which serve as existing legal access. A temporary 50-foot radius emergency vehicle cul-de-sac is provided at the terminus of Svea Circle and may be vacated upon an approved future platting action.

Svea Circle extends to the southern boundary of the subdivision. PMC 18.24.070.F.1 limits streets designed to have one end permanently closed to 400 feet. Because the ADL 55411 right-of-way along the southern boundary is retained as dedicated public right-of-way under Condition 12, Svea Circle connects to an existing public right-of-way at each end and is not a dead-end street. The 400-foot maximum applicable to cul-de-sac streets therefore does not apply. A temporary turnaround with a 50-foot radius is provided at the southern terminus and will remain until the connection is constructed.

The record does not establish whether the rights-of-way dedicated by this plat will be constructed for their full dedicated length. Plat Note 5 contemplates future extension of Svea Circle, indicating that construction may terminate short of the full dedication. A lot abutting dedicated but unconstructed right-of-way has legal but not physical access and is not developable until the road is built. Staff recommends a condition requiring that all dedicated rights-of-way adjacent to developable lots be constructed, or secured under Chapter 18.26, for their full dedicated length.

Engineering plans per PMC 18.24.045(C) will be required prior to construction.

4. Utilities and Infrastructure (PMC 18.24.040.C)

The applicant proposes to connect all lots to the Petersburg Borough municipal water and sewer system. Utility layout and service extension plans will be reviewed by the Public Works Department prior to construction, and the system will be tested prior to final plat approval. Municipal power will also be extended to serve the subdivision. PMPL review and approval of electrical system design is required.

5. Easements and Dedications (PMC 18.24.080–18.24.100)

Slope: Plat Note 3 dedicates the front five feet of all lots adjoining a right-of-way created by this subdivision as slope easements.

Utility: A presumptive 20-foot utility easement is required along any right-of-way less than 40 feet in width, with additional easements as determined necessary by PMP&L during final electrical system design. See PMP&L recommendation and attached memo.

Drainage: A minimum 10-foot drainage easement on either side of the slough will be required per PMC 18.24.080.C.2. The Commission may require a wider easement where the stream is anadromous, following consultation with the Alaska Department of Fish and Game. Because no lots adjoin the slough and no work is proposed within or across it in this phase, staff recommends that the width question be addressed in connection with a subsequent platting action affecting the slough or adjoining lands.

Dedications: The internal road right-of-way is dedicated to the Petersburg Borough by this plat, together with a small parcel of land (1,094.46 square feet per Plat Note 7).

6. Vacation of ADL 55411

The preliminary plat proposes to vacate portions of the ADL 55411 right-of-way (33 feet), including the segment along the southern boundary of the subdivision.

Plat Note 5 grants a temporary 50-foot radius cul-de-sac at the terminus of Svea Circle and states that future development of Tract A may allow additional right-of-way dedication and continuation of Svea Circle. The subdivision as proposed is therefore an initial phase, with additional development anticipated.

The applicant has not submitted a plan for the next phase of development, and no replacement access, connectivity, or right-of-way dedication has been proposed to serve Tract A or lands lying south of the subdivision.

Vacation of the southern segment of ADL 55411 in advance of an approved plan for the next phase would eliminate an existing public access corridor without any demonstrated substitute, and would foreclose a connectivity option the Commission may wish to preserve when the subsequent phase is reviewed. Retaining that segment will require corresponding revision to the southern lot lines of the adjoining lots.

H. DEPARTMENT REVIEWS

Department	Comments
Public Works	No comments
PMPL	Recommends approval be conditioned upon a 20-foot utility easement along the applicable rights-of-way, with additional utility easements provided where determined necessary by PMPL during final electrical system design. See attached memo.
Fire	No comments
Police	No comments

I. PUBLIC NOTICE

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

J. FINDINGS AND CONDITIONS OF APPROVAL

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

Proposed Motion:

I move to approve RESOLUTION 2026-603 approving the preliminary plat for the Burrell Subdivision, subject to the conditions set forth in the resolution.

K. ALTERNATIVES

The Planning Commission has the following options:

1. Approval of the preliminary plat as submitted.
2. Approval of the preliminary plat with staff-recommended conditions.
3. Approval of the preliminary plat with modified or additional conditions.
4. Continue the hearing to allow for additional information or public input.
5. Deny the preliminary plat application.
6. If Platting Variance Action 2026-602 (right of way width) is denied, continue this item to a date certain to allow submission of a revised preliminary plat providing a conforming right-of-way width.

L. ATTACHMENTS

A. Applicant Materials	B. Public Comments
SHARED ATTACHMENTS AT THE END OF PACKET	
A. Vicinity Map	D. Topographic Map and Utility Layout
B. Public Notice Letter (Mailing list upon request)	E. Certificate to Plat
C. Preliminary Plat (Burrell Subdivision, 3 sheets)	

M. APPEAL (PMC 19.92)

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

PLANNING COMMISSION RESOLUTION NO. 2026-603

A RESOLUTION OF THE PETERSBURG BOROUGH PLANNING COMMISSION APPROVING A PRELIMINARY PLAT FOR BURRELL SUBDIVISION

WHEREAS, on September 8, 2026, the Planning Commission conducted a duly and properly noticed public hearing to consider a preliminary plat application for Burrell Subdivision, legally described as: A subdivision of Lot 15B, Fort Magill Subdivision (Plat 2004-14); Government Lots 14, 20, and 21 within Section 33, Township 58 South, Range 79 East, Copper River Meridian; and Lots 1, 2, 3, 5, and 6, Block A and Lot 5A, Block 221, Skylark II Addition Subdivision (Plat 81-19, revised by Plat 90-14), Petersburg Recording District; and

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

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

WHEREAS, the Planning Commission has considered the proposed request in light of the requirements of PMC Chapter 18.24; and

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

Finding 1: Compliance with Borough Ordinances

The proposed preliminary plat conforms with the ordinances of the Petersburg Borough, including the zoning ordinance and subdivision regulations, subject to the conditions imposed by this action, in that:

a. The subdivision creates Lots 1 through 34 and Tract A from a parent tract of 873,725.05 square feet (20.058 acres, more or less) in the single-family residential or single family mobile home zoning district. Except as provided in subparagraph (b), all proposed lots meet the minimum lot area and minimum lot frontage requirements of the district in which they are located.

b. The plat depicts a lot frontage for Lot 5A, Block 221 and an interior right-of-way width that do not meet applicable standards absent variance relief. Platting Variance Actions 2026-601 and 2026-602 have been considered by the Commission concurrently with this action. Approval of this preliminary plat is dependent upon approval of the right-of-way width relief sought under Action 2026-602, and Condition 10 so provides.

c. Proposed Lot 12 is bounded by dedicated right-of-way on three of its four sides, with a twenty (20) foot front yard setback applying to each frontage. The applicant has not submitted a buildable envelope exhibit demonstrating that a dwelling meeting all applicable setback and dimensional standards can be sited on the lot. Approval of proposed Lot 12 as configured would foreseeably require the future owner to seek variance relief from the setback standards. Any hardship arising from the lot's configuration would be created by the subdivision design approved by this Commission and would not constitute grounds for such relief. The Commission finds that a lot configuration that cannot accommodate the permitted use without subsequent variance relief should be corrected at the platting stage. Condition 11 requires that this be resolved prior to the approval of engineering plans.

d. Street names for the interior subdivision road will require approval by the Community Development Department under PMC 18.24.070.E, as provided in Condition 7, and the final plat will be required to bear all certificates prescribed by PMC 18.24.050(B), as provided in Condition 8.

Finding 2: Suitability of Land

The subject land is suitable for subdivision, subject to the conditions imposed by this action, in that:

a. The tract is served by municipal water and municipal sewer. Plat Note 4 provides that private onsite water and sewer treatment systems are not permitted on any lot created by this subdivision, and that all lots are intended to be served by Petersburg Borough municipal water and sewer.

b. LIDAR topographic mapping in the record shows ground elevations across the tract ranging from approximately 20 feet to approximately 80 feet. The developable portions of the tract are of grades suitable for residential construction and road construction.

c. A portion of the tract lies within a mapped flood hazard area. The affected lots, blocks, and tracts will be identified on the face of the final plat under Condition 5, so that the limitation is disclosed to future owners and appears in the record of title.

d. A slough lies along the western property boundary. PMC 18.24.080.C.2 requires an easement of at least ten (10) feet in width on either side of any creek or stream, and authorizes the platting board to require wider easements where the stream is anadromous, as determined by the board after consultation with the Alaska Department of Fish and Game. The slough is anadromous. No lots are created adjoining the slough by this plat, and no development, crossing, or improvement is proposed within or across it in this phase. The Commission finds that the minimum easement required by PMC 18.24.080.C.2 is adequate for this phase, and that consultation with the Alaska Department of Fish and Game regarding the appropriate easement width shall occur in connection with any subsequent platting action or development proposal affecting the slough or the lands adjoining it.

e. Subject to the drainage easement required by Condition 4 and the flood hazard notation required by Condition 5, the land is suitable for the residential development proposed.

Finding 3: Streets, Easements, and Infrastructure

The proposed street design, easements, and utility provisions conform with PMC 18.24.070 and 18.24.080, subject to the conditions imposed by this action and to the modifications required below, in that:

a. The subdivision is served by a new interior road terminating in a temporary fifty (50) foot radius cul-de-sac granted by Plat Note 5. PMC 18.24.070.F.1 provides that streets designed to have one end permanently closed shall not exceed four hundred (400) feet in length and shall be provided at the closed end with a turnaround having a radius of not less than fifty (50) feet. Because the ADL 55411 right-of-way along the southern boundary is retained as dedicated public right-of-way under Condition 12, Svea Circle connects to dedicated public right-of-way at each end and is not a street designed to have one end permanently closed. The four hundred (400) foot maximum therefore does not apply. The cul-de-sac provides the only turnaround for emergency and service vehicles serving the southern lots and must remain in place until the road is extended and the cul-de-sac vacated by an approved platting action, as required by Condition 6.

b. The interior right-of-way is proposed at a width of less than forty (40) feet. A presumptive twenty (20) foot utility easement will be reserved along that right-of-way, with additional easements provided as determined necessary by Petersburg Municipal Power and Light during final electrical system design, as required by Condition 3.

c. Engineering plans for the required improvements have not been submitted or approved, and no improvements have been constructed. Conditions 1 and 2 require completed engineering plans approved by the Public Works Department and the Alaska Department of Environmental Conservation prior to construction, and completion of all required improvements or the posting of adequate security under Chapter 18.26 prior to final plat approval.

d. The plat proposes to vacate portions of the ADL 55411 right-of-way (33 feet), including the segment along the southern boundary. Plat Note 5 indicates that the subdivision is an initial phase with further development of Tract A anticipated, and no plan for the next phase has been submitted. Vacation of the southern segment in advance of an approved plan for the next phase would eliminate an existing public access corridor without a demonstrated substitute and would foreclose a connectivity option the Commission may wish to preserve when the subsequent phase is reviewed. The Commission finds that vacation of the southern segment of ADL 55411 is premature and should be deferred until a subsequent platting action provides and secures approval of the next phase of development, including any replacement right-of-way. Retaining that segment as dedicated right-of-way requires corresponding revision to the southern lot lines of the lots adjoining it. Retention of that segment is further necessary to provide a second point of connection for Svea Circle.

e. The record does not establish whether the rights-of-way dedicated by this plat will be constructed for their full dedicated length. Plat Note 5 provides for a temporary cul-de-sac and contemplates future extension of the interior road, indicating that construction may terminate short of the full dedicated length. A lot abutting dedicated but unconstructed right-of-way has legal but not physical access and is not developable until the right-of-way is constructed. The Commission finds that all rights-of-way dedicated by this plat shall be constructed to borough standards for their full dedicated length, or adequate security posted for the full length under Chapter 18.26, prior to final plat approval.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the Petersburg Borough hereby approves the preliminary plat for Burrell Subdivision, subject to the following conditions:

1. Prior to construction of improvements, the applicant shall complete all required engineering plans per PMC 18.24.045(C) and obtain approval from the Public Works Department and Alaska DEC.
2. All required improvements (roads, water, sewer, electricity) shall be completed, and approved by the borough and DEC, or adequate security posted per Chapter 18.26 before final plat approval.
3. A presumptive 20-foot utility easement along the front property line shall be reserved along any rights-of-way less than 40', with additional utility easements provided where determined necessary by PMPL during final electrical system design.
4. A drainage easement of not less than ten (10) feet in width shall be depicted on the final plat on either side of the slough on the western property boundary, per PMC 18.24.080.C.2. Any subsequent platting action or development proposal affecting the slough or lands adjoining it shall be preceded by consultation with the Alaska Department of Fish and Game regarding the appropriate easement width, and shall be subject to any wider easement the Planning Commission may require following that consultation.
5. All lots, blocks, or tracts affected by the floodplain regulations shall be labeled "Flood Hazard Area" on the face of the final plat. Such notation may include a written statement, stating the affected lots, blocks and tract by legal description and the report and date of the report used to make the determination of the floodplain.
6. The temporary cul-de-sac shall remain in place until vacated by an approved platting action with the Petersburg Borough.
7. Street name(s) for the internal subdivision road shall be approved by the Community Development Department prior to final plat recording per PMC 18.24.070.E.
8. The final plat shall bear all required certificates per PMC 18.24.050(B).
9. Preliminary plat approval is valid for one (1) year from the date of this action, with up to two (2) twelve-month extensions at the Board's discretion (PMC 18.24.045.B.1).
10. This preliminary plat approval is dependent upon Platting Variance Action 2026-602 (right-of-way width). If that variance is reversed on appeal or otherwise set aside, this approval is void. Denial of Platting Variance Action 2026-601 (lot frontage) does not affect this approval; in that event Lot 5A, Block 221 shall remain as previously platted and the final plat revised accordingly, which revision may be confirmed by staff.
11. Prior to approval of engineering plans under Condition 1, the applicant shall submit a buildable envelope exhibit for Lot 12 demonstrating that a dwelling meeting all applicable setback and dimensional standards, and accounting for the utility easement required under Condition 3, can be sited on the lot. If a conforming envelope cannot be demonstrated, the plat shall be revised to (i) eliminate Lot 12 and distribute its area among the adjoining lots, (ii) reconfigure Lot 12 or adjoining lot lines so that a conforming envelope is provided, or (iii) designate Lot 12 as a tract not approved for development. No construction of improvements shall commence until this condition has been satisfied and any required revision confirmed by borough staff.
12. Prior to approval of engineering plans under Condition 1, the plat shall be revised to remove the portion of ADL 55411 right-of-way lying along the southern boundary of the subdivision from the area proposed to be vacated. That segment shall remain a dedicated public right-of-way, and the southern lot lines of all lots adjoining that segment shall be revised accordingly. Any future vacation of that segment shall require a separate platting action, reviewed concurrently with a preliminary plat for the next phase of development. Plat notes referencing vacation of ADL 55411 shall be revised accordingly. Additionally, retention of the ADL 55411 right-of-way along the southern boundary is necessary to provide a second point of connection for Svea Circle and to avoid creating a dead-end street exceeding the maximum length permitted by PMC 18.24.070.F.1.

    No construction of improvements shall commence until this condition has been satisfied and the revision confirmed by borough staff.
13. All rights-of-way dedicated by this plat shall be constructed to borough standards for their full dedicated length prior to final plat approval, or adequate security shall be posted for the full dedicated length per

Chapter 18.26. No lot shall be created by final plat that does not abut constructed right-of-way, or right-of-way for which security has been posted.

14. The final plat shall substantially conform to the preliminary plat approved by this action. Compliance with Conditions 11 and 12 may be confirmed by staff, including revision of the southern lot lines of lots adjoining the retained ADL 55411 segment and elimination of Lot 12 with distribution of its area among the adjoining lots, provided the alignment of the interior right-of-way is unchanged and no reduction in the number of lots occurs other than the elimination of Lot 12. Any revision that alters the alignment of the interior right-of-way, reduces the number of lots other than as provided above, or otherwise substantially departs from the approved preliminary plat shall be referred to the Planning Commission for review prior to approval of engineering plans.

ADOPTED this 8th day of September, 2026, by the following vote:

AYE:

NAY:

ABSENT:

Chair, Planning Commission

PETERSBURG ALASKA

PETERSBURG BOROUGH LAND USE APPLICATION

For Borough Use	Date: 4/16/26
Base Fee: $825.00	Check No. or CC: Visa 6357
Public Notice Fee: $70	Received by: TW
Total: 895.00	Code to: 110.000.404110

APPLICANT INFORMATION

NAME: Skylark Park LLC

PROPERTY INFORMATION

PHYSICAL ADDRESS or LEGAL DESCRIPTION: Skylark Park Subdivision			Lot Size: multiple
LOT: 14	BLOCK:	SUBDIVISION: Skylark	PLAT #: 90-14
PARCEL ID: 01010600		ZONE: SINGLE-FAMILY MOBILE HOME	OVERLAY:

Current Use of Property: Nothing

Proposed Use of Property: Single Family Residention & Mobile Home Subdivision

LEGAL ACCESS AND UTILITIES

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

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

LEGAL ACCESS TO LOT(S) (Street Name): Wesley Street

TYPE OF APPLICATION AND BASE FEES

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

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

☐ 18.24 Final Plat ($25 per lot)

SUBMITTALS

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

SIGNATURE(S)

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

Applicant(s): Ann Burrell Date: 5-27-26

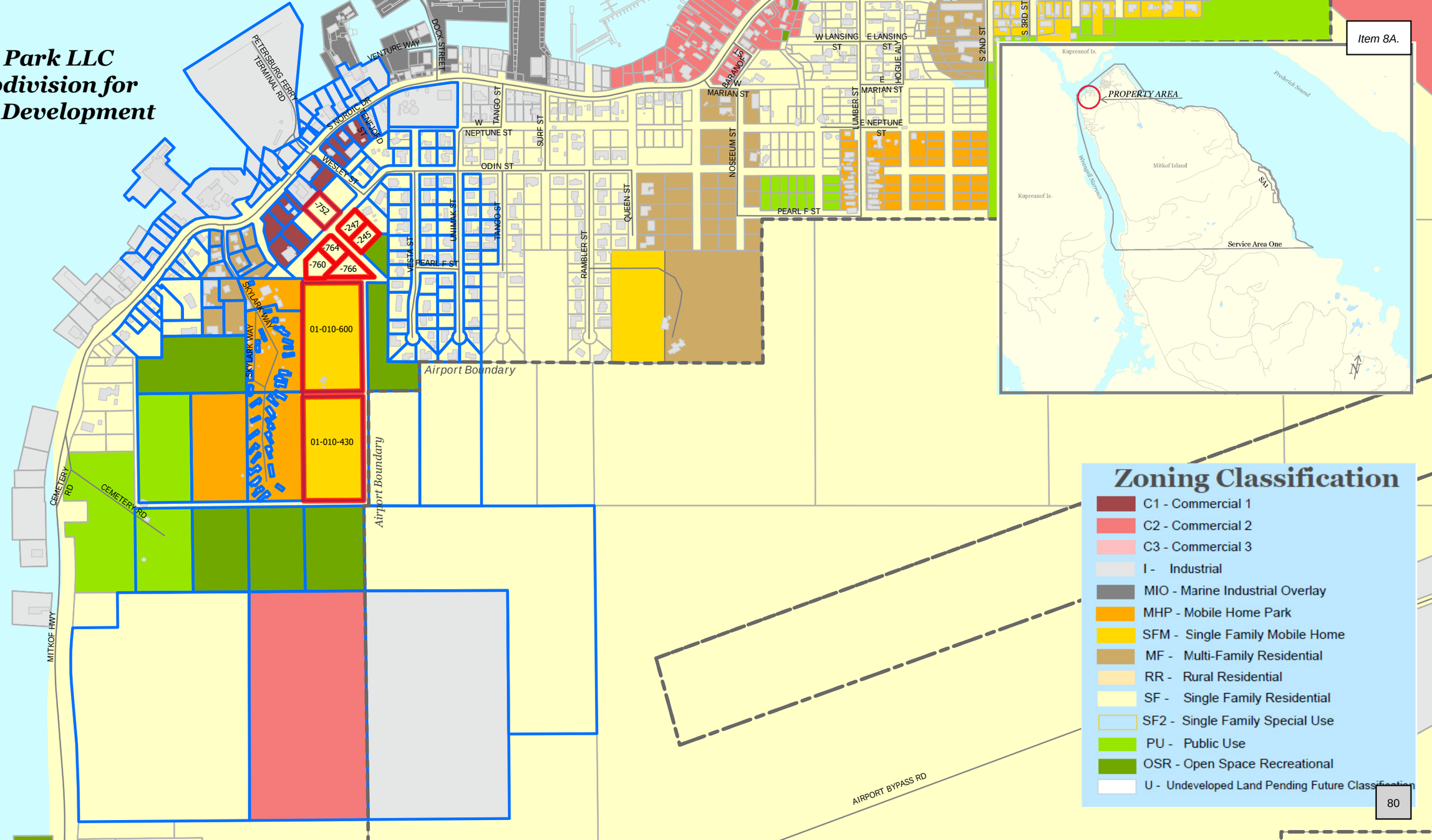
Owner (if different from applicant): _____ Date: _____

Owner (if different from applicant): _____ Date: _____

SHARED ATTACHMENTS

A. Vicinity Map	D. Topographic Map and Utility Layout
B. Public Notice Letter (Mailing list upon request)	E. Certificate to Plat
C. Preliminary Plat (Burrell Subdivision, 3 sheets)	

Skylark Park LLC
Major Subdivision for Residential Development



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

SIGMUND BURRELL, MANAGING MEMBER — DATED
SKYLARK PARK LLC
P.O. BOX 2126
PETERSBURG, ALASKA 99833

AMBRE BURRELL, MANAGING MEMBER — DATED
SKYLARK PARK LLC
P.O. BOX 2126
PETERSBURG, ALASKA 99833

NOTARY ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 2026.

FOR: _____

NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES: _____

PLAT APPROVAL

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

CHAIRMAN, PETERSBURG PLATTING BOARD — DATED

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 NAME OF: _____

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE PETERSBURG BOROUGH ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 2026 WILL BE DUE ON OR BEFORE

DATE: _____

DATED THIS _____ DAY OF _____
AT PETERSBURG, ALASKA.

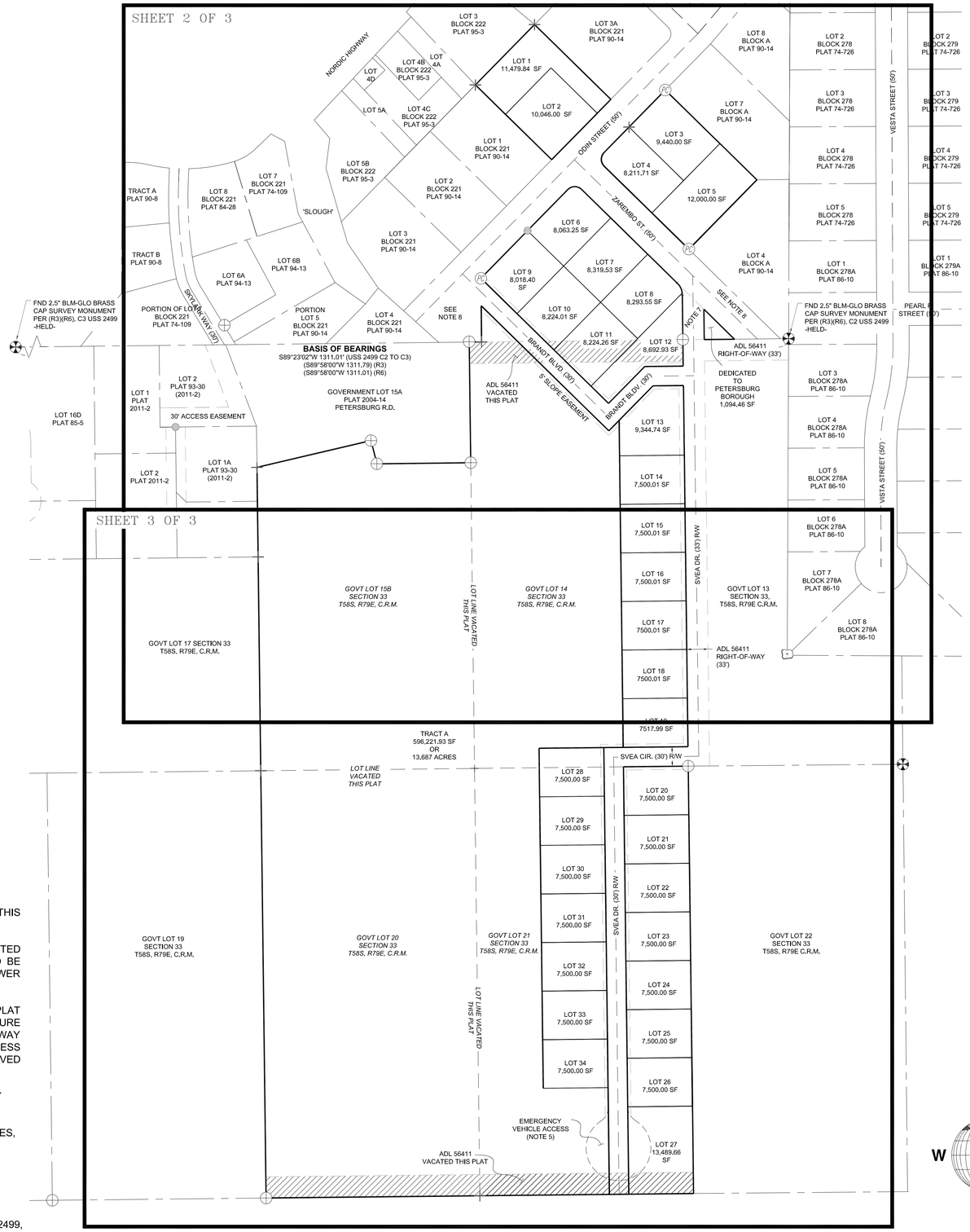
_____
FINANCE DIRECTOR, PETERSBURG BOROUGH

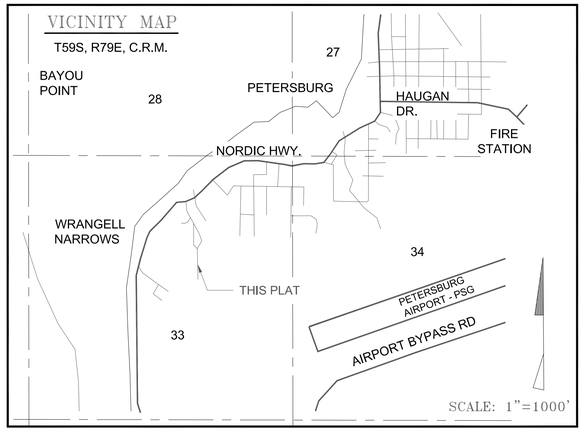
NOTES

1. DISTANCES ARE SHOWN IN US SURVEY AND DECIMALS THEREOF.
2. THE ERROR OF THIS SURVEY DOES NOT EXCEED 1:5000.
3. THE FRONT 5 FEET OF ALL LOTS ADJOINING A RIGHT OF WAY CREATED BY THIS SUBDIVISION ARE HEREBY DEDICATED AS SLOPE EASEMENTS, AS SHOWN.
4. PRIVATE ONSITE WATER AND SEWER TREATMENT SYSTEMS ARE NOT PERMITTED ON ANY LOT CREATED BY THIS SUBDIVISION . ALL LOTS ARE INTENDED TO BE SERVICED WITH PETERSBURG BOROUGH PUBLIC WATER AND PUBLIC SEWER SERVICES.
5. A TEMPORARY 50' RADIUS CUL-DE-SAK IS HEREBY GRANTED THROUGH THIS PLAT ALLOWING FOR EMERGENCY VEHICLE ACCESS AND TURN AROUND. ANY FUTURE DEVELOPMENT OF TRACT A WHICH ALLOWS FOR ADDITIONAL RIGHT-OF-WAY DEDICATIONS AND CONTINUATION OF SVEA CIRCLE MAY RESULT IN A NEW ACCESS CONFIGURATION AND THIS CUL-DE-SAK MAY BE VACATED UPON AN APPROVED PLATTING ACTION WITH THE PETERSBURG BOROUGH.
6. SET 5/8" REBAR WITH 1.5" ORANGE PLASTIC CAP AT ALL CORNERS CREATED BY THIS SUBDIVISION.
7. RIGHT OF WAY DEDICATED THIS PLAT, 1,094.46 SF SQUARE FEET OR 0.025 ACRES, MORE OR LESS.
8. RIGHT OF WAY TO REMAIN FOR EMERGENCY VEHICLE ACCESS & CUL-DE-SAC DEVELOPMENT.

BASIS OF BEARING

THE BASIS OF BEARINGS IS S89°23'02"W BETWEEN C2 - C3 OF U.S. SURVEY 2499, DERIVED FROM GNSS OBSERVATIONS ON FOUND 2.5" BLM–GLO BRASS CAPS. THE CORRESPONDING RECORD BEARINGS FOR THIS LINE ARE S89°58'00"W (R3, R6). A ROTATION OF 0°34'58" HAS BEEN APPLIED TO ALIGN RECORD BEARINGS WITH THE GNSS-DERIVED GRID BASIS SHOWN HEREON.





LEGEND

- FOUND 3.25" BRASS CAP SURVEY MONUMENT, AS NOTED
- FOUND 1.5" ALUMINUM CAP SURVEY MONUMENT
- FOUND GRANITE STONE WITH CHISELED "X" SURVEY MONUMENT
- FOUND 5/8" REBAR SURVEY MONUMENT
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- SET 3.25" ALUMINUM CAP PRIMARY MONUMENT (THIS SURVEY)
- SET ORANGE PLASTIC CAP ON 5/8" REBAR (THIS SURVEY)
- SURVEY MONUMENT SEARCHED FOR NOT FOUND

M	MEASURED	MON	MONUMENT
(R1)	REFERENCED RECORD	S.F.	SQUARE FEET
(C)	CALCULATED	AC.	ACRES
P.R.D	PETERSBURG R.D.	DOC	DOCUMENT
DNR	STATE OF ALASKA DIVISION OF NATURAL RESOURCES		
BLM - GLO	BUREAU OF LAND MANAGEMENT - GENERAL LAND OFFICE		

- BOUNDARY LINE
- ADJACENT BOUNDARY LINE
- REMOVED BOUNDARY
- CENTERLINE OF RIGHT OF WAY
- DEDICATED SLOPE EASEMENT

REFERENCES

(R1) U.S. RECTANGULAR SURVEY T58S, R79E, CRM BLM- GLO OFFICIAL RECORDS
(R2) US SURVEY 283 BLM-GLO OFFICIAL RECORDS
(R3) US SURVEY 2499 BLM-GLO OFFICIAL RECORDS
(R4) RECORD OF SURVEY PETERSBURG AIRPORT BOUNDARY PLAT 2009-16, P.R.D.
(R5) FORT MAGILL SUBDIVISION PLAT 2004-14, P.R.D.
(R6) SKYLARK II SUBDIVISION PLAT 90-14, P.R.D.
(R7) RECORD OF SURVEY PLAT 98-12, P.R.D.
(R8) WOODWORTH SUBDIVISION PLAT 93-30, P.R.D.
(R9) R.B. SUBDIVISION PLAT 86-10, P.R.D.

SURVEYOR'S STATEMENT

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS SURVEY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE: _____ REGISTRATION No. 131102

PRELIMINARY PLAT_07/28/26

AARON T. BROWN, PLS, PSM
REGISTERED PROFESSIONAL LAND SURVEYOR

STATE OF ALASKA 49TH 07.28.2026 AARON T. BROWN No.131102 REGISTERED PROFESSIONAL LAND SURVEYOR

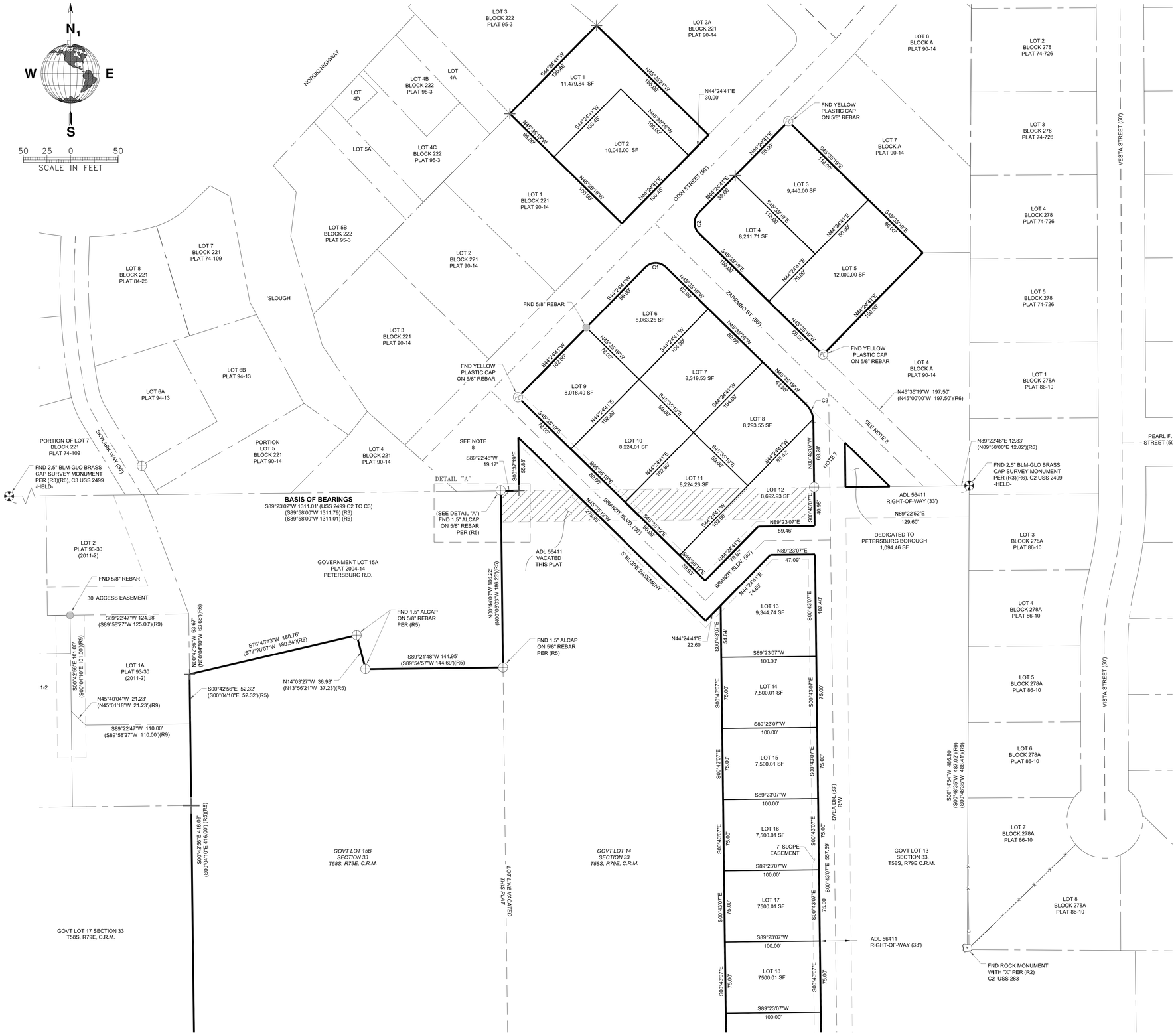
BURRELL SUBDIVISION

A SUBDIVISION OF LOT 15B, FORT MAGILL SUBDIVISION, RECORDED AS PLAT 2004-14, GOVERNMENT LOT 14, GOVERNMENT LOT 20, GOVERNMENT LOT 21 WITHIN SECTION 33, TOWNSHIP 58 SOUTH, RANGE 79 EAST, COPPER RIVER MERIDIAN AND LOTS 1, 2, 3, 5, AND 6, BLOCK A AND LOT 5A, BLOCK 221, WITHIN SKYLARK II ADDITION SUBDIVISION, ACCORDING TO PLAT 81-19 AND REVISED BY PLAT 90-14, PETERSBURG RECORDING DISTRICT, THUS CREATING LOTS 1-34, AND TRACT A, BURRELL SUBDIVISION, CONTAINING 873,725.05 SQUARE FEET OR 20.058 ACRES MORE OR LESS

PETERSBURG — ALASKA
1" = 90' — JULY 2026

VECTOR SURVEYING LLC
PO BOX 156
SOLDOTNA, ALASKA 99669
(907)-519-4553

SHEET 1 OF 3



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BLM - GLO	BUREAU OF LAND MANAGEMENT - GENERAL LAND OFFICE		

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BLM-GLO OFFICIAL RECORDS

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BLM-GLO OFFICIAL RECORDS

(R4) RECORD OF SURVEY
PETERSBURG AIRPORT BOUNDARY
PLAT 2009-16, P.R.D.

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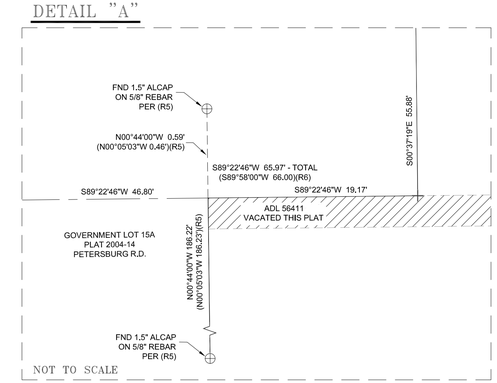
(R8) WOODWORTH SUBDIVISION
PLAT 93-30, P.R.D.

(R9) R.B. SUBDIVISION
PLAT 86-10, P.R.D.

DETAIL "A"



SEGMENT CURVE TABLE			
SEGMENT	LENGTH	RADIUS	DELTA
C1	21.58'	15.00'	90.00
C2	23.56'	15.00'	90.00
C3	21.58'	25.02'	49.42

BURRELL SUBDIVISION

A SUBDIVISION OF LOT 15B, FORT MAGILL SUBDIVISION, RECORDED AS PLAT 2004-14, GOVERNMENT LOT 14, GOVERNMENT LOT 20, GOVERNMENT LOT 21 WITHIN SECTION 33, TOWNSHIP 58 SOUTH, RANGE 79 EAST, COPPER RIVER MERIDIAN AND LOTS 1, 2, 3, 5, AND 6, BLOCK A AND LOT 5A, BLOCK 221, WITHIN SKYLARK II ADDITION SUBDIVISION, ACCORDING TO PLAT 81-19 AND REVISED BY PLAT 90-14, PETERSBURG RECORDING DISTRICT, THUS CREATING LOTS 1-34, AND TRACT A, BURRELL SUBDIVISION, CONTAINING 873,725.05 SQUARE FEET OR 20.058 ACRES MORE OR LESS

PETERSBURG ALASKA

1" = 50' JULY 2026

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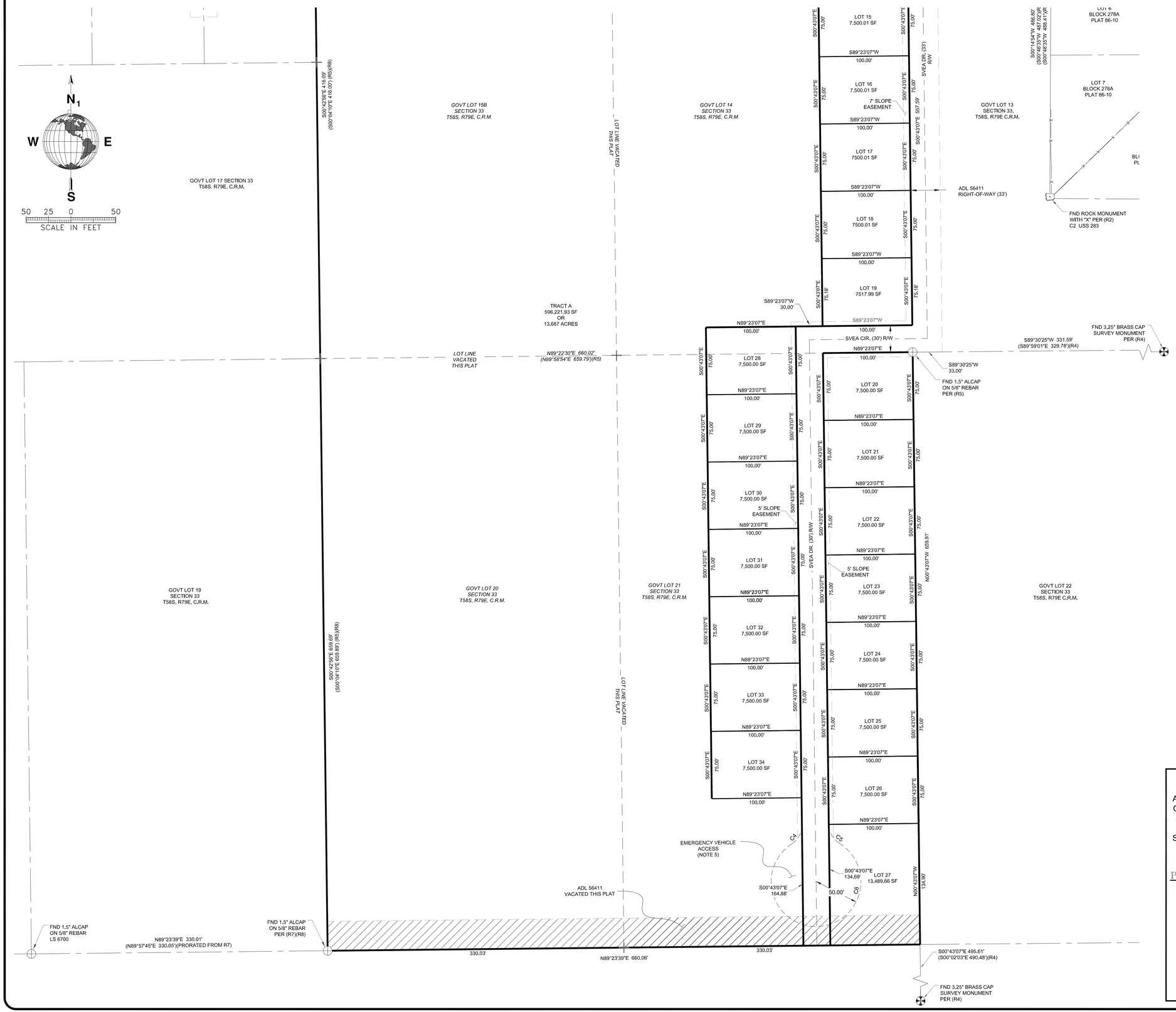
07/28/2026



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(R8) WOODWORTH SUBDIVISION
PLAT 93-30, P.R.D.

(R9) R.B. SUBDIVISION
PLAT 86-10, P.R.D.

SEGMENT CURVE TABLE

SEGMENT	LENGTH	RADIUS	DELTA
C4	25.22'	25.00'	57.80
C5	25.40'	25.00'	58.20
C6	257.91'	50.00'	295.55

BURRELL SUBDIVISION

A SUBDIVISION OF LOT 15B, FORT MAGILL SUBDIVISION, RECORDED AS PLAT 2004-14, GOVERNMENT LOT 14, GOVERNMENT LOT 20, GOVERNMENT LOT 21 WITHIN SECTION 33, TOWNSHIP 58 SOUTH, RANGE 79 EAST, COPPER RIVER MERIDIAN AND LOTS 1, 2, 3, 5, AND 6, BLOCK A AND LOT 5A, BLOCK 221, WITHIN SKYLARK II ADDITION SUBDIVISION, ACCORDING TO PLAT 81-19 AND REVISED BY PLAT 90-14, PETERSBURG RECORDING DISTRICT, THUS CREATING LOTS 1-34, AND TRACT A, BURRELL SUBDIVISION, CONTAINING 873,725.05 SQUARE FEET OR 20.058 ACRES MORE OR LESS

PETERSBURG ALASKA

1" = 50' JULY 2026

VECTOR SURVEYING LLC
PO BOX 156
SOLDOTNA, ALASKA 99669
(907)-519-4553

07/28/2026

SHEET 3 OF 3

LEGEND

- RECOVERED GRANITE STONE "X" SURVEY MONUMENT
- RECOVERED BLM BRASS CAP SURVEY MONUMENT
- RECOVERED ALUMINUM CAP SURVEY MONUMENT
- RECOVERED 5/8" REBAR
- RECOVERED PLASTIC CAP SURVEY MONUMENT
- SET 6" SURVEY CONTROL SPIKE
- SEARCHED FOR SURVEY MONUMENT, NOT FOUND
- POWER POLE
- POWER POLE GUY ANCHOR
- ELECTRICAL METER
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- COMMUNICATIONS PEDESTAL
- (R1) REFERENCED RECORD MAP
- (M) MEASURED

- BURRELL SUBDIVISION PRELIMINARY LOT LINES
- RECORD BOUNDARY LINE
- CENTERLINE OF RIGHT OF WAY
- EDGE OF WATER (APPROXIMATE)
- BUILDING ROOF LINE
- OVERHEAD ELECTRICAL LINE
- OVERHEAD COMMUNICATION LINE
- UNDERGROUND ELECTRICAL LINE (APPROXIMATE)
- UNDERGROUND COMMUNICATION LINE (APPROXIMATE)
- TREE LINE
- EDGE OF GRAVEL ROAD (APPROXIMATE)
- EDGE OF PAVED ROAD (APPROXIMATE)
- FENCE LINE
- EXISTING UNDERGROUND SEWER LINE (APPROXIMATE)
- EXISTING UNDERGROUND WATER LINE (APPROXIMATE)
- LIDAR GENERATED MAJOR CONTOUR (5') — 25.0'
- LIDAR GENERATED MINOR CONTOUR (1') — 26.0'
- PROPOSED UNDERGROUND SEWER MAIN EXTENSION
- PROPOSED UNDERGROUND WATER MAIN EXTENSION

NOTES

1. DISTANCES SHOWN HEREON ARE IN US SURVEY FEET AND DECIMALS THEREOF.

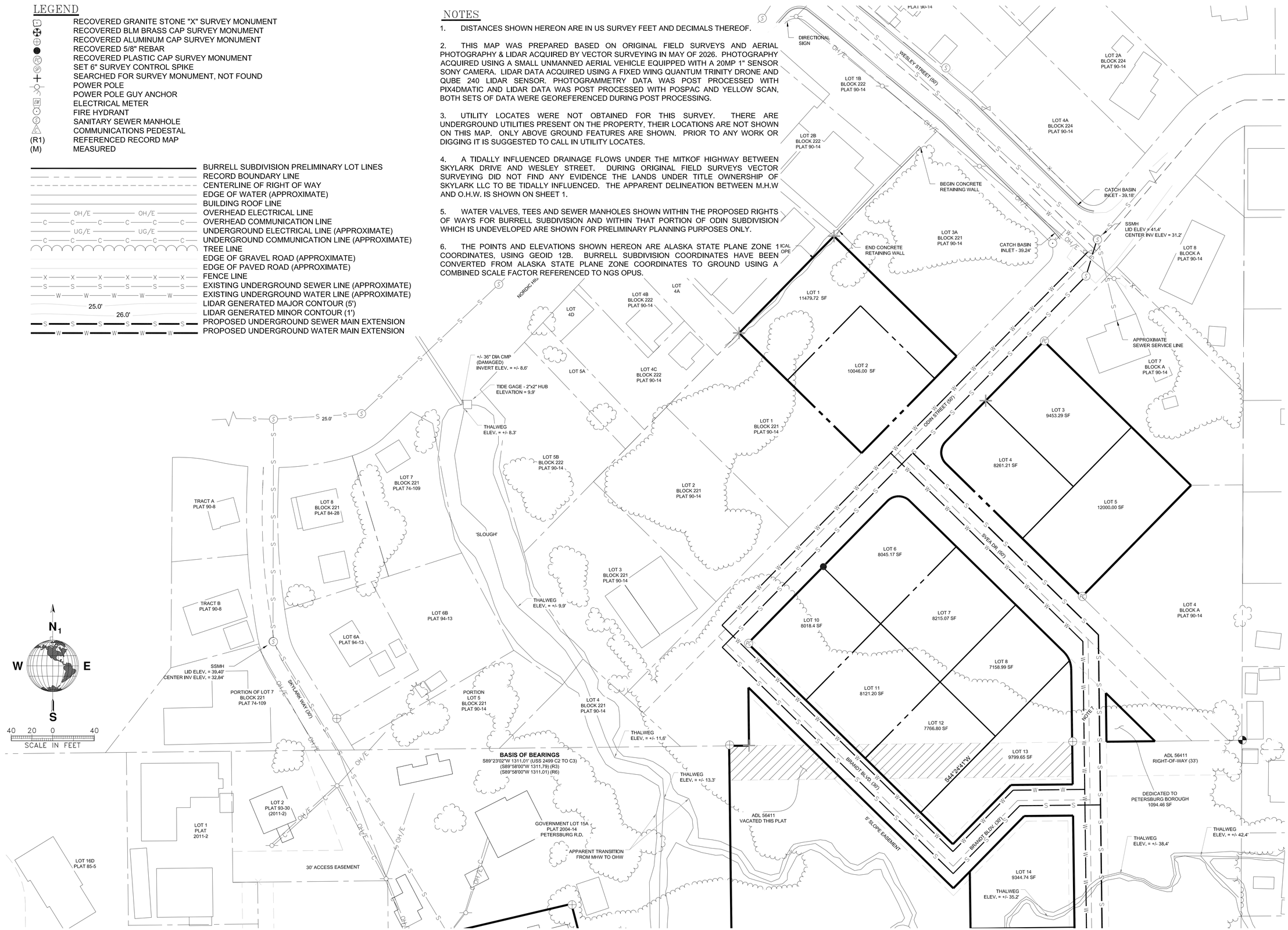
2. THIS MAP WAS PREPARED BASED ON ORIGINAL FIELD SURVEYS AND AERIAL PHOTOGRAPHY & LIDAR ACQUIRED BY VECTOR SURVEYING IN MAY OF 2026. PHOTOGRAPHY ACQUIRED USING A SMALL UNMANNED AERIAL VEHICLE EQUIPPED WITH A 20MP 1" SENSOR SONY CAMERA. LIDAR DATA ACQUIRED USING A FIXED WING QUANTUM TRINITY DRONE AND QUBE 240 LIDAR SENSOR. PHOTOGRAMMETRY DATA WAS POST PROCESSED WITH PIX4DMATIC AND LIDAR DATA WAS POST PROCESSED WITH POSPAC AND YELLOW SCAN, BOTH SETS OF DATA WERE GEOREFERENCED DURING POST PROCESSING.

3. UTILITY LOCATES WERE NOT OBTAINED FOR THIS SURVEY. THERE ARE UNDERGROUND UTILITIES PRESENT ON THE PROPERTY, THEIR LOCATIONS ARE NOT SHOWN ON THIS MAP. ONLY ABOVE GROUND FEATURES ARE SHOWN. PRIOR TO ANY WORK OR DIGGING IT IS SUGGESTED TO CALL IN UTILITY LOCATES.

4. A TIDALLY INFLUENCED DRAINAGE FLOWS UNDER THE MITKOF HIGHWAY BETWEEN SKYLARK DRIVE AND WESLEY STREET. DURING ORIGINAL FIELD SURVEYS VECTOR SURVEYING DID NOT FIND ANY EVIDENCE THE LANDS UNDER TITLE OWNERSHIP OF SKYLARK LLC TO BE TIDALLY INFLUENCED. THE APPARENT DELINEATION BETWEEN M.H.W AND O.H.W. IS SHOWN ON SHEET 1.

5. WATER VALVES, TEES AND SEWER MANHOLES SHOWN WITHIN THE PROPOSED RIGHTS OF WAYS FOR BURRELL SUBDIVISION AND WITHIN THAT PORTION OF ODIN SUBDIVISION WHICH IS UNDEVELOPED ARE SHOWN FOR PRELIMINARY PLANNING PURPOSES ONLY.

6. THE POINTS AND ELEVATIONS SHOWN HEREON ARE ALASKA STATE PLANE ZONE 1 COORDINATES, USING GEOID 12B. BURRELL SUBDIVISION COORDINATES HAVE BEEN CONVERTED FROM ALASKA STATE PLANE ZONE COORDINATES TO GROUND USING A COMBINED SCALE FACTOR REFERENCED TO NGS OPUS.



STATE OF ALASKA 49TH
PRELIM 06/17/2026
AARON T. BROWN No.131102
REGISTERED PROFESSIONAL LAND SURVEYOR

VECTOR SURVEYING LLC

PRELIMINARY PLOT
PLAN BURRELL
SUBDIVISION
PLANIMETRICS

LOT 15B, PLAT 2004-14, GOVT LOT 14, 20, 21, S 33, T58S, R79E, CRM & LOTS 1, 2, 3, 5, AND 6, BK A & LOT 5A, BLOCK 221, PLAT 90-14, PETERSBURG, R.D.

REVISIONS	BY
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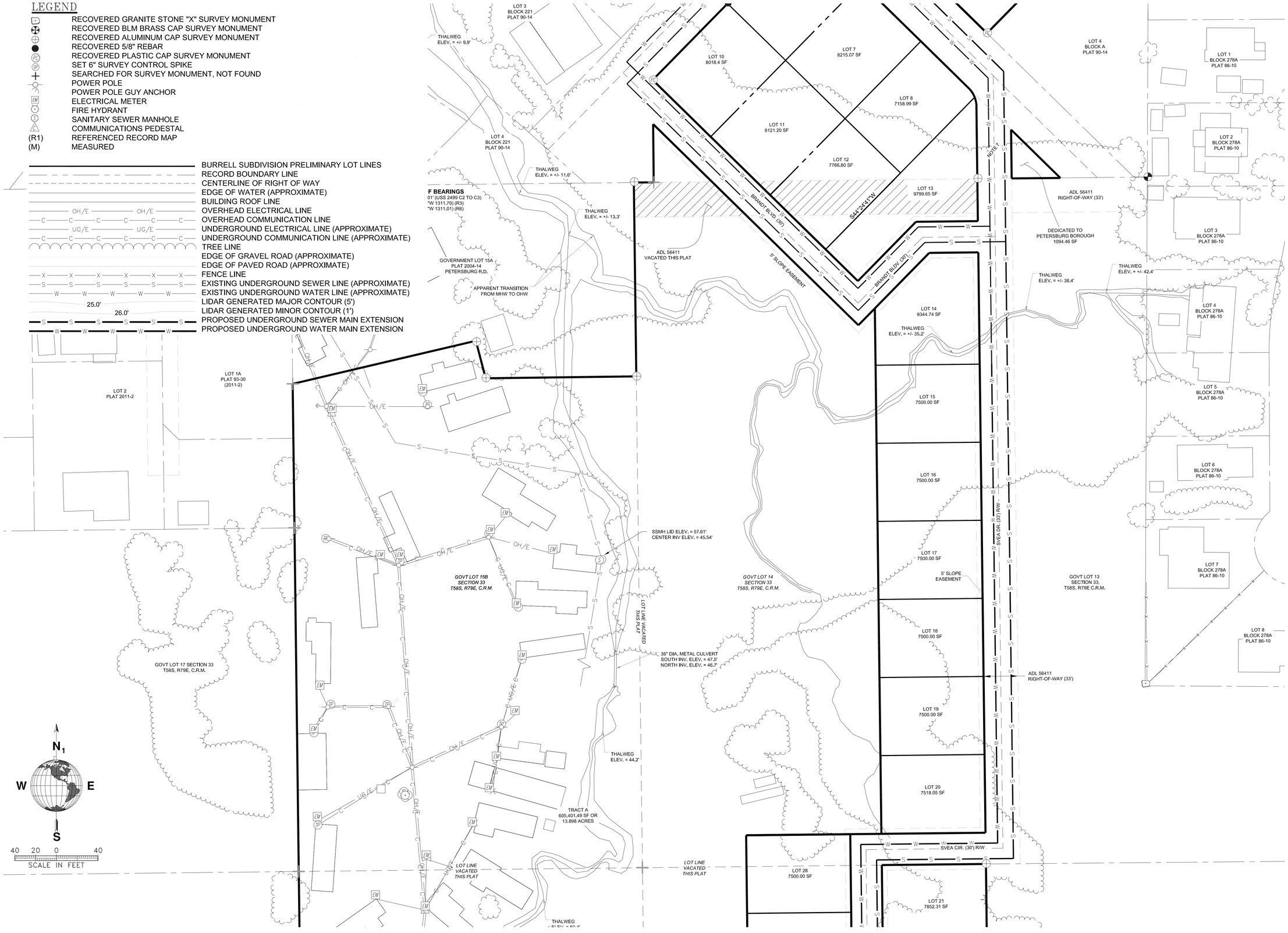
JOB NO:	
DATE:	06/16/2026
SCALE:	–
BNDY BY:	–
FIELD BY:	–
DRAWN BY:	–
SHEET NO:	S1

1 OF 9 SHEETS

LEGEND

- RECOVERED GRANITE STONE "X" SURVEY MONUMENT
- RECOVERED BLM BRASS CAP SURVEY MONUMENT
- RECOVERED ALUMINUM CAP SURVEY MONUMENT
- RECOVERED 5/8" REBAR
- RECOVERED PLASTIC CAP SURVEY MONUMENT
- SET 6" SURVEY CONTROL SPIKE
- SEARCHED FOR SURVEY MONUMENT, NOT FOUND
- POWER POLE
- POWER POLE GUY ANCHOR
- ELECTRICAL METER
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- COMMUNICATIONS PEDESTAL
- (R1) REFERENCED RECORD MAP
- (M) MEASURED

- BURRELL SUBDIVISION PRELIMINARY LOT LINES
- RECORD BOUNDARY LINE
- CENTERLINE OF RIGHT OF WAY
- EDGE OF WATER (APPROXIMATE)
- BUILDING ROOF LINE
- OVERHEAD ELECTRICAL LINE
- OVERHEAD COMMUNICATION LINE
- UNDERGROUND ELECTRICAL LINE (APPROXIMATE)
- UNDERGROUND COMMUNICATION LINE (APPROXIMATE)
- TREE LINE
- EDGE OF GRAVEL ROAD (APPROXIMATE)
- EDGE OF PAVED ROAD (APPROXIMATE)
- FENCE LINE
- EXISTING UNDERGROUND SEWER LINE (APPROXIMATE)
- EXISTING UNDERGROUND WATER LINE (APPROXIMATE)
- LIDAR GENERATED MAJOR CONTOUR (5')
- LIDAR GENERATED MINOR CONTOUR (1')
- PROPOSED UNDERGROUND SEWER MAIN EXTENSION
- PROPOSED UNDERGROUND WATER MAIN EXTENSION



VECTOR SURVEYING LLC

PRELIMINARY PLOT
PLAN BURRELL
SUBDIVISION
PLANIMETRICS

LOT 15B, PLAT 2004-14, GOVT LOT 14, 20, 21, S 33, T58S, R79E, CRM & LOTS 1, 2, 3, 5, AND 6, BK A & LOT 5A, BLOCK 221, PLAT 90-14, PETERSBURG, R.D.

REVISIONS	BY
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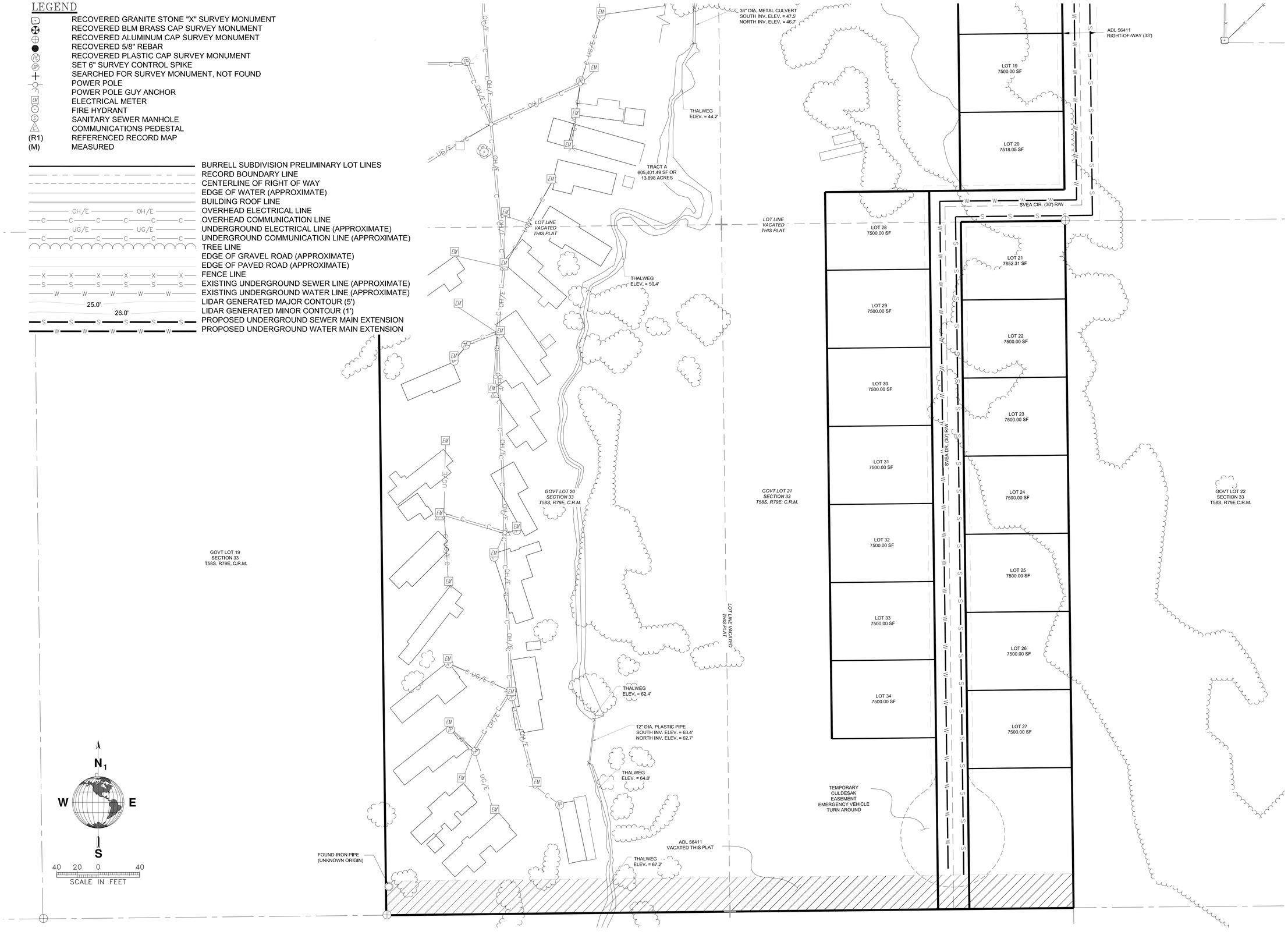
JOB NO:
DATE: 06/16/2026
SCALE: –
BNDY BY: –
FIELD BY: –
DRAWN BY: –
SHEET NO:
S2
1 OF X SHEETS

LEGEND

- RECOVERED GRANITE STONE "X" SURVEY MONUMENT
- RECOVERED BLM BRASS CAP SURVEY MONUMENT
- RECOVERED ALUMINUM CAP SURVEY MONUMENT
- RECOVERED 5/8" REBAR
- RECOVERED PLASTIC CAP SURVEY MONUMENT
- SET 6" SURVEY CONTROL SPIKE
- SEARCHED FOR SURVEY MONUMENT, NOT FOUND
- POWER POLE
- POWER POLE GUY ANCHOR
- ELECTRICAL METER
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- COMMUNICATIONS PEDESTAL
- (R1) REFERENCED RECORD MAP
- (M) MEASURED

- BURRELL SUBDIVISION PRELIMINARY LOT LINES
- RECORD BOUNDARY LINE
- CENTERLINE OF RIGHT OF WAY
- EDGE OF WATER (APPROXIMATE)
- BUILDING ROOF LINE
- OVERHEAD ELECTRICAL LINE
- OVERHEAD COMMUNICATION LINE
- UNDERGROUND ELECTRICAL LINE (APPROXIMATE)
- UNDERGROUND COMMUNICATION LINE (APPROXIMATE)
- TREE LINE
- EDGE OF GRAVEL ROAD (APPROXIMATE)
- EDGE OF PAVED ROAD (APPROXIMATE)
- FENCE LINE
- EXISTING UNDERGROUND SEWER LINE (APPROXIMATE)
- EXISTING UNDERGROUND WATER LINE (APPROXIMATE)
- LIDAR GENERATED MAJOR CONTOUR (5')
- LIDAR GENERATED MINOR CONTOUR (1')
- PROPOSED UNDERGROUND SEWER MAIN EXTENSION
- PROPOSED UNDERGROUND WATER MAIN EXTENSION



VECTOR SURVEYING LLC

PRELIMINARY PLOT
PLAN BURRELL
SUBDIVISION
PLANIMETRICS

LOT 15B, PLAT 2004-14, GOVT LOT 14, 20, 21, S 33, T58S, R79E, CRM & LOTS 1, 2, 3, 5, AND 6, BK A & LOT 5A, BLOCK 221, PLAT 90-14, PETERSBURG, R.D.

REVISIONS	BY
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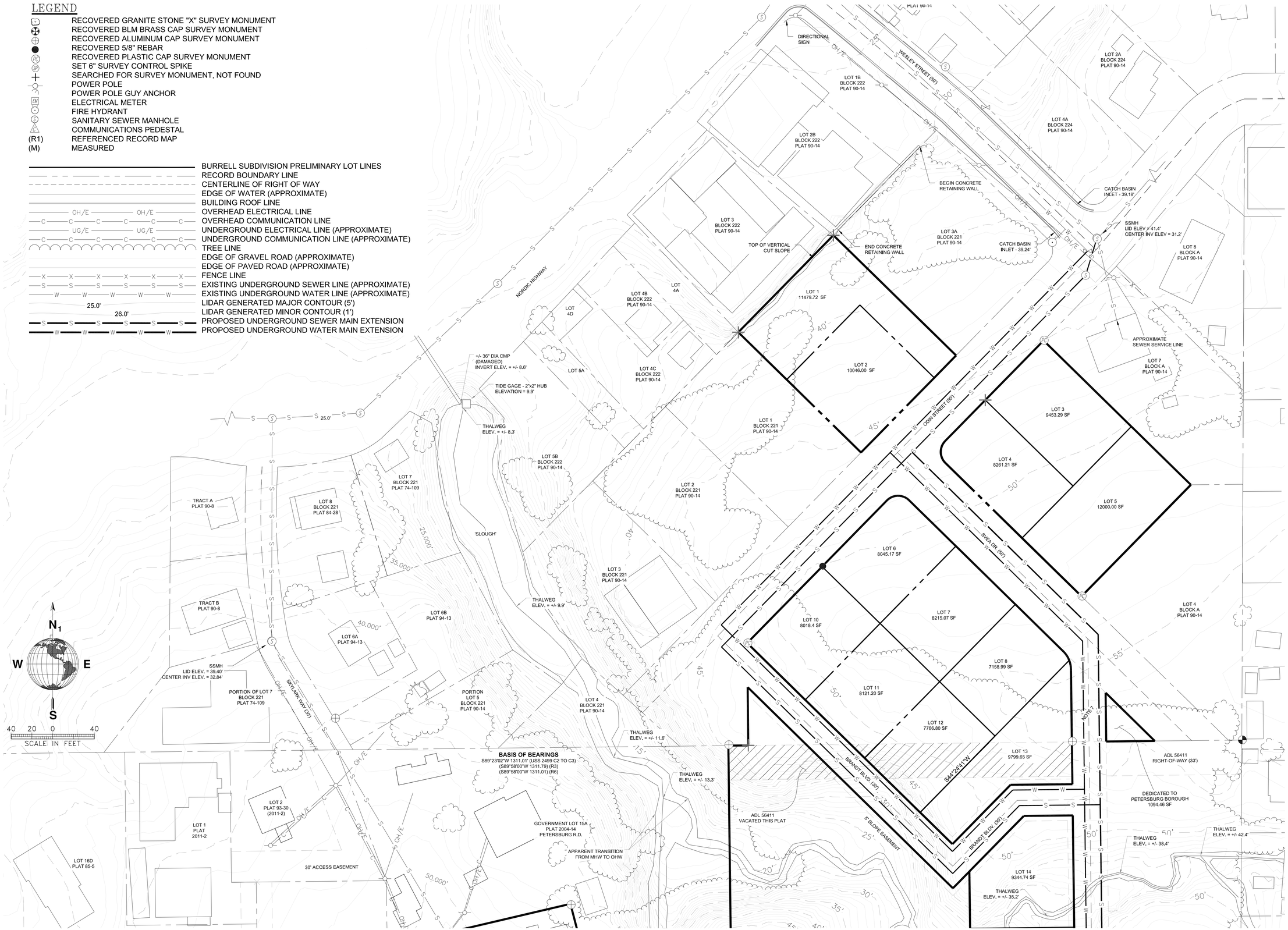
JOB NO:
DATE: 06/16/2026
SCALE: –
BNDY BY: –
FIELD BY: –
DRAWN BY: –
SHEET NO:
S3
1 OF X SHEETS

LEGEND

- RECOVERED GRANITE STONE "X" SURVEY MONUMENT
- RECOVERED BLM BRASS CAP SURVEY MONUMENT
- RECOVERED ALUMINUM CAP SURVEY MONUMENT
- RECOVERED 5/8" REBAR
- RECOVERED PLASTIC CAP SURVEY MONUMENT
- SET 6" SURVEY CONTROL SPIKE
- SEARCHED FOR SURVEY MONUMENT, NOT FOUND
- POWER POLE
- POWER POLE GUY ANCHOR
- ELECTRICAL METER
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- COMMUNICATIONS PEDESTAL
- (R1) REFERENCED RECORD MAP
- (M) MEASURED

- BURRELL SUBDIVISION PRELIMINARY LOT LINES
- RECORD BOUNDARY LINE
- CENTERLINE OF RIGHT OF WAY
- EDGE OF WATER (APPROXIMATE)
- BUILDING ROOF LINE
- OVERHEAD ELECTRICAL LINE
- OVERHEAD COMMUNICATION LINE
- UNDERGROUND ELECTRICAL LINE (APPROXIMATE)
- UNDERGROUND COMMUNICATION LINE (APPROXIMATE)
- TREE LINE
- EDGE OF GRAVEL ROAD (APPROXIMATE)
- EDGE OF PAVED ROAD (APPROXIMATE)
- FENCE LINE
- EXISTING UNDERGROUND SEWER LINE (APPROXIMATE)
- EXISTING UNDERGROUND WATER LINE (APPROXIMATE)
- LIDAR GENERATED MAJOR CONTOUR (5')
- LIDAR GENERATED MINOR CONTOUR (1')
- PROPOSED UNDERGROUND SEWER MAIN EXTENSION
- PROPOSED UNDERGROUND WATER MAIN EXTENSION



VECTOR SURVEYING LLC

PRELIMINARY PLOT PLAN BURRELL SUBDIVISION PLANIMETRICS & LIDAR TOPO

LOT 15B, PLAT 2004-14, GOVT LOT 14, 20, 21, S 33, T58S, R79E, CRM & LOTS 1, 2, 3, 5, AND 6, BK A & LOT 5A, BLOCK 221, PLAT 90-14, PETERSBURG, R.D.

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JOB NO:	
DATE:	06/16/2026
SCALE:	–
BNDY BY:	–
FIELD BY:	–
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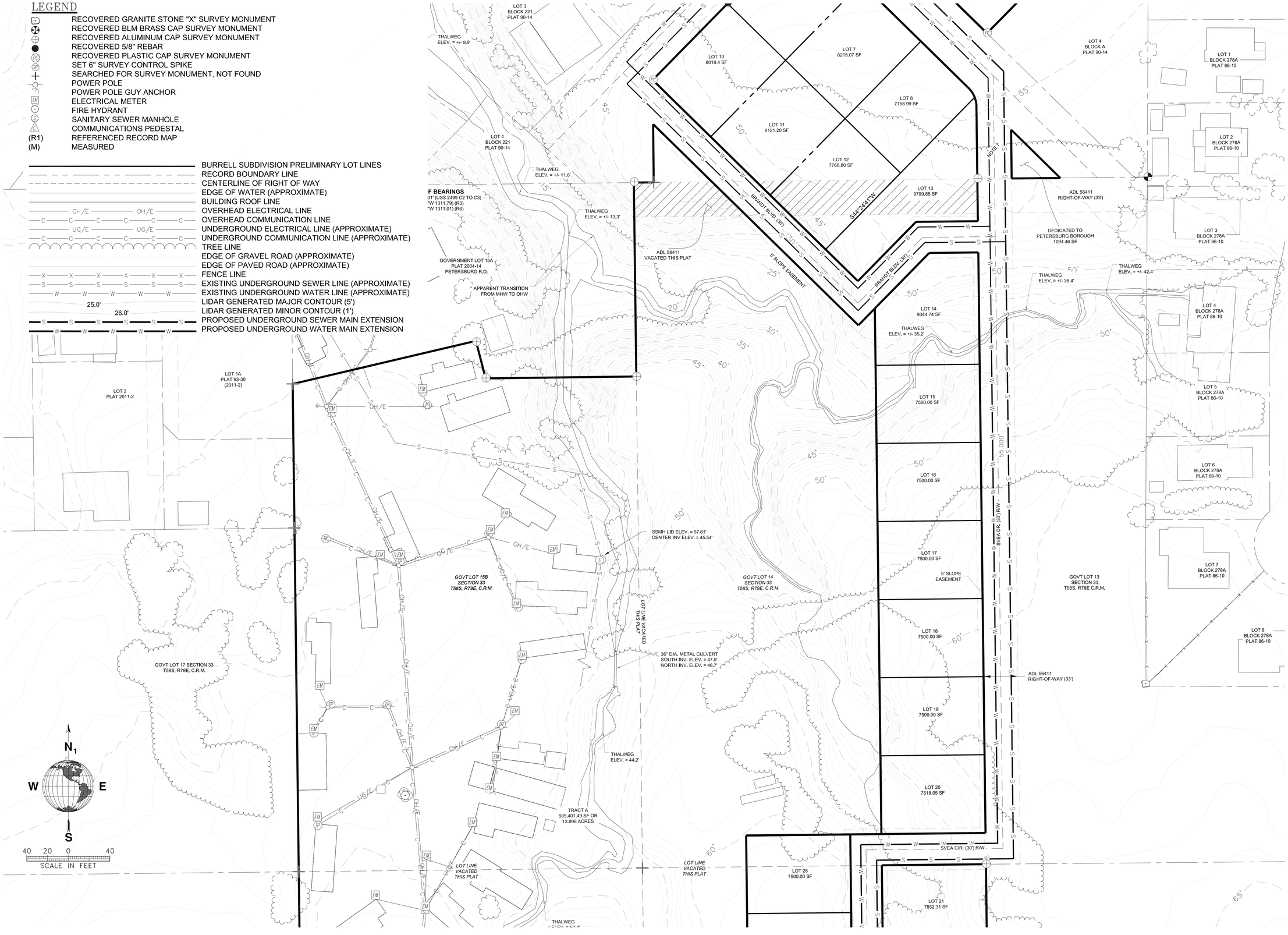
SHEET NO:	S4

1 OF X SHEETS

LEGEND

- RECOVERED GRANITE STONE "X" SURVEY MONUMENT
- RECOVERED BLM BRASS CAP SURVEY MONUMENT
- RECOVERED ALUMINUM CAP SURVEY MONUMENT
- RECOVERED 5/8" REBAR
- RECOVERED PLASTIC CAP SURVEY MONUMENT
- SET 6" SURVEY CONTROL SPIKE
- SEARCHED FOR SURVEY MONUMENT, NOT FOUND
- POWER POLE
- POWER POLE GUY ANCHOR
- ELECTRICAL METER
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- COMMUNICATIONS PEDESTAL
- (R1) REFERENCED RECORD MAP
- (M) MEASURED

- BURRELL SUBDIVISION PRELIMINARY LOT LINES
- RECORD BOUNDARY LINE
- CENTERLINE OF RIGHT OF WAY
- EDGE OF WATER (APPROXIMATE)
- BUILDING ROOF LINE
- OVERHEAD ELECTRICAL LINE
- OVERHEAD COMMUNICATION LINE
- UNDERGROUND ELECTRICAL LINE (APPROXIMATE)
- UNDERGROUND COMMUNICATION LINE (APPROXIMATE)
- TREE LINE
- EDGE OF GRAVEL ROAD (APPROXIMATE)
- EDGE OF PAVED ROAD (APPROXIMATE)
- FENCE LINE
- EXISTING UNDERGROUND SEWER LINE (APPROXIMATE)
- EXISTING UNDERGROUND WATER LINE (APPROXIMATE)
- LIDAR GENERATED MAJOR CONTOUR (5')
- LIDAR GENERATED MINOR CONTOUR (1')
- PROPOSED UNDERGROUND SEWER MAIN EXTENSION
- PROPOSED UNDERGROUND WATER MAIN EXTENSION



VECTOR SURVEYING LLC

PRELIMINARY PLOT PLAN BURRELL SUBDIVISION PLANIMETRICS & LIDAR TOPO

LOT 15B, PLAT 2004-14, GOVT LOT 14, 20, 21, S 33, T58S, R79E, CRM & LOTS 1, 2, 3, 5, AND 6, BK A & LOT 5A, BLOCK 221, PLAT 90-14, PETERSBURG, R.D.

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JOB NO:
DATE: 06/16/2026
SCALE: –
BNDY BY: –
FIELD BY: –
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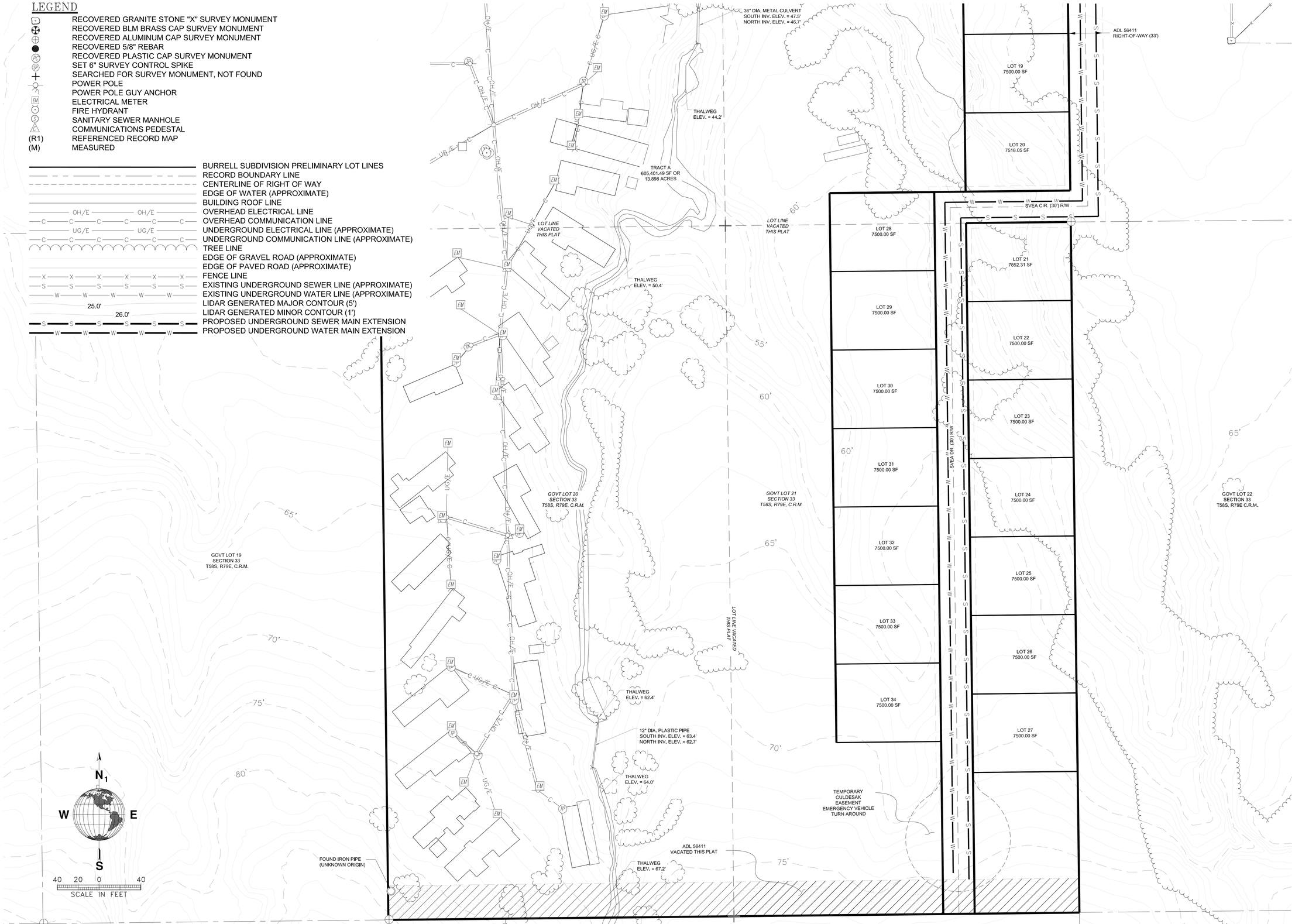
SHEET NO:
S5
1 OF X SHEETS

LEGEND

- RECOVERED GRANITE STONE "X" SURVEY MONUMENT
- RECOVERED BLM BRASS CAP SURVEY MONUMENT
- RECOVERED ALUMINUM CAP SURVEY MONUMENT
- RECOVERED 5/8" REBAR
- RECOVERED PLASTIC CAP SURVEY MONUMENT
- SET 6" SURVEY CONTROL SPIKE
- SEARCHED FOR SURVEY MONUMENT, NOT FOUND
- POWER POLE
- POWER POLE GUY ANCHOR
- ELECTRICAL METER
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- COMMUNICATIONS PEDESTAL
- (R1) REFERENCED RECORD MAP
- (M) MEASURED

- BURRELL SUBDIVISION PRELIMINARY LOT LINES
- RECORD BOUNDARY LINE
- CENTERLINE OF RIGHT OF WAY
- EDGE OF WATER (APPROXIMATE)
- BUILDING ROOF LINE
- OVERHEAD ELECTRICAL LINE
- OVERHEAD COMMUNICATION LINE
- UNDERGROUND ELECTRICAL LINE (APPROXIMATE)
- UNDERGROUND COMMUNICATION LINE (APPROXIMATE)
- TREE LINE
- EDGE OF GRAVEL ROAD (APPROXIMATE)
- EDGE OF PAVED ROAD (APPROXIMATE)
- FENCE LINE
- EXISTING UNDERGROUND SEWER LINE (APPROXIMATE)
- EXISTING UNDERGROUND WATER LINE (APPROXIMATE)
- LIDAR GENERATED MAJOR CONTOUR (5') — 25.0'
- LIDAR GENERATED MINOR CONTOUR (1') — 26.0'
- PROPOSED UNDERGROUND SEWER MAIN EXTENSION
- PROPOSED UNDERGROUND WATER MAIN EXTENSION



VECTOR SURVEYING LLC

PRELIMINARY PLOT
PLAN BURRELL
SUBDIVISION
PLANIMETRICS &
LIDAR TOPO

LOT 15B, PLAT 2004-14, GOVT LOT 14, 20, 21, S 33, T58S, R79E, CRM & LOTS 1, 2, 3, 5, AND 6, BK A & LOT 5A, BLOCK 221, PLAT 90-14, PETERSBURG, R.D.

REVISIONS	BY
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JOB NO:
DATE: 06/16/2026
SCALE: –
BNDY BY: –
FIELD BY: –
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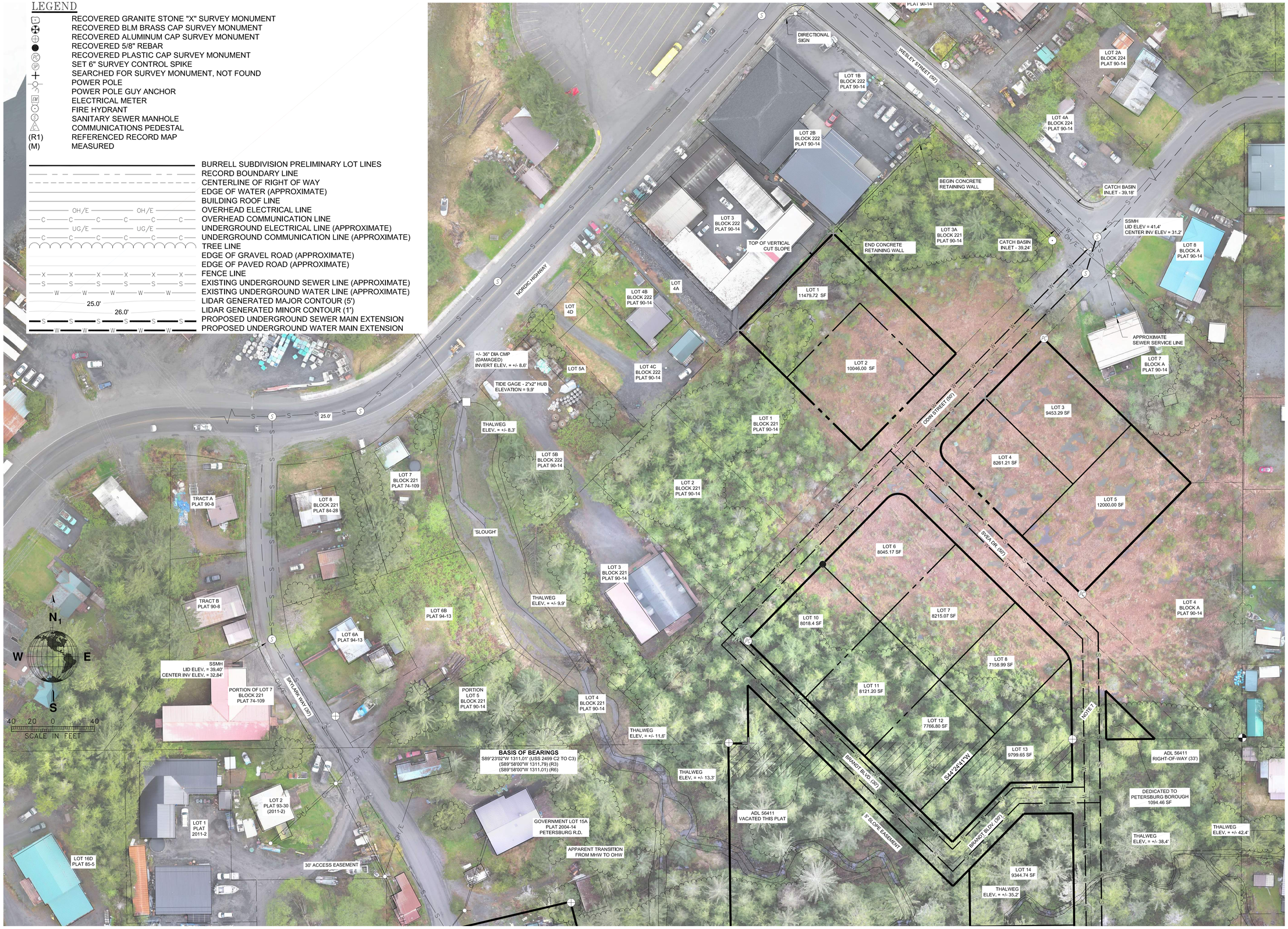
SHEET NO:
S6
1 OF X SHEETS

LEGEND

- RECOVERED GRANITE STONE "X" SURVEY MONUMENT
- RECOVERED BLM BRASS CAP SURVEY MONUMENT
- RECOVERED ALUMINUM CAP SURVEY MONUMENT
- RECOVERED 5/8" REBAR
- RECOVERED PLASTIC CAP SURVEY MONUMENT
- SET 6" SURVEY CONTROL SPIKE
- SEARCHED FOR SURVEY MONUMENT, NOT FOUND
- POWER POLE
- POWER POLE GUY ANCHOR
- ELECTRICAL METER
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- COMMUNICATIONS PEDESTAL
- (R1) REFERENCED RECORD MAP
- (M) MEASURED

- BURRELL SUBDIVISION PRELIMINARY LOT LINES
- RECORD BOUNDARY LINE
- CENTERLINE OF RIGHT OF WAY
- EDGE OF WATER (APPROXIMATE)
- BUILDING ROOF LINE
- OVERHEAD ELECTRICAL LINE
- OVERHEAD COMMUNICATION LINE
- UNDERGROUND ELECTRICAL LINE (APPROXIMATE)
- UNDERGROUND COMMUNICATION LINE (APPROXIMATE)
- TREE LINE
- EDGE OF GRAVEL ROAD (APPROXIMATE)
- EDGE OF PAVED ROAD (APPROXIMATE)
- FENCE LINE
- EXISTING UNDERGROUND SEWER LINE (APPROXIMATE)
- EXISTING UNDERGROUND WATER LINE (APPROXIMATE)
- LIDAR GENERATED MAJOR CONTOUR (5')
- LIDAR GENERATED MINOR CONTOUR (1')
- PROPOSED UNDERGROUND SEWER MAIN EXTENSION
- PROPOSED UNDERGROUND WATER MAIN EXTENSION



VECTOR SURVEYING LLC

PRELIMINARY PLOT PLAN BURRELL SUBDIVISION PLANIMETRICS & ORTHO AERIAL

LOT 15B, PLAT 2004-14, GOVT LOT 14, 20, 21, S 33, T58S, R79E, CRM & LOTS 1, 2, 3, 5, AND 6, BK A & LOT 5A, BLOCK 221, PLAT 90-14, PETERSBURG, R.D.

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JOB NO:	
DATE:	06/16/2026
SCALE:	–
BNDY BY:	–
FIELD BY:	–
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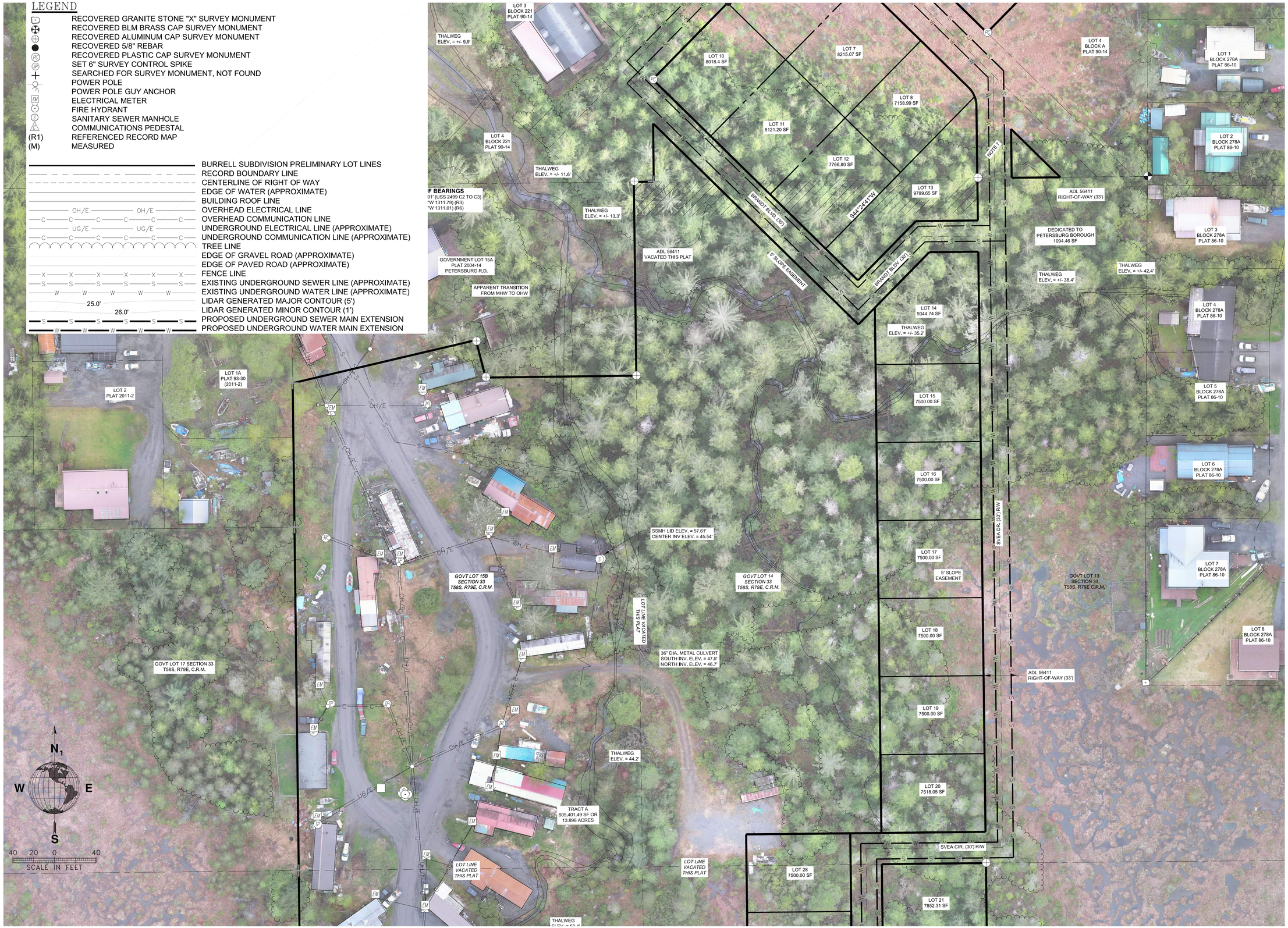
SHEET NO:	S7

1 OF X SHEETS

LEGEND

- RECOVERED GRANITE STONE "X" SURVEY MONUMENT
- RECOVERED BLM BRASS CAP SURVEY MONUMENT
- RECOVERED ALUMINUM CAP SURVEY MONUMENT
- RECOVERED 5/8" REBAR
- RECOVERED PLASTIC CAP SURVEY MONUMENT
- SET 6" SURVEY CONTROL SPIKE
- SEARCHED FOR SURVEY MONUMENT, NOT FOUND
- POWER POLE
- POWER POLE GUY ANCHOR
- ELECTRICAL METER
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- COMMUNICATIONS PEDESTAL
- (R1) REFERENCED RECORD MAP
- (M) MEASURED

- BURRELL SUBDIVISION PRELIMINARY LOT LINES
- RECORD BOUNDARY LINE
- CENTERLINE OF RIGHT OF WAY
- EDGE OF WATER (APPROXIMATE)
- BUILDING ROOF LINE
- OVERHEAD ELECTRICAL LINE
- OVERHEAD COMMUNICATION LINE
- UNDERGROUND ELECTRICAL LINE (APPROXIMATE)
- UNDERGROUND COMMUNICATION LINE (APPROXIMATE)
- TREE LINE
- EDGE OF GRAVEL ROAD (APPROXIMATE)
- EDGE OF PAVED ROAD (APPROXIMATE)
- FENCE LINE
- EXISTING UNDERGROUND SEWER LINE (APPROXIMATE)
- EXISTING UNDERGROUND WATER LINE (APPROXIMATE)
- LIDAR GENERATED MAJOR CONTOUR (5')
- LIDAR GENERATED MINOR CONTOUR (1')
- PROPOSED UNDERGROUND SEWER MAIN EXTENSION
- PROPOSED UNDERGROUND WATER MAIN EXTENSION



VECTOR SURVEYING LLC

PRELIMINARY PLOT
PLAN BURRELL
SUBDIVISION
PLANIMETRICS &
ORTHO AERIAL

LOT 15B, PLAT 2004-14, GOVT LOT 14, 20, 21, S 33, T58S, R79E, CRM & LOTS 1, 2, 3, 5, AND 6, BK A & LOT 5A, BLOCK 221, PLAT 90-14, PETERSBURG, R.D.

REVISIONS	BY
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JOB NO:
DATE: 06/16/2026
SCALE: –
BNDY BY: –
FIELD BY: –
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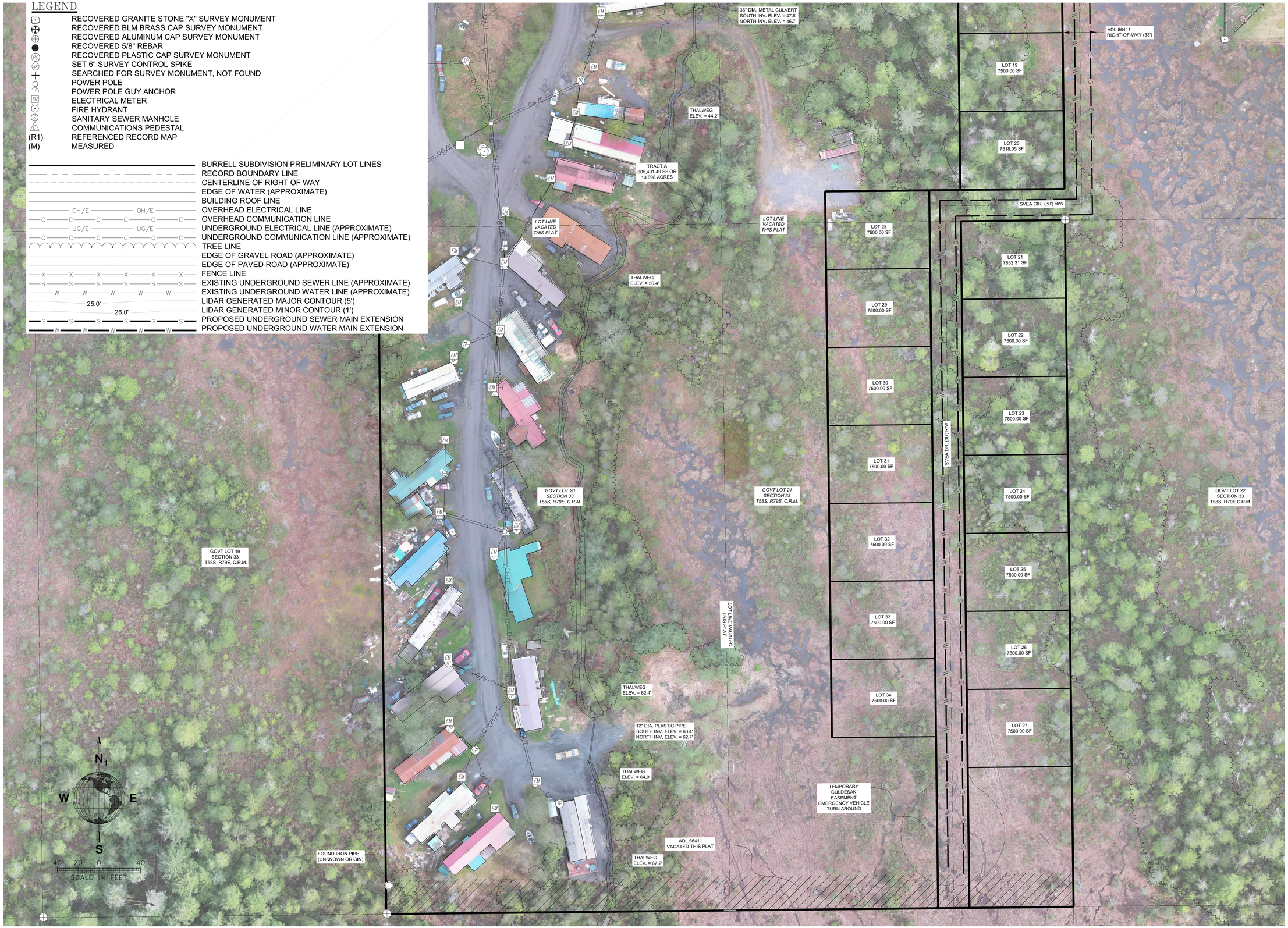
SHEET NO:
S8
1 OF X SHEETS

LEGEND

- RECOVERED GRANITE STONE "X" SURVEY MONUMENT
- RECOVERED BLM BRASS CAP SURVEY MONUMENT
- RECOVERED ALUMINUM CAP SURVEY MONUMENT
- RECOVERED 5/8" REBAR
- RECOVERED PLASTIC CAP SURVEY MONUMENT
- SET 6" SURVEY CONTROL SPIKE
- SEARCHED FOR SURVEY MONUMENT, NOT FOUND
- POWER POLE
- POWER POLE GUY ANCHOR
- ELECTRICAL METER
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- COMMUNICATIONS PEDESTAL
- (R1) REFERENCED RECORD MAP
- (M) MEASURED

- BURRELL SUBDIVISION PRELIMINARY LOT LINES
- RECORD BOUNDARY LINE
- CENTERLINE OF RIGHT OF WAY
- EDGE OF WATER (APPROXIMATE)
- BUILDING ROOF LINE
- OVERHEAD ELECTRICAL LINE
- OVERHEAD COMMUNICATION LINE
- UNDERGROUND ELECTRICAL LINE (APPROXIMATE)
- UNDERGROUND COMMUNICATION LINE (APPROXIMATE)
- TREE LINE
- EDGE OF GRAVEL ROAD (APPROXIMATE)
- EDGE OF PAVED ROAD (APPROXIMATE)
- FENCE LINE
- EXISTING UNDERGROUND SEWER LINE (APPROXIMATE)
- EXISTING UNDERGROUND WATER LINE (APPROXIMATE)
- LIDAR GENERATED MAJOR CONTOUR (5')
- LIDAR GENERATED MINOR CONTOUR (1')
- PROPOSED UNDERGROUND SEWER MAIN EXTENSION
- PROPOSED UNDERGROUND WATER MAIN EXTENSION



VECTOR SURVEYING LLC

PRELIMINARY PLOT
PLAN BURRELL
SUBDIVISION
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LOT 15B, PLAT 2004-14, GOVT LOT 14, 20, 21, S 33,
T58S, R79E, CRM & LOTS 1, 2, 3, 5, AND 6, BK A & LOT
5A, BLOCK 221, PLAT 90-14, PETERSBURG, R.D.

REVISIONS	BY
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JOB NO:
DATE: 06/16/2026
SCALE: –
BNDY BY: –
FIELD BY: –
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SHEET NO:
S9
1 OF X SHEETS

First American Title™

Subdivision Guarantee

Issued by
First American Title Insurance Company

GUARANTEE NUMBER
5033602-0239-4355631

Guarantee

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY AND THE CONDITIONS AND STIPULATIONS OF THIS GUARANTEE,

FIRST AMERICAN TITLE INSURANCE COMPANY
a Nebraska corporation, herein called the Company

GUARANTEES

the Assured named in Schedule A against actual monetary loss or damage not exceeding the liability stated in Schedule A, which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

FIRST AMERICAN TITLE INSURANCE COMPANY

Sally F. Tyler, President

William J. Aulbert, Secretary

This jacket was created electronically and constitutes an original document

First American Title Insurance Company

Dustyn Fergus, Title Officer

SCHEDULE OF EXCLUSIONS FROM COVERAGE OF THIS GUARANTEE

1. Except to the extent that specific assurances are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
   (a) Defects, liens, encumbrances, adverse claims or other matters against the title, whether or not shown by the public records.
   (b) (1) Taxes or assessments of any taxing authority that levies taxes or assessments on real property; or, (2) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not the matters excluded under (1) or (2) are shown by the records of the taxing authority or by the public records.
   (c) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water, whether or not the matters excluded under (1), (2) or (3) are shown by the public records.
2. Notwithstanding any specific assurances which are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
   (a) Defects, liens, encumbrances, adverse claims or other matters affecting the title to any property beyond the lines of the land expressly described in the description set forth in Schedule (A), (C) or in Part 2 of this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways to which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any structure or improvements; or any rights or easements therein, unless such property, rights or easements are expressly and specifically set forth in said description.
   (b) Defects, liens, encumbrances, adverse claims or other matters, whether or not shown by the public records; (1) which are created, suffered, assumed or agreed to by one or more of the Assureds; (2) which result in no loss to the Assured; or (3) which do not result in the invalidity or potential invalidity of any judicial or non-judicial proceeding which is within the scope and purpose of the assurances provided.
   (c) The identity of any party shown or referred to in Schedule A.
   (d) The validity, legal effect or priority of any matter shown or referred to in this Guarantee.

GUARANTEE CONDITIONS AND STIPULATIONS

1. Definition of Terms.
The following terms when used in the Guarantee mean:
(a) the "Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
(b) "land": the land described or referred to in Schedule (A)(C) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A)(C) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
(c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
(d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
(e) "date": the effective date.

2. Notice of Claim to be Given by Assured Claimant.
An Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

3. No Duty to Defend or Prosecute.
The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.

4. Company's Option to Defend or Prosecute Actions; Duty of Assured Claimant to Cooperate.
Even though the Company has no duty to defend or prosecute as set forth in Paragraph 3 above:
(a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
(b) If the Company elects to exercise its options as stated in Paragraph 4(a) the Company shall have the right to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
(c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.
(d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, an Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all

reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.

5. Proof of Loss or Damage.

In addition to and after the notices required under Section 2 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within ninety (90) days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such assured under the Guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this Guarantee to the Assured for that claim.

6. Options to Pay or Otherwise Settle Claims: Termination of Liability.

In case of a claim under this Guarantee, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.

The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lienholder, the Company shall have the option to purchase the indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase.

Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price.

Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4, and the Guarantee shall be surrendered to the Company for cancellation.

(b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant.

To pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosection of any litigation for which the Company has exercised its options under Paragraph 4.

7. Determination and Extent of Liability.

This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the Exclusions From Coverage of This Guarantee.

The liability of the Company under this Guarantee to the Assured shall not exceed the least of:

(a) the amount of liability stated in Schedule A or in Part 2;

(b) the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagee, as limited or provided under Section 6 of these Conditions and Stipulations or as reduced under Section 9 of these Conditions and Stipulations, at the time the loss or damage assured against by this Guarantee occurs, together with interest thereon; or

(c) the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to any defect, lien or encumbrance assured against by this Guarantee.

8. Limitation of Liability.

(a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures any other matter assured against by this Guarantee in a reasonably diligent manner by

any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.

(b) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as stated herein.

(c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

9. Reduction of Liability or Termination of Liability.

All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 4 shall reduce the amount of liability pro tanto.

10. Payment of Loss.

(a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within thirty (30) days thereafter.

11. Subrogation Upon Payment or Settlement.

Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

12. Arbitration.

Unless prohibited by applicable law, either the Company or the Assured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. All arbitrable matters when the Amount of Liability is $2,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of $2,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. The Rules in effect at Date of Guarantee shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permits a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

13. Liability Limited to This Guarantee; Guarantee Entire Contract.

(a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.

(b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.

(c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

14. Notices, Where Sent.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at **First American Title Insurance Company, Attn: Claims National Intake Center, 1 First American Way, Santa Ana, California 92707 Claims.NIC@firstam.com Phone: 888-632-1642 Fax: 877-804-7606**

First American Title™

Schedule A

Subdivision Guarantee

ISSUED BY
First American Title Insurance Company

GUARANTEE NUMBER
4355631

Order No.: 4355631 Liability: $1,000.00 Fee: $300.00
Tax: $N/A

Name of Assured: Vector Surveying LLC

Date of Guarantee: July 01, 2026

The assurances referred to on the face page hereof are:

1. Title is vested in:

   Skylark Park LLC

2. That, according to the Public Records relative to the land described in Schedule C attached hereto (including those records maintained and indexed by name), there are no other documents affecting title to said land or any portion thereof, other than those shown under Record Matters in Schedule B.

3. The following matters are excluded from the coverage of this Guarantee:

   A. Unpatented Mining Claims, reservations or exceptions in patents or in acts authorizing the issuance thereof.

   B. Water rights, claims or title to water.

   C. Tax Deeds to the State of Alaska.

   D. Documents pertaining to mineral estates.

4. No guarantee is given nor liability assumed with respect to the validity, legal effect or priority of any matter shown herein.

5. This Guarantee is restricted to the use of the Assured for the purpose of providing title evidence as may be required when subdividing land pursuant to the provisions of A.S. Section 38.04.045 and A.S. Chapter 40.15., and the local regulations and ordinances adopted pursuant to said statute. It is not to be used as a basis for closing any transaction affecting title to said property.

6. Any sketch attached hereto is done so as a courtesy only and is not part of any title commitment, guarantee or policy. It is furnished solely for the purpose of assisting in locating the premises and First American expressly disclaims any liability which may result from reliance made upon it.

First American Title™

Schedule B

Subdivision Guarantee

ISSUED BY
First American Title Insurance Company

GUARANTEE NUMBER
4355631

File No.: 0239-4355631

RECORD MATTERS

7. Reservations or exceptions in patents or in acts authorizing the issuance thereof.

8. Reservations and exceptions as contained in the State of Alaska Patent.

   Said patent, among other things, reserves all oil, gas and other minerals together with the privileges, mining and drilling rights and immunities.

   Note: Title to the mineral estate, as it pertains to said reservation, has not been further searched and no insurance is provided under this policy.

9. Taxes and/or Assessments, if any, due The Petersburg Borough.

10. Rights of the public and/or governmental agencies in and to any portion of the above described real property lying within any roadway or public easement areas.

11. Any prohibition or limitation on the use, occupancy or improvements of the land resulting from the right of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water.

12. Rights of access and egress from said premises. We find no Notice in the records of any dedicated or improved roadways abutting subject property.
    Affects: Parcels 1 and 3

13. Easement for roadway and/or public utilities as reserved in Patent
    Recorded: April 12, 1974
    Recording Information: Book 1 Page 217
    Affects: 33 feet in width along the North boundary of Parcel 1

14. Easement for roadway and/or public utilities as reserved in Patent
    Recorded: April 12, 1974
    Recording Information: Book 1 Page 218
    Affects: 33 feet in width along the South boundary of Parcel 4

15. Easements as dedicated and shown on the plat of said subdivision. (Copy Attached)

16. The effect of the notes which appear on the plat of said subdivision. (Copy Attached)

17. Deed of Trust and the terms and conditions thereof.

Grantor/Trustor:	Skylark Park LLC
Grantee/Beneficiary:	First Bank
Trustee:	Alaska Escrow and Title Insurance Agency Inc.
Amount:	$560,000.00
Dated:	July 14, 2016
Recorded:	July 19, 2016
Recording Information:	Serial Number 2016-000401-0
Affects:	Parcels 1, 4, and 5

18. Assignment of leases and/or rents and the terms and conditions thereof:

Assignor:	Skylark Park, LLC
Assignee:	First Bank
Recorded:	July 19, 2016
Recording Information:	Serial Number 2016-000402-0
Affects:	Parcels 1, 4, and 5

19. Financing Statement, indicating a Security Agreement:

Debtor:	Skylark Park LLC
Secured Party:	First Bank
Recorded:	July 19, 2016
Recording Information:	Serial Number 2016-000403-0

A Notice of Continuation of the Financing Statement

Recorded:	July 6, 2021
Recording Information:	Serial Number 2021-000480-0

A Notice of Continuation of the Financing Statement

Recorded:	June 5, 2026
Recording Information:	Serial Number 2026-000369-0
Affects:	Parcels 1, 4, and 5

20. Deed of Trust and the terms and conditions thereof.

Grantor/Trustor:	Skylark Park LLC
Grantee/Beneficiary:	First Bank
Trustee:	Alaska Escrow and Title Insurance Company, Inc.
Amount:	$250,000.00
Dated:	August 14, 2025
Recorded:	August 18, 2025
Recording Information:	Serial Number 2025-000392-0
Affects:	Parcels 4 and 5

First American Title™

Schedule C

Subdivision Guarantee

ISSUED BY
First American Title Insurance Company

GUARANTEE NUMBER
4355631

File No.: 0239-4355631

The land in the Recording District of Petersburg, State of Alaska, described as follows:

PARCEL NO. 1:

Government Lot 14 in Section 33, Township 58 South, Range 79 East, Copper River Meridian, Petersburg Recording District, First Judicial District, State of Alaska.

PARCEL NO. 2:

Lots 1, 2, 3, 5, and 6, Block A and Lot 5A, Block 221, within SKYLARK II ADDITION SUBDIVISION, according to the plat thereof filed December 28, 1981 as Plat No. 81-19 and revised by Plat No. 90-14, Petersburg Recording District, First Judicial District, State of Alaska.

PARCEL NO. 3:

Government Lot 21, Section 33, Township 58 South, Range 79 East, Copper River Meridian, Petersburg Recording District, First Judicial District, State of Alaska.

PARCEL NO. 4:

Government Lot 20, Section 33, Township 58 South, Range 79 East, Copper River Meridian, Petersburg Recording District, First Judicial District, State of Alaska.

PARCEL NO. 5:

Lot 15B, FORT MAGILL SUBDIVISION, according to the official plat thereof, filed under Plat No. 2004-14, records of the Petersburg Recording District, First Judicial District, State of Alaska.

PLANNING COMMISSION STAFF REPORT
MINOR SUBDIVISION – CONSOLIDATION – 106/108 SING LEE ALLEY

Action #:	2026-902	**Meeting Date:**	9/8/2026
Applicant(s):	Villa Finance LLC	**Property Owner(s):**	Villa Finance, LLC
Agent/Representative:	David C. Thynes	**Property Address:**	106 & 108 Sing Lee Alley
Legal Description:	Lucas Tract of the Lucas Consolidation Plat, Plat No. 2001-23, Tract B, Lot 5, Block 57, U.S. Survey 1252, and Tracts T-106 & T-107 of the Tidelands Addition Subdivision, Plat No. 64-176		
Parcel ID:	01-007-537 / 01-007-535	**Current Zoning:**	Commercial 2
Acreage / Lot Size:	Total ±11,337 SF (0.26 ac). Parent parcels: Lucas Tract 5,339 SF; Tract B 1,350 SF; T-106 880 SF; T-107 3,768 SF.	**Comp Plan Designation:**	Waterfront B
Request Type:	Minor Subdivision (Consolidation) – PMC 18.20		

A. EXECUTIVE SUMMARY

Applicant Request	The applicant requests approval of a minor subdivision (consolidation) to eliminate the internal boundaries between four separate parcels — the Lucas Tract (Plat No. 2001-23), Tract B (Lot 5, Block 57, U.S. Survey 1252), and Tidelands Addition Tracts T-106 and T-107 (Plat No. 64-176) — and combine them into a single parcel, Lot 1, Lindstrom Subdivision (±11,337 SF).
Staff Recommendation	Recommend approval with conditions
Key Issues	Proposed minor subdivision consolidates parcels into one lot. Portion of the subdivision is within the flood hazard area.

B. PROJECT DESCRIPTION

Subdivision Name	Lindstrom Subdivision
Intended Use	New Residential development
Total Acreage	±11,337 SF (0.26 acres)
Number of Lots Proposed	1
Lot Size	11,337 SF
Phasing (if applicable)	N/A
Timeline	Demolition and foundation work this fall.

C. SITE CHARACTERISTICS

Topography	Developed waterfront parcel fronting Wrangell Narrows
Existing Structures	Existing structures to be demolished
Legal Access	South Nordic Drive and Sing Lee Alley
Utilities	Municipal power, water, and sewer
Flood Zone	Zone A1 – Base Elevation: 21 ft.

Anadromous Streams / Watercourses	Tidelands and anadromous stream run adjacent to SW property line. Stream is listed in Anadromous Waters Catalog.
Soils / Environmental Constraints	Portion of lot is filled; remainder is tidelands

D. ZONING AND LAND USE

Zoning District:	Actual Land Use:
Commercial 2	Residential

Surrounding Area

Direction	Zoning District	Actual Land Use
North	N/A	Wrangell Narrows (tidelands/waterway)
South	[Staff to confirm]	[Staff to confirm]
East	[Staff to confirm]	[Staff to confirm]
West	[Staff to confirm]	[Staff to confirm]

E. MINOR SUBDIVISION SUBMISSION CHECKLIST (PMC 18.20.010)

Submission Requirement (PMC 18.20.010)	Submitted / Met?	Comment
Plat prepared by registered Alaska land surveyor, drawn to scale (§ 18.20.010.C.1)	Yes	Prepared by Central Southeast Surveyors, Petersburg, AK
Application and fee submitted ≥ 30 days before platting board meeting (§ 18.20.010.C)	Yes	Application dated 8/7/2026
DEC approval for on-site sewer/water, if not connected to municipal system (§ 18.20.010.C.2)	N/A	Parcel is served by municipal power, water, and sewer

F. REVIEW CRITERIA (PMC 18.20.010.A)

Per PMC 18.20.010, the minor subdivision plat procedure is available for the subdivision of a single parcel into no more than four parcels, subject to the general conditions of PMC 18.20.010(A). Because this application consolidates four existing parcels into a single resulting lot, the number of lots created (one) falls within the four-lot maximum. Staff analysis of each condition follows:

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

The application consolidates four separate parcels — the Lucas Tract (Plat No. 2001-23), Tract B (Lot 5, Block 57, U.S. Survey 1252), and Tidelands Addition Tracts T-106 and T-107 (Plat No. 64-176) — into a single parcel, Lot 1, Lindstrom Subdivision. The resulting single lot is consistent with the four-lot maximum under the minor subdivision procedure.

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

The consolidated lot has legal and physical access to South Nordic Drive and Sing Lee Alley, as shown on the preliminary plat and identified on the land use application.

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

The preliminary plat does not depict or require dedication of any new street, right-of-way, or other public area; the plat depicts only the elimination of internal boundaries between the four parent parcels.

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

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

5. Monumentation (PMC 18.20.010.A.5)

The preliminary plat identifies recovered brass cap and aluminum cap monuments, a brass disk set in curb, and monuments established/recovered by the surveyor of record (LS 5485 and LS 8919), consistent with the monumentation requirement that at least two outside corners of the tract be marked and referenced to publicly recorded survey markers.

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

Department	Comments
Public Works	No Concerns.
PMP&L	No Comments
Police	No Comments
Fire	No Comments

H. PUBLIC NOTICE

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

I. FINDINGS AND CONDITIONS OF APPROVAL

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

Proposed Motion:

I move to approve RESOLUTION 2026-902 recommending approval of the minor subdivision (consolidation) creating Lot 1, Lindstrom Subdivision, subject to the conditions set forth in the resolution.

J. ALTERNATIVES

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

K. ATTACHMENTS

A. Vicinity Map / Preliminary Plat	D. Public Notice Letter (Due to increased incidents of phishing emails, the mailing list is not being published online. Mailing list upon request)
B. Applicant Materials / Land Use Application	E. FEMA Floodplain map
C. Public Comments	

L. APPEAL (PMC 19.92)

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

PLANNING COMMISSION RESOLUTION NO. 2026-902

A RESOLUTION OF THE PETERSBURG BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF A MINOR SUBDIVISION (CONSOLIDATION) FOR THE LINDSTROM SUBDIVISION – 106 & 108 SING LEE ALLEY

WHEREAS, on September 8, 2026, the Planning Commission conducted a duly and properly noticed public hearing to consider a minor subdivision (consolidation) application for the Lindstrom Subdivision, legally described as a consolidation of the Lucas Tract, Plat No. 2001-23, Tract B, Lot 5, Block 57, U.S. Survey 1252, and Tracts T-106 and T-107, Tidelands Addition Subdivision, Plat No. 64-176, and

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

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

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

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

Finding 1: Number of Lots. The proposed consolidation is consistent with the four-lot maximum for minor subdivisions under PMC 18.20.010(A)(1).

Finding 2: Access. The resulting lot has legal and physical access to public streets, Sing Lee Alley and S. Nordic Dr.

Finding 3: No Dedication, Vacation, or Variance Required. The proposed consolidation does not require dedication of a street or right-of-way, vacation of a public dedication, or a variance from subdivision regulations.

Finding 4: Monumentation. At least two outside corners of the consolidated tract shall be marked and referenced to recorded survey monuments as a condition of approval.

Finding 5: A portion of the subdivision may be located within the floodplain and subject to PMC 17.14.

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

- Applicant shall submit a plat with legible lettering meeting the generally accepted standards for good draftsmanship prepared by a land surveyor licensed in the state of Alaska.
- The outside corners of the consolidated tract shall be marked and referenced to recorded survey monuments.
- The final plat meeting shall bear all required certificates per PMC 18.24.050(B), to the extent applicable to minor subdivisions.
- 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. Such notation may include a written statement, stating the affected lots, blocks and tract by legal description and the report and date of the report used to make the determination of the floodplain.

ADOPTED this 8th day of September 2026, by the following vote:

AYE:

NAY:

ABSENT:

_____

Chair, Planning Commission

Villa Finance Property Area
106 & 108 South Sing Lee Alley
01-007-535 & 01-007-537

EXHIBIT A

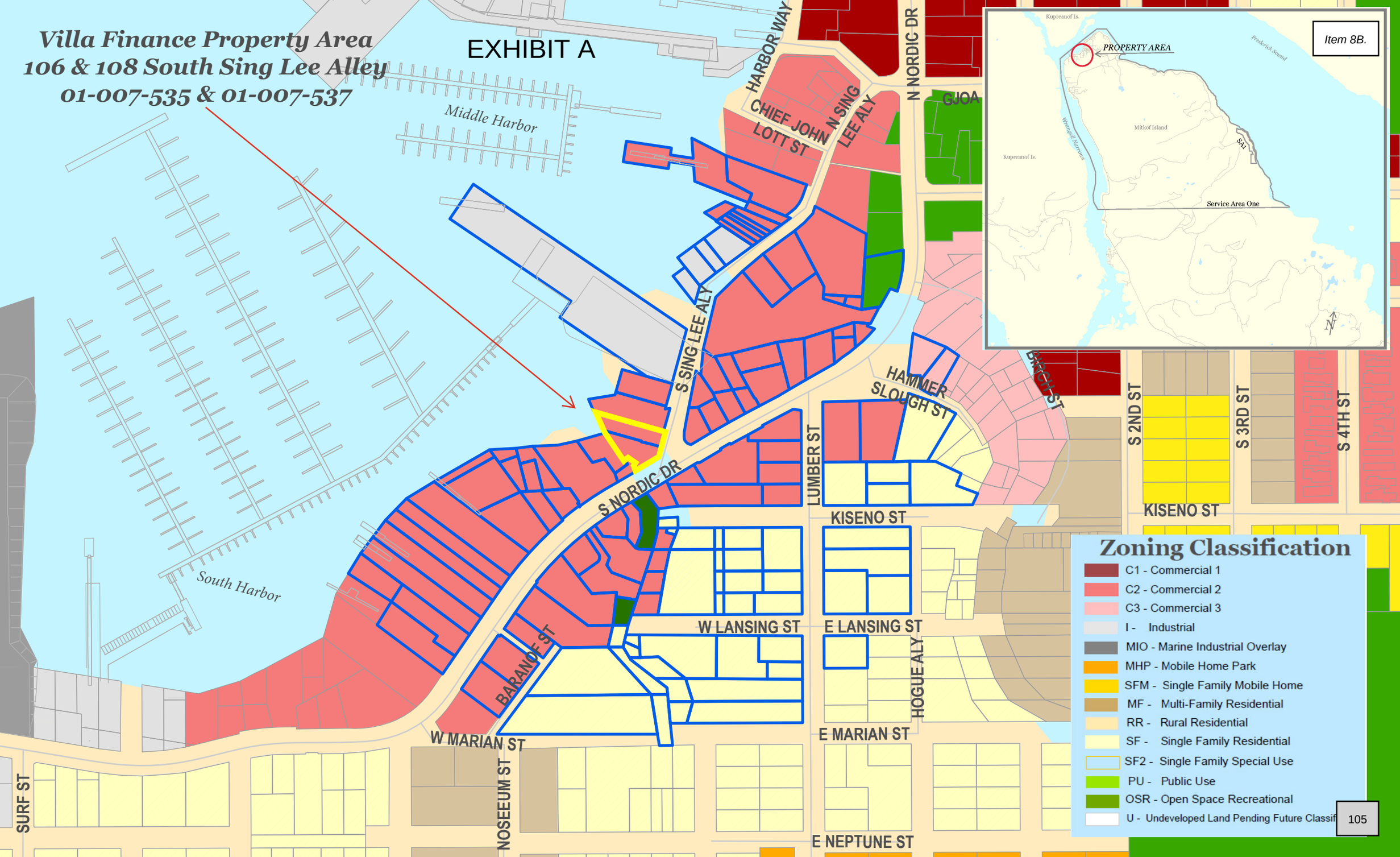


EXHIBIT B: APPLICANT MATERIALS

PETERSBURG ALASKA

PETERSBURG BOROUGH LAND USE APPLICATION

For Borough Use	Date: 8/7/26
Base Fee: 95-	Check No. or CC: CC
Public Notice Fee: $70	Received by: KR
Total: 165-	Code to: 110.000.404110

APPLICANT INFORMATION

NAME: David C. Thynes

PROPERTY INFORMATION

PHYSICAL ADDRESS or LEGAL DESCRIPTION: 106 & 108 Sing Lee Alley			Lot Size:
LOT: LUCAS TRACT, TRACT B	BLOCK: 57	SUBDIVISION: LUCAS CONSOL. PLAT	PLAT #: 2001-23
PARCEL ID: 01007537/01007535		ZONE: COMM2	OVERLAY:

Current Use of Property: RESIDENTIAL

Proposed Use of Property: SAME

LEGAL ACCESS AND UTILITIES

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

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

LEGAL ACCESS TO LOT(S) (Street Name): S. NORDIC & SING LEE ALLEY

TYPE OF APPLICATION AND BASE FEES

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

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

☐ 18.24 Final Plat ($25 per lot)

SUBMITTALS

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

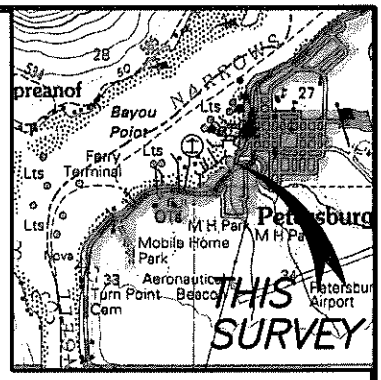
SIGNATURE(S)

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

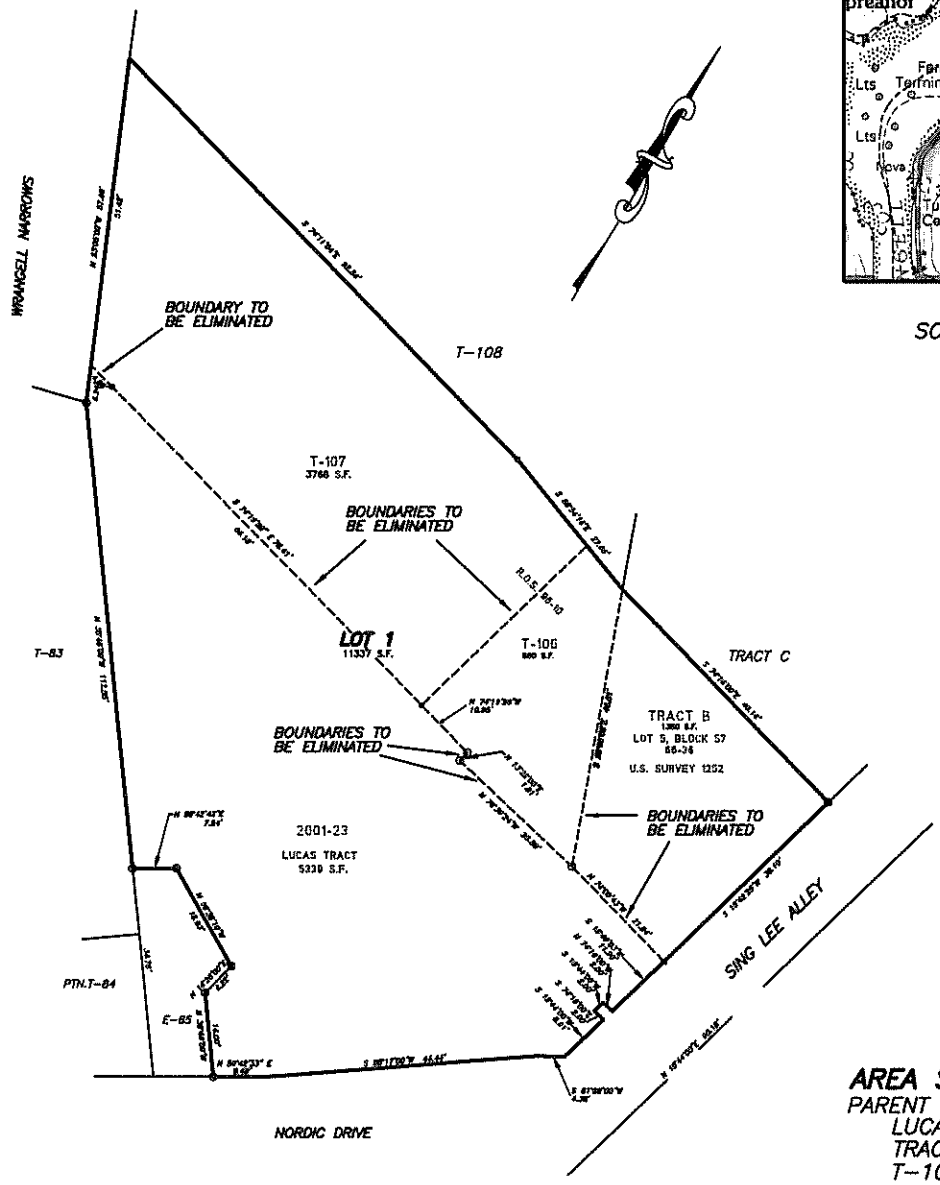
Applicant(s): _____ **Date:** 8/7/2026

Owner (if different from applicant): _____ **Date:** _____

Owner (if different from applicant): _____ **Date:** _____



VICINITY MAP
SCALE: 1" = 1 MILE



AREA SUMMARY:

PARENT PARCELS–
LUCAS TRACT = 5339 S.F.
TRACT B = 1350 S.F.
T–106 = 880 S.F.
T–107 = 3768 S.F.

PROPOSED CONSOL. PARCEL
LOT 1 = 11337 S.F.

LINDSTROM SUBDIVISION

A CONSOLIDATION OF THE LUCAS TRACT OF THE LUCAS CONSOLIDATION PLAT, PLAT No. 2001–23, TRACT B, LOT 5, BLOCK 57 OF U.S.S. 1252 AND T–106 & T–107 OF THE TIDELANDS ADDITION SUBDIVISION PLAT No. 64–176 CREATING LOT 1 OF THE LINDSTROM SUBDIVISION

PETERSBURG RECORDING DISTRICT

0' 30' 60'

GRAPHIC SCALE: 1" = 30'

LEGEND

- ⊕ BRASS CAP MONUMENT RECOVERED THIS SURVEY
- ◘ ALUMINUM CAP MONUMENT RECOVERED THIS SURVEY
- ☐ 3/4" DIA. BRASS DISK SET IN CURB
- ∘ ED STRYKER LS 8919 MONUMENT RECOVERED THIS SURVEY 1.5" ALCAP ON #5 REBAR
- ◎ RICK G. BRAUN, LS 5485 MONUMENT ESTABLISHED PREVIOUS SURVEY 1.5" ALCAP ON #5 REBAR
- ∘ RICK G. BRAUN, LS 5485 MONUMENT ESTABLISHED THIS SURVEY 1.5" ALCAP ON #5 REBAR

CLIENT: [redacted]

SURVEYOR
CENTRAL SOUTHEAST SURVEYORS
P.O. BOX 533, PETERSBURG AK 99833
PH (907) 518–0075

DRAWING COMPLETED 08/07/26

DRAWING No. LINDSTROM CONSOLIDATION 2026

EXHIBIT C: PUBLIC NOTICE

PETERSBURG
ALASKA

August 17, 2026

[redacted]

NOTICE OF SCHEDULED PUBLIC HEARINGS

The Petersburg Borough Planning Commission has scheduled a public hearing to consider**:**
An application from David Thynes (agent) for a minor subdivision (consolidation) at 106 and 108 S SING LEE ALLEY (PIDs: 01-007-537, 01-007-535)

The public hearing and consideration of the application will be held:	**Tuesday, September 8, 2026, at 12:00 PM** Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via **ZOOM**, please contact Anna Caulum at 907-772-5409.	

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

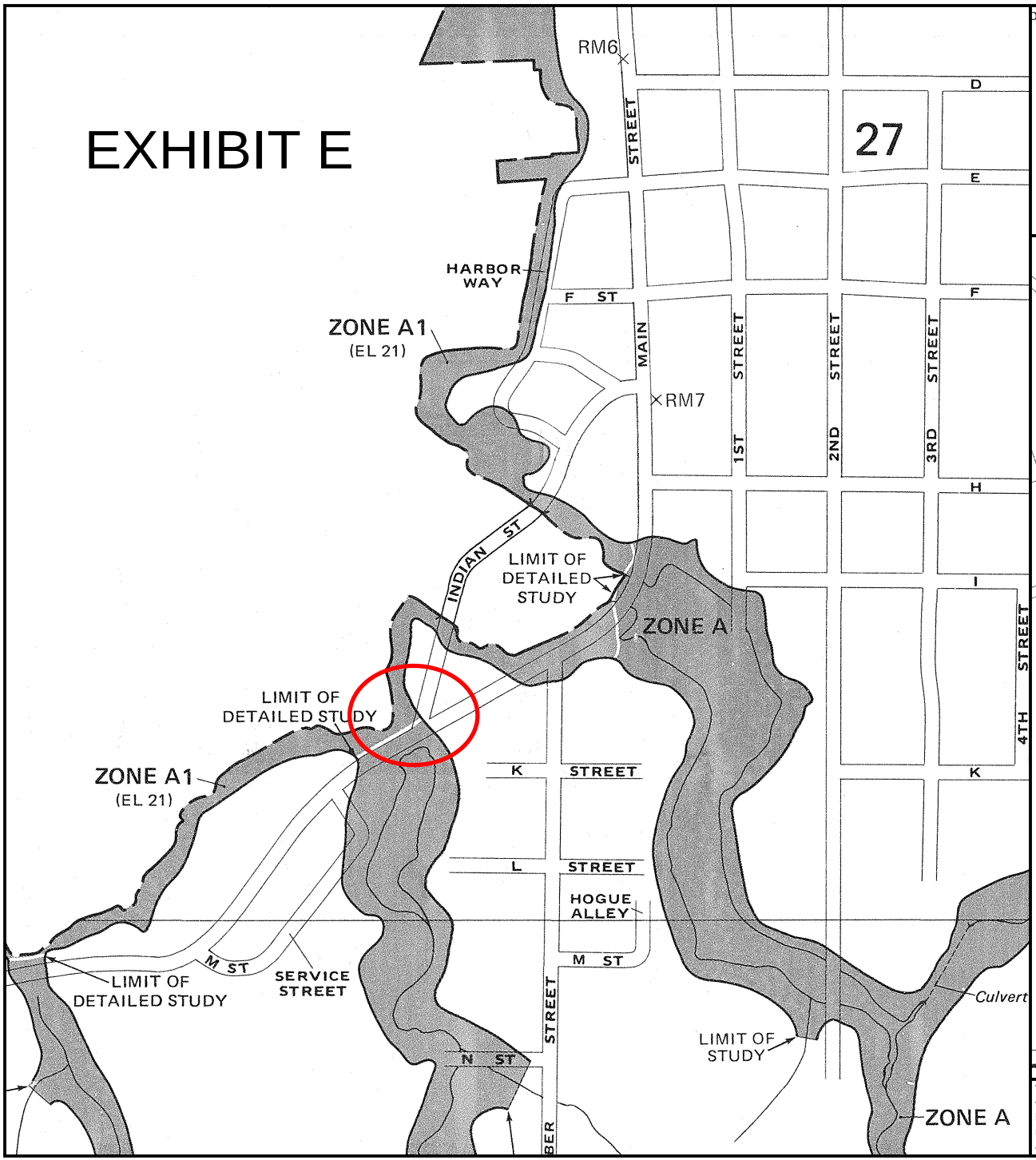
TO SUBMIT WRITTEN COMMENTS TO THE PLANNING COMMISSION	
By Mail:	PO Box 329, Petersburg, Alaska 99833
By Email:	acaulum@petersburgak.gov
Hand-Deliver:	Petersburg Municipal Building, 12 S. Nordic Dr.

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

Sincerely,

Liz Cabrera
Community & Economic Development Department

EXHIBIT E



ogram, at (800) 638-6620.

APPROXIMATE SCALE

400 0 400 FEET

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.

MEMORANDUM

TO: Petersburg Borough Assembly
FROM: Petersburg Borough Planning Commission
DATE: September 8, 2026
SUBJECT: Recommendation for a Temporary Moratorium on Data Center Applications in Service Area 1

RECOMMENDATION

The Planning Commission recommends that the Assembly adopt an ordinance establishing a temporary moratorium on the acceptance and processing of land use applications and building permits for data centers within Service Area 1, so that review standards specific to this use can be developed. The moratorium would run for one year from its effective date, apply only within Service Area 1, and expire automatically unless the Assembly repeals or extends it.

BACKGROUND

The Commission has become aware of increasing interest in data center development in the borough. Title 19 of the Petersburg Municipal Code contains no review standards written for them. Developing those standards is work the Commission is prepared to do, but it takes time the Commission will not have if applications arrive first.

BASIS FOR THE RECOMMENDATION

- Without standards, review would proceed case by case, producing decisions that are inconsistent with one another and difficult to reverse.
- The proposed moratorium is narrow: temporary, limited in geography to Service Area 1, and limited in scope to a single use. It pauses applications; it does not prohibit the use.
- One year gives the Commission time to study the use, take public comments, and bring the Assembly standards it can apply consistently.

NEXT STEPS

During the moratorium the Commission would study the land use impacts of data centers, take public comments, and return to the Assembly before the moratorium expires with recommended amendments to Title 19 governing the siting, development, and operation of these facilities.

Respectfully submitted,

_____

Chair, Petersburg Borough Planning Commission

PETERSBURG, ALASKA

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

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

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

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

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

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

and visual impacts of facilities and campuses; and

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

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

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

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

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

Conditional use standards – Data centers.

The following standards shall apply to data centers:

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

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

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

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

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

D. Additional submittal requirements for a conditional use permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Are not in downtown waterfront areas as described in the Petersburg Borough Waterfront Master Plan,

2. Areas that are not reasonably needed for: seafood processing, marine repair, harbor expansion, or maritime commerce,

3. are not adjacent to wetlands, anadromous streams, shorelines, tidal lands, or areas frequented by migratory birds.

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

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

H. Definitions.

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

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

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

PETERSBURG BOROUGH
ORDINANCE NO. 2026-X

AN ORDINANCE AMENDING TITLE 3 ADMINISTRATION AND PERSONNEL, CHAPTER 3.64 PLANNING COMMISSION, TO UPDATE THE COMMISSION'S RULES OF PROCEEDINGS AS SUGGESTED BY THE "SAMPLE BYLAWS" IN THE ALASKA PLANNING COMMISSION HANDBOOK (2021)

WHEREAS, per PMC 3.64.050(C), "'Robert's Rules of Order', current edition, shall govern the parliamentary proceedings of the commission to the extent not in conflict with City Charter and Code provisions…"; and

WHEREAS, per Robert's Rules of Order 4.12, "The requirement of a second is for the chair's guidance whether to state the question on the motion, thus placing it before the assembly. Its purpose is to prevent time from being consumed by the assembly's having to dispose of a motion that only one person wants to see introduced."; and

WHEREAS, per PMC 18.12.010, "The planning commission shall be the platting board of the city."; and

WHEREAS, per PMC 18.12.050, "The platting board shall take formal action by voting on a motion to approve or deny an application…"; and

WHEREAS, on July 14th, 2026, a motion before the planning commission, serving as the platting board, to hold a hearing required by PMC 18.12.050, failed for lack of a second, and therefore the planning commission did not take formal action by voting on the motion to approve or deny the application; and

WHEREAS, in 2021 the State of Alaska created an Alaska Planning Commission Handbook, with the purpose of "provid[ing] residents of Alaskan communities with the tools to make sound planning decisions," which is presently in use by the Petersburg Borough Planning Commission; and

WHEREAS, the Alaska Planning Commission Handbook (2021) includes Sample Planning Commission Bylaws on pages 95-97; and

WHEREAS, these Sample Bylaws include the following suggested Rules of Proceedings (page 97): "Meetings shall be conducted under Robert's Rules of Order and such modified or amended rules as may be adopted by the Planning Commission. The Commission has amended those rules as follows: 1. A motion does not require a second. 2. Any member may move for reconsideration."; and

WHEREAS, these suggested Rules of Proceedings, if in place on July 14th, 2026, would have prevented the Planning Commission's error in failing to take formal action on that date as required by Borough Code.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE PETERSBURG BOROUGH, ALASKA, AS FOLLOWS:

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

Section 2. Purpose: The purpose of this Ordinance is to amend the parliamentary procedure utilized by the planning commission in the manner recommended by the suggested Rules of Proceedings in the Sample Bylaws published in the 2021 Alaska Planning Commission Handbook.

Section 3. Substantive Provisions: Title 3, *Administration and Personnel*, Chapter 3.64, *Planning Commission*, is hereby amended as follows. The language proposed for addition is **underlined and bold**, and the language proposed for deletion is in [brackets] and ~~struck through~~.

A. Chapter 3.64, Planning Commission, is amended to add the following:

3.64.050 Meetings.

C. "Robert's Rules of Order", current edition, shall govern the parliamentary proceedings of the commission to the extent not in conflict with City Charter and Code provisions. The commission may adopt written procedural rules it finds necessary and appropriate to conduct business. The rules shall be reviewed and revised as necessary. **The commission, in following the recommendations of the suggested Rules of Proceedings in the Sample Bylaws in the Alaska Planning Commission Handbook (2021), has amended its use of Robert's Rules of Order in the following respects:**

1. **A motion does not require a second.**
2. **Any member may move for reconsideration.**

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

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

PASSED and APPROVED by the Assembly of the Petersburg Borough, Alaska this ___ day of _____, 202__.

_____

Robert Lynn, Mayor

ATTEST:

_____

Rebecca Regula, Borough Clerk

PETERSBURG BOROUGH
ORDINANCE NO. 2026-XX

AN ORDINANCE AMENDING TITLE 3 ADMINISTRATION AND PERSONNEL, CHAPTER 3.64 PLANNING COMMISSION, TO PROVIDE FOR AN ANNUAL TRAINING ON RELEVANT SECTIONS OF MUNICIPAL CODE FOR PLANNING COMMISSIONERS

WHEREAS, Planning Commissioners must have knowledge of Title 17 Buildings and Construction, Title 18 Subdivisions, and Title 19 Zoning, in order to do their duty as Planning Commission; and

WHEREAS, the only requirement for a person serving as Planning Commissioner presently is that they "be a qualified voter of the city and have resided within the city for a period of one year,"; and

WHEREAS, Planning Commissioners would be better empowered to make informed findings as required by Borough Code by providing training prior to service on municipal code sections relevant to Planning Commission duties.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE PETERSBURG BOROUGH, ALASKA, AS FOLLOWS:

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

Section 2. Purpose: The purpose of this Ordinance is to better empower Planning Commissioners to make informed findings as required by Borough Code by providing training prior to service on municipal code sections relevant to Planning Commission duties.

Section 3. Substantive Provisions: Title 3, *Administration and Personnel*, Chapter 3.64, *Planning Commission*, is hereby amended as follows. The language proposed for addition is **underlined and bold**, and the language proposed for deletion is in [brackets] and ~~struck through~~.

A. Chapter 3.64, Planning Commission, is amended to add the following:

3.64.020 Membership.

C. Before entering upon their duties, each member of the planning commission shall be provided with a training on relevant sections of

municipal code, including but not limited to § 3.64.050 Meetings, § 3.64.100 Planning functions, § 3.64.110 Additional functions, Chapter 18.12 Platting Board, § 17.14.120 Variance procedure, Chapter 18.32 Platting Variances, Chapter 19.80 Variances, Chapter 19.72 Conditional Use Permits, and Chapter 19.76 Special Use Permit. Petersburg Borough will provide this planning commission code training in-person on an annual basis which each member shall attend at least once per elected term. If a member is appointed at a time when the annual in-person training has already been given, they shall be provided with a written copy of this training.

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

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

PASSED and APPROVED by the Assembly of the Petersburg Borough, Alaska this ___ day of _____, 202__.

_____

Robert Lynn, Mayor

ATTEST:

_____

Rebecca Regula, Borough Clerk

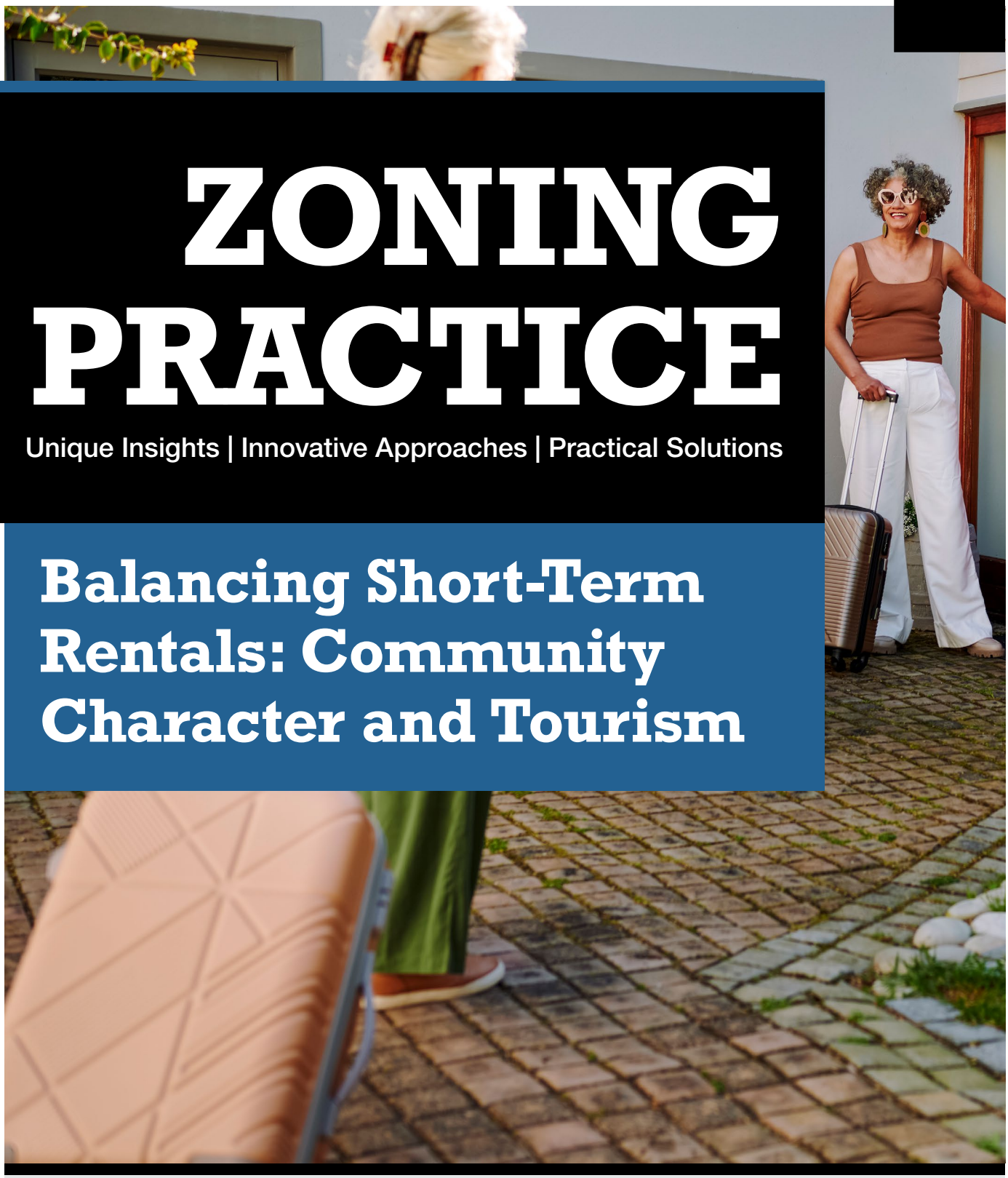
AUGUST 2026 | VOL. 43, NO. 8

APA

ZONING PRACTICE

Unique Insights | Innovative Approaches | Practical Solutions

Balancing Short-Term Rentals: Community Character and Tourism



In this Issue: Reframing the Short-Term Rental Debate | Lessons from New Orleans | A Replicable Framework | Conclusion

Balancing Short-Term Rentals: Community Character and Tourism

By Alexandra "Alex" Gelpi Carter, AICP, with Evelyn Campo, CFM, Tara Lambeth, AICP, CFM, PHD; Kara Dudek-Mizel, AICP, Matt Wilson, Hannah Rachlis, CFM, Jessi Kenney, PHD, and Jared Carter

Nearly 20 years after the launch of Airbnb, cities, towns, and counties across the United States continue to grapple with how to regulate short-term rentals (STRs) and other forms of transient lodging. These debates are often framed as conflicts between housing affordability and tourism or between residents and visitors. While these tensions are real, they obscure the underlying planning issue: transient lodging is fundamentally a land use question.

In many instances, transient uses replace long-term residents with short-term occupants, altering patterns of occupancy, investment, and daily life. When these uses cluster in specific areas, they exacerbate these impacts. Neighborhoods may experience reduced housing availability, increased speculative activity, and diminished social cohesion. This leads to a key planning principle: for transient lodging uses, zoning regulations should address distribution and intensity, not just permission.

This issue of *Zoning Practice* presents a replicable zoning framework for short-term rentals. It begins by suggesting a new framework to debate the role of short-term rentals in local communities before highlighting lessons learned from previous regulatory experiences and detailing each component of a sound approach to zoning for short-term rentals and other transient lodging uses.

A New Orleans' Mardi Gras float referencing shifting short-term rental regulations (Credit: Alexandra Carter)

Reframing the Short-Term Rental Debate

In many cities, towns, and counties, transient lodging regulations and policies have evolved reactively, becoming more restrictive as transient lodging has grown in popularity. These regulations range from zoning-district-specific allowances and restrictions to size-based requirements and outright bans on short-term rentals.

Numerous jurisdictions permit only owner-occupied short-term rentals. Others allow short-term rentals but impose a range of permitting requirements, including 24-hour on-site management, compliance with building and fire codes, licensing and certification, registration and tax payments, liability and property insurance, record retention, and periodic permit renewals.

Multiple jurisdictions institute zoning and land use restrictions in addition to use standard requirements and restrictions for bed and breakfasts, hotels and motels, and other transient lodging uses. Many municipalities also apply additional zoning and land use restrictions, such as density caps, prohibitions on certain building types, and minimum or maximum stay requirements for short-term rentals and other transient lodging uses. Some communities additionally regulate short-term rental hosting platforms by requiring them to review listings for compliance and submit reports to local government agencies.

This reactive and varied framework has resulted in frustration for both businesses and residents. Businesses find it complicated to invest in uncertain or constantly evolving regulatory conditions, and residents experience the impacts of increased development and tourism, including potential nuisances, on their neighborhood fabric and community character.

The need to balance economic opportunity and community character is the underlying tension of the transient lodging and short-term rental debate. Therefore, it is important to examine STRs in both their form and function.

At its core, zoning regulations should stipulate where—and at what intensity—temporary occupancy is appropriate. Sound regulations acknowledge the STR issue by evaluating the full spectrum of lodging types, from small-scale STRs to large hotels, and situating them within a unified zoning framework. This unified zoning framework takes the guesswork out of the regulatory environment, providing a solution to both businesses and residents that is grounded in the community's comprehensive plan, reflected in the community's zoning regulations, and reinforced by understandable and neighborhood-focused zoning and design standards.

This approach shifts the conversation from whether STRs should exist to how they should be integrated into the built environment to align with neighborhood context, zoning intent, and community goals. This offers a perspective that moves the conversation beyond whether STRs should be allowed, toward a more precise question: *How much transient occupancy can an area absorb before its character—and function—begins to change?*

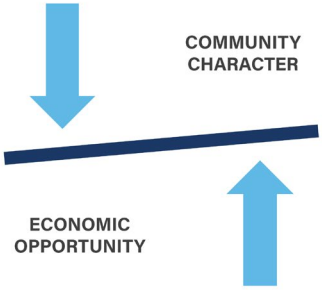
Answering this question enables municipalities to create and enforce transient lodging regulations that address both the physical form and operational impacts of these uses, while aligning with the community's built environment and the needs of the local community.

Lessons from New Orleans

In January 2025, the New Orleans City Planning Commission contracted with Desire Line to study land use and zoning issues in New Orleans related to transient lodging, including *commercial short-term rentals* (§26.6), across the city. New Orleans has a unique character that is rooted in culture and history, and the study's

Balancing community character and economic opportunity (Credit: Desire Line)

General Finding



"A simple solution (such as an outright ban or a broad approval of transient lodging uses) will not resolve divergent perspectives and land use conflicts amongst owner and non owner cohorts," the report said. "A reasonable compromise is needed."

The Lakeview neighborhood in New Orleans (Credit: Desire Line)

findings reflect the importance of preserving local neighborhoods. Through **this study**, the project team identified several key lessons for any community contemplating new or updated zoning regulations for short-term rentals.

The project team found that, like many uses, overconcentration intensifies impacts, and that community character reflects both the functional and demographic composition of local neighborhoods. In response, the team developed a new zoning framework for transient lodging that emphasizes clear definitions with graphics, density-based classifications, alignment with zoning district intent, management of concentration, consideration of neighborhood context, enforceability, and the flexibility to adapt over time.

The planning commission adopted the study with minor revisions in January 2026. As of June 2026, New Orlean's city council is considering legislation to implement the study findings (which may differ from the study's recommendations upon final adoption).

"Because fewer people actually live here, no one sits on their porch anymore. People don't know each other, and it is much, much less safe. Community has been broken."

– Community Member, City of New Orleans

Overconcentration Drives Impacts

A central finding of the New Orleans study is that the primary driver of impacts is not the presence of transient lodging—but its concentration.

Rather than relying on binary approaches—allow or prohibit—communities can manage impacts through tools such as **block-level caps, limits within buildings, and distance requirements**. These mechanisms directly address clustering, which is the condition most strongly associated with negative outcomes.

This shift has direct demographic implications. Neighborhoods that once supported stable, long-term populations begin to experience higher rates of turnover, fewer full-time residents, and reduced continuity in social and economic activity.

The study's mapping of STR density and nuisance complaints reinforces this relationship. Areas with the highest concentration of STRs—where temporary occupancy is most dominant—also show the highest clustering of disturbance complaints.

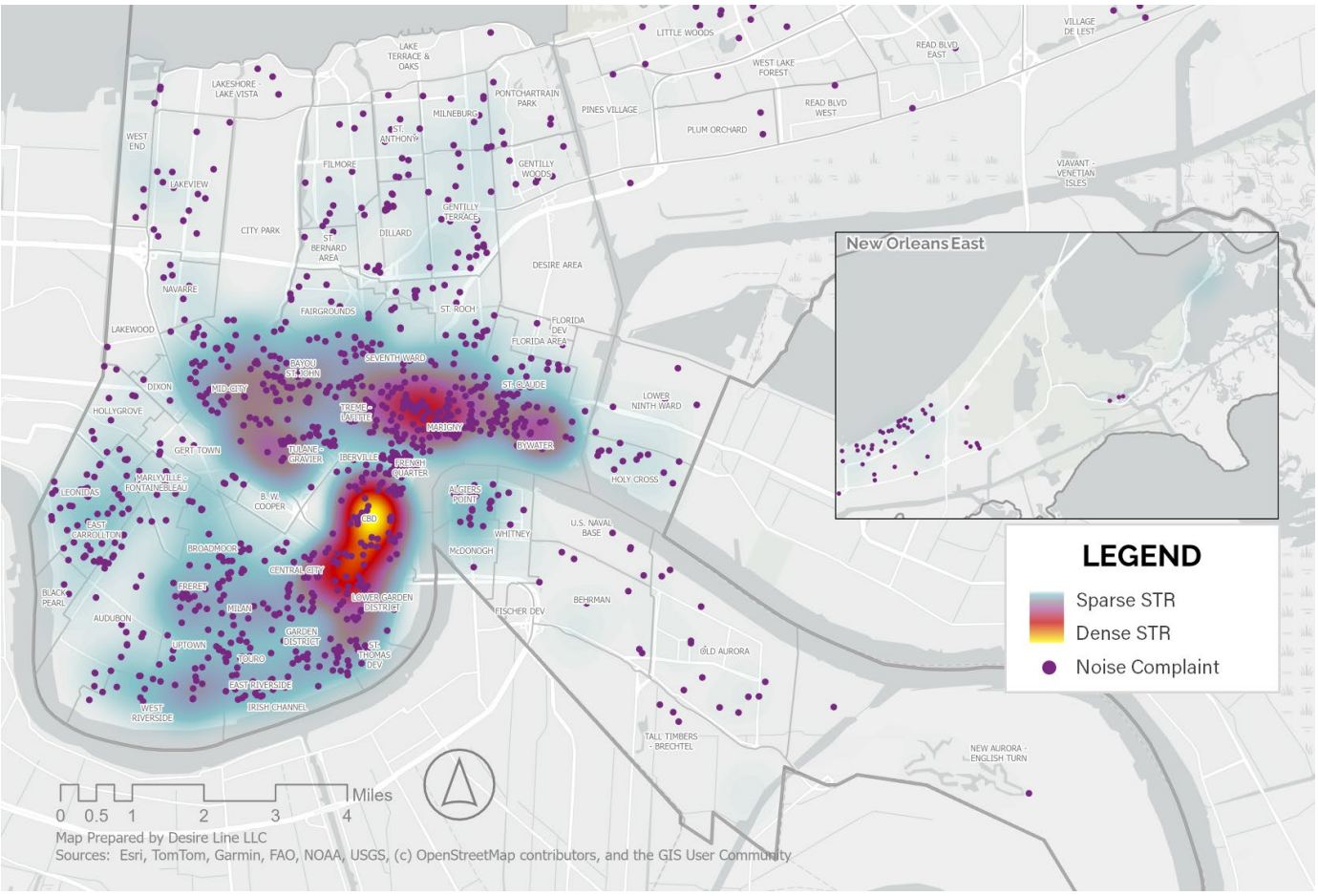
Therefore, the study recommended block limitations for most transient lodging uses. The limitations specified that there could be no more than one transient lodging use per block in most zoning districts. The study further recommended that there could be only one short-term rental in small buildings, only four short-term rentals or 25 percent of units, whichever is less, in medium-sized buildings, and greatly limited the presence of whole building short-term rentals in the city by only allowing them in the Maritime Mixed-Use District (§8.1B), where hosting whole-home vacation rentals was historically more common and acceptable.

Perfect Data is Not a Prerequisite

Communities should not wait for perfect data to regulate emerging or evolving land uses. Like many jurisdictions, New Orleans faced incomplete datasets, inconsistent records, pandemic related distortions, and rapidly evolving conditions based on multiple studies and subsequent rulemaking over the last 10-plus years. Rather than delaying action, the study made information related to data shortcomings, inconsistencies, and challenges accessible; then combined available quantitative data with qualitative insights from community engagement to support findings and recommendations.

The project team garnered input from community members utilizing three specific topic areas: affordable housing and community character, economic development, and permitted uses and nuisance regulations. Communities should consider specific topics to understand the nuances,

Noise complaints in New Orleans between 2021 and 2025 overlaid with a heatmap of short-term rentals (Credit: Desire Line)



Examples of Block-Level Caps, Building Limits, Guestroom Limits, and Distance Requirements by Transient Lodging Use

Transient Lodging Use Type	Block-Level Caps	Building Limits	Guestroom Limits	Distance Requirements
Bed and Breakfast	1 per lot and block	Single-family dwelling	5 maximum	N/A
Small Commercial Short-Term Rental	1 per lot and block	Two-family or multifamily dwelling with 4 units maximum; 1 per building	2 guest rooms; 4 occupants maximum	Block measured at 300 linear feet
Medium Commercial Short-Term Rental	3 per lot and block in high-intensity commercial areas; 1 per lot and block in all other areas	Multifamily dwelling or mixed-use, multi-story building; 4 or 25% of units, whichever is less, per building	2 guest rooms; 6 occupants maximum	Block measured at 300 linear feet
Large Commercial Short-Term Rental	1 per building, lot, and block	Whole home single-family dwelling; 1 unit only	7 guest rooms; 20 occupants maximum	Block measured at 300 linear feet
Hostel	N/A	Building designed for hostel accommodations	2 occupants per room	N/A
Neighborhood Hotel/Motel	N/A	Single-family dwelling or traditional hotel	20 rooms maximum	N/A
Large Hotel/ Motel	N/A	Large hotel structure	21 rooms or more	N/A

impacts, and potential solutions to land use issues.

This approach emphasizes that perfect data is not a prerequisite for sound planning. Consistent patterns, observable trends, and stakeholder input can provide a sufficient basis for policy decisions, particularly when paired with an iterative framework that allows for adjustment over time.

Community Character Includes Function

"Community character" is often described in subjective terms, like how a place looks or feels. The study offers a more operational definition, where an area's "character" includes the everyday presence of long-term residents and local businesses—people who regularly live in, work in, and use a place.

The study further acknowledges that transient lodging can change this pattern by increasing turnover and reducing the number of permanent occupants. Over time, this can weaken the stability and social fabric of a neighborhood, negatively impacting community character.

People often think of community character as solely aesthetic or design based. Maintaining community character, however, requires preserving a critical mass of long-term residents and business owners. This reframes character as not wholly aesthetic, but also as functional and demographic.

Iterative Policy Development is Valuable

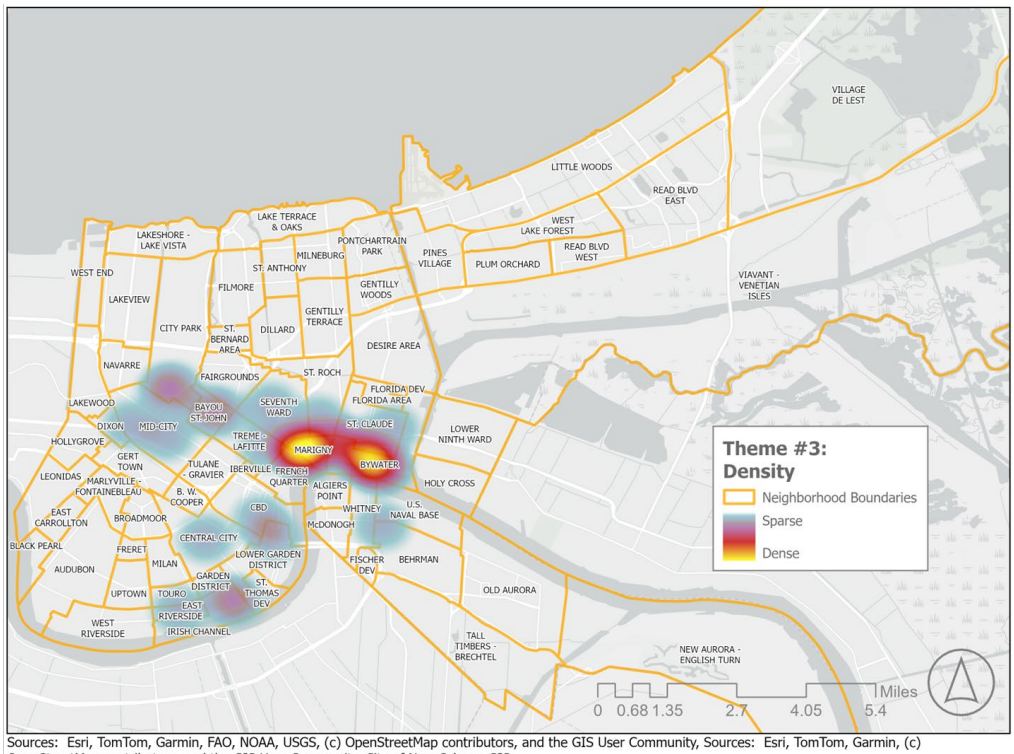
It is important for planners to think of land use policies as iterative, not static. This includes building from existing regulations, using past policies to identify gaps and contradictions, and working with the public towards reform that is transparent and mutually beneficial.

OUTREACH ANALYSIS

Narrative Theme 2: Density of STRs in the Community

Concerns: Clusters of STRs impact neighborhood stability and community character.

Impacted Neighborhoods: Bywater, Marigny, Bayou St. John, Mid-City, Irish Channel, Lower Garden District



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Sources: Esri, TomTom, Garmin, (c) OpenStreetMap contributors, and the GIS User Community, City of New Orleans GIS,
Map Prepared by Desire Line LLC

Outreach analysis of the density of short-term rentals in the New Orleans (Credit: Desire Line)

Transient lodging policy in New Orleans has evolved over more than a decade and includes significant prior reforms—particularly in residential areas. Following years of policy development and litigation, the city established strict limits on short-term rentals in residential neighborhoods, including a one-per-block cap implemented through a lottery system. However, incremental reforms had produced a fragmented regulatory framework with inconsistent definitions and overlapping rules, which prompted the city to initiate the study.

The study proposes a temporary prohibition on new commercial STRs; focuses on nonresidential areas, where regulatory gaps and inconsistencies remained; and advances a more cohesive, citywide zoning framework. Importantly, the study builds on prior city efforts to develop policy recommendations grounded in experience (including local political and market conditions) and makes recommendations to simplify standards, increase land use predictability, and better protect neighborhood character.

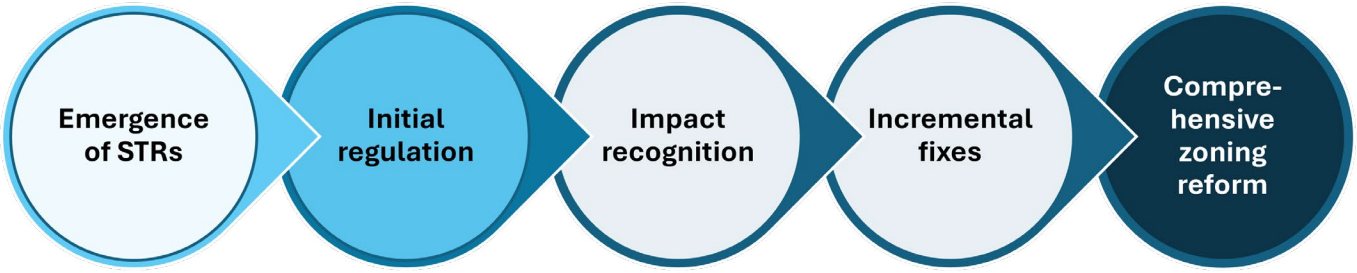
A Replicable Framework

The New Orleans approach can be translated into a clear process for other jurisdictions. This framework emphasizes structure and adaptability, allowing communities to respond to evolving conditions without losing coherence.

Define Transient Lodging as a Land Use Compatibility Issue

It is important to establish a land use management system that allows for consistent evaluation of transient lodging uses. To achieve this, local jurisdictions should streamline and clarify transient lodging definitions and standards by first

> **"The question is not whether transient lodging is allowed, but where and at what intensity it belongs."**
>
> *– Alex Carter, AICP, President & CEO, Desire Line*



Typical policy evolution cycle (Credit: Desire Line)

identifying transient lodging uses (e.g., bed and breakfast, hotel, or short-term rental) and the type of structure that each operates within (e.g., single-family home, multifamily building, or large commercial structure). Then define the number of guest rooms or units and the maximum occupancy for each use.

Streamlining standards includes clearly defining requirements for bathroom facilities, kitchens and cooking amenities, and ancillary uses such as bars, restaurants, and event spaces. For example, a hotel may have a bar or restaurant as an ancillary use, but a small commercial structure would not. Similarly, a hostel may have shared bathroom spaces, but a hotel would not.

For short-term rentals in particular, management and security standards are especially important. These standards should identify who is responsible for addressing complaints, whether management or security personnel must be on-site, and when they must be available. Establishing these requirements improves enforcement, enhances the safety of guests and neighbors, and helps reduce nuisances associated with transient lodging uses.

Classify Uses by Intensity

Most zoning codes treat STRs as a single use category. This simplification masks meaningful differences in scale and impact. The New Orleans study instead recommends defining a spectrum of transient lodging types **based on operational intensity**. Small-scale, lower-impact uses—such as operator-occupied rentals—can be distinguished from whole-home vacation rentals, and larger operations that function more like hotels. Similarly, distinctions can be made within traditional lodging types.

This tiered framework allows jurisdictions to permit lower-intensity uses in or near some residential or mixed-use areas, while directing higher-intensity uses to more commercial areas. It also improves clarity for both enforcement and public understanding, reducing ambiguity that often undermines compliance.

Creating regulations for small, medium, and large short-term rentals, and specifying proper locations and buildings for all transient lodging uses, allows these uses to fit within the framework of the city and to coexist with its existing residents and businesses.

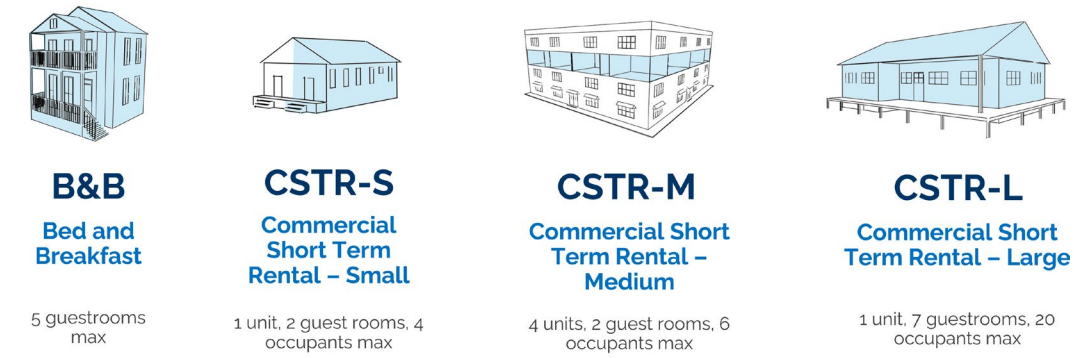
Align Uses with Zoning District Intent

In many communities, STR regulations evolve outside the core zoning framework, resulting in overlays, exceptions, and temporary measures that lack coherence and predictability. Aligning transient lodging permissions with the intent of zoning districts is a more defensible, fair, and consistent approach.

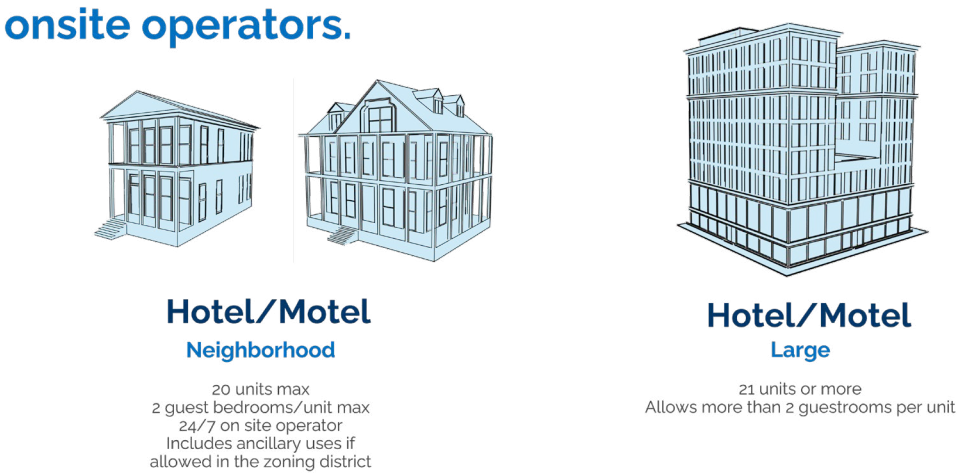
A community's comprehensive plan is an intentional guide to planning for the future, and planners can look to their plan for goals and objectives related to specific policy issues. In New Orleans, for example, the city's comprehensive plan emphasizes the preservation of neighborhoods as well as the importance of economic development and tourism. The city's zoning district purposes range from protecting neighborhood character, to attracting and serving residents and local visitors, to allowing a wide variety of commercial and industrial activities.

Planners should evaluate their comprehensive plans and the purpose statements of their residential districts to determine if it may be appropriate to accommodate limited, low-intensity uses

Residential-scaled short-term rental uses (Credit: Desire Line)



Commercial-scaled short-term rental uses (Credit: Desire Line)



that are compatible with long-term living patterns, such as bed and breakfasts and small-scale STRs. Allowing these uses in some areas can foster redevelopment of cost-prohibitive sites, including historic structures, where traditional financing mechanisms have not proven successful.

Planners should take a similar approach to recommendations for mixed-use districts that could support moderate levels of transient activity, such as smaller boutique hotels, STR units located above ground-floor retail, or within a multifamily complex, and commercial areas that could handle more intense uses such as hotels and higher-intensity STR operations, including STR operations that have more than four units in a building and hotels with more than 21 units.

Apply Density Controls to Manage Concentration

Even well-managed transient lodging can disrupt neighborhoods if it becomes too prevalent. For this reason, density controls and use permissions are essential.

Clear, measurable limits—such as caps per block, maximum percentages within buildings, or 24-7 on-site operators, are important to avoid overconcentration and to address potential operational disturbances. These tools maintain a baseline of long-term occupancy and on-site accountability, help prevent the

tipping point at which temporary uses begin to dominate, while also providing limited economic opportunities that can be instrumental in spurring redevelopment of blighted properties and stabilizing neighborhoods that have historically experienced disinvestment.

The New Orleans study builds on the city's existing regulatory framework—particularly the one-per-block density limits already established for residential STRs—and evaluates how similar principles can be applied and adapted to mixed-use and commercial districts. These density limits advance the goals of the comprehensive plan and the intent of the city's zoning districts by incorporating one-per-block limitations in residential districts, while allowing more transient lodging uses in mixed-use and commercial districts.

When establishing density limitations in commercial areas, it may be tempting to allow the market to guide development decisions. The study found that wherever STRs are permitted, they tend to be developed, and that such development can take the form of an entire block face or streetscape, effectively transforming active pedestrian spaces and vibrant commercial character into intermittent dead zones of inactivity. This was especially apparent during the month of August when tourist season in New Orleans traditionally ebbs due to excessive heat. For this reason, density controls in commercial districts should be thought of as protecting the variety of commercial uses in a commercial area.

It is also not uncommon for residences to be located within commercial districts and for the property owners who live in these residences to not realize they are zoned commercial. Planners should be especially mindful of this because the character of these areas may be more sensitive to an overconcentration of STRs than the commercial zoning district designation may suggest.

Incorporate Neighborhood Context Through Typologies

Establish **structured neighborhood typologies** to strike a balance between uniform regulations and highly localized rules. A fully standardized approach can ignore meaningful differences between neighborhoods, while overly tailored

Study neighborhood typology descriptions and map (Credit: Desire Line)

Neighborhood Typologies
Analyzed In Detail

Higher Impact *(most transient lodging units and high engagement)*
- Bywater
- Central City
- Marigny
- Seventh Ward

Moderate Impact *(most transient lodging units or high engagement)*
- Algiers Point
- East Riverside
- French Quarter
- Uptown

Lower Impact *(all others)*
- Garden District
- Lake Catherine
- Lakeview

systems can become too complex and difficult to administer.

By grouping areas based on shared characteristics—such as existing development patterns, market pressures, and observed STR impacts—communities can apply differentiated rules within a coherent framework. The approach in the study used three neighborhood typologies to adjust policies that respond to local conditions, data, and public feedback, without sacrificing clarity or consistency at the citywide level.

The neighborhood typologies included **higher-impact neighborhoods** that had a high concentration of transient lodging units *and* high public engagement with the study process, **moderate-impact neighborhoods** that included *either* a high concentration of transient lodging units *or* high public engagement with the study process, and **lower-impact neighborhoods** that did not have a high concentration of units or high public engagement with the study process.

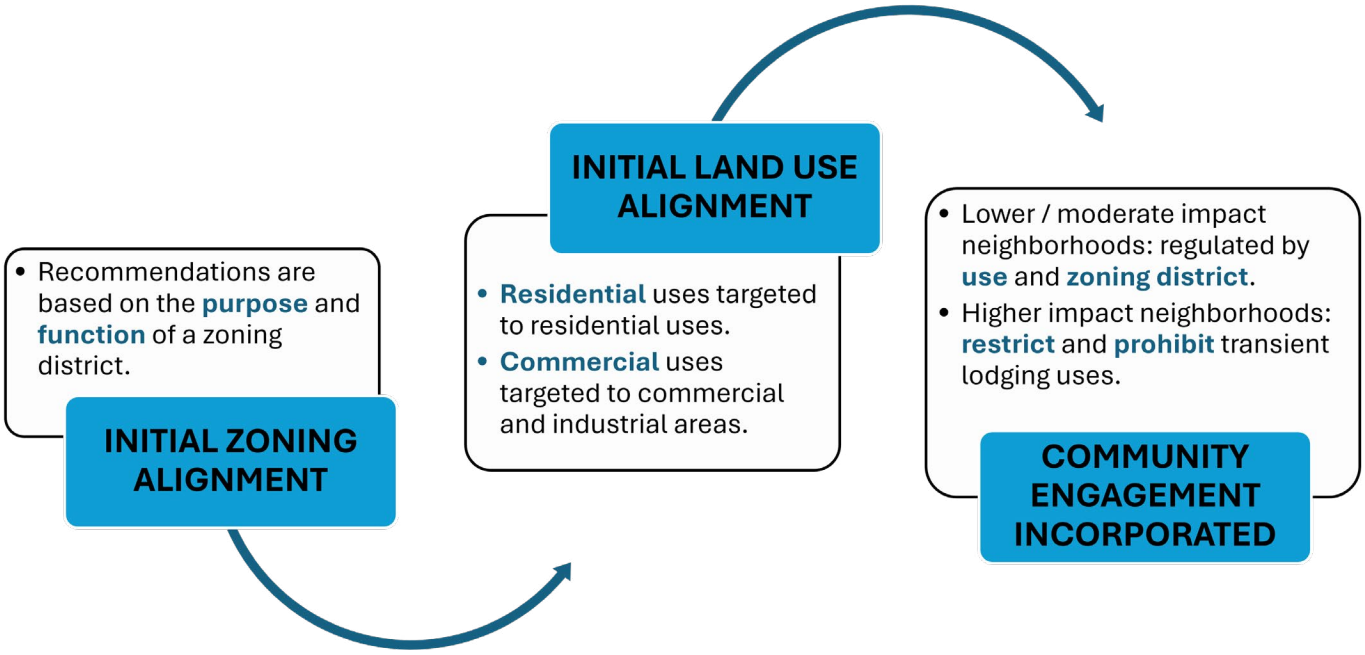
The neighborhood typologies resulted in a regulatory framework that began with initial zoning alignment, based on the purpose and function of a zoning district; then incorporated land use alignment, where residential uses were targeted to residential areas and commercial uses were targeted to commercial and industrial areas; and lastly, integrated community engagement, where lower- and moderate-impact neighborhood regulations relied on both use classification and zoning district and higher-impact neighborhood regulations included more restrictions on and prohibitions of transient lodging uses.

> **"You do not need a unique rule for every neighborhood—but you do need a structured way to account for differences."**
>
> *– Evelyn Campo, CFM, Deputy CEO, Desire Line*

Align and Support Enforceable Systems

Across engagement efforts, one message was consistent: enforcement determines whether regulations succeed.

The study found widespread concern about noncompliant operations and a strong desire to prioritize enforcement over additional rulemaking. Without effective monitoring and compliance systems, even well-designed zoning frameworks will fail.



Initial zoning alignment, initial land use alignment, and community engagement incorporated (Credit: Desire Line)

Key findings included a large number of noncompliant STRs operating outside regulations and strong public support for targeting noncompliant operators before adopting new rules.

Key components of an effective enforcement system include management and security requirements, platform accountability, clear licensing requirements, real-time data access, and dedicated staffing. Examples of enforcement elements include requiring all transient lodging to have a permitted operator available 24 hours a day, seven days a week; penalizing violations and revoking permits; monitoring listings on online platforms and requiring permit information to be listed on those platforms; and providing clear permitting processes for all transient lodging use permit types.

These elements ensure that regulations are not only adopted but implemented in practice. However, they need to be supported by dedicated staff that monitor listings, research violations, and follow through on code enforcement processes.

> **"If the city is not going to inspect…and enforce the rule. I think it's a waste to a lot of people's time if it's not going to be enforced and inspected."**
>
> *– Community Member, City of New Orleans*

Monitor and Adjust Over Time

There is no single perfect approach to regulating transient lodging uses. Even well-researched, community-focused, and comprehensive zoning regulations may require future adjustments as conditions and community needs evolve.

Communities can monitor several indicators to determine when it may be necessary to adjust transient lodging regulations. Rising nuisance complaints, increased tourism activity, or a growing number of illegal listings on online platforms may signal that existing regulations no longer meet local needs and should be reevaluated. Communities can monitor these trends through code enforcement data, listings on vacation rental platforms, and information provided by local tourism bureaus.

If changes are needed, communities can revise and clarify use standards, adjust use classifications or density controls, engage community members to better understand current issues and potential solutions, and update code enforcement procedures to more effectively address violations.

Conclusion

Communities are unlikely to resolve transient lodging debates through extreme approaches such as total bans or unrestricted growth. A more effective path lies in consistently applying core planning principles with clarity and discipline.

Communities can look to their comprehensive plans, zoning district purpose statements, existing regulations, enforcement procedures, and engagement with the community to refine these regulations to effectively protect and preserve local community character.

This includes defining uses precisely, classifying uses by intensity, aligning uses with zoning district intent, managing their concentration, incorporating neighborhood context, and ensuring that regulations are enforceable in practice. It also requires an iterative mindset, recognizing that policies can (and should) evolve over time.

The goal is not to eliminate transient lodging, but to ensure it does not overwhelm the permanent residents and businesses that give neighborhoods their identity.

Instead of eliminating transient lodging, including STRs, it is better to integrate these land uses in a way that supports visitors and tourism while preserving housing and sustaining the local community character that make cities worth visiting.

About the Author

Alexandra Carter, AICP, is an artist, urban planner, and founder and CEO of Desire Line: a New Orleans-based planning and resilience firm. With over 16 years of experience in both the public and private sectors, she specializes in creative land use policy, locally responsive zoning and code development, modern outreach and engagement methods, innovative grants and disaster recovery, and adaptive flood risk mitigation, project design, and strategy implementation.

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