

**PETERSBURG BOROUGH
NOTICE OF APPEAL FORM**

THIS FORM IS TO BE USED ONLY FOR FILING AN APPEAL OF A DECISION BY THE PLANNING
COMMISSION PURSUANT TO SECTION 18.36 OF THE MUNICIPAL CODE

Name of Appellant: Richard Peterson _____

Mailing Address: P . O . B o x 2 5 5 0 0 _____
Juneau, AK 99802 _____

Telephone Number: 9 0 7 - 4 6 3 - 8 0 0 3 _____

Date of Action Appealed: _____

An appeal of a decision must be filed with the Borough Clerk, accompanied by the required fee of \$100, plus the actual cost of mail notification, within 10 calendar days of the date the decision was made. The appellant must specify concisely the reason for the appeal and the relief sought.

Per Municipal Code Section 18.36.040, the burden of proof that a decision was made in error, or the decision should be modified, or the decision will have an adverse effect, is on the appellant.

Reason for Appeal:

- ☒ Decision was made in error.
☒ Decision should be modified.
☒ Decision will have an adverse effect.

Relief Sought by Appeal:

On the next page, please describe why you feel the decision was issued in error or should be modified or will have an adverse effect. Please be as specific as possible. By way of example, if you believe that an error in the application of the law was made, cite the specific municipal ordinance(s) you believe were misapplied and how that resulted in an error in your matter. The appeal board will be able to more easily understand and address your appeal, the more information you provide. If necessary, you may attach additional pages.

Signature of Appellant: Richard J. Peterson Date: September 17, 2026

Title of signatory if Appellant is an entity: Tlingit & Haida President

NOTICE OF PLAT APPEAL RE: RESOLUTION NO. 2026-0101

APPELLANT: Central Council of the Tlingit & Haida Indian Tribes of Alaska dba Tidal Network ("Tlingit & Haida" or "Appellant")

DATE OF ACTION APPEALED: September 8, 2026

JURISDICTION AND PLATTING AUTHORITY: Petersburg Borough, Alaska

Appellant appeals the Petersburg Borough Planning Commission's September 8, 2026 denial of the minor subdivision application for a 10,036-square-foot parcel at 1200 Haugen Drive. The Planning Commission acted as Petersburg Borough's Platting Board and adopted Resolution No. 2026-0101 on remand from the Board of Adjustment. This appeal is brought under PMC 18.36.030 and PMC 18.36.040.

Under PMC 18.36.040, Appellant bears the burden to show that the decision was made in error, should be modified, or will have an adverse effect. Appellant satisfies each standard. The denial applies standards that do not govern the proposed minor subdivision, rests on hazard assertions unsupported by evidence identified in the written findings, disregards the Borough's own staff and departmental review, and conflicts with the Commission's affirmative findings that the plat meets accepted drafting standards and implements a Borough-approved conveyance.

Appellant respectfully requests that the Petersburg Borough Assembly, sitting as the Board of Adjustment, reverse the denial and approve the minor subdivision, subject to the two ministerial conditions recommended by Planning Staff. In the alternative, Appellant requests modification or remand with instructions that review be limited to the applicable platting criteria and supported by record evidence.

I. BACKGROUND

The factual and procedural background set out in Appellant's July 2026 appeal is incorporated and updated below.

On or about June 11, 2025, Tlingit & Haida expressed interest in purchasing the Borough parcel near 1200 Haugen Drive. The proposed transaction expressly contemplated subdivision of the parcel. On August 12, 2025, the Planning Commission reviewed the proposed sale and recommended approval to the Borough Assembly.

On June 15, 2026, the Borough Assembly adopted Resolution No. 2026-16 approving the sale, and on June 23, 2026, Petersburg Borough and Tlingit & Haida executed the Contract of Sale. Section 3(A) requires the buyer to submit and diligently pursue a subdivision application and requires the plat to be approved and recorded within the contractual period, subject to protections for unreasonable delay in Borough review.

Planning Staff reviewed the minor subdivision application and recommended approval with conditions. Staff found that the proposed 10,036-square-foot parcel conformed to minimum lot-size and maximum lot-coverage standards; required no street or right-of-way dedication; required no vacation or subdivision variance; abutted Haugen Drive; and could satisfy monumentation through the final plat. Public Works, Power & Light, Police, and Fire/EMS each reported no comments or objections.

At the July 14, 2026 hearing, a motion to approve died for lack of a second. Appellant appealed. On August 17, 2026, the Borough Assembly, sitting as the Board of Adjustment, held that the Planning Commission's failure to vote, record a decision, and adopt findings violated PMC 18.12.050. The Board of Adjustment remanded the application for formal action and findings addressing the applicable minor-subdivision criteria under PMC 18.20.010(A).

On September 8, 2026, the Planning Commission considered the application on remand. The remand packet again identified the parcel's zoning as Public Use, stated that Planning Staff recommended approval with conditions, repeated that each reviewing Borough department had no comments, and included a proposed approval resolution finding compliance with the minor-subdivision and zoning standards.

The Planning Commission instead issued a denial resolution, Resolution No. 2026-0101, containing four findings. Finding 1 invoked PMC 18.20.010(C)(3) and PMC 18.24.060(A)(3), asserting possible air-traffic, vehicular-traffic, Firehall, weather, tower-collapse, and fuel hazards. Finding 2 asserted noncompliance because the Commercial 1 district has a 35-foot height restriction. Findings 3 and 4, however, affirmatively acknowledged that the plat generally meets accepted standards for good draftsmanship and that the subdivision permits conveyance of the 10,036-square-foot parcel approved for sale by the Borough Assembly.

II. THE SEPTEMBER 8, 2026 DECISION IS APPEALABLE

Unlike the July non-action, the September decision is a formal denial supported by written findings. It is therefore a decision of the Platting Board appealable under PMC Chapter 18. The Board of Adjustment may reverse or modify the denial where Appellant demonstrates error, a basis for modification, or adverse effect.

III. THE DENIAL WAS MADE IN ERROR

A. The Commission did not apply the controlling minor-subdivision criteria identified in the remand order.

The Board of Adjustment directed the Commission to address the criteria in PMC 18.20.010(A): number of lots, legal and physical access, absence of a required dedication, absence of a required vacation or subdivision variance, monumentation, and departmental review. The staff report addressed each criterion and recommended approval. The denial does not identify a failure as to any of those six criteria.

Instead, Finding 1 relies on PMC 18.20.010(C)(3), which allows other major-subdivision submission requirements to be required "to the extent required by the platting board," and then imports the general land-suitability language in PMC 18.24.060(A)(3). The written finding does not identify when the Platting Board required this applicant to submit any additional major-subdivision material, what additional material was required, what evidentiary standard was applied, or how the creation of the parcel itself fails a platting requirement. The finding therefore does not bridge the gap between a discretionary ability to request additional subdivision information and denial of an otherwise conforming minor subdivision.

B. Finding 1 rests on possible future-development concerns, not evidence that the land is unsuitable for subdivision.

Finding 1 lists a series of possible hazards associated with a future communications facility, including air traffic, vehicular traffic, proximity to the Firehall, wind, ice, snow loading, tower collapse, and fuel. But the application before the Platting Board is an application to create a parcel. The written finding does not identify a study, engineering analysis, departmental objection, expert testimony, dimension, accident history, or other record fact showing that the parcel cannot be lawfully subdivided.

The record evidence identified by staff points the other way. Staff listed the site constraints as "none," found legal access from Haugen Drive, and recommended approval. Public Works, Power & Light,

Police, and Fire/EMS reported no comments. The Planning Commission's finding does not explain why those reviews were rejected, nor does it identify contrary competent evidence.

The air-traffic assertion is also rebutted by the FAA Determination of No Hazard obtained by Appellant, which should be attached as an exhibit. The agency responsible for federal airspace review determined that the proposed structure does not create an air-navigation hazard. If the Commission believed that determination was incomplete or inapplicable, it was required to identify record evidence supporting that conclusion rather than rely on an unexplained assertion of a "possible" hazard.

The vehicular-traffic assertion is similarly unsupported. The proposal includes no development within the public right-of-way other than a future driveway apron. The Purchase and Sale Agreement requires approval from the Alaska Department of Transportation and Public Facilities before that apron is constructed. Development outside the right-of-way remains subject to the same permitting and safety requirements as comparable development. Appellant further represents that the proposed facility will remain outside recognized AASHTO clear zones. The denial identifies no contrary measurement, sight-distance analysis, access review, or transportation-agency objection.

The Firehall assertion is contradicted by the absence of any objection from Fire/EMS. The finding does not identify a fire-code analysis, emergency-access problem, required separation, or operational conflict. Nor does the resolution explain why a hypothetical weather, collapse, or fuel concern renders the land itself unsuitable for subdivision rather than presenting a design, building-code, fire-code, or operational issue to be evaluated during later development review.

Any future structure must comply with applicable building-code requirements, including structural loading requirements. The Commission cited no engineering evidence that a code-compliant design cannot be built on this parcel. A conclusion that land is unsuitable cannot rest solely on unquantified possibilities where the Borough's professional reviewers identified no objection.

C. Finding 2 applies the wrong zoning district and an inapplicable height restriction.

Finding 2 states that the applicant failed to demonstrate zoning compliance because Commercial 1 has a 35-foot height restriction. The Borough's staff report identifies the subject parcel's current zoning as Public Use, not Commercial 1. Commercial 1 appears only as surrounding zoning to the north and east. Applying a neighboring district's dimensional standard to the subject parcel is legal and factual error.

The Commission's own record repeatedly states that the parcel is zoned Public Use and that the comprehensive-plan designation is Public Facilities. The denial does not explain why the Commercial 1 standard governs this Public Use parcel, cite any map amendment or rezoning, or identify any provision making adjacent zoning restrictions applicable to the subject property.

Further, Appellant asserts that PMC 19.56.110 excepts television and radio antennas and similar features from otherwise applicable height restrictions. Thus, even if a height restriction were relevant to a later development approval, the denial does not address the express antenna exception. The Commission cannot establish noncompliance by citing a height limit from the wrong district while ignoring a potentially controlling exception.

D. The Commission improperly conflated subdivision approval with later development approval.

The platting question is whether a legally describable parcel may be created under Title 18. A future tower, driveway apron, fuel system, foundation, and related equipment remain subject to whatever federal, state, Borough zoning, building, fire, and access approvals lawfully apply. Denying the parcel because of speculative future design concerns converts the Platting Board's limited subdivision review

into an unstructured development-permit proceeding without identifying the legal criteria governing that broader review.

This distinction matters because the Commission had already recommended the parcel's sale with knowledge of the contemplated communications use, the Assembly approved the sale, and the Contract requires subdivision. Findings 3 and 4 confirm that the plat generally meets accepted drafting standards and implements the Assembly-approved conveyance. Those affirmative findings are inconsistent with denial absent a supported finding that a controlling platting criterion is unsatisfied.

E. The findings are not supported by substantial evidence identified in the record.

A written finding must do more than state a conclusion. It should identify the material facts relied on and connect those facts to the governing criterion. Here, phrases such as “potential hazard,” “close proximity,” “potential damage,” and “potentially collapsible tower” do not identify the source, probability, magnitude, or regulatory significance of the alleged risks. The resolution identifies no supporting exhibit or testimony and does not reconcile the asserted hazards with the staff recommendation and departmental reviews.

Because the conclusions are unsupported and the wrong zoning district was applied, the denial was arbitrary, was based on material factual and legal error, and should be reversed under PMC 18.36.040.

IV. THE DECISION SHOULD BE MODIFIED

The administrative record supports approval subject to the two conditions originally recommended by staff:

- Submit a final plat with legible lettering, prepared by an Alaska-registered professional land surveyor, drawn to scale and in a format suitable for recording.
- Reference at least two outside corners of the subdivision tract to publicly recorded survey markers.

The Assembly may therefore modify the decision by approving the minor subdivision subject to those conditions. This remedy respects the Borough's platting authority, applies the criteria in PMC 18.20.010(A), and avoids converting plat approval into premature adjudication of later construction details.

If the Assembly concludes that additional factual development is necessary, the alternative remedy should be a limited remand requiring the Planning Commission to identify the governing platting criterion, the record evidence supporting each finding, and the relationship between the subdivision itself and any alleged hazard. Any remand should also direct the Commission to apply the Public Use zoning classification and address PMC 19.56.110 before relying on a height limitation.

V. THE DENIAL WILL HAVE AN ADVERSE EFFECT

The denial prevents Appellant from satisfying the subdivision requirement in the Borough-approved Contract of Sale, jeopardizes completion of the transaction, and strands engineering, surveying, planning, and professional expenditures incurred in reliance on the Commission's recommendation of the sale, the Assembly's approval, the executed Contract, and Planning Staff's recommendation of plat approval.

The denial also creates a broader adverse effect on the orderly administration of Petersburg's subdivision code. If a conforming minor subdivision may be denied based on speculative future-use concerns, without identification of supporting evidence or application of the parcel's actual zoning, applicants cannot reliably determine the standards governing plat approval. The resulting uncertainty undermines predictable, evidence-based platting review.

VI. REQUEST FOR RELIEF

For the foregoing reasons, Appellant respectfully requests that the Petersburg Borough Assembly, sitting as the Board of Adjustment:

- Determine that Resolution No. 2026-0101, as adopted on September 8, 2026, was made in error because it failed to apply the controlling criteria in PMC 18.20.010(A), relied on unsupported hazard conclusions, and applied a Commercial 1 height restriction to a parcel identified in the Borough record as Public Use;
- Determine that Findings 1 and 2 are not supported by substantial evidence identified in the written decision or administrative record;
- Reverse the Planning Commission's denial;
- Approve the minor subdivision subject to the two ministerial conditions recommended by Planning Staff; or, alternatively, modify or remand the decision with instructions limiting review to applicable platting criteria and requiring findings tied to competent record evidence;
- Grant such other relief as the Board of Adjustment deems just and appropriate.

PROPOSED EXHIBITS

- Exhibit A: Petersburg Borough Resolution No. 2026-16 and Contract of Sale.
- Exhibit B: Applicant Land Use Application for Minor Subdivision.
- Exhibit C: Planning Commission Staff Report and September 8, 2026 agenda materials for Action No. 2026-0101.
- Exhibit D: Planning Commission Resolution No. 2026-0101 adopted September 8, 2026.
- Exhibit E: Board of Adjustment decision on the July 2026 appeal and remand order.
- Exhibit F: FAA Determination of No Hazard.

Signature of Appellant:  Date: September 17, 2026
Title of signatory if Appellant is an entity: Tlingit & Haida President

**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:

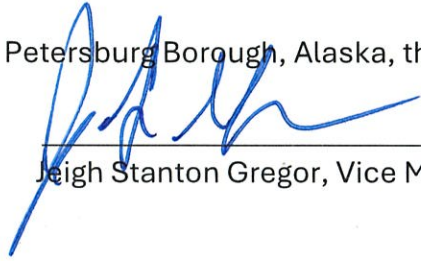
**PETERSBURG BOROUGH
RESOLUTION #2026-16**

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

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

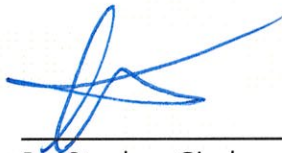
Agreement, as set forth in the Resolution attached hereto as Exhibit D. This limited waiver shall survive closing of this sale, to the extent necessary to enforce the provisions of this Agreement.

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

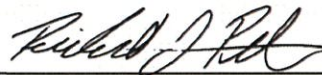


By: Stephen Giesbrecht

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



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)

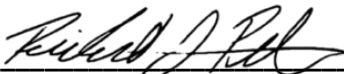
☐ 18.24 Final Plat (\$25 per lot)

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: _____



Petersburg Borough, Alaska

Land Disposal Application

(\$500.00 non-refundable filing fee required)

Form must be completed in its entirety to be considered

Office Use:

Rec'd by: [Signature]

Fee: \$500.00

Date Rec'd:

01/11/25

Date: 06/09/2025

This is a request for land disposal via:

☐ Lease
☒ Purchase

☐ Exchange
☐ Other _____
(Describe)

Parcel ID #(s) of Subject Property:
01-012-010

Proposed term of lease: _____
(total years)

Legal Description(s) of Property:

1200 Haugen Drive
TWNSHP: T58S SURVEY: USS 11 PTN
RANGE: R79E SECT: 34

Current Zoning of Property:

Public Use

Is the Applicant applying to purchase under Petersburg Municipal Code Section 16.12.030 as one of the following? If yes, check approximate box below:

- ☐ State of Federal Agency
☒ Federally Recognized Tribe
☐ Nonprofit Entity
☐ Applying to Purchase for a Public Benefit Purpose per PMC 16.12.030

Applicant Name: Central Council of the Tlingit & Haida Indian Tribes of Alaska

Applicant Mailing Address: Central Council of the Tlingit & Haida Indian Tribes of Alaska

PO Box 25500 • Juneau AK 99802

Applicant Contact Info:
(telephone and email)

1.800.344.1432 • Direct: 907.463.8003

mbruce@tlingitandhaida.gov (Michelle Bruce)

1. Size of Area requested (identify the minimum area necessary in square feet): 10,040 SF
2. Attach a map showing the location of the parcel(s) requested. Map must show surrounding area with the land requested clearly marked with bolded borders or highlighted color.

If applicant is applying to purchase property under PMC 16.12.030 for a public benefit purpose, the application must include, at a minimum, the following:

- | | |
|---------------------------|---|
| a) a conceptual plan; | a) Conceptual Plan Attached |
| b) a financial plan; and | b) Tidal Network will purchase this land via a one time cash payment. |
| c) a development timeline | c) Once all regulatory and local approvals are obtained, the tower will be erected. The goal is summer of 2026. |

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

Tlingit & Haida d/b/a Tidal Network seeks to develop the land for providing critical communications infrastructure via a self-support tower. Construction is expected to begin summer of 2026. The tower will be a steel, lattice type structure and be designed to support up to (4) tenants. The proposed development will provide key communications infrastructure to support the expansion of both fixed wireless broadband and cellular coverage in Petersburg. Public safety devices may also be installed on the tower. All of which support economic and social development in Petersburg. These improvements will likely exceed a six-figure amount.

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

Petersburg Borough - S 8th & IRA II

State of AK (01-012-500 & 01-012-100)

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

☐ Yes ☒ No

If yes, please check one: ☐ Lease ☐ Permit

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

6. What local, state or federal permits are required for the proposed use? (list all)
Development permits as necessary from Petersburg, Building Permit, Electrical Permit,
ASR (FCC Filing), Determination of No Hazard (FAA Filing), NEPA & SECTION 106
(NTIA)

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

A. Name, address and place of incorporation: _____

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

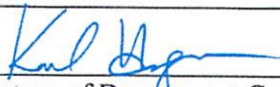
Name and address of registered agent: _____

8. Why should the Planning Commission recommend Assembly approval of this request?
The development of a communications tower on this land will support the expansion of
wireless infrastructure in Petersburg. The immediate impact will be the ability to provide a
new source of fixed wireless broadband (Wi-Fi) to the citizens of Petersburg. Further, by
providing this infrastructure, cellular providers, such as Verizon, have the opportunity to
collocate on the tower, thus bringing better cellular cover to Petersburg, as well.

9. How is this request consistent with the Borough's comprehensive plan?
In line with Chapter 4, Section 5 of the Petersburg Comprehensive Plan, Tidal Network will be
providing key communications infrastructure that the City may utilize for a myriad of
communications related purposes. The tower also supports additional options for inter-
net that may be utilized by residents, public facilities and private businesses.

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

Department Comments: Petersburg Municipal Power and Light has no need for the parcel
sought for the communication tower.



Signature of Department Commenter

Department Comments: Community Development has no need for the parcel.

Liz Cabrera

Signature of Department Commenter

Department Comments: Public Works has no need for this parcel.


Signature of Department Commenter

Department Comments: The fire department has no need for this parcel.

Aaron Hankins
Signature of Department Commenter

NOTICE TO APPLICANT(s):

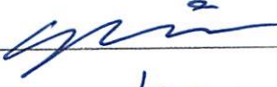
Application must be submitted to the Borough with a non-refundable filing fee of \$500. If the application moves forward, the applicant will be required to deposit with the Borough payment for other costs. See, PMC 16.12.030C(2)(a), 16.12.090, and 16.16.070A, as applicable.

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

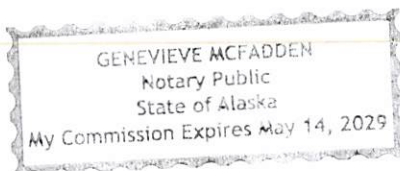
Please sign application in the presence of a Notary Public.


Applicant/Applicant's Representative Signature

Richard J Peterson
Printed Name

Subscribed and sworn to by , who personally appeared
before me this 19th day of June, 2025.

Genevieve McFadden
Notary Public in and for the State of Alaska.
My Commission Expires: 5/14/2029



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 supporting 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 submitted 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:

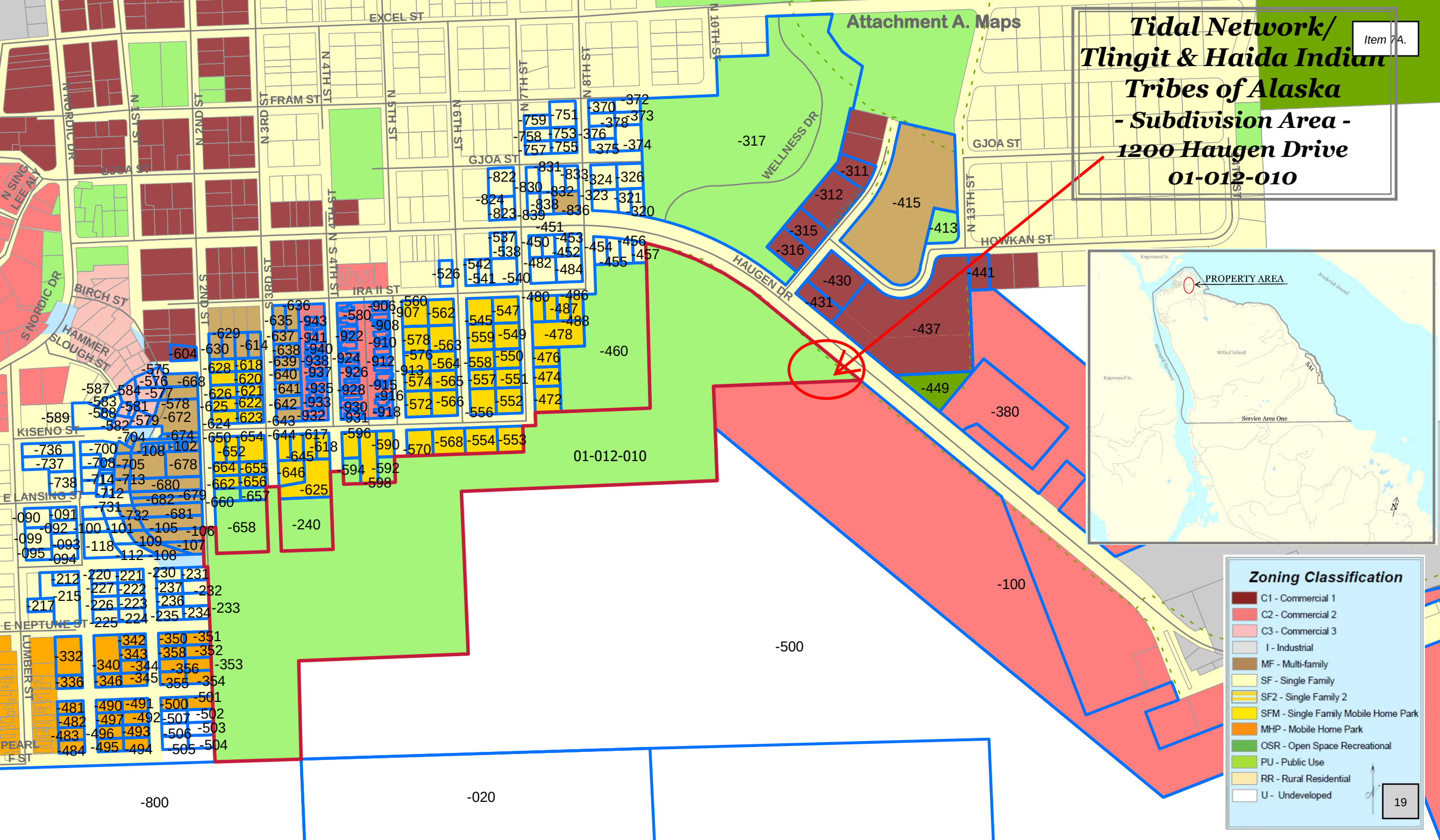
AYE:

NAY:

ABSENT:

Chair, Planning Commission

**Tidal Network/
Tlingit & Haida Indian
Tribes of Alaska**
**- Subdivision Area -
1200 Haugen Drive
01-012-010**



Zoning Classification

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

19

Attachment B. Applicant Material

Item 7A.



PETERSBURG BOROUGH LAND USE APPLICATION

For Borough Use

Base Fee:

Public Notice Fee: \$70

Total:

Date:

Check No. or CC:

Received by:

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): Richard J. Peterson 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

SUBSCRIBED 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

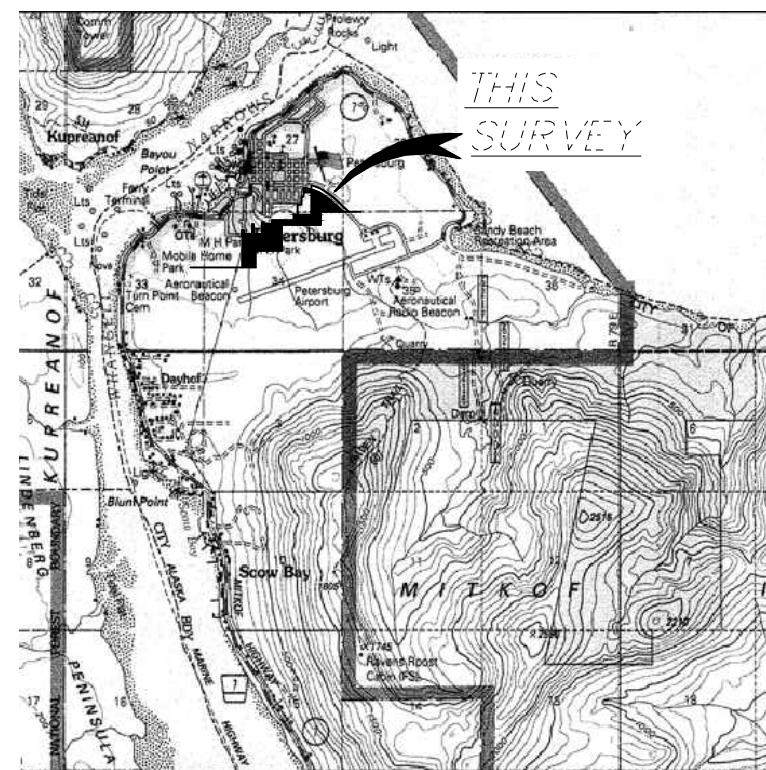
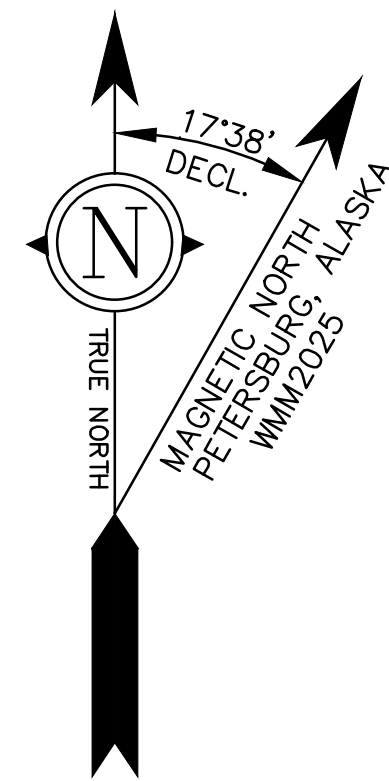
DATE

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

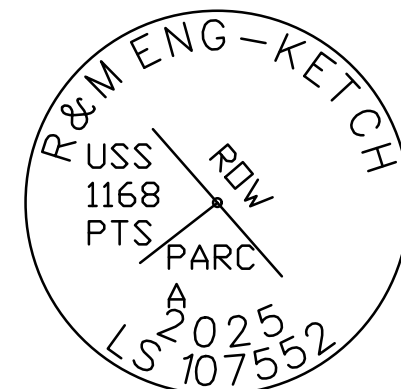
- THE EXISTING ORIGINAL CORNERS WERE RECOVERED AND USED TO CONTROL AND CALCULATE THE LOCATION OF THE SUBDIVISION BOUNDARIES, AS SHOWN ON THIS PLAT.
- SET 30" LONG 5/8" DIAMETER REBAR WITH 2" ALUMINUM CAP WITH PLASTIC INSERT AT LOCATIONS AS INDICATED ON THIS PLAT, STAMPED AS SHOWN IN THE TYPICAL.
- THE 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.
- ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
- THIS PLAT IS SUBJECT TO:
 - THIS PLAT IS SUBJECT TO THE NOTES AND EASEMENTS SHOWN ON PLAT 2009-16.
 - THIS PLAT IS SUBJECT TO THE NOTES AND EASEMENTS SHOWN ON PLAT 2024-5.
 - THIS PLAT IS SUBJECT TO THE NOTES AND EASEMENTS SHOWN ON PLAT 2010-1.
 - THIS PLAT IS SUBJECT TO THE NOTES AND EASEMENTS SHOWN ON PLAT 69-202.
 - THIS PLAT IS SUBJECT TO THE NOTES AND EASEMENTS SHOWN ON PLAT 2023-5.
 - THIS PLAT IS SUBJECT TO THE NOTES AND EASEMENTS SHOWN ON PLAT 2016-4.

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
---	SURVYED
OH	OVERHEAD UTILITY LINE
(S89°57'27"E 900.00')	RECORD BEARING AND DISTANCE PLAT 2009-16
⌋	UTILITY POLE

BASIS OF BEARING

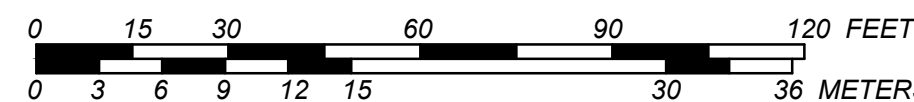
BEARINGS SHOWN ARE NAD 83 GEODETIC BEARINGS BASED ON HIGH PRECISION GLOBAL NAVIGATION SATELLITE SYSTEM TECHNOLOGY, USING TRIMBLE R10-2 RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED USING TRIMBLE BUSINESS CENTER SOFTWARE VERSION 2025.10. DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.

TYPICAL SECONDARY MONUMENT SET THIS SURVEY

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

SCALE 1"=30'

THIS DRAWING MAY BE REDUCED, VERIFY SCALE BEFORE USING



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

DATE OF SURVEY: _____	R&M ENGINEERING-KETCHIKAN, INC. 7180 REVILLA ROAD, SUITE 300 KETCHIKAN, AK 99901 Phone: (907) 225-7817 CERTIFICATE OF AUTHORIZATION #: C576
BEGINNING: _____ OCTOBER, 2025	
ENDING: _____ OCTOBER, 2025	

**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

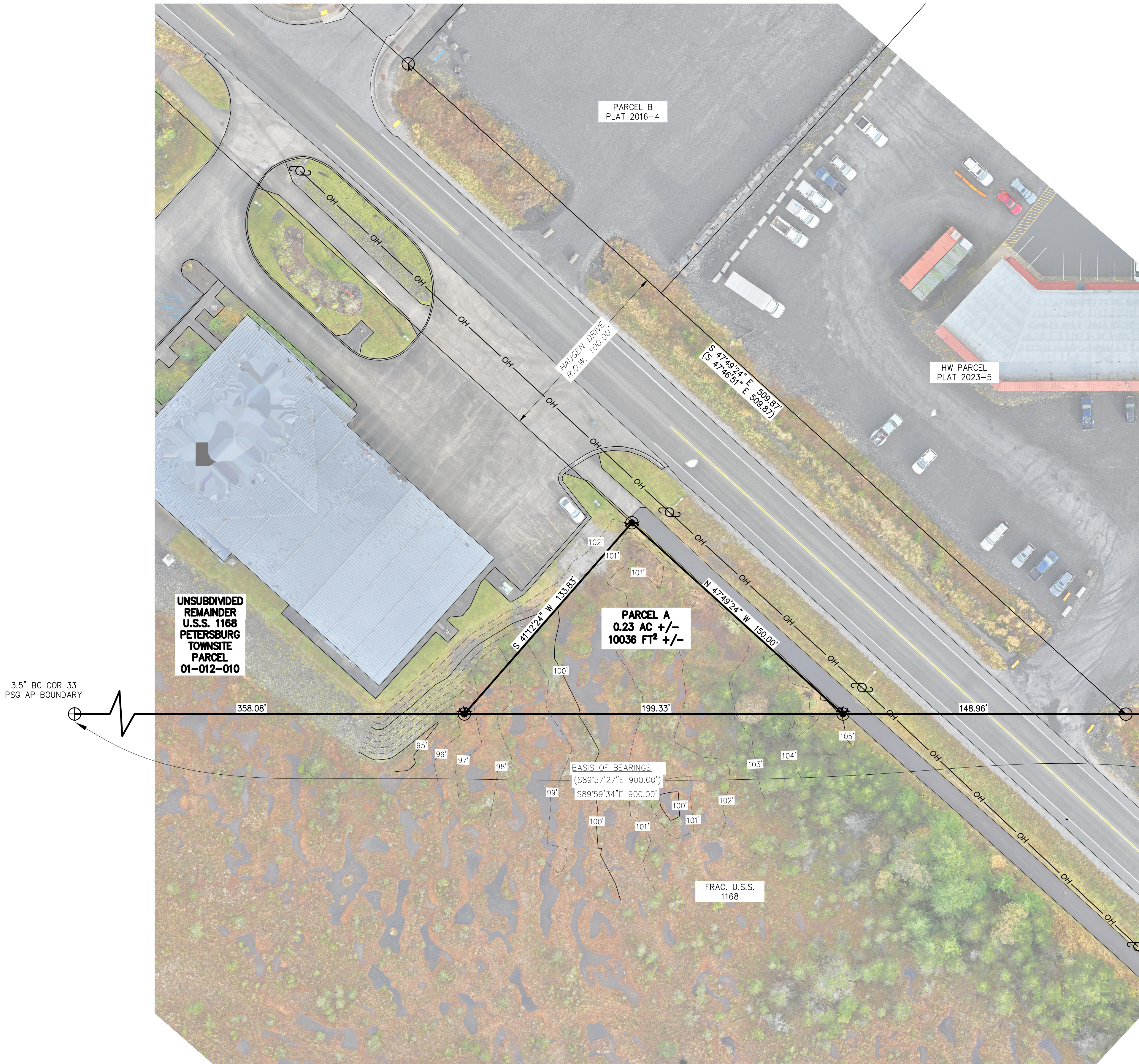
DRAWN BY: EBH	
DATE: NOVEMBER 2025	
SURVEYOR: EBH	
SCALE: 1"=30'	CHECKED: CGP
	RM PROJECT NUMBER 252759.01

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

CHRISTOPHER G. PIBURN, PLS # 107552

**PRELIMINARY**

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

SUBSCRIBED 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

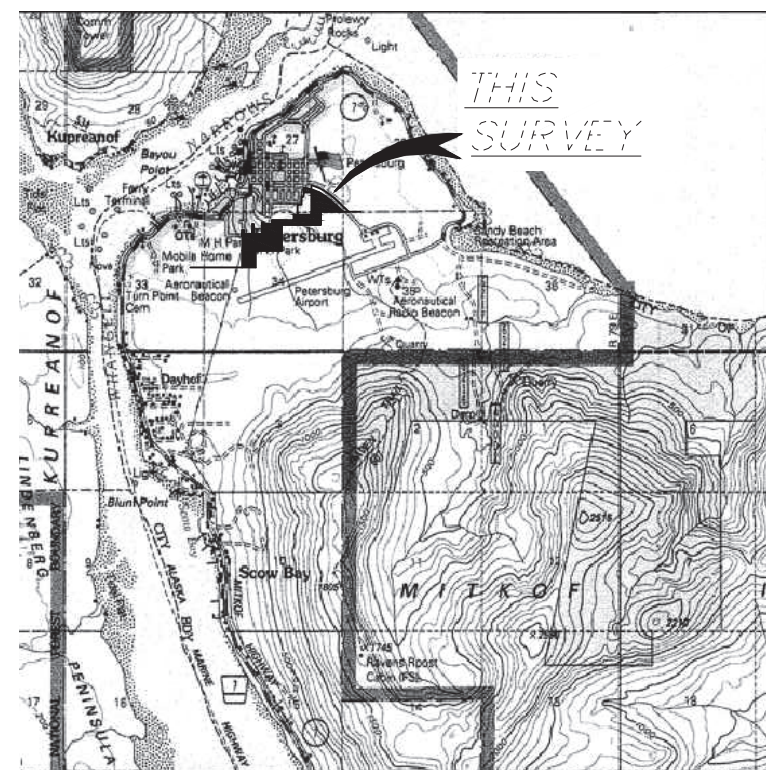
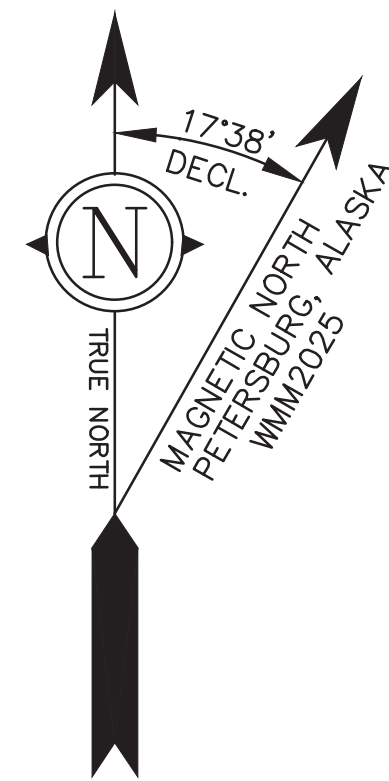
DATE

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

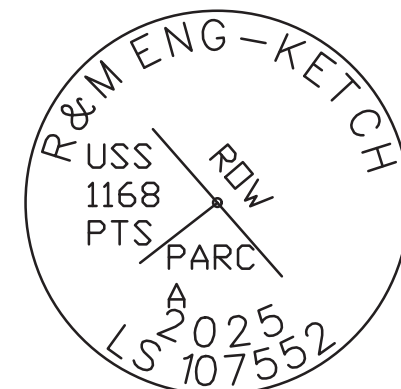
- THE EXISTING ORIGINAL CORNERS WERE RECOVERED AND USED TO CONTROL AND CALCULATE THE LOCATION OF THE SUBDIVISION BOUNDARIES, AS SHOWN ON THIS PLAT.
- SET 30" LONG $\frac{5}{8}$ " DIAMETER REBAR WITH 2" ALUMINUM CAP WITH PLASTIC INSERT AT LOCATIONS AS INDICATED ON THIS PLAT, STAMPED AS SHOWN IN THE TYPICAL.
- 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.
- ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
- THIS PLAT IS SUBJECT TO:
 - THIS PLAT IS SUBJECT TO THE NOTES AND EASEMENTS SHOWN ON PLAT 2009-16.
 - THIS PLAT IS SUBJECT TO THE NOTES AND EASEMENTS SHOWN ON PLAT 2024-5.
 - THIS PLAT IS SUBJECT TO THE NOTES AND EASEMENTS SHOWN ON PLAT 2010-1.
 - THIS PLAT IS SUBJECT TO THE NOTES AND EASEMENTS SHOWN ON PLAT 69-202.
 - THIS PLAT IS SUBJECT TO THE NOTES AND EASEMENTS SHOWN ON PLAT 2023-5.
 - THIS PLAT IS SUBJECT TO THE NOTES AND EASEMENTS SHOWN ON PLAT 2016-4.

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
	OVERHEAD UTILITY LINE
	RECORD BEARING AND DISTANCE PLAT 2009-16
	UTILITY POLE

BASIS OF BEARING

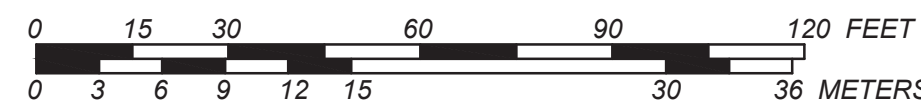
BEARINGS SHOWN ARE NAD 83 GEODETIC BEARINGS BASED ON HIGH PRECISION GLOBAL NAVIGATION SATELLITE SYSTEM TECHNOLOGY, USING TRIMBLE R10-2 RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED USING TRIMBLE BUSINESS CENTER SOFTWARE VERSION 2025.10. DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.

TYPICAL SECONDARY MONUMENT SET THIS SURVEY

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

SCALE 1"=30'

THIS DRAWING MAY BE REDUCED, VERIFY SCALE BEFORE USING



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

DATE OF SURVEY:	R&M ENGINEERING-KETCHIKAN, INC. 7180 REVILLA ROAD, SUITE 300 KETCHIKAN, AK 99901 Phone: (907) 225-7817 CERTIFICATE OF AUTHORIZATION #: C576
BEGINNING: _____	OCTOBER 2025
ENDING: _____	OCTOBER, 2025

**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

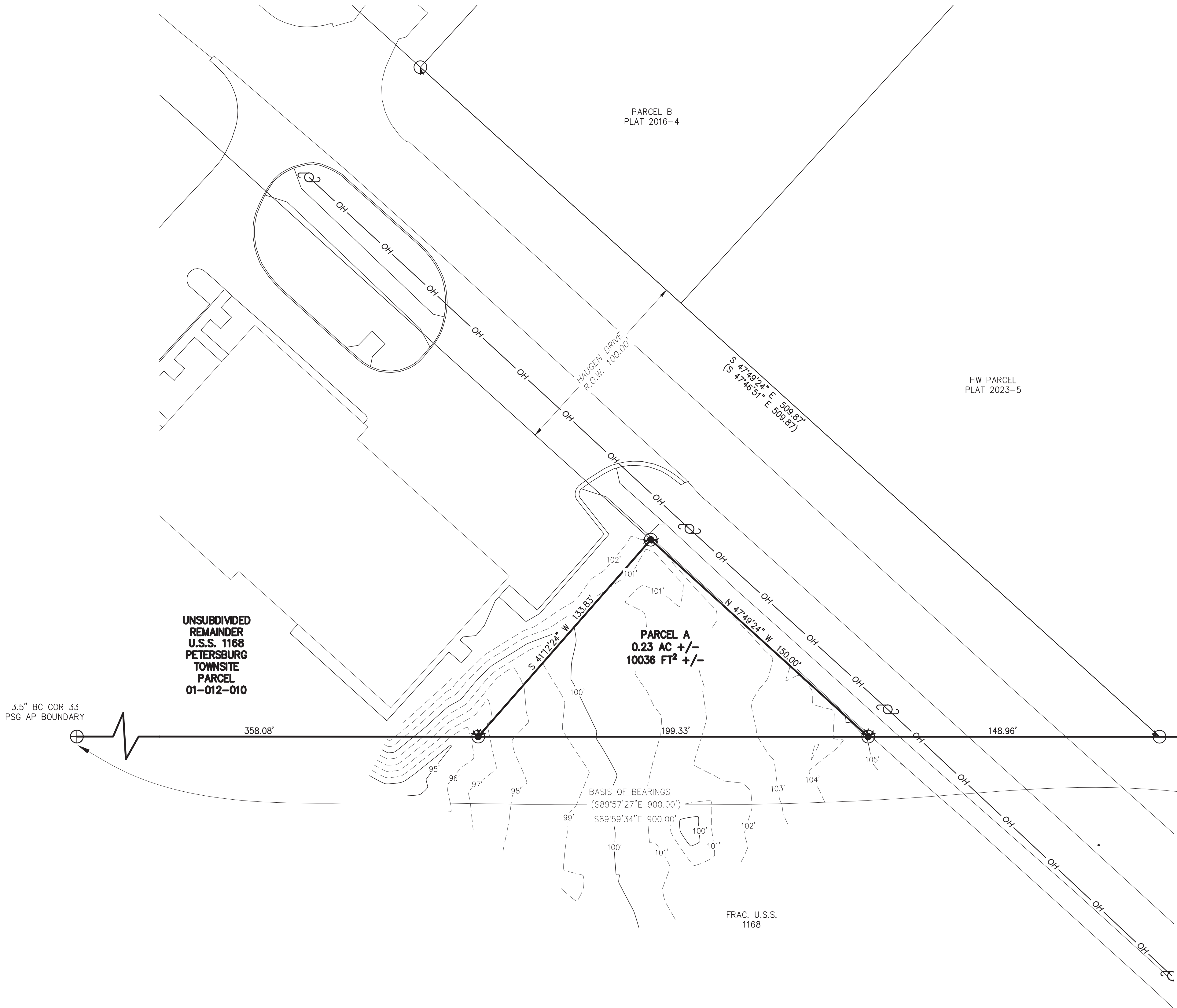
DRAWN BY: EBH	
DATE: NOVEMBER 2025	
SURVEYOR: EBH	
SCALE: 1"=30'	CHECKED: CGP
	RM PROJECT NUMBER 252759.01

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DATE

CHRISTOPHER G. PIBURN, PLS # 107552

**PRELIMINARY**

PLANNING COMMISSION STAFF REPORT

Action #	2026-0101
Meeting Date:	7/14/2026
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 supporting that decision should be provided.

ATTACHMENTS

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

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 DENYING 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 does not meet the criteria for a minor subdivision of 18.20.010(C)(3), which states that all the requirements of a major subdivision procedure shall also be required for the standard minor subdivision procedure to the extent required by the Platting Board. And, in the major subdivision procedure 18.24.060(A)(3), lands, which have found to be unsuitable for subdivision because of potential hazard, such as air or vehicular traffic hazards, or other hazards, such as close proximity to the Firehall due to potential damage by weather-related incidences, wind or ice, snow overload and also due to the potential, by design, collapsible tower sitting on top of 200 gallons of fuel in close proximity to the Firehall.

Finding 2: The applicant has not demonstrated compliance with applicable zoning standards because Commercial 1 has a 35' height restriction.

Finding 3: The applicant has submitted 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 denies the Minor Subdivision.

BE IT FURTHER RESOLVED, that the chairperson is authorized to sign this resolution on behalf of the Planning Commission.

ADOPTED this 9th day of September, 2026, by the following vote:

AYE: 4

NAY: 3

ABSENT: 0



Chair, Planning Commission

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 & Haida 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.

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.

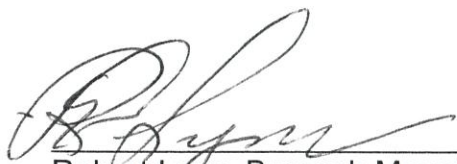
Conclusions of Law:

- 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.

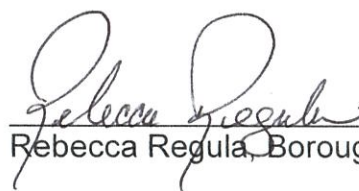
reverse, or modify. Remand is the appropriate remedy to ensure the application receives the formal action required by PMC 18.12.050.

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.



Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2025-AAL-557-OE

Issued Date: 01/27/2026

CENTRAL COUNCIL OF THE TLINGIT & HAIDA INDIAN TRIB
 CHRIS CROPLEY
 PO Box 25500
 Juneau, AK 99802

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower Petersburg Zone 1
 County, State: Petersburg, Alaska

Collected Point(s):

Label	Latitude	Longitude	SE	DET AGL	AMSL
PSG01	56-48-33.91N	132-56-34.03W	102 Ft	130 Ft	232 Ft

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M Change 1.

This determination expires on 07/27/2027 unless:

- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office.
- the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination of No Hazard is granted provided the following conditional statement is included in the proponent's construction permit or license to radiate:

Upon receipt of notification from the Federal Communications Commission that harmful interference is being caused by the licensee's (permittee's) transmitter, the licensee (permittee) shall either immediately reduce the power to the point of no interference, cease operation, or take such immediate corrective action as is necessary to eliminate the harmful interference. This condition expires after 1 year of interference-free operation.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at 1-206-231-2877, or Nicholas.Sanders@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2025-AAL-557-OE.

Signature Control No: 686753317-691684992

(DNE)

Nicholas Sanders
Technician

Attachment(s)
Frequency Data

cc: FCC

Frequency Data for ASN 2025-AAL-557-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
2496	2690	MHz	500	W