

**Petersburg Borough Board of Adjustment  
Decision on Appeal filed by the Petersburg Medical Center (PMC)  
from the decision of the Platting Board denying Approval of a Preliminary Plat  
and Vacation of certain Rights-of-Way**

**On July 17, 2023, by a vote of \_\_\_-\_\_\_, the Assembly of the Petersburg Borough, sitting as the Board of Adjustment, reversed the June 13, 2023 Decision of the Planning Commission, sitting as the Platting Board, and granted approval of PMC's Preliminary Plat and Vacation of certain Rights-of-Way. The Board of Adjustment hereby adopts the following Findings and Conclusions.**

**Findings:**

1. Applications for a major subdivision and vacation of related rights-of-way were submitted by Phil Hostetter, CEO of Petersburg Medical Center ("the applications").
2. The legal descriptions of the parcels that are the subject of the applications are as follows: Lots 2 and 9 through 12, inclusive, Block 240; Lots 1 through 10, inclusive, Block 299; Lots 1 through 17, inclusive, and Green Belt, Block 300, and Lots 9 through 17, inclusive, Block 301, Airport Addition to Petersburg, according to Plat No. 77-2, and Lot 18A, Thirteenth Street Relocation Subdivision, according to Plat No. 94-6 ("the site"). The cumulative acreage of the site is approximately 16.86 acres.
3. The site consists of vacant land owned by the Petersburg Borough and no transfer of land ownership is contemplated. Supporting ownership information was provided in the form of a Certificate to Plat from Alaska Escrow and Title dated April 7, 2023.
4. On April 17, 2023, by Assembly Resolution 2023-04, the applications were approved for submission and the parcels were dedicated for use by the Hospital Board for a new facility.
5. The Application for a Major Subdivision proposed to:
  - a. Consolidate 43 lots and adjacent rights-of-way within a portion of the Airport Addition Subdivision;
  - b. Subdivide the 16.86-acres into two parcels: Lot 1 containing approximately 12.34 acres and Lot 2 containing approximately 4.52 acres;
  - c. Establish a 50' wide public access easement from Haugen Drive to Excel Street through Lot 1;
  - d. Establish a 3.25-acre drainage easement within Lot 1; and
  - e. Establish a 20' wide public access easement for the existing pedestrian trail through the proposed Lot 2.
6. The stated intended use for the site is construction of a new medical center on proposed Lot 1, and land reserved for future expansion on proposed Lot 2. Approximately 6 acres of proposed Lot 1 would be utilized for initial development.
7. Government facilities in vicinity of the site include the Mountain View Manor Senior Housing and Assisted Living Facility.
8. The site is adjacent to municipal water, wastewater, and electric utility services.

9. The site has legal access from existing public rights-of-way and there are no proposed public dedications of land or rights-of-way on the preliminary plat.
10. A sketch plat was submitted by PMC and a pre-application conference with planning staff occurred on April 4, 2023 (PMC 18.24.020).
11. The preliminary plat submitted was reviewed by Borough staff and found to be consistent with the requirements of PMC 18.24.040, *Preliminary plat submission requirements*.
12. Per on-line FEMA flood maps, the subject property is not located within a flood hazard area (PMC 18.24.040(D)).
13. The preliminary plat establishes an adequate drainage easement along the intermittent creek flowing southwest along the eastern portion of Lot 1. The creek is not listed in the on-line ADFG Anadromous Waters Catalog. (PMC 18.24.080(C)(2)).
14. The proposed plat requires a vacation of a public dedication of land. An application and map for vacation of borough-owned rights-of-way was submitted by PMC (PMC18.24.030(A)).
15. The proposed vacation would vacate portions of Fram, Gjoa, N. 9th, and N. 12<sup>th</sup> Streets, and all of N. 11th Street, as shown on the Road Vacation Exhibit.
16. Legal access to Lot 1 would remain from Haugen Drive, Fram, Gjoa, N. 9th and N. 10<sup>th</sup> Streets, and Excel Street; and to Lot 2 from Excel, N. 12<sup>th</sup>, and N. 13<sup>th</sup> Streets.
17. On May 18, 2023, a notice of the public hearing 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 (PMC 18.12.040(B)).
18. On May 26, 2023, notices of the public hearing were posted at the Municipal Building and at the subject property (PMC 18.12.040(E)).
19. On June 1 and June 8, 2023, a notice of the public hearing was published in the local newspaper of general circulation (PMC 18.12.040(C)).
20. On June 13, 2023, a duly noticed meeting was held by the Petersburg Planning Commission.
21. At the meeting, the Planning Commission, sitting as the Platting Board, denied approval of PMC's preliminary plat and related vacation of portions of Fram, Gjoa, N. 9th, and N. 12<sup>th</sup> Streets, and all of N. 11th Street.
22. The approved minutes of that meeting do not reflect that an adequate public hearing was held on the preliminary plat and vacation applications, and the minutes provide no findings or bases for the Board's decision.
23. On June 22, 2023, a Notice of Appeal from the Platting Board's decision was filed by PMC to the Board of Adjustment.
24. The Board of Adjustment meeting was scheduled for July 17, 2023 at 6:00 p.m.
25. On July 7, 2023, notice of the appeal, and of the Board of Adjustment meeting and hearing, were mailed to the persons entitled to notice of the proceedings before the Platting Board (PMC 18.36.040(A-B)).
26. General public notice of the Board of Adjustment meeting was posted at least five calendar days prior to the date of the meeting (PMC 18.36.040(B)).

27. The Board of Adjustment met on July 17, 2023, and held a public hearing, at which any person who wanted to be heard on the matter was permitted to provide oral or written testimony.

**Conclusions:**

- 1) The property which is the subject of the applications is located within the Petersburg Borough, and the Borough has jurisdiction over the applications.
- 2) By Assembly authority, PMC submitted applications for a major subdivision and for related vacations of rights-of-way for a site dedicated to hospital use.
- 3) Ownership of the site was demonstrated in compliance with PMC 18.24.040(B)(4).
- 4) Notice of the Platting Board meeting was provided to the public and to surrounding property owners in compliance with the requirements of PMC 18.12.040.
- 5) Notice of the appeal and of the Board of Adjustment meeting and hearing was provided to the public and to those entitled to notice of the Platting Board proceedings in compliance with the requirements of PMC 18.36.040.
- 6) While an adequate public hearing was not held before the Platting Board, a full public hearing was held before the Board of Adjustment on July 17, 2023, as permitted under PMC 18.36.040C.
- 7) The preliminary plat meets the requirements of Chapter 18.24 for preliminary plat approval.
- 8) Accordingly, the Platting Board's denial of preliminary plat approval is hereby reversed, and approval is hereby granted.
- 9) Approval of the preliminary plat grants authorization to the applicant to proceed with preparation of the final plat and engineering plans (PMC 18.24.045(B)). Within one year, the applicant shall submit a final plat consistent with Borough Code or seek an extension of the approval from the platting board.
- 10) Vacating the existing rights of way, as depicted in the map attached to the Application for Right-of-Way Vacation, is a necessary step to consolidate the parcels into the proposed lots suitable for the planned future development of a medical center.
- 11) Accordingly, the Platting Board's denial of the application for right-of-way vacation is hereby reversed, and approval is hereby granted in accordance with the requirements of PMC 18.30.040(D). All the area vacated shall be devoted to the public purpose of development of a new medical facility, so title to the area vacated would remain vested in the Petersburg Borough (PMC 18.30.050(B)).
- 12) The request by PMC to modify the Decision to reference a 'replat', instead of a preliminary plat for a major subdivision, is denied.

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Mark Jensen, Borough Mayor

Dated: \_\_\_\_\_

Certificate of Service: This Decision was sent on July \_\_\_\_\_, 2023, by U.S. Mail to the following: See attached mailing list

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Debra K. Thompson, 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.

PROPOSED