

Planning Commission Staff Report & Finding of Fact

Meeting Date: February 14, 2024

APPLICANT/AGENT:

David Thynes

OWNER(S), IF DIFFERENT:

Alaska Mental Health Trust Land Office
under contract of sale to Christopher
and Samia Kegans

LEGAL DESCRIPTION:

G.L. 25, Section 35, T59S, R79E, CRM
and G.L. 7, Section 34, T59S, R79E, CRM

LOT AREA:

2.56 AC/111,514 SQ FT

LOCATION:

809 & 812 Mitkof Hwy

SURROUNDING ZONING:

North: RURAL RESIDENTIAL

South: RURAL RESIDENTIAL

East: RURAL RESIDENTIAL

West: N/A

ZONING:

RURAL RESIDENTIAL

PID:

01-174-225, 01-174-226, 01-174-380

APPLICATION SUBMISSION DATE:

1/9/2024

RECOMMENDATION:

APPROVE

I. APPLICANT REQUEST: The applicant is requesting a minor subdivision.

II. APPLICABLE CODES:

18.20 MINOR SUBDIVISION

19.16 RURAL RESIDENTIAL

III. FINDING:

- a. The proposed minor subdivision subdivides Government Lot 25 into Lots 25A, 25B, 25C and consolidates Government Lot 7 into Lot 25A.
- b. The subject property is owned by the Alaska Mental Health Trust Authority (AMHT) and is under a contract of sale to Chris and Samia Kegans.
- c. The Petersburg Borough recognizes Lot 25 as two separate legal lots (Lot 25 East and Lot 25 West) divided by the Mitkof Highway right-of-way as described in Plat 96-30.
- d. The State of Alaska recorded a quitclaim deed in 1996 granting G.L. 25, containing approximately 2.5 acres, to the AMHT. The deed did not reserve a right-of-way for Mitkof Highway.
- e. The deed conveyed the parcel according to a federal supplemental plat for Section 35 recorded in 1954. The Section 35 plat depicted the centerline of Mitkof Highway for "topography only" but did not include a specific reservation for the right-of-way.

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- f. As a result, there is ambiguity as to whether the portion of Lot 25 commonly referred to as the Mitkof Highway exists as a public easement with the AMHT owning the underlying land or exists as a right-of-way with fee interest held by the State of Alaska/Department of Transportation.
- g. Legal access to each lot is from Mitkof Highway.
- h. The subject parcel has access to municipal power but is outside the municipal water and wastewater service area. An on-site wastewater system approved by ADEC will be required as part of any future residential development.
- i. The surrounding area is a developed residential area along the Mitkof Highway corridor.
- j. The subject parcel is zoned rural residential. The stated intended use for the property is residential development, which is consistent with the existing zoning.

IV. PUBLIC NOTICE

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

V. APPLICATION REVIEW

The application is classified as a request to approve a minor subdivision.

a. ZONING DISTRICT STANDARDS

Minimum Standards for RR Zoning District			
	Requirement	Proposed Lots	Analysis
Minimum Lot Size	1 acre	25A - 1.25 ac	Conforms
		25B - .58 ac	Nonconforming
		25C - .73 ac	Nonconforming
Minimum Road Frontage	200 ft	25A – 166.59 ft	Nonconforming
		25B – 163.96 ft	Nonconforming
		25C – 190.75 ft	Nonconforming

b. Criteria – Per 18.20, the following general conditions have been met to be considered a minor subdivision:

- i. The proposed plat subdivides a single lot into not more than four lots.
- ii. The plat provides legal access to a public street for each lot created.
- iii. The plat does not contain or require a dedication of a street, right-of-way, or other area.
- iv. The plat does not require a vacation of a public dedication of land or a variance from a subdivision regulation.
- v. 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.

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VI. ACTION

Proposed motion: I move to approve the Chelsea Kegans Beach Subdivision of G.L. 25, Section 35, Township 59 South, Range 79 East, CRM and G.L. 7, Section 34, Township 59 South, R79 East, CRM along with findings of fact as presented.

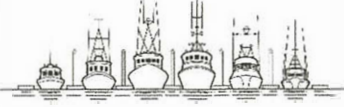
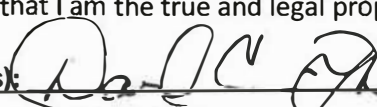
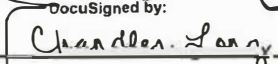
Based on the preceding findings of fact, the Petersburg Planning Commission, acting as the Platting Board, makes the following determinations:

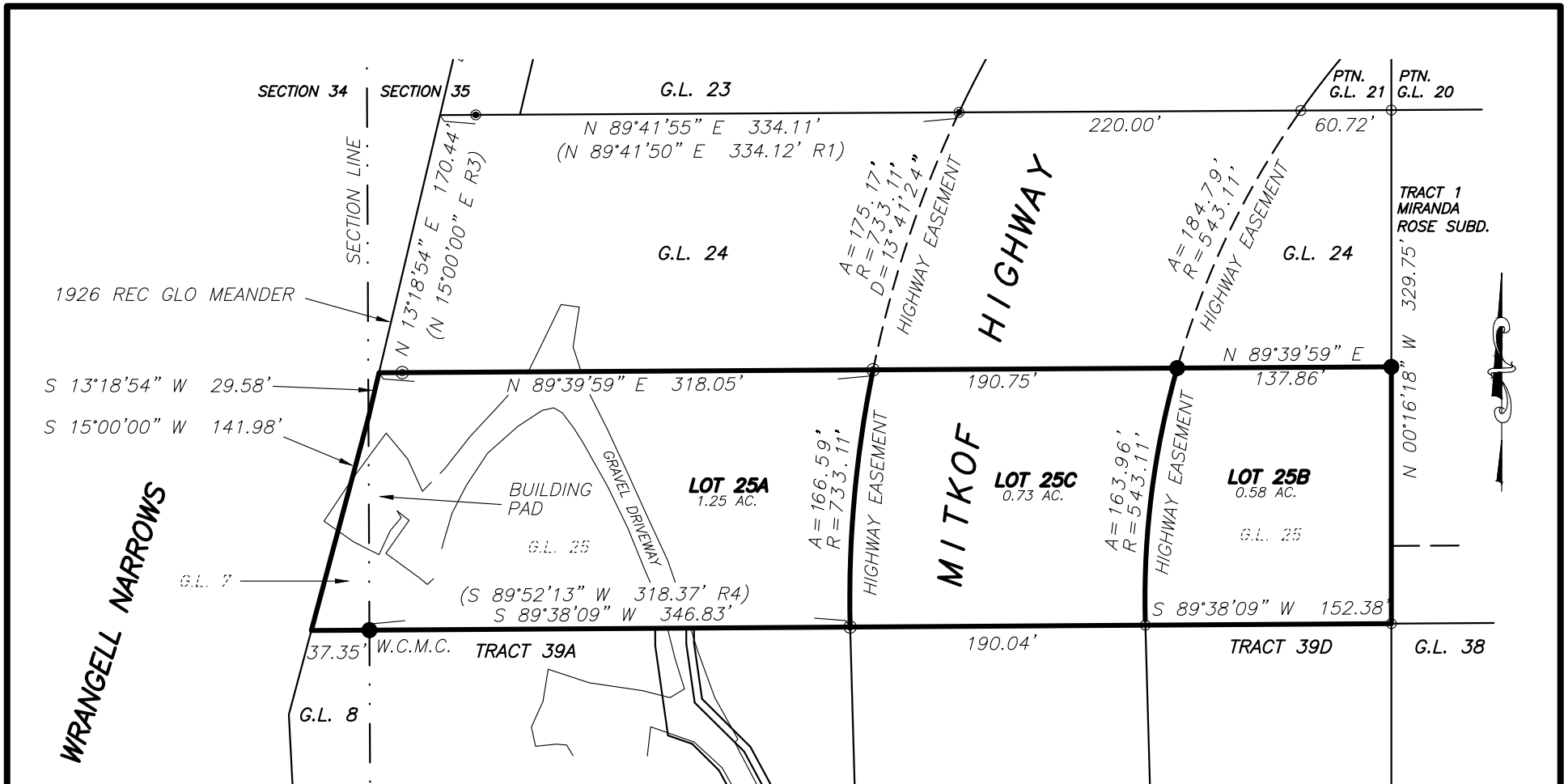
- a. The proposed Minor Subdivision meets the conditions outlined in Title 18.
- b. Municipal utilities are in the vicinity but extension of water and wastewater to the parcels is required prior to, or in conjunction with future residential development.
- c. As a condition of approval, the Applicant shall:
 - Submit a plat with legible lettering meeting the generally accepted standards for good draftsmanship as prepared by a professional land surveyor, properly registered in the state of Alaska, drawn to scale, and provided in a format, size, suitable for recording.
 - Apply to replat the Chelsea Kegans Beach Subdivision to dedicate Lot 25C as a public right-of-way.

EXHIBITS

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

Applicant Material

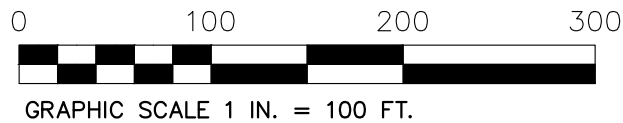
 PETERSBURG BOROUGH LAND USE APPLICATION		CODE TO: 110.000.404110
		BASE FEE: \$95.00
		PUBLIC NOTICE FEE: \$70.00
		TOTAL: \$165.00
DATE RECEIVED:	RECEIVED BY:	CHECK NO. or CC:
APPLICANT/AGENT		LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)
NAME David Thynes		NAME T.L.O. (Chandler Long)
MAILING ADDRESS PO Box 533		MAILING ADDRESS 1900 First Avenue, Suite 313
CITY/STATE/ZIP Petersburg/Alaska/99833		CITY/STATE/ZIP Ketchikan/Alaska/99901
PHONE (907) 518-0075		PHONE (907) 269-8421
EMAIL fvnocona@gmail.com		EMAIL chandler.long@alaska.gov
PROPERTY INFORMATION		
PHYSICAL ADDRESS or LEGAL DESCRIPTION: G.L. 25, Section 35, T59S, R79E, CRM and G.L. 7, Section 34, T59S, R79E, CRM		
PARCEL ID: 01174226,01174225,01174380	ZONE: RR	OVERLAY:
CURRENT USE OF PROPERTY: Undeveloped land with driveway and pad constructed.		LOT SIZE: 2.5 AC
PROPOSED USE OF PROPERTY (IF DIFFERENT): Same use		
CURRENT OR PLANNED SEWER SYSTEM: <input type="checkbox"/> Municipal <input checked="" type="checkbox"/> DEC-approved on-site system		
CURRENT OR PLANNED WATER SOURCE: <input type="checkbox"/> Municipal <input checked="" type="checkbox"/> Cistern/Roof Collection <input type="checkbox"/> Well		
LEGAL ACCESS TO LOT(S) (Street Name): Mitkof Highway		
TYPE OF APPLICATION & BASE FEE		
<input type="checkbox"/> 19.84 Zoning Change (\$100)		
<input type="checkbox"/> 18.18 Record of Survey (\$50) (Note: No Public Notice Fee)		
<input checked="" type="checkbox"/> 18.20 Minor Subdivision/18.24 Preliminary Plat/18.19 Replat (\$75 + \$10 per lot)		
<input type="checkbox"/> 18.24 Final Plat (\$25 per lot)		
SUBMITTALS:		
For Zoning Change, please submit letter stating the new zoning and explaining the need for the change. For Subdivision approvals, please submit a prepared plat map as required by borough code.		
SIGNATURE(S):		
I hereby affirm all of the information submitted with this application is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner(s) or authorized agent thereof for the property subject herein.		
Applicant(s): 	Date: 1/9/2024	
DocuSigned by: Owner: 	Date: 1/9/2024	
CC5DD11A3C68458...	Date: _____	
Owner: _____	Date: _____	
Owner: _____	Date: _____	



**PRELIMINARY SUBDIVISION PLAN
CHELSEA KEGANS BEACH SUBDIVISION**
A CONSOLIDATION & SUBDIVISION OF G.L. 7, SECT. 34 AND
G.L. 25, SECT. 35, T59S, R79E, C.R.M.
CREATING LOT 25A, LOT 25B, AND LOT 25C
TRUST LAND SURVEY 2023-09

PETERSBURG RECORDING DISTRICT

AREA SUMMARY:
LOT 25A = 1.25 AC.
LOT 25B = 0.58 AC.
LOT 25C = 0.73 AC.
GOV'T. LOT 25 = 2.56 AC.



CLIENT: ALASKA MENTAL HEALTH LAND TRUST OFFICE
2600 CORDOVA STREET
ANCHORAGE, AK 99503

ATTN: CHANDLER LONG T.L.O. SENIOR PROJ. MANAGER

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

DRAWING COMPLETED 1/9/24

DRAWN BY D.C.T.

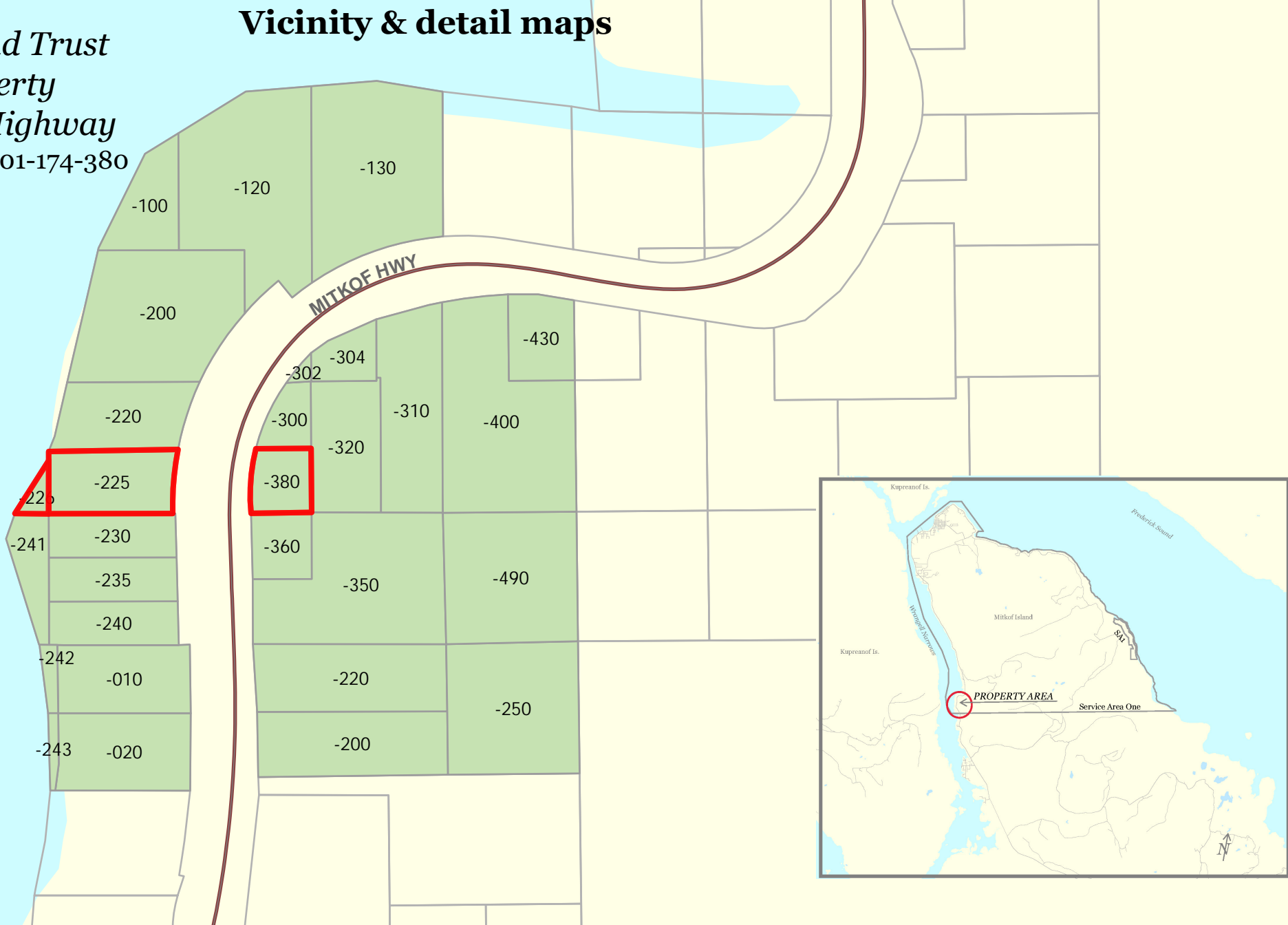
DRAWING No. KEGANS SUBD 2024

*Mental Health Land Trust
& Kegans Property*

809 & 812 Mitkof Highway

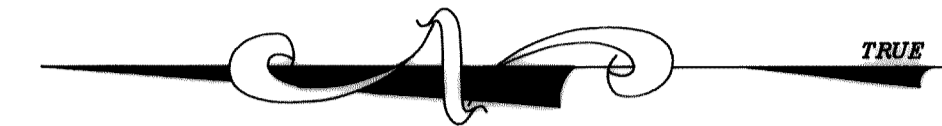
01-174-225, 01-174-226 & 01-174-380

Vicinity & detail maps



GOVT.
LOT 27

T.59S. R.79E. C.R.M.



GOVT.
LOT 26

SECTION 35

LOT 46
SECTION 35

GOVT.
LOT 38

GOVT.
LOT 41

U.S.S.

2471

UNIVERSITY
OF
ALASKA

"O" Curve Data
Δ = 100°33'29"
D = 09°30'00"
R = 603.11'
T = 725.91'
L = 1058.50'

"O" Curve Data
Δ = 49°06'46"
D = 10°00'00"
R = 572.96'
T = 261.79'
L = 491.13'

MITKOF
HIGHWAY

"O" Curve Data
Δ = 15°15'18"
D = 02°00'00"
R = 2864.79'
T = 383.64'
L = 762.75'

LOT 21
JOHN & MICHAEL
EDGINGTON
LP. 2.57 AC.

H.S. 614

LOT 46
SECTION 35

SECTION 35
SECTION 34

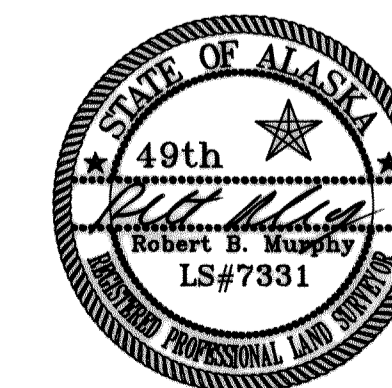
LOT 19
JEFF & ALANA
PFUNDT

WRANGELL NARROWS

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY that I am properly registered and licensed to practice land surveying in the State of Alaska and that this plat was made by me or under my supervision. I declare that this plat was based upon the monuments recovered during State of Alaska Locations Survey 70225 dated 1990-92 and that all dimensions and other details are accurate.

Robert B. Murphy LS-7331 9-24-96 Date



DATE	REVISIONS	BY

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION

&
PUBLIC FACILITIES

RIGHT OF WAY MAP

ALASKA PROJECT NO.

RS-0937(22) 70265

MITKOF HWY - SCOW BAY TO PAPKE'S LANDING

DRAWN RTB	DATE 7/91	SCALE 1"=100'
CHECKED RBM	DATE 7/91	SHEET 14 OF 18

EASEMENT	OWNER	AREA	PURPOSE
E-24	EDGINGTON	362 S.F.	CULVERT INSTALLATION

Public hearing mailout

January 23, 2024



«Name1» «Name2»
«Address1»
«City», «State» «Zip»

NOTICE OF SCHEDULED PUBLIC HEARINGS

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

An application from the Alaska Mental Health Trust Land Office for a minor subdivision at 809/812 Mitkof Hwy (PID: 01-174-225, 01-174-226, and 01-174-380).

The public hearing and consideration of the application will be held:	Wednesday, February 14th 2024, at 12:00 PM Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via ZOOM , please contact Anna Caulum at 907-772-5409.	

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

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

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

Sincerely,

Liz Cabrera,
Community & Economic Development Department

Name1	Name2	Address1	City	State	Zip	EMAIL
CHRIST FRY		PO BOX 1440	PETERSBURG	AK	99833-1440	nwood@mac.com
HEATHER O'NEIL		PO BOX 1083	PETERSBURG	AK	99833-1083	fvogue@gci.net
SALLY DWYER		PO BOX 1788	PETERSBURG	AK	99833-1788	sallydw1942@gmail.com
JIM FLOYD		PO BOX 281	PETERSBURG	AK	99833-0281	jim@hammerandwikan.com
JOHN JENSEN		PO BOX 681	PETERSBURG	AK	99833-0681	i.fishjensen@gmail.com
PHIL MEEKS		PO BOX 1514	PETERSBURG	AK	99833-1514	psmeeks@aptalaska.net
MARIETTA DAVIS		PO BOX 673	PETERSBURG	AK	99833-0673	mariettajoanne12@gmail.com
Trust Land Office	Chandler Long	1900 FIRST AVE STE 313	KETCHIKAN	AK	99901	chandler.long@alaska.gov
ALASKA MENTAL HEALTH TRUST		2600 CORDOVA ST STE 201	ANCHORAGE	AK	99503	
BEERS RUSSELL		PO BOX 1441	PETERSBURG	AK	99833-1441	
FILE MICHAEL A	FILE CHERYL H	PO BOX 1666	PETERSBURG	AK	99833-1666	
HAAS BRYAN HAAS LISA	BRYAN AND LISA HAAS LIVI	5601 E FREEDOM LN	WASILLA	AK	99654	
KEGANS CHRISTOPHER L KEGANS SAMAI	ALASKA MENTAL HEALTH TF	PO BOX 1277	PETERSBURG	AK	99833-1277	
KEGANS MELISA CHANEL	ALASKA MENTAL HEALTH TF	3616 45TH ST	TACOMA	WA	98422	
KISSINGER EVERETT	KISSINGER KRISTINE	PO BOX 741	PETERSBURG	AK	99833-0741	
LOMBARDO MICHAEL A		PO BOX 2034	PETERSBURG	AK	99833-2034	
OBROCTA STEPHEN	OBROCTA SARAH L	PO BOX 656	PETERSBURG	AK	99833-0656	
SMITH STAN & BECKY	MYERS MARK & ALICE	200 BREE AVE	ANCHORAGE	AK	99515	
WOODYARD VINTON	WOODYARD ELIZABETH	PO BOX 1217	PETERSBURG	AK	99833-1217	