

AGENDA

**MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD
AGENDA**

REGULAR MEETING

1:00 P.M.

JULY 7, 2016

The *borough staff recommendations* related to petitions being considered by the platting board will be available at least five days prior to the scheduled consideration. It is the responsibility of the petitioner to review the recommendations prior to consideration.

The Platting Division shall process the official actions of the board. Conversation, discussion and testimony will be recorded and saved on record.

Access and ability to have needed information from the recordings (ex. appeals) will be made available to the petitioner by the Platting Division upon request.

All decisions as to approval or disapproval of a subdivision, vacation, elimination, public use easement, variance, right-of-way, or airport acquisition plat by the platting board shall be final unless a *petition for reconsideration* is submitted to the Platting Division within fifteen days of the date of the written *notification of platting board action*, or an appeal filed with the board of adjustments and appeals in accordance with MSB 15.39.

Platting Board members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

PUBLIC HEARING PROCEDURES

1. Chair states item to be addressed.
2. **Public Hearing Notices:** Secretary states number of public hearing notices sent out, date sent, and responses thereto.
3. **Staff Report:** The Platting Technician gives an overview of the project for the platting board and the public.
4. **Chair opens the public hearing:** The Chair may ask petitioner to give a short overview prior to public input.
5. **Public Testimony:** Members of the public are invited to sign in and testify before the board. Board members may have questions for the person testifying. Testimony is limited to three (3) minutes. The time limit may be extended at the discretion of the Chairman.
6. **Public hearing is closed by the chair.** No further public input is appropriate.
7. **Petitioner Comments:** Petitioner, or his/her representative, comes before the board to discuss staff recommendations and compliance with Title 43 and other applicable regulations. Testimony is limited to five (5) minutes. The time limit may be extended at the discretion of the Chairman.
8. **Motion, Discussion & Vote:** Motion is made and seconded by board members. No further unsolicited input from petitioner is appropriate.

Platting board discusses motion and votes; four affirmative votes are necessary for approval of the proposed action. Decisions are final, unless reconsidered by the platting board or appealed to board of adjustments and appeals.

**MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD AGENDA**

PLATTING BOARD

Jay Van Diest, Chairman
Tait Zimmerman, Vice Chairman
Stan Gillespie
LaMarr Anderson
Jordan Rausa
Patrick Johnson
Amy Hansen
Marty Van Diest, Alt #1
Gregory Pugh, Alt #2



PLATTING DEPARTMENT

Fred Wagner, Platting Officer
VickieLee Fenster, Platting Assistant
Peggy Horton, Platting Technician
Amy Otto-Buchanan, Platting Technician
Cheryl Scott, Platting Technician
Sloan Von Gunten, Platting Div. Specialist

*Assembly Chambers of the
Dorothy Swanda Jones Building
350 E. Dahlia Avenue, Palmer*

**JULY 7, 2016
ASSEMBLY CHAMBERS
REGULAR MEETING
1:00 P.M.**

1. CALL TO ORDER

- A. Roll Call and Determination of Quorum (by Administrative Specialist)
- B. Pledge of Allegiance
- C. Approval of the Agenda

2. APPROVAL OF MINUTES

- A. June 16, 2016

3. UNFINISHED BUSINESS

4. PUBLIC HEARINGS

- A. **MATANUSKA SUSITNA BOROUGH LAND MANAGEMENT** (owner/petitioner):
The request is to create a plat of Government Lot 24, to be known as **ASLS 2015-18**, to comply with the State of Alaska requirement that the land be surveyed so the borough can receive patent to the land through Municipal Entitlement, containing 36.64 acres +/-.
Located within the NW ¼ Sec 28, T19N, R04W, S.M. AK, lying north of W. Parks Highway and south of Kelly Lake. Community Council: Willow Area, Assembly District: #7 Randal Kowalke
- B. **BOBBIE GIELAROWSKI** (owner/petitioner): The request is to divide Tract A-1, Cheyenne Meadows Phase 2, Plat # 2011-27, into 6 lots to be known as **CHEYENNE MEADOWS ADDITION 1**, containing 14.33 acres +/-.
West Ryan Circle will be extended to provide access to the lots with a temporary cul-de-sac. Located within the NW ¼ SE ¼ Sec 21, T17N, R02W, S.M. AK, lying at the end of W. Ryan Circle.
Community Council: Knik-Fairview, Assembly District: #5 Dan Mayfield
- C. **P & J HOMES INC, ET AL** (owners/petitioners): The request is to divide W ½ NW ¼ NE ¼ and Parcel 1 of MSB Waiver 93-9-PWm, recorded as 93-52W, into 15 lots and one tract to be known as **BIRCHWOOD ESTATES**, containing 39.93 acres +/-.
The Parcel is currently configured as Birchwood Estates Condos, Units 1-6. Located within W ½ NW ¼ NE ¼ Sec 16, T18N, R01E, S.M. AK, lying south of E. Tex-Al Drive.

D. Title 43 Proposed Amendment and changes.

5. MISCELLANEOUS

6. RECONSIDERATIONS/APPEALS

7. AUDIENCE PARTICIPATION (*Three minutes per person, for items not scheduled for public hearing*)

8. PLATTING STAFF & OFFICER COMMENTS

A. Introduction for July 21, 2016 Platting Board Hearing (*Informational Only – Subject to change*)

- ASLS 2015-18

9. BOARD COMMENTS

10. ADJOURNMENT

In order to be eligible to file an appeal from a decision of the Platting Board, a person must be designated an *interested party* pursuant to MSB 15.39.010. The procedures governing appeals to the Board of Adjustment & Appeals are contained in MSB 15.39.010-250, which is available on the borough Internet home page located at (www.matsugov.us), or at various libraries within the borough.

MINUTES

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on June 16, 2016, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 1:00 P.M. by the Vice Chairman, Mr. Tait Zimmerman.

1. CALL TO ORDER**A. ROLL CALL AND DETERMINATION OF QUORUM (by Administrative Specialist)**

Platting Board members present and establishing a quorum:

- Mr. Jay Van Diest, District #1 (Chairman) (**Late**)
- Mr. LaMarr Anderson, District #2
- Mr. Stan Gillespie, District #3
- Mr. Jordan Rausa, District #4 (**Absent**)
- Mr. Tait Zimmerman, District #5 (Vice Chairman)
- Mr. Patrick Johnson, District #6
- Ms. Amy Hansen, District #7
- Mr. Marty Van Diest, Alternate 1 (**Excused**)
- Mr. Gregory Pugh, Alternate 2 (**Excused**)

Staff in attendance:

- Ms. Sloan Von Gunten, Administrative Specialist
- Mr. Fred Wagner, Platting Officer
- Ms. Peggy Horton, Platting Technician
- Ms. Amy Otto-Buchanan, Platting Technician

B. THE PLEDGE OF ALLEGIANCE

- The pledge of allegiance was led by Mr. LaMarr Anderson.

C. APPROVAL OF THE AGENDA

The Vice Chairman, Tait Zimmerman inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objection.

2. APPROVAL OF MINUTES

The Vice Chairman, Tait Zimmerman inquired if there were any changes to the minutes.

Mr. Johnson moved to approve the minutes for June 2, 2016, Seconded by Mr. Gillespie. The motion passed with all in favor.

3. UNFINISHED BUSINESS

A. THE RANCH MASTER PLAN EXTENSION

Sloan Von Gunten (Administrative Specialist)

- Stated that 386 public hearing notices were mailed out on May 26, 2016, to this date there have been 11 returns, 2 objections, no non-objections, and no concerns.

Peggy Horton (Platting Technician)

- Gave an overview of the case.

Tait Zimmerman (Vice Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward.

Charlotte Nelson

- Is concerned about the reduction of wildlife due to development.
- Concerned about the loss of well water in the Ranch subdivision.

Tait Zimmerman (Vice Chairman)

- Closed the public hearing.

Richard Besse (Petitioner's Representative)

- Gave a brief overview of why the extension is needed.
- Agrees with all the recommendations.

MOTION:

- Mr. Gillespie moved to approve the seven-year extension for the Ranch Master Plan, seconded by Mr. Anderson. Add Finding #8.

DISCUSSION:

- Staff has a finding to add.

FINDING:

- Add #8: Charlotte Nelson commented on the existing development and is concerned about the reduction of wildlife due to development and objects to the extension of the Master Plan.

VOTE:

- The motion passed with all in favor. There are 8 findings.

TIME: 1:26 P.M.

CD: 0:21:19

B. N. NORTHGATE PLACE PUE

Sloan Von Gunten (Administrative Specialist)

- Stated that 174 public hearing notices were mailed out on May 26, 2016, to this date there have been 3 returns, no objections, no non-objections, and no concerns.

Amy Otto-Buchanan (Platting Technician)

- Gave an overview of the case.

Tait Zimmerman (Vice Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Mr. Jay Van Diest arrived at the platting board meeting.

Gail Hamilton (Petitioner's Representative)

- Agrees with the all the recommendations.

MOTION:

- Ms. Hanson moved to approve the N. Northgate Place Public Use Easement and elimination of the 15' wide Utility Easement with the Public Use Easement, seconded by Mr. Johnson.

VOTE:

- The motion passed with all in favor. There are 5 findings.

TIME: 1:34 P.M.

CD: 0:27:39

The Vice Chairman, Mr. Tait Zimmerman, handed over the chairing of the meeting to the Chair, Mr. Jay Van Diest.

4. PUBLIC HEARINGS

A. DRINKHOUSE BLUFFS MASTER PLAN

Sloan Von Gunten (Administrative Specialist)

- Stated that 43 public hearing notices were mailed out on May 26, 2016, to this date there have been no return, no objections, no non-objections, and 1 concern.

Amy Otto-Buchanan (Platting Technician)

- Gave an overview of the case.
- Need to modify finding #4.

Jay Van Diest (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Gary LoRusso (Petitioner's Representative)

- Change the word “encroaches” on recommendation #4 to “crosses”
- Agrees with all the changes to the recommendations and findings.

MOTION:

- Mr. Zimmerman moved to approve the preliminary plat for Drinkhouse Bluffs Master Plan, seconded by Mr. Gillespie. Change wording on recommendation #4 and modify finding #4.

RECOMMENDATIONS:

- Change the word “encroaches onto a portion of Tract A”, on recommendation #4 to “crosses onto a portion of Tract A.”

FINDINGS:

- Modify #4: There were two concerns received, one regarding access to S. Hayfield Road.

VOTE:

- The motion passed with all in favor. There are 10 findings.

TIME: 1:49 P.M.

CD: 0:42:04

Mr. Zimmerman recused himself from End of the Rainbow RSB B/2 L/9.

B. END OF THE RAINBOW RSB B/2 L/9 & VARIANCE

Sloan Von Gunten (Administrative Specialist)

- Stated that 130 public hearing notices were mailed out on May 26, 2016, to this date there have been 1 return, no objections, no non-objections, and no concerns.

Peggy Horton (Platting Technician)

- Gave an overview of the case.

Jay Van Diest (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Joy Cypra (Petitioner's Representative)

- Agrees with all the recommendations.

MOTION:

- Mr. Johnson moved to approve the Variance to MSB 43.20.281(A)(1)(a) and the preliminary plat of End of the Rainbow RSB B/2 L/9, Seconded by Ms. Hanson.

DISCUSSION:

- Discussion on septic area on the property.

VOTE:

- The motion passed with all in favor. There are 12 findings.

TIME: 2:03 P.M.

CD: 0:54:20

Mr. Tait Zimmerman returned to his seat.

C. HOMESTEAD HILLS & NYSTROM PUE

Sloan Von Gunten (Administrative Specialist)

- Stated that 19 public hearing notices were mailed out on May 26, 2016, to this date there have been no returns, no objections, no non-objections, and no concerns.

Peggy Horton (Platting Technician)

- Petitioner would like to continue the case for 3 months until September 15, 2016, to resolve issues concerning access and required plat information.

Jay Van Diest (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, kept the public hearing open.

Julie Nystrom (Petitioner)

- Agrees with continuing the variance to fix access and other information needed on the plat.

MOTION:

- Mr. Gillespie moved to continue Homestead Hills & Nystrom PUE for 3 months until September 15, 2016, to resolve issues concerning access and required plat information, Seconded by Mr. Johnson

VOTE:

- The motion passed with all in favor.

TIME: 2:08 P.M.

CD: 0:59:51

5. MISCELLANEOUS

6. RECONSIDERATIONS/APPEALS

7. AUDIENCE PARTICIPATION (*Three minutes per person, for items not scheduled for public hearing*)

8. PLATTING STAFF & OFFICER COMMENTS

- There will be 4 cases to be heard at the next platting board meeting.

9. BOARD COMMENTS

- No Comments

10. ADJOURNMENT

Adjourned: 02:18 P.M.

CD: 01:09:32

Jay Van Diest, Chairman

Sloan Von Gunten
Administrative Specialist

4A

**STAFF REVIEW AND RECOMMENDATIONS
PUBLIC HEARING
JULY 7, 2016**

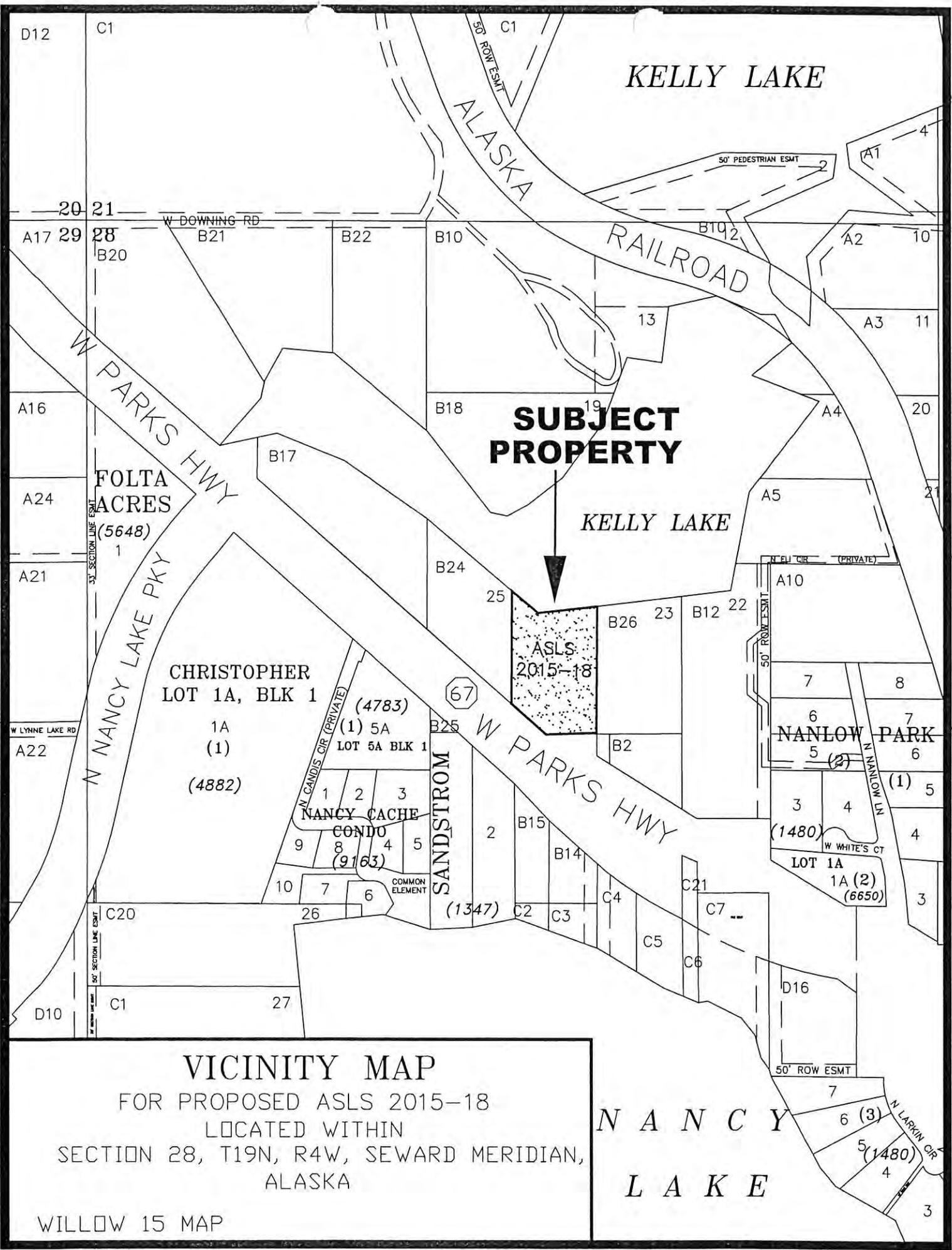
PRELIMINARY PLAT: **ASLS 2015-18**
LEGAL DESCRIPTION: **SEC 28, T19N, R04W, SEWARD MERIDIAN, AK**
PETITIONERS: **MATANUSKA-SUSITNA BOROUGH**
SURVEYOR: **LOUNSBURY & ASSOCIATES**
ACRES: 3.64 ± **PARCELS: 1**
REVIEWED BY: CHERYL SCOTT CASE: 2016-064

REQUEST:

The request is to create a plat of Government Lot 24, Section 28, Township 19 North, Range 4 West, Seward Meridian, Alaska, to comply with the State of Alaska requirement that the land be surveyed so the borough can receive patent to the land through Municipal Entitlement.

Staff is requesting a continuation to the July 21, 2016 Platting Board to enable staff to send the corrected notification of public hearing. The acreage on the notice and the subject property on the vicinity map were incorrect when originally sent on June 15, 2016.

Platting staff recommends approval of the request for continuation to the July 21, 2016 Platting Board.



**SUBJECT
PROPERTY**

ASLS
2015-18

CHRISTOPHER
LOT 1A, BLK 1

1A
(1)
(4882)

(4783)
(1) 5A
LOT 5A BLK 1

NANCY CACHE
CONDO
(9163)

67

SANDSTROM

(1347)

NANLOW PARK

(1480)

LOT 1A
1A (2)
(6650)

VICINITY MAP

FOR PROPOSED ASLS 2015-18
LOCATED WITHIN
SECTION 28, T19N, R4W, SEWARD MERIDIAN,
ALASKA

WILLOW 15 MAP

NANCY
LAKE

4B

**STAFF REVIEW AND RECOMMENDATIONS
PUBLIC HEARING
JULY 7, 2016**

PRELIMINARY PLAT: **CHEYENNE MEADOWS ADDITION 1**
LEGAL DESCRIPTION: **SEC 21, T17N, R2W, SEWARD MERIDIAN, AK**
PETITIONER: **BOBBIE GIELAROWSKI**
SURVEYOR/ENGINEER: **JOHN SHADRACH/ERDMAN & ASSOC**
ACRES: **14.33** **PARCELS: 6**
REVIEWED BY: **PEGGY HORTON** **CASE: 2016-069**

REQUEST

The request is to divide Tract A-1, Cheyenne Meadows Phase 2, Plat #2011-27, into 6 lots to be known as Cheyenne Meadows Addition 1. W. Ryan Circle will be extended to provide access to the lots with a temporary cul-de-sac. Located within the NW ¼ SE ¼ Section 21, Township 17 North, Range 2 West, Seward Meridian, Alaska, lying at the end of W. Ryan Circle.

EXHIBITS:

Vicinity Maps	EXHIBIT A
As-Built	EXHIBIT B
Soils	EXHIBIT C
Drainage Plan	EXHIBIT D

COMMENTS:

Dept Public Works	EXHIBIT E
Planning	EXHIBIT F
Code Compliance	EXHIBIT G
Land Management	EXHIBIT H
MEA	EXHIBIT I
MTA	EXHIBIT J
Public	EXHIBIT K

DISCUSSION

Current Features: Existing driveway, structures, wells and septic are shown on the as-built (**Exhibit B**). All structures appear to meet the setback requirements.

Soils: A soils investigation report was provided, in which Michael Erdman, P.E. stated 3 test holes were dug to evaluate the subsurface soil conditions and the water table (**Exhibit C**). No ground water was found in any of the test holes. The soils conform to the requirements of MSB 43.20.281(A)(1)(f). He certified that all the lots have 10,000 sq ft of contiguous usable septic area and 10,000 sq ft of contiguous usable building area as defined by MSB Title 43. Staff notes that building area does not need to be contiguous.

Drainage: Mr. Erdman provided a drainage plan, showing the proposed and natural drainage directions for this proposed subdivision, but did not elaborate in his written report (**Exhibit D**).

Road Construction: Construction of W. Ryan Circle will be required to residential standard, minimum up to a temporary cul-de-sac, providing access to Lot 8. The right-of-way continues to the western property boundary. There is an existing temporary cul-de-sac, where W. Ryan Circle ended. That temporary cul-de-sac will need to be reclaimed. *See recommendation #6.*

Comments: Jamie Taylor, Public Works Engineer, commented that a drainage easement is needed adjacent to the road in the low area in Lot 9 (**Exhibit E**). A cross culvert to direct drainage from the north side of the road to the drainage easement is also needed and the existing temporary cul-de-sac on Ryan Circle needs to be reclaimed. *See recommendations 5 and 6.* She recommends that a condition of approval be placed that requires the developer correct the deficiencies on Morgan Drive to bring it up to residential standards. Staff notes that Morgan Drive was created as a public road the plat of Cheyenne Meadows Phase 2, recorded in 2011. During the one-year warranty period, it was discovered that Morgan Drive and the associated drainage improvements were not up to borough standards, so the road was not accepted for maintenance and a Notice of Deficiencies and Revocation was recorded. Staff notes this proposed subdivision does not rely on Morgan Drive for access, therefore we are not recommending the deficiencies in Morgan Drive be corrected as a condition of approval for this project.

Planning commented that the structures should be in compliance with setback requirements (**Exhibit F**). Staff notes the as-built does show existing structures on proposed Lot 8 and they appear to meet the setback requirements. Code Compliance stated the property does not have any open Code Compliance cases (**Exhibit G**). Land & Resource Management said no MSB land is affected and they have no objection to the subdivision (**Exhibit H**).

MEA requested the plat show a blanket easement in the notes (**Exhibit I**). Staff notes all easements of record will be shown on the final plat, per MSB 43.15.051(P). MTA has no objections (**Exhibit J**).

Brenda Jo Henry responded to the public noticing with no objection (**Exhibit K**).

CONCLUSION

The preliminary plat for Cheyenne Meadows Addition 1 is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plat Submittal and Approval.

The extension of W. Ryan Circle will need to be constructed to residential standards minimum. The engineer certified usable area for the proposed lots. There were no objections from any borough departments, outside agencies, or the public.

RECOMMENDATIONS

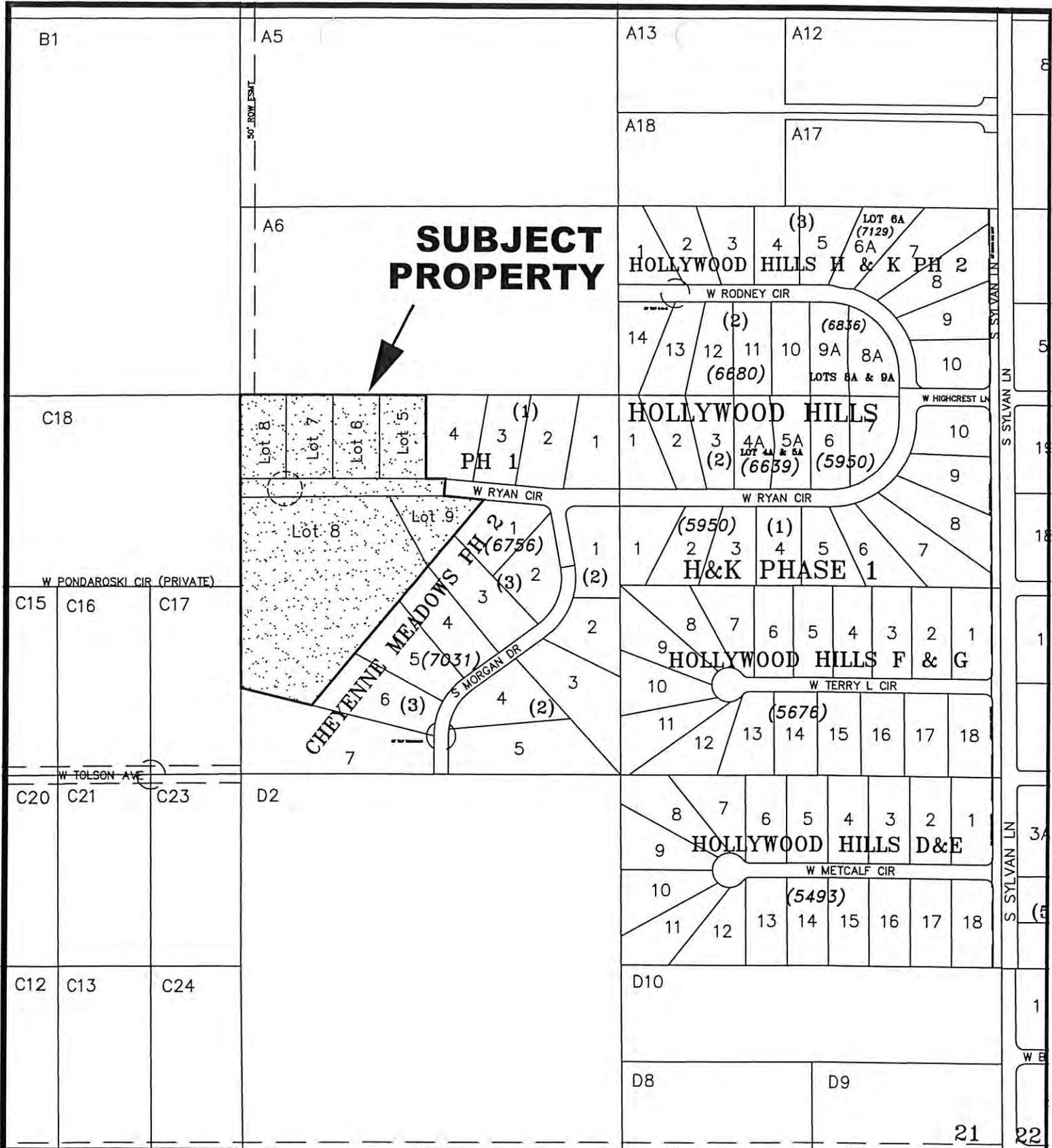
Recommended motion: “I move to approve the preliminary plat of Cheyenne Meadows Addition 1, located within Section 21, Township 17 North, Range 2 West, Seward Meridian, Alaska contingent on the following staff recommendations:”

1. Submit the mailing and advertising fee.
2. Submit construction cost estimate, schedule pre-construction meeting with Public Work’s Engineer, pay inspection fee, and obtain Notice to Proceed in compliance with SCM, Section E.
3. Construct the W. Ryan Circle to residential standards minimum ending in a temporary cul-de-sac which will provide Lot 8 with physical access.
4. Provide engineer’s final inspection report along with verification from an RLS that the constructed roadways are located within the proposed right-of-way per MSB 43.20.140 and obtain Public Work’s Engineer road signoff.
5. Provide a drainage easement along the road in the low area of Lot 9 and provide a cross culvert to direct drainage from the north side of the road to the drainage easement per MSB DPW Engineer.
6. Reclamate the existing temporary cul-de-sac.
7. Bring forward plat note #3 from plat #2011-27, which states “Utility facilities may only be placed within temporary cul-de-sac, drainage, slope, snow storage and maintenance easements with a utility permit.”
8. Provide updated Certificate to Plat executed within 90 days, prior to recording per MSB 43.15.053(E).

9. Submit an affidavit from any holders of beneficial interest, if any, to be recorded with the plat.
10. Submit recording fee, payable to the State of Alaska, DNR.
11. Taxes and special assessments must be current prior to recording, per MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
12. Submit final plat in full compliance with Title 43.

FINDINGS

1. The plat of Cheyenne Meadows Addition 1 is consistent with AS 29.40.070 Platting Regulations; and MSB 43.15.016 Preliminary Plat Submittal and Approval.
2. The project engineer, Michael Erdman, stated that all lots contain 10,000 sq ft of contiguous useable septic area and 10,000 sq ft of useable building area.
3. There are 15' utility easements shown on the plat along both sides of the proposed right-of-ways.
4. Access to adjoining property to the west is provided.
5. The Public Works Engineer requested drainage improvements to the engineer's drainage plan; staff added recommendations for approval to satisfy these requests.
6. Staff notes Morgan Drive was created as a public road on Cheyenne Meadows Ph 2 plat. The road and drainage improvements were not to borough standards and the road was not accepted for maintenance. This proposed subdivision does not rely on Morgan Drive for access; therefore we are not recommending the deficiencies in Morgan Drive be corrected as a condition of approval for this project.
7. There were no objections from any borough departments, outside agencies, or the public.



VICINITY MAP

FOR PROPOSED CHEYENNE MDWS ADD 1
 LOCATED WITHIN
 SECTION 21, T17N, R2W
 SEWARD MERIDIAN, ALASKA

HOUSTON 15 MAP

EXHIBIT A-1

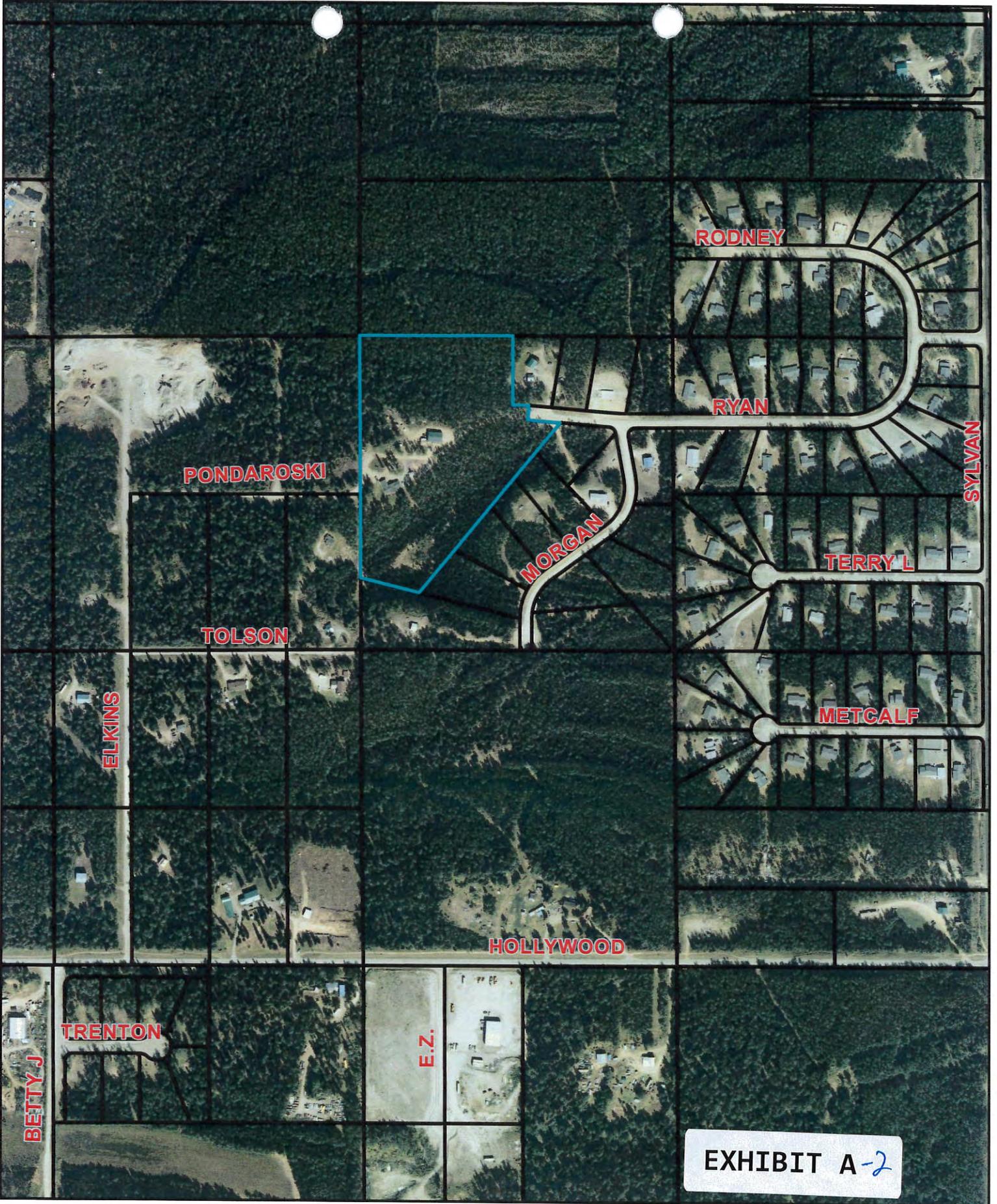


EXHIBIT A-2



Matanuska Susitna Borough
Platting Division
 Date: 4/4/2016

This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7801.

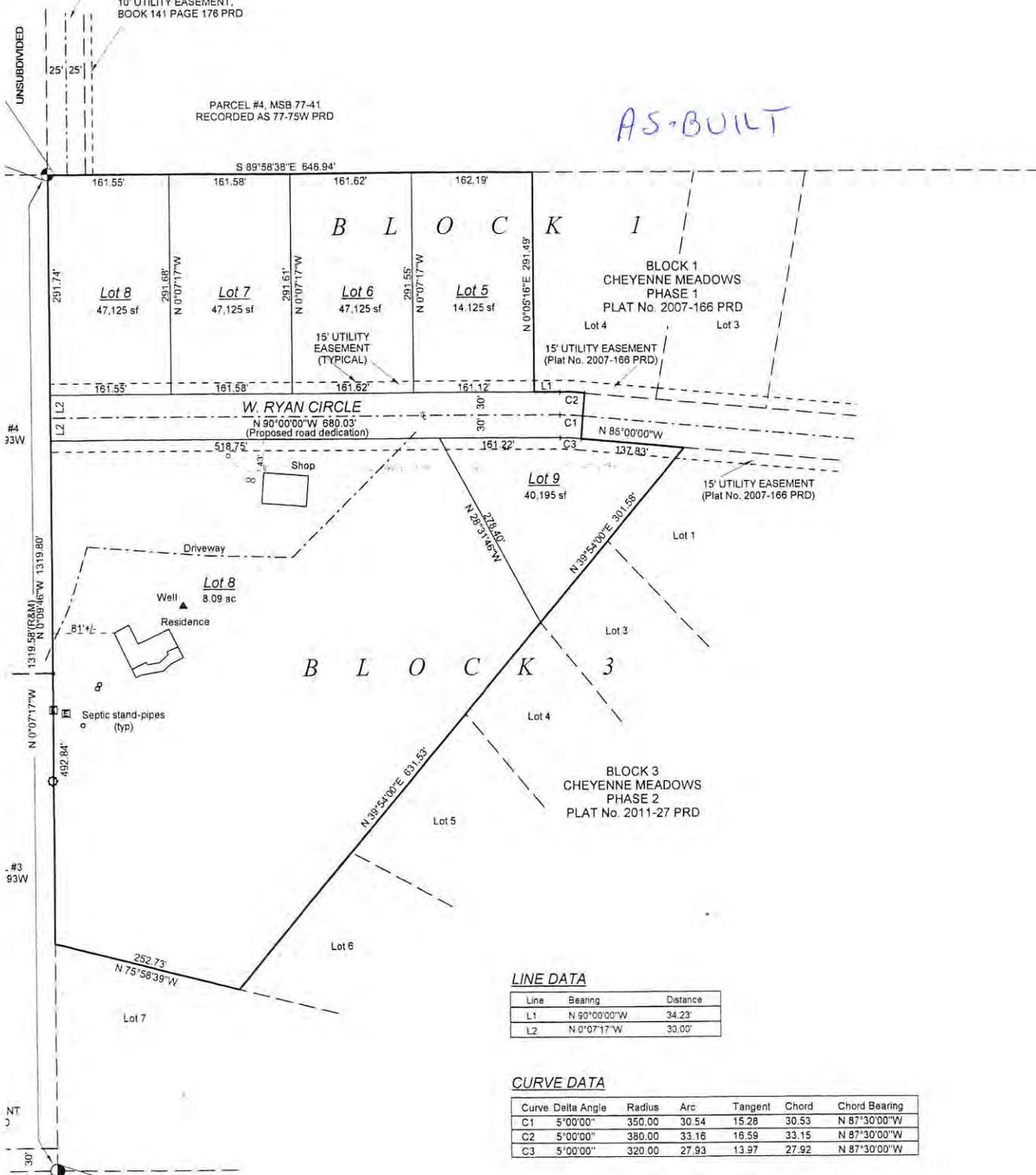


'50' ROAD EASEMENT FOR PUBLIC USE,
BOOK 141 PAGE 176 PRD

10' UTILITY EASEMENT,
BOOK 141 PAGE 176 PRD

PARCEL #4, MSB 77-41
RECORDED AS 77-75W PRD

AS-BUILT



W. RYAN CIRCLE
N 90°00'00"W 680.03'
(Proposed road dedication)

LINE DATA

Line	Bearing	Distance
L1	N 90°00'00"W	34.23'
L2	N 0°07'17"W	30.00'

CURVE DATA

Curve	Delta Angle	Radius	Arc	Tangent	Chord	Chord Bearing
C1	5°00'00"	350.00	30.54	15.28	30.53	N 87°30'00"W
C2	5°00'00"	380.00	33.16	16.59	33.15	N 87°30'00"W
C3	5°00'00"	320.00	27.93	13.97	27.92	N 87°30'00"W

LEGEND

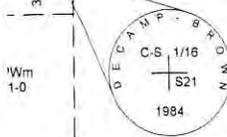
- FOUND PRIMARY MONUMENT AS INDICATED
- FOUND 2" ALCAP ON 5/8" REBAR MARKED AS NOTED
- ⊥ SET 5/8" X 30" REBAR WITH PLASTIC CAP MARKED 'LS-5122'
- (R) RECORD DIMENSION PER PLAT CHEYENNE MEADOWS PHASE 2, PLAT No. 2011-27 PRD

EXHIBIT B

Agenda Copy



I CERTIFY THAT I HAVE PERFORMED AN AS-BUILT SURVEY OF THE PROPERTY DESCRIBED HERETOBY. ANY POINTS NOT APPEARING ON THIS SURVEY THAT ARE REFERENCED IN AN ADJACENT PLAT ARE NOT TO BE USED AS A REFERENCE FOR THE LOCATION OF BOUNDARIES OF THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCELS. THIS SURVEY REPRESENTS THE LOCATION OF BOUNDARIES OF THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCELS OF May 23, 2016, AND IS NOT TO BE USED AS A REFERENCE FOR FURTHER IMPROVEMENTS.



FOUND:
2" ALCAP ON 5/8" REBAR
FLUSH W/GROUND

FOUND:
2" BRASS CAP MONUMENT

RECEIVED

MAY 24 2016

PLATTING

ERDMAN & ASSOCIATES
Consulting Engineers / Water Testing Laboratory

5200 Dunbar Drive
Wasilla, AK 99654

Phone 907-376-6989

Fax 907-373-2157

May 23, 2016

Matanuska Susitna Borough
350 East Dahlia Ave.
Palmer, AK 99645

Re: Proposed Cheyenne Meadows Add. #1; Soils Report & Usable Area Determination

Ladies & Gentlemen,

Erdman & Associates was retained to evaluate soil conditions and usable area for the proposed subdivision. As shown on the preliminary plat by John Shadrach, RLS, the proposed subdivision will create 6 lots, each with an area greater than 40,000 square feet.

Erdman & Associates inspected three test pits on the subject property on 5/13/16. Test hole logs are below, and a location map is attached.

TH #1	TH #2	TH #3
0-2.5' Silt/Topsoil	0-2' Silt/Topsoil	0-2' Silt/Topsoil
2.5-12' Silty Sand/Gravel (SM/GM)	2-8' Silty Sand/Gravel (SM/GM)	2-12' Silty Sand/Gravel (SM/GM)
No Groundwater/Impermeable	8-12' Silty Gravel (GM)	No Groundwater/Impermeable
Perc 30 min/inch @ 5-6'	No Groundwater/Impermeable	Perc 30 min/inch @ 5-6'
	Perc 20 min/inch @ 5-6'	

The test holes revealed that subsurface soil conditions are silty sand and gravel, with percolation rates from 20 to 30 min/inch. Neither groundwater nor impermeable soils were encountered to a depth of 12 feet.

Soil and water table conditions are suitable for installation of conventional onsite wastewater disposal (septic) systems. As indicated by the topography mapping, there are slopes exceeding 25% on the proposed Lots 8 & 9, Block 3.

Based upon our soils investigation, and evaluation of surface topography, it is my opinion that each of the proposed lots contains a minimum of 10,000 square feet of contiguous useable septic area, and a minimum 10,000 square feet of contiguous useable building area, as defined by MSB Title 43.

Please call if you have any questions or need additional information.

Sincerely,

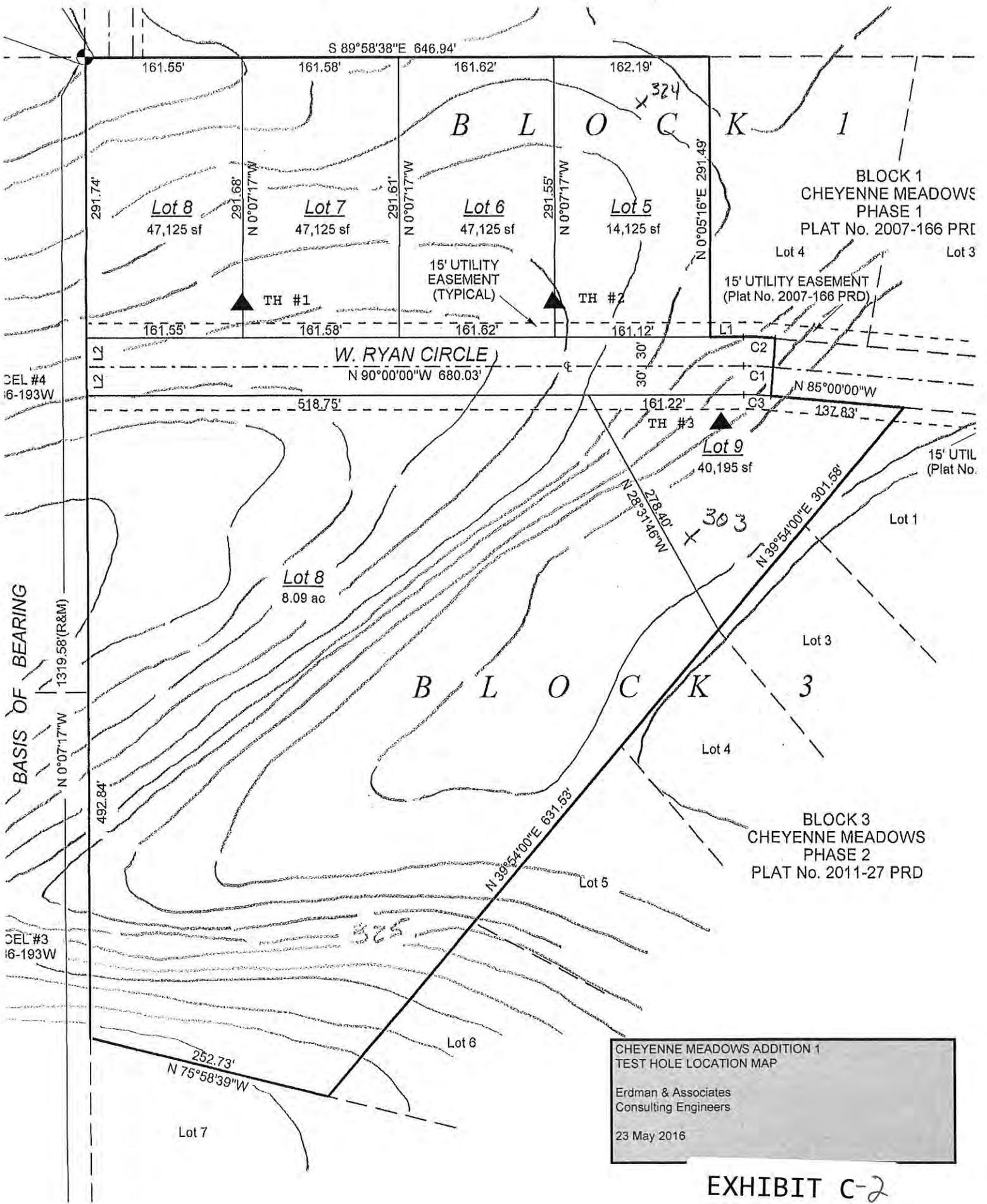


Michael R. Erdman, P.E.



5/23/16

EXHIBIT C-1



BLOCK 1
 CHEYENNE MEADOWS
 PHASE 1
 PLAT No. 2007-166 PRD

BLOCK 3
 CHEYENNE MEADOWS
 PHASE 2
 PLAT No. 2011-27 PRD

W. RYAN CIRCLE
 N 90°00'00"W 680.03'

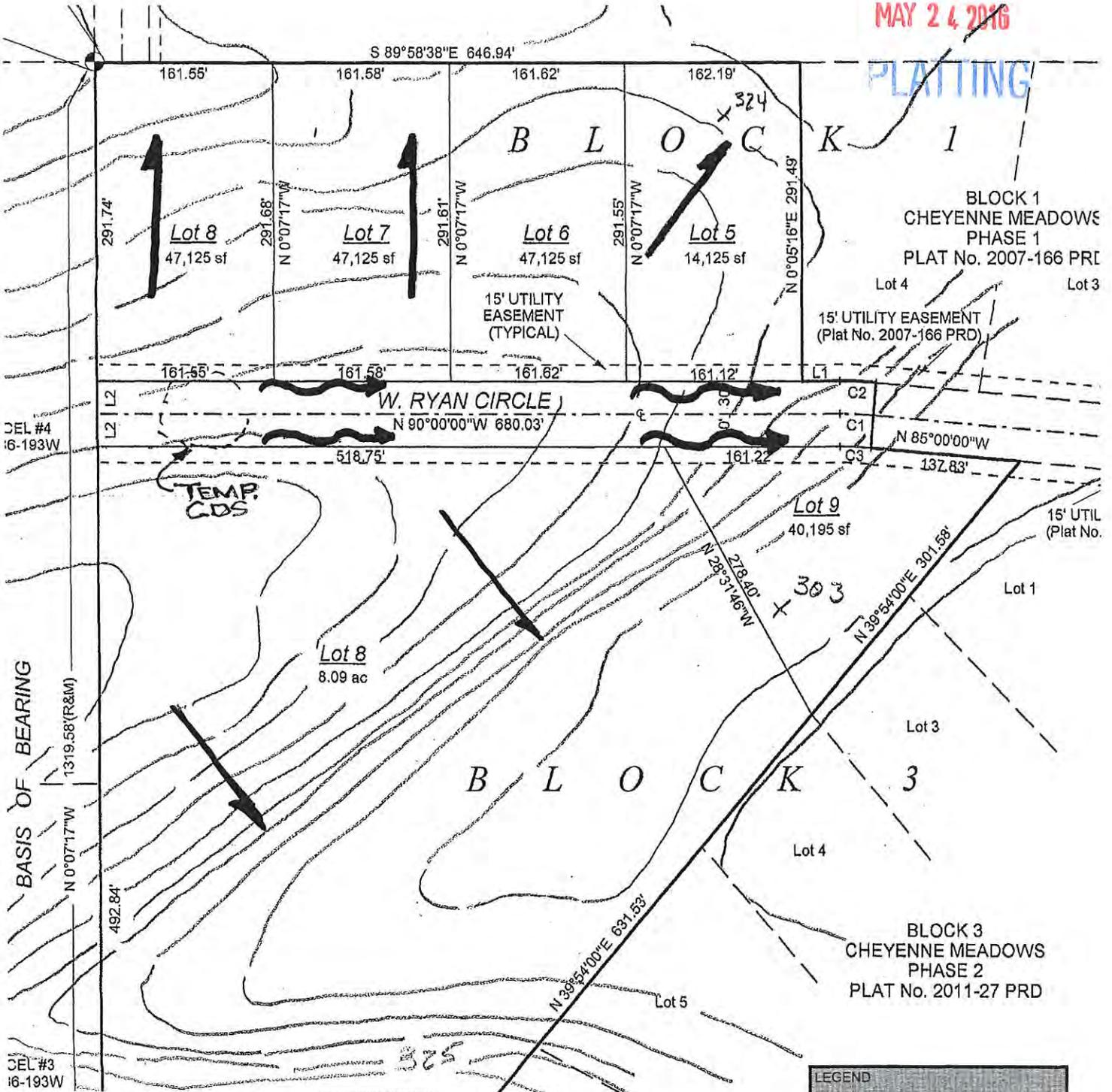
CHEYENNE MEADOWS ADDITION 1
 TEST HOLE LOCATION MAP
 Erdman & Associates
 Consulting Engineers
 23 May 2016

EXHIBIT C-2

RECEIVED

MAY 24 2016

PLATTING



LEGEND

Sheet Flow Drainage 

Ditch Line Drainage 

CHEYENNE MEADOWS ADDITION 1 DRAINAGE PLAN

Erdman & Associates
Consulting Engineers

23 May 2016



EXHIBIT D

Peggy Horton

From: Jamie Taylor
Sent: Friday, June 24, 2016 8:43 AM
To: Platting
Cc: Peggy Horton
Subject: RE: Request for Comments for Cheyenne Meadows Add 1 Case #2016-069 Tech: PH
Attachments: Cheyenne Mdws Ph 2 - Ntc of Deficiencies (recorded).pdf; Bobbie Gielarwoski Letter - Cheyenne Meadows Ph 2.pdf

Were you aware of the problems with Cheyenne Meadows Phase 2? DPW revoked acceptance of Morgan Drive due to deficiencies that were never corrected. I recommend that a condition of this next phase be that the developer correct the deficiencies on Morgan Drive to bring it to Borough residential standards.

Other comments:

- Dedicate a drainage easement adjacent to the road in the low area in Lot 9
- Add a cross culvert to direct drainage from north side of road to drainage easement
- Existing temporary cul-de-sac on Ryan to be reclaimed

Jamie Taylor, PE
Civil Engineer
Matanuska-Susitna Borough
Department of Public Works
Operations & Maintenance
t: 907-861-7765 c: 907-355-9810
jamie.taylor@matsugov.us
<http://www.matsugov.us/>

From: Peggy Horton **On Behalf Of** Platting
Sent: Wednesday, June 01, 2016 3:52 PM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; regpagemaster@usace.army.mil; brian.young@usps.gov; kellyg@mtaonline.net; cc1@wwdb.org; ken@slauson.us; mikeasaun@yahoo.com; John Aschenbrenner; Richard Boothby; Elizabeth Weiant; Eric Phillips; Sandra Cook; Michael Weller; Tracy McDaniel; Sheila Armstrong; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; mearow@matanuska.com; Becky Glenn (rglenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com; Dan Mayfield
Cc: Jay Van Diest (jay@valleymarket.com); LaMarr Anderson (lamarra05@gmail.com); Stan Gillespie (stan.gillespie@gmail.com); jordan@alaskaplans.com; Tait Zimmerman (tait@zimmermanteamak.com); Patrick Johnson (patrickjhnsn@hotmail.com); Amy Hansen (amyhansenhomes@gmail.com); Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com); Gregory Pugh (winforhim@aol.com)
Subject: Request for Comments for Cheyenne Meadows Add 1 Case #2016-069 Tech: PH

Good Afternoon,

Attached is a request for preliminary plat approval for a 6 lot subdivision north of the Sylvan and Hollywood Road intersection. Please review and provide your comments by June 24, 2016.

EXHIBIT E

Peggy Horton

From: Susan Lee
Sent: Thursday, June 02, 2016 7:24 AM
To: Platting
Subject: RE: Request for Comments for Cheyenne Meadows Add 1 Case #2016-069 Tech: PH

Structures should be in compliance with setback requirements.

Susan

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

From: Peggy Horton **On Behalf Of** Platting
Sent: Wednesday, June 01, 2016 3:52 PM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; regpagemaster@usace.army.mil; brian.young@usps.gov; kelleyg@mtaonline.net; cc1@wwdb.org; ken@slauson.us; mikeasaun@yahoo.com; John Aschenbrenner; Richard Boothby; Elizabeth Weiant; Eric Phillips; Sandra Cook; Michael Weller; Tracy McDaniel; Sheila Armstrong; Terry Dolan; Jim Jensen; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; mearow@matanuska.com; Becky Glenn (rglenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com; Dan Mayfield
Cc: Jay Van Diest (jay@valleymarket.com); LaMarr Anderson (lamarra05@gmail.com); Stan Gillespie (stan.gillespie@gmail.com); jordan@alaskaplans.com; Tait Zimmerman (tait@zimmermanteamak.com); Patrick Johnson (patrickjhnsn@hotmail.com); Amy Hansen (amyhansenhomes@gmail.com); Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com); Gregory Pugh (winforhim@aol.com)
Subject: Request for Comments for Cheyenne Meadows Add 1 Case #2016-069 Tech: PH

Good Afternoon,

Attached is a request for preliminary plat approval for a 6 lot subdivision north of the Sylvan and Hollywood Road intersection. Please review and provide your comments by June 24, 2016.

Peggy Horton
Platting Technician
Matanuska-Susitna Borough
(907) 861-7881 direct
(907) 861-8407 fax
peggy.horton@matsugov.us (email)

EXHIBIT F

Peggy Horton

From: Theresa Taranto
Sent: Monday, June 20, 2016 11:23 AM
To: Platting
Subject: Gielarowski-Cheyenne Meadows Add !

No cases

Theresa Taranto
Development Services
Administrative Specialist

Mat-Su Borough
350 E Dahlia Ave.
Palmer, Alaska 99645
907-861-8574



MATANUSKA-SUSITNA BOROUGH

Community Development

Land & Resource Management

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7869 • Fax (907) 861-8635

MEMORANDUM

DATE: June 14, 2016
TO: Fred Wagner, Platting Officer
FROM: Land & Resource Management *USE*
SUBJECT: Preliminary Plat Comments / Case #2016-069

RECEIVED
JUN 14 2016
PLATTING

Platting Tech: Peggy Horton
Public Hearing: July 7, 2016
Applicant / Petitioner: Gielarowski
TRS: 17N02W21
Tax ID: 7031000T00A-1
Subd: Cheyenne Meadows Add 1
Tax Map: HO 15

Comments:

- No MSB land affected.
- No objection to proposed subdivision.

EXHIBIT H

Peggy Horton

From: Tammy L. Simmons <Tammy.Simmons@mea.coop>
Sent: Monday, June 20, 2016 3:33 PM
To: Platting
Subject: RE: Request for Comments for Cheyenne Meadows Add 1 Case #2016-069 Tech: PH
Attachments: SKMBT_C36016062014310.pdf

Hello Peggy,

Can you please show the attached easement in the notes for Cheyenne Meadows Add 1?

Thank you,

Tammy Simmons, RWP
Right of Way Technician
Matanuska Electric Association, Inc.
(907) 761-9276

From: Peggy Horton [<mailto:Peggy.Horton@matsugov.us>] **On Behalf Of** Platting
Sent: Wednesday, June 01, 2016 3:52 PM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; regpagemaster@usace.army.mil; brian.young@usps.gov; kelleyg@mtaonline.net; cc1@wwdb.org; ken@slauson.us; mikeasaun@yahoo.com; John Aschenbrenner; Richard Boothby; Elizabeth Weiant; Eric Phillips; Sandra Cook; Michael Weller; Tracy McDaniel; Sheila Armstrong; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; MEA_ROW; Becky Glenn (rglenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com; Dan Mayfield
Cc: Jay Van Diest (jay@valleymarket.com); LaMarr Anderson (lamarra05@gmail.com); Stan Gillespie (stan.gillespie@gmail.com); jordan@alaskaplans.com; Tait Zimmerman (tait@zimmermanteamak.com); Patrick Johnson (patrickjhnsn@hotmail.com); Amy Hansen (amyhansenhomes@gmail.com); Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com); Gregory Pugh (winforhim@aol.com)
Subject: Request for Comments for Cheyenne Meadows Add 1 Case #2016-069 Tech: PH

Good Afternoon,

Attached is a request for preliminary plat approval for a 6 lot subdivision north of the Sylvan and Hollywood Road intersection. Please review and provide your comments by June 24, 2016.

Peggy Horton
Platting Technician
Matanuska-Susitna Borough
(907) 861-7881 direct
(907) 861-8407 fax
peggy.horton@matsugov.us (email)

EXHIBIT I

Peggy Horton

From: Becky Glenn <rglenn@mta-telco.com>
Sent: Thursday, June 02, 2016 1:21 PM
To: Platting
Cc: Jessica Thompson
Subject: RE: Request for Comments for Cheyenne Meadows Add 1 Case #2016-069 Tech: PH

Peggy,

MTA has reviewed the preliminary plat for Cheyenne Meadows Addn. 1. MTA has no objections.

Thank you for the opportunity to review and comment.

Becky Glenn
MTA

From: Peggy Horton [<mailto:Peggy.Horton@matsugov.us>] **On Behalf Of** Platting
Sent: Wednesday, June 01, 2016 3:52 PM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; regpagemaster@usace.army.mil; brian.young@usps.gov; kellelyg@mtaonline.net; cc1@wwdb.org; ken@slauson.us; mikeasaun@yahoo.com; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; Richard Boothby <Richard.Boothby@matsugov.us>; Elizabeth Weiant <Elizabeth.Weiant@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; Sandra Cook <Sandra.Cook@matsugov.us>; Michael Weller <Michael.Weller@matsugov.us>; Tracy McDaniel <Tracy.McDaniel@matsugov.us>; Sheila Armstrong <Sheila.Armstrong@matsugov.us>; Terry Dolan <Terry.Dolan@matsugov.us>; Jim Jenson <James.Jenson@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Nicole Wilkins <Nicole.Wilkins@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Susan Lee <Susan.Lee@matsugov.us>; Eileen Probasco <Eileen.Probasco@matsugov.us>; Jessica Smith <Jessica.Smith@matsugov.us>; Frankie Barker <Frankie.Barker@matsugov.us>; Permit Center <PermitCenter@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; mearow@matanuska.com; Becky Glenn <rglenn@mta-telco.com>; Jessica Thompson <jthompson@mta-telco.com>; row@enstarnaturalgas.com; 'ospdesign@gci.com' (<ospdesign@gci.com> <ospdesign@gci.com>); dblehm@gci.com; Dan Mayfield <Dan.Mayfield@matsugov.us>
Cc: Jay Van Diest (jay@valleymarket.com) <jay@valleymarket.com>; LaMarr Anderson (lamarra05@gmail.com) <lamarra05@gmail.com>; Stan Gillespie (stan.gillespie@gmail.com) <stan.gillespie@gmail.com>; jordan@alaskaplans.com; Tait Zimmerman (tait@zimmermanteamamak.com) <tait@zimmermanteamamak.com>; Patrick Johnson (patrickjhnsn@hotmail.com) <patrickjhnsn@hotmail.com>; Amy Hansen (amyhansenhomes@gmail.com) <amyhansenhomes@gmail.com>; Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com) <marty@valleymarket.com>; Gregory Pugh (winforhim@aol.com) <winforhim@aol.com>
Subject: Request for Comments for Cheyenne Meadows Add 1 Case #2016-069 Tech: PH

Be wary of unsolicited attachments, even from people you know - If something seems suspicious you may want to check with the person who supposedly sent the message to make sure it's legitimate before opening any attachments.

Good Afternoon,

Attached is a request for preliminary plat approval for a 6 lot subdivision north of the Sylvan and Hollywood Road intersection. Please review and provide your comments by June 24, 2016.

EXHIBIT J



MATANUSKA-SUSITNA BOROUGH
 PLATTING DIVISION
 350 EAST DAHLIA AVENUE
 PALMER, ALASKA 99645
 PHONE 861-7874 FAX 861-8407



U.S. POSTAGE PITNEY BOWES
 ZIP 99645 \$ 000.46⁵
 02 1W
 0001399405 JUN 15 2016

FIRST CLASS

non-objection
 RECEIVED

JUN 21 2016

56680B02L013 28
 HENRY BRENDA JO
 PO BOX 875793
 WASILLA AK 99687-5793

99687#5793 B072

NOTIFICATION OF PUBLIC HEARING

The Matanuska-Susitna Borough **Platting Board** will consider the following:

PETITIONER: **BOBBIE GIELAROWSKI** (owner/petitioner)

REQUEST: The request is to divide Tract A-1, Cheyenne Meadows Phase 2, Plat # 2011-27, into 6 lots to be known as **CHEYENNE MEADOWS ADDITION 1**. West Ryan Circle will be extended to provide access to the lots with a temporary cul-de-sac.

LOCATION: Located within the NW ¼ SE ¼ Sec 21, T17N, R02W, S.M. AK, lying at the end of W. Ryan Circle.

Community Council: Knik-Fairview **Assembly District:** #5 Dan Mayfield **Area:** 14.33 Acres +/-

The Matanuska-Susitna Borough **Platting Board** will hold a public hearing in **Assembly Chambers** of the **Dorothy Swanda Jones Building**, 350 E. Dahlia Avenue, Palmer, Alaska on the proposed **Re-Subdivision** on **July 7, 2016**. The meeting begins at **1:00 p.m.** We are sending you this notice as required by State Law and Borough Ordinances because your property is within 1200' of the petition area. This will be heard before the **PLATTING BOARD** and you are invited to attend.

If you would like to send comments regarding the proposed action, this form may be used for your convenience by filling in the information below and mail this notice to the MSB Platting Division, 350 E. Dahlia, Palmer, Alaska 99645 or fax to (907) 861-7874 or e-mail: plattting@matsugov.us. Comments received by 3:00 PM one week prior to the meeting, **June 29, 2016**, will be included in the Platting Board packet. Comments received from the public up to 4:00 PM one day prior to the meeting will be given to the Platting Board in a "Hand-Out" packet the day of the meeting. To request additional information please contact the Platting Technician, **Peggy Horton** at (907) 861-7881 or the Platting Secretary at (907) 861-8573.

In order to be eligible to file an appeal from a decision of the Platting Board, a person must be designated an *interested party*. See MSB 15.39.010 for definition of "Interested Party". The procedures governing appeals to the Board of Adjustment & Appeals are contained in MSB 15.39.010-250, which is available on the Borough internet home page, (www.matsugov.us), in the Borough Clerk's office, or at various libraries within the borough.

Please do not send comments or questions directly to the Platting Board members. Board members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

Name: _____ **Address:** _____

Comments: _____

no objection

EXHIBIT K

PLANNING AND LAND USE DIRECTOR'S CERTIFICATE

I CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE LAND SUBDIVISION REGULATIONS OF THE MATANUSKA-SUSITNA BOROUGH, AND THAT THE PLAT HAS BEEN APPROVED BY THE PLATTING AUTHORITY BY PLAT RESOLUTION No. _____

DATED _____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE RECORDER IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, IN WHICH THIS PLAT IS LOCATED.

DATE _____ PLANNING AND LAND USE DIRECTOR

ATTEST: _____ PLATTING CLERK

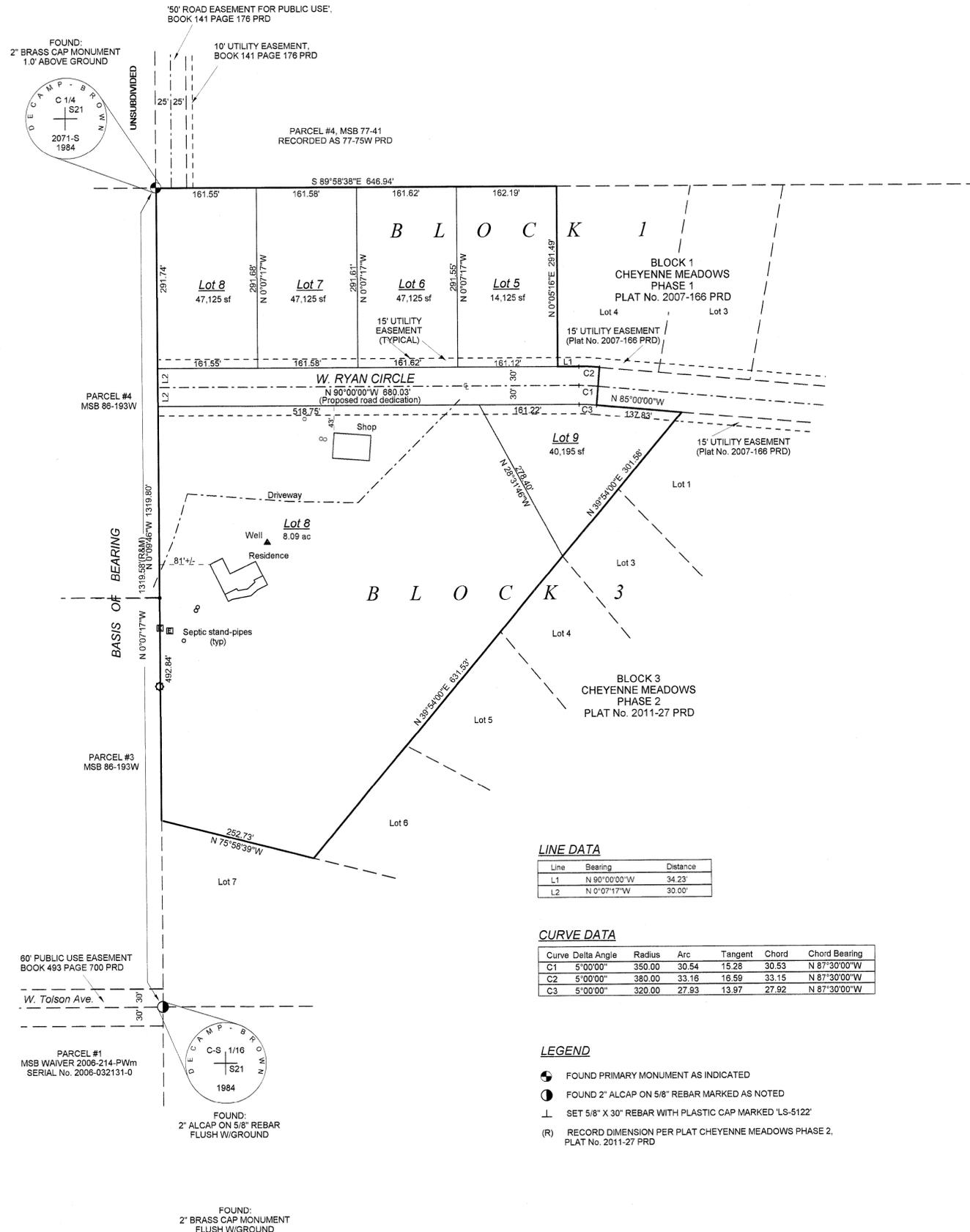
CERTIFICATE OF PAYMENT OF TAXES

I HEREBY CERTIFY THAT ALL CURRENT TAXES AND SPECIAL ASSESSMENTS THROUGH _____ AGAINST THE PROPERTY INCLUDED IN THE SUBDIVISION OR RESUBDIVISION HEREON HAVE BEEN PAID.

DATE _____ BOROUGH TAX COLLECTION OFFICIAL

NOTES

1. THERE MAY BE FEDERAL, STATE AND LOCAL REQUIREMENTS GOVERNING LAND USE. IT IS THE RESPONSIBILITY OF THE INDIVIDUAL PARCEL OWNER TO OBTAIN A DETERMINATION WHETHER SUCH REQUIREMENTS APPLY TO THE DEVELOPMENT OF THE PARCELS SHOWN HEREON.
2. NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS LOCATED, CONSTRUCTED AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHICH GOVERNS THOSE SYSTEMS.
3. UTILITY FACILITIES MAY ONLY BE PLACED WITHIN TEMPORARY CUL-DE-SAC, DRAINAGE, SLOPE, SNOW STORAGE AND MAINTENANCE EASEMENTS WITH A UTILITY PERMIT.
4. AS PER THE CERTIFICATE TO PLAT ISSUED BY MCKINLEY TITLE & TRUST, INC. EFFECTIVE MAY 3, 2011, A BLANKET EASEMENT AFFECTING THE SUBJECT PROPERTY WAS RECORDED IN THE PALMER RECORDING DISTRICT AT SERIAL No. 2001-022553-0, RECORDED OCTOBER 16, 2001 TO MATANUSKA ELECTRIC ASSOC., INC.



LINE DATA

Line	Bearing	Distance
L1	N 90°00'00"W	34.23'
L2	N 0°07'17"W	30.00'

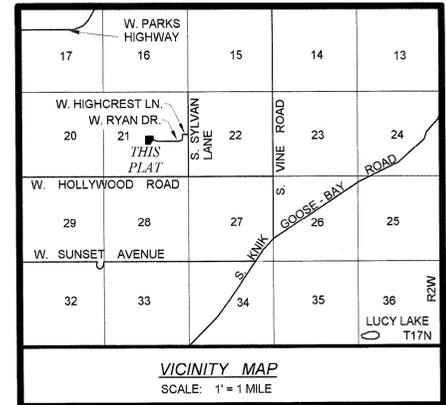
CURVE DATA

Curve	Delta Angle	Radius	Arc	Tangent	Chord	Chord Bearing
C1	5°00'00"	350.00	30.54	15.28	30.53	N 87°30'00"W
C2	5°00'00"	380.00	33.16	16.59	33.15	N 87°30'00"W
C3	5°00'00"	320.00	27.93	13.97	27.92	N 87°30'00"W

- LEGEND**
- (S) FOUND PRIMARY MONUMENT AS INDICATED
 - (L) FOUND 2" ALCAP ON 5/8" REBAR MARKED AS NOTED
 - (J) SET 5/8" X 30" REBAR WITH PLASTIC CAP MARKED 'LS-5122'
 - (R) RECORD DIMENSION PER PLAT CHEYENNE MEADOWS PHASE 2, PLAT No. 2011-27 PRD



I HEREBY CERTIFY THAT I HAVE PERFORMED AN AS-BUILT SURVEY ON THE PROPERTY DESCRIBED HEREON. EASEMENTS NOT APPEARING ON THE ABOVE REFERENCED PLAT ARE NOT SHOWN HEREON UNLESS OTHERWISE NOTED. THIS SURVEY REPRESENTS THE LOCATION OF THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL AS OF MAY 23, 2016, AND IS NOT TO BE USED AS A REFERENCE FOR THE LOCATION OF BOUNDARIES OR FURTHER IMPROVEMENTS.

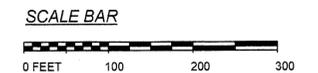


OWNERSHIP CERTIFICATE
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION BY MY FREE CONSENT, DEDICATE ALL RIGHTS-OF-WAYS TO THE MATANUSKA-SUSITNA BOROUGH, AND GRANT ALL EASEMENTS TO THE USES SHOWN.

BOBBIE J. GIELAROWSKI
 P.O. BOX 521112
 BIG LAKE, ALASKA 99652

NOTARY'S ACKNOWLEDGMENT
 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 2016 FOR JOHN SHADRACH.

NOTARY FOR THE STATE OF ALASKA
 MY COMMISSION EXPIRES _____



JOHN SHADRACH, R.L.S.
 professional land surveyor
 P.O. Box 871497
 Wasilla, Alaska 99687
 (907) 376-2260

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 ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

JOHN SHADRACH
 REGISTERED LAND SURVEYOR LS-5122

DATE _____

A PRELIMINARY PLAT OF
Cheyenne Meadows Addition 1
 MAY 23 2016
 A SUBDIVISION OF TRACT A-1 CHEYENNE MEADOWS PHASE 2 PLAT No. 2011-27 LOCATED WITHIN SEC. 21, T17N, R2W, SEWARD MERIDIAN PALMER RECORDING DISTRICT PALMER, ALASKA CONTAINING 14.33 ACRES, MORE OR LESS

Agenda Copy

DRAWN BY: JS FIELD BOOK: 07-01 PROJECT: CHEYENNE MEADOWS ADD.3/PRELIM2
 DATE: 5/23/2016 SHEET: 1 OF 1
 CHECKED: BC DRAWING SCALE: 1" = 100'

**PLANNING AND LAND USE
DIRECTOR'S CERTIFICATE**

I CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE LAND SUBDIVISION REGULATIONS OF THE MATANUSKA-SUSITNA BOROUGH, AND THAT THE PLAT HAS BEEN APPROVED BY THE PLATTING AUTHORITY BY PLAT RESOLUTION No. _____

DATED _____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE RECORDER IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, IN WHICH THIS PLAT IS LOCATED.

DATE _____ PLANNING AND LAND USE DIRECTOR

ATTEST: _____ PLATTING CLERK

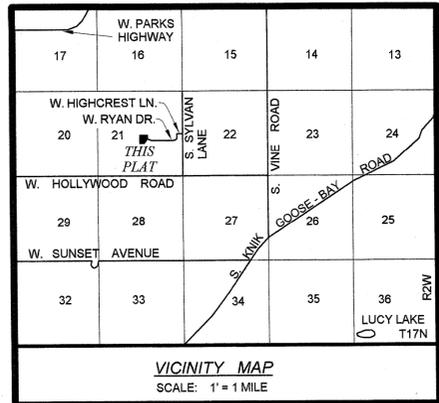
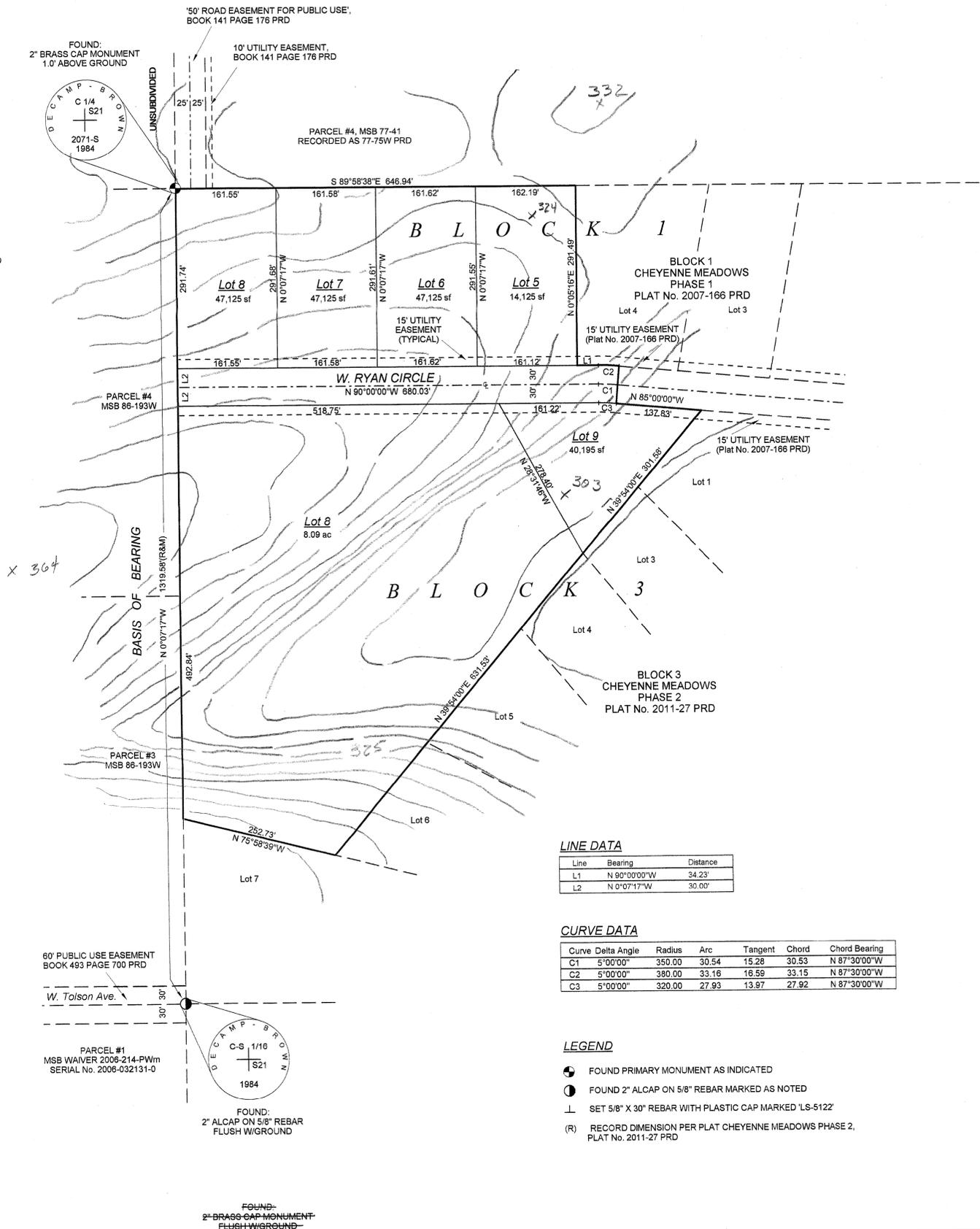
CERTIFICATE OF PAYMENT OF TAXES

I HEREBY CERTIFY THAT ALL CURRENT TAXES AND SPECIAL ASSESSMENTS THROUGH _____ AGAINST THE PROPERTY INCLUDED IN THE SUBDIVISION OR RESUBDIVISION HEREON HAVE BEEN PAID.

DATE _____ BOROUGH TAX COLLECTION OFFICIAL

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- UTILITY FACILITIES MAY ONLY BE PLACED WITHIN TEMPORARY CUL-DE-SAC, DRAINAGE, SLOPE, SNOW STORAGE AND MAINTENANCE EASEMENTS WITH A UTILITY PERMIT.
- AS PER THE CERTIFICATE TO PLAT ISSUED BY MCKINLEY TITLE & TRUST, INC. EFFECTIVE MAY 3, 2011, A BLANKET EASEMENT AFFECTING THE SUBJECT PROPERTY WAS RECORDED IN THE PALMER RECORDING DISTRICT AT SERIAL No. 2001-022553-0, RECORDED OCTOBER 16, 2001 TO MATANUSKA ELECTRIC ASSOC., INC.



OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION BY MY FREE CONSENT, DEDICATE ALL RIGHTS-OF-WAYS TO THE MATANUSKA-SUSITNA BOROUGH, AND GRANT ALL EASEMENTS TO THE USES SHOWN.

BOBBIE J. GIELAROWSKI
P.O. BOX 521112
BIG LAKE, ALASKA 99652

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 2005 FOR JOHN SHADRACH.

NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES _____

SCALE BAR



JOHN SHADRACH, R.L.S. P.O. Box 671497
professional land surveyor Wasilla, Alaska 99667
(907) 376-2260

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 ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



JOHN SHADRACH
REGISTERED LAND SURVEYOR LS-5122 DATE _____

A PRELIMINARY PLAT OF
Cheyenne Meadows Addition 1
A SUBDIVISION OF TRACT A-1 CHEYENNE MEADOWS PHASE 2
PLAT No. 2011-27
LOCATED WITHIN SEC. 21, T17N, R2W, SEWARD MERIDIAN
PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, PALMER, ALASKA
CONTAINING 14.33 ACRES, MORE OR LESS

DRAWN BY: JS FIELD BOOK: PROJECT: CHEYENNE MEADOWS ADD. 3 PRELIM 2
DATE: 5/23/2016 07-01 SHEET: 1 OF 1
CHECKED: BC DRAWING SCALE: 1" = 100' SHEET: 1 OF 1

4C

**STAFF REVIEW AND RECOMMENDATIONS
PUBLIC HEARING
JULY 7, 2016**

PRELIMINARY PLAT: **BIRCHWOOD ESTATES**
LEGAL DESCRIPTION: **SEC 16, T18N, R1E, SEWARD MERIDIAN, AK**
PETITIONER: **P & J HOMES, INC. ET AL**
SURVEYOR/ENGINEER: **ALASKA LAND SURVEYING/PIONEER ENGINEERING**
ACRES: **29.93** **PARCELS: 16**
REVIEWED BY: **PEGGY HORTON** **CASE: 2016-012**

REQUEST

The request is to divide W ½ NE ¼ NW ¼ and Parcel 1, MSB Waiver 93-9, Recorded as 93-52W, Section 16, Township 18 North, Range 1 East, Seward Meridian, Alaska into 16 lots to be known as Birchwood Estates, containing 29.93 acres, more or less. The parcel is currently configured as Birchwood Estates Condos, Units 1-6.

EXHIBITS:

Vicinity Maps	Exhibit A
As-Builts	Exhibit B
Soils	Exhibit C
Topography	Exhibit D
Site Distance Discussion	Exhibit E
Engineer's Report & Further Discussion	Exhibit F
Site Visit Photos	Exhibit G

COMMENTS:

DPW Engineer	Exhibit H
ROW Coordinator	Exhibit I
Current Planner	Exhibit J
Code Compliance	Exhibit K
Cultural Resources	Exhibit L
Land Management	Exhibit M
Assemblyperson	Exhibit N
GCI	Exhibit O
Enstar	Exhibit P
MEA	Exhibit Q
MTA	Exhibit R
Public	Exhibit S

DISCUSSION: This case was continued from the April 21, 2016 meeting for 6 months or sooner. The petitioners decided to redesign the lots and incorporate Ms. Brainard's property to the south to resolve issues with access to adjoining properties and road design. Prior to this subdivision design, a portion of the property was placed into a condominium association. That association will need to be dissolved at the same time or prior to the plat recording. **See recommendation #2**

Location: This subdivision is located south of E. Tex-Al Drive and east of N. Wasilla-Fishhook Rd. All lots will be accessed from the new internal road, N. Slaton Street. Tex-Al is classified as a Minor Collector. Intersections are required to be a minimum 300' on collector roads per SCM A10.2. Staff notes the intersection as shown on the plat meets that standard.

Lot Areas: The lots range in size from 0.92 acres to 2.04 acres and Tract A is approximately 9.36 acres. Lots are designed to meet the requirements of MSB 43.20.320, *Frontage*. Three of the lots (11, 12, & 13) do not meet the 3:1 requirement for lot design and will need to be modified. **See recommendation #3**

There are buildings on the property, and the developer has designed those so they fall within Lots 7 & 8 and will meet the setback requirements of MSB 17.55. As-builts of those lots provided in January (**Exhibit B**) do not indicate the new lot configuration and will need to be updated. Also the as-built info for the structures on Tract A do not provide the information required in MSB 43.15.016(A)(1)(e). **See recommendation #4**

Utilities: There is an existing Enstar gas main within the property, the petitioners are intending to move the Enstar line within the new right-of-way. **See recommendation #5** There is also an existing well which lies within the proposed 15' utility easement. MEA and MTA have provided non-objection letters. MEA requests additional easement in the area to facilitate utility installation and maintenance.

Useable Area: Prior to the current design, Pioneer Engineering provided a useable area report in January stating 6 testholes were dug to 14 to 15 feet and there was no groundwater found in any of them (**Exhibit C**). Mr. Klebesadel stated, based on the available soils & water table information, topography, MSB Title 43 Code definitions, and his observations at the site, each lot will have at least 10,000 sq ft of usable building area and at least 10,000 sq ft of usable septic area as required by MSB 43.20.281, *Area*. The current lot design is similar enough to the previous design and the soils were consistent throughout the property that was redesigned that staff is satisfied the results would be the same, although for the record, staff would like to see the engineer provide an updated report for our files. Staff requested an updated report on June 15th, but has not received that as of the writing of this report (**Exhibit C-11**). **See recommendation #6**

The plat shows that Tract A is over 400,000 sq ft and topographic contours were provided on the new plat in lieu of a useable area determination, meeting the requirement of MSB 43.20.281(A)(1)(i)(i) (**Exhibit D**). A useable area determination is not required for parcel over 400,000 sq ft as long as topographic information is provided.

Access: N. Slaton Street is designed to residential subcollector standards, minimum road construction requirement will be to residential standards. E. Brainard Circle will be constructed to residential standards as well the stub road providing access to Tract A. The stub road is less than 200', therefore no turnaround is necessary per SCM A11.3. **See recommendation #8**

The petitioner is dedicating the 50' wide Section Line Easement along the northern boundary as right-of-way for Tex-Al Rd. A 30' curve return is appropriate at that intersection per SCM A13.2. **See recommendation #9**

Sight Distance: Platting Staff, Department of Public Works Engineer and the developer's representatives have had several conversations concerning the sight distances at the intersection of N. Slaton Street and E. Tex-Al Drive (**Exhibit E**). Part of the issue is that N. Slaton Street is partially constructed, but there is no public right-of-way over the road. Therefore they have constructed the road "at risk" and the right-of-way does not exist. The intersection is located approximately at the top of a rise in Tex-Al Road.

The petitioner's engineer provided a sight distance graph indicating Tex-Al's posted speed of 30 mph and an existing sight distance of 312.74 feet, which exceeds the minimum required which is 200 feet for a 30 mph road (**Exhibit F**). The petitioner's representatives stated that since they have already proven that the intersection not only meets, but also exceed the minimum sight distance required in the SCM, the borough should accept the current location.

The Borough Engineer stated "Relative risk of accidents at intersections is high and sight distance at intersections is of primary importance for giving drivers sufficient time to react to conflicts" (**Exhibit F-6**). The minimum sight distance listed in the chart in the 1991 SCM corresponds to stopping sight distance for traffic on the major road. Staff recommends the intersection should be placed in a location where there is as much sight distance in either direction as possible to ensure safe roads throughout the year.

Staff notes the current posted speed limit on Tex Al is 30 mph and the borough's engineer stated design speeds are typically 5 or 10 mph higher than the posted speed. The Subdivision Construction Manual Section (SCM) A06.5 states "Any unspecified design criteria for residential collectors shall meet or exceed design criteria for a roadway design speed of 35 miles per hour." Since Tex-Al is a minor collector and the borough engineer was unable to determine through borough records what Tex-Al is designed to. The desirable intersection sight distance for a road at 35 miles per hour is 580 feet, see the sight distance chart at **Exhibit F-5**. The minimum is 250 feet. If the design speed is at 40 mph, then the intersection would not meet the minimum of 325 feet. Tex Al is a long, straight road, certainly susceptible to high speeds.

There is a desirable sight distance and a minimum sight distance on the chart. Staff suggests the intent of the chart is to provide as much sight distance as possible and if the target desirable sight distance can't be met, then it should be no less than the minimum. **See recommendation #10**

Drainage: The drainage plan is shown on the preliminary plat. The plat shows the general drainage patterns on the parent parcels and the proposed road. No additional drainage easements

are shown. Staff notes the drainage plan may change during road construction and additional drainage easements may be necessary. **See recommendation #11**

Site Visit Photos: Are at **Exhibit G**.

COMMENTS:

Besides the sight distance comments, the DPW Engineer stated the petitioner should coordinate with utility companies for relocation of utilities as needed (**Exhibit H**). Staff notes the petitioners are aware. Ditches must be 30' deep to provide adequate snow storage. Staff notes this is a requirement of the SCM. Consider increasing the spacing between driveways on the cul-de-sac to improve ditch drainage, snow storage, and maintainability, staff notes this was resolved with the redesign. Cul-de-sac is not to exceed 1000 feet in length. Staff notes this was also resolved with the redesign.

Development Services ROW Coordinator states existing utilities may be required to be relocated where said utilities exist within or along the access route to the proposed subdivision or within areas to be dedicated as public right-of-way, Drainage, Slope Maintenance, and Snow Storage easements (**Exhibit I**). The Borough may choose not to accept a right-of-way when utilities or other encroachments exist within said area.

Current Planner commented that the structures should be in compliance with setback requirements (**Exhibit J**). Staff notes we are recommending the surveyor provide updated as-builts to show the existing structures comply with setbacks. **See recommendation #4**. Code Compliance stated the property is not located in a Special Flood Hazard Area nor is it in a Special Land Use District and there are no open Code Compliance cases (**Exhibit K**). Cultural Resources has no objection and recommends caution during construction in the event cultural remains come to light or are recovered (**Exhibit L**). Land & Resource Management said no MSB land is affected and they have no objection to the subdivision (**Exhibit M**).

Barbara Doty, Assembly person for District 6, responded to the request for comments. She needed to understand where this subdivision was in relation to an extension of Engstrom Road (**Exhibit N**). Staff responded with a map of the area.

Utilities: GCI approved the original plat, but did not respond to the redesign (**Exhibit O**). Enstar has a natural gas main within the property which the petitioners have stated is being moved to lie within the right-of-way of N. Slaton Street. Enstar had no comments or recommendations as they are in the process of moving that gas line (**Exhibit P**).

MEA provided non-objections to the well remaining within the utility easement, but they did ask for additional easement surrounding the well and asked that the plat note an existing blanket easement (**Exhibit Q**). **See recommendation #13** MTA issued a non-objection to the well remaining within the utility easement. MTA also has an existing blanket easement on the property (**Exhibit R**).

George Strother, Owner of Tax parcel D10 in Section 8 had several concerns about the original design of the subdivision (**Exhibit S**). 1.) Intersection sight distance. He stated he measured it at 305 feet. Staff notes this has been addressed in staff recommendations. 2.) Access to adjacent unsubdivided parcels. Staff notes this has been resolved with the redesign and inclusion of Tract A in this subdivision. 3.) The Enstar gas line location. Staff notes the petitioners are working with Enstar to move the gas line to lie within the new right-of-way. 4.) The existing well was planned as a community well. Staff notes the petitioners own the existing houses and have determined the lots will all be served by on-lot well and septic. The existing well can be used by the new lot owner of Lot 4. 5.) Encroaching right-of-way on Lot 7. Staff notes this concern has been resolved with the lot design revision and the petitioner's intent to realign the gas main. 6.) The need for slope easements on the final plat for the large cuts between Lots 1 and 15. Staff notes if slope easements are necessary they may be created on the plat if necessary after road construction. **See recommendation #11**. 7.) Curve returns should be dedicated at the intersection with Tex-Al Drive. **See recommendation #9**. 8.) Parts of Lots 1 & 2 have gravel placed over a deep stump and vegetation debris fill area. He expects this area would settle substantially over the years. A plat note is appropriate to warn future property owners or the areas of debris fill should be delineated on the plat with a note of no construction or septic systems to be built in those areas. Staff notes these notes would be land use notes, which are not allowed per MSB 43.15.052(A), Written Notes. Staff suggests **finding #15** be adopted to address this concern.

Mr. David Malette, son of Rita Brainard, owner of Tax Parcel B7 provided comments during the previous design regarding the requirement to dedicate access to adjacent parcels (**Exhibit S-6**). Staff notes that with the inclusion of this parcel into this subdivision with the redesign, his concerns are alleviated.

CONCLUSION

The preliminary plat for Birchwood Estates is consistent with AS 29.40.070, *Platting Regulations*, and MSB 43.15.016, *Preliminary Plat Submittal and Approval*. This plat will create 15 lots and 1 tract.

New as-builts are recommended to ensure the redesign of the lots does not create a setback violation. A professional engineer stated the previous lot design would create lots that contain over 10,000 square feet of useable septic area and 10,000 sq ft of useable building area. Staff recommends an updated report be provided. Road construction will be to residential standards. Staff is recommending the best possible sight distance both ways for the intersection of Tex-Al and N. Slaton Street. A drainage plan was submitted which meets the SCM standards.

Two public comments were received for the previous design. Those concerns that apply to this design have been addressed by staff and the redesign of the lots and incorporation of Tract A into the subdivision has alleviated most of the concerns.

RECOMMENDATIONS for PRELIMINARY PLAT

Recommended motion: “I move to approve the preliminary plat of Birchwood Estates, located within Section 16, Township 18 North, Range 1 East, Seward Meridian, Alaska contingent on the following staff recommendations:”

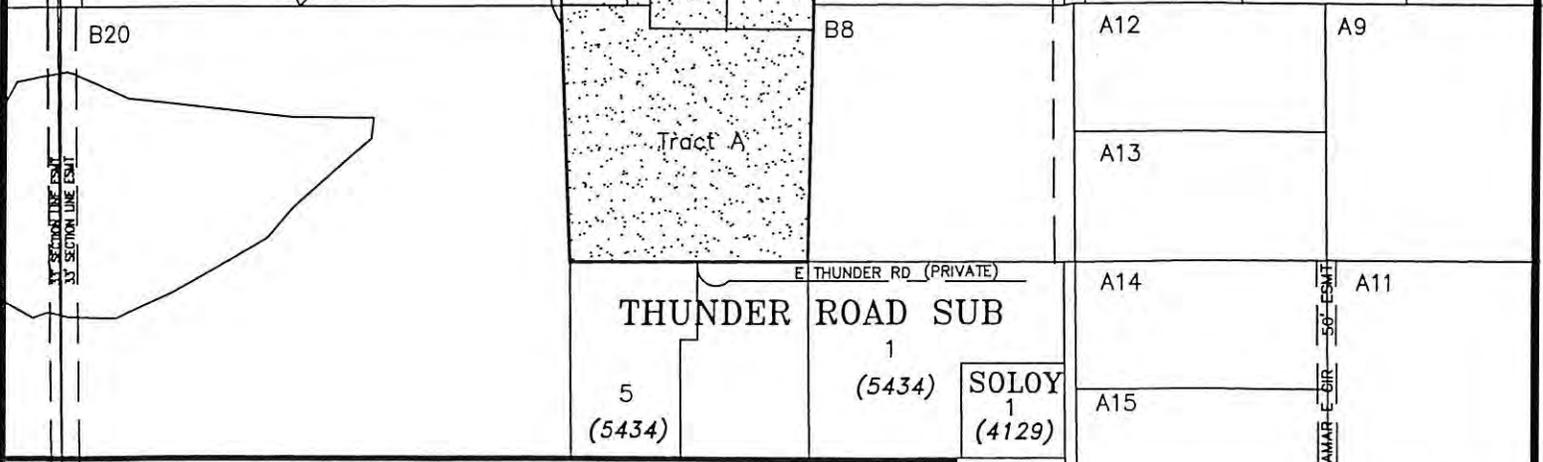
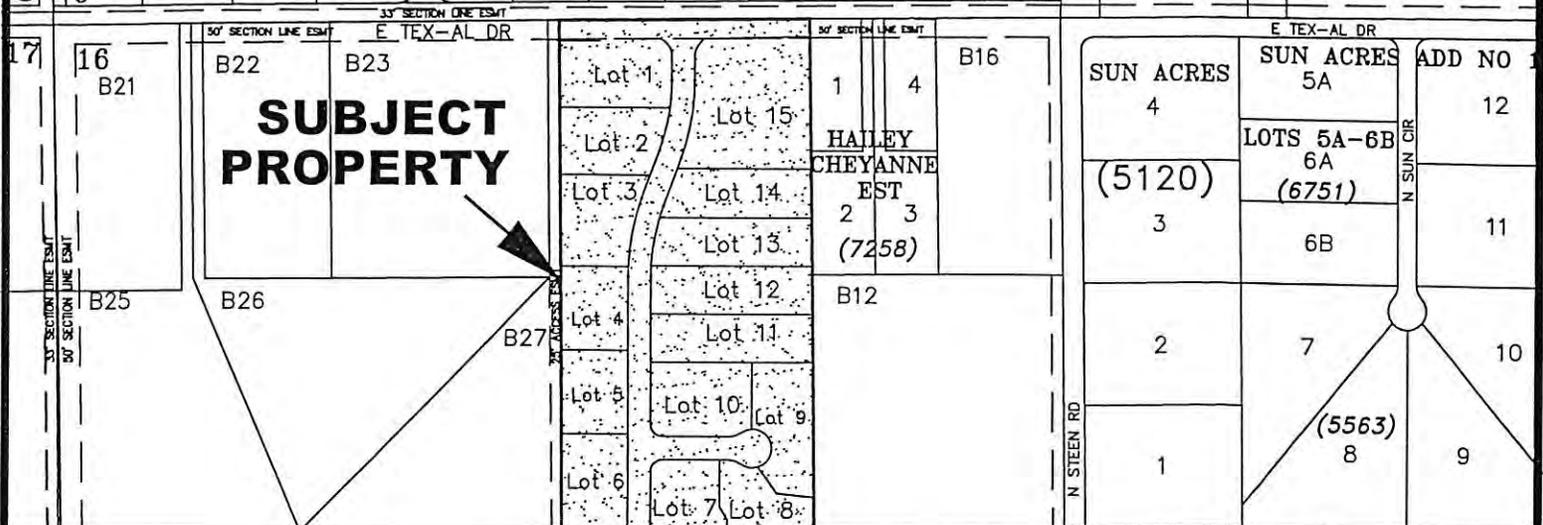
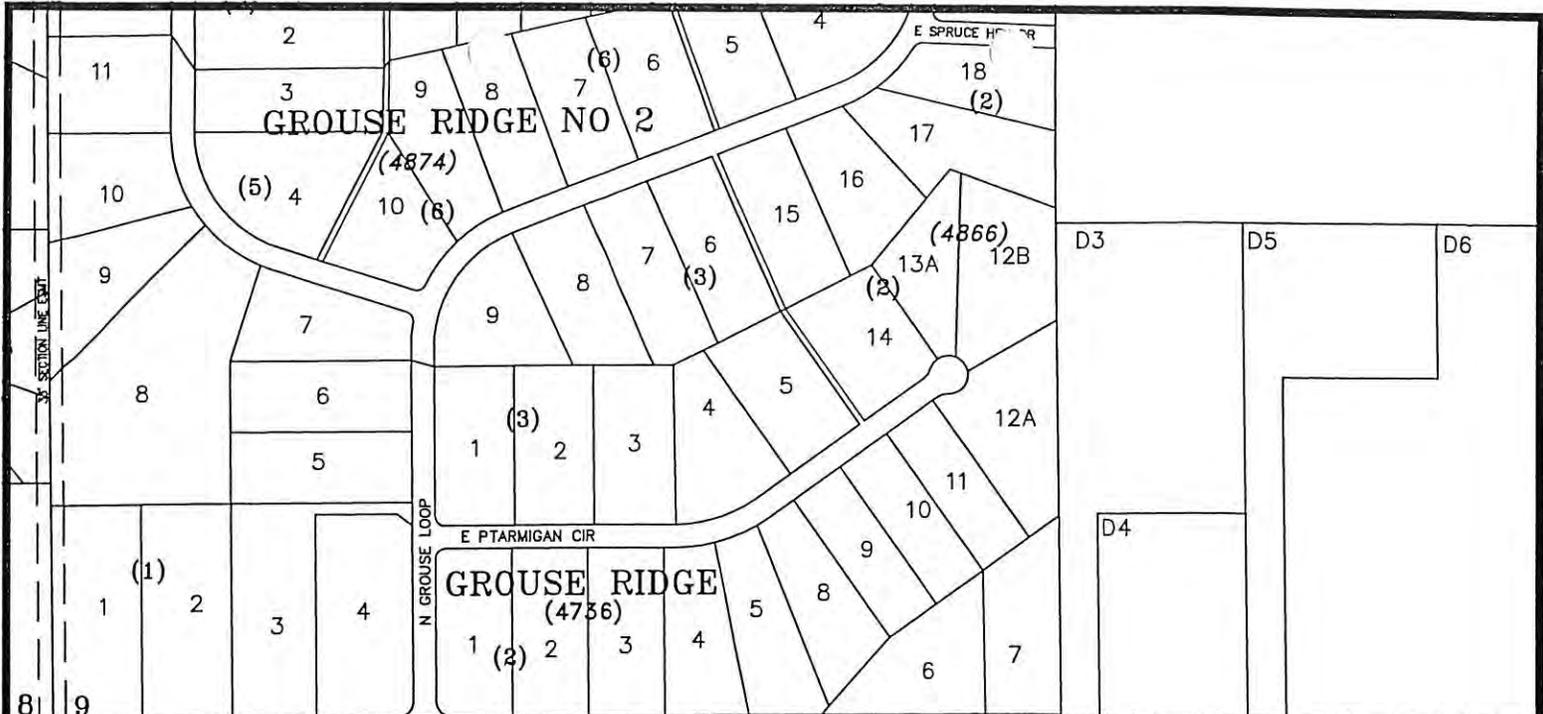
1. Submit the mailing and advertising fee.
2. Dissolve the Birchwood Estates Common Interest Community prior to or simultaneously with plat recordation.
3. Redesign the lots to meet the requirements of MSB 43.20.300, Lot and Block Design.
4. Provide updated as-built information to comply with MSB 43.15.016(A)(1)(e) for improvements within the properties involved in this subdivision. Resolve setback violations, if any, prior to plat recordation.
5. Provide evidence the Enstar gas line has been moved to within the new right-of-way to ensure adequate useable area on the lots as the current gas line cuts through Lots 1, 2, & 3.
6. Provide updated useable area report for the revised lot design.
7. Submit construction cost estimate, schedule pre-construction meeting with Dept of Public Works Engineer, pay 1% inspection fee, and obtain Notice to Proceed in compliance with SCM, Section E.
8. Construct all interior roads to minimum residential standards. Provide road profile if final road grades exceed 6% or cut/fills exceed 5 feet at the ditch line.
9. Dedicate 30' curve returns at the intersection N. Slaton Street and E. Tex-Al Drive per SCM A13.2.
10. Provide an engineer's sight distance analysis of Tex-Al Drive to determine the best location for the intersection to maximize the sight distance in both directions. The existing road may need to be moved depending on the results of the analysis. Roads shall be designed to a minimum residential standard per the SCM.
11. Provide slope and drainage easements as necessary.
12. Provide engineer's final inspection report along with verification from an RLS that the constructed roadways are located within the proposed right-of-way per MSB 43.20.140, *Physical Access*, and obtain Capital Project's Engineer signoff.
13. Widen the utility easement at the well location to extend 15 feet out from the well to facilitate utility installation and maintenance around the well as requested by MEA (**Exhibit G**).

14. Obtain an encroachment permit for the well remaining within the utility easement. MEA and MTA have provided non-objections.
15. Obtain driveway permits for the existing driveways on E. Brainard Circle prior to plat recordation per SCM A15.1(c).
16. Provide updated Certificate to Plat executed within 90 days, prior to recording the plat per MSB 43.15.053(E).
17. Submit an affidavit from any holders of beneficial interest, if any, to be recorded with the plat.
18. Submit recording fee, payable to the State of Alaska, DNR.
19. Taxes and special assessments must be current prior to recording the plat, per MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
20. Submit final plat in full compliance with Title 43.

FINDINGS for PRELIMINARY PLAT

1. The plat of Birchwood Estates is consistent with AS 29.40.070 Platting Regulations; and MSB 43.15.016, *Preliminary Plat Submittal and Approval*.
2. A portion of the property is under Common Interest Ownership. This community must be dissolved for the new subdivision to be effective.
3. The intersection of N. Slaton Street and E. Tex-Al Drive is required to be 300' from the closest access which is a 50' wide public use easement centered on the western boundary as Tex-Al Drive is classified as a minor collector.
4. Lot sizes for lots 11, 12, and 13 do not meet the requirements of MSB 43.20.300(A), *Lot and Block Design* for depth vs. width.
5. As-builts provided in January were completed prior to the recent lot design change. Also the as-built information provided within Tract A is not complete. Staff recommends updated as-builts be provided.
6. A professional engineer provided a useable area determination for the original design. Staff thinks the revised design is similar to the original design and the soils are mostly consistent throughout the subdivision although they would like to have an updated useable area report for the files in compliance with MSB 43.20.281.

7. Petitioner stated they intend to move the gas line from its current location to within the new roadway.
8. The plat shows that Tract A is over 400,000 sq ft and topographic contours were provided on the new plat in lieu of a useable area determination, meeting the requirement of MSB 43.20.281(A)(1)(i)(i).
9. The 50' Section Line Easement along the northern boundary is being dedicated as right-of-way.
10. There are 15' utility easements shown on the plat along both sides of the proposed right-of-ways consistent with the SCM standards for utilities. The petitioner is also granting a 15' utility easement adjoining the northern right-of-way dedication.
11. An existing well lies within the proposed utility easement, which will require an encroachment permit. MEA requests additional easement within this area to facilitate utility installation and maintenance. MTA and MEA provided non-objections to the well remaining in this location.
12. Relative risk of accidents at intersections is high and sight distance at intersections is of primary importance for giving drivers sufficient time to react to conflicts. The greatest sight distance that is achievable for the intersection of Tex Al Road and N. Slaton Street is most appropriate for the public safety.
13. Slope easements may be required as the internal road was constructed with large cuts through a hill between Lot 1 and 15. If necessary, these will be dedicated on the plat after road construction.
14. The existing well located within the utility easement on Lot 4 will either be abandoned or used for the lot, but will not be used as a community water source.
15. There is no direct access to Tex-Al Drive from lots within this subdivision.
16. One of the comments provided by Mr. George Strother, owner nearby: Parts of Lots 1 & 2 have gravel placed over a deep stump and vegetation debris fill area. Expect this area to settle substantially over the years. Mr. Strother felt it is appropriate to warn future property owners or the areas of debris fill should be delineated on the plat with a note of no construction or septic systems to be built in those areas. Staff notes a plat note is not allowed per MSB 43.15.052(A) Written Notes as this is a land use note and not required by law.
17. Other comments from the public have been addressed with the redesign or with recommendations from staff.



VICINITY MAP
 FOR PROPOSED BIRCHWOOD ESTATES
 LOCATED WITHIN
 SECTION 16, T18N, R1E
 SEWARD MERIDIAN, ALASKA

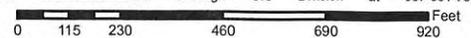
WASILLA 2 MAP





Matanuska Susitna Borough
 Platting Division
 Date: 6/29/2016

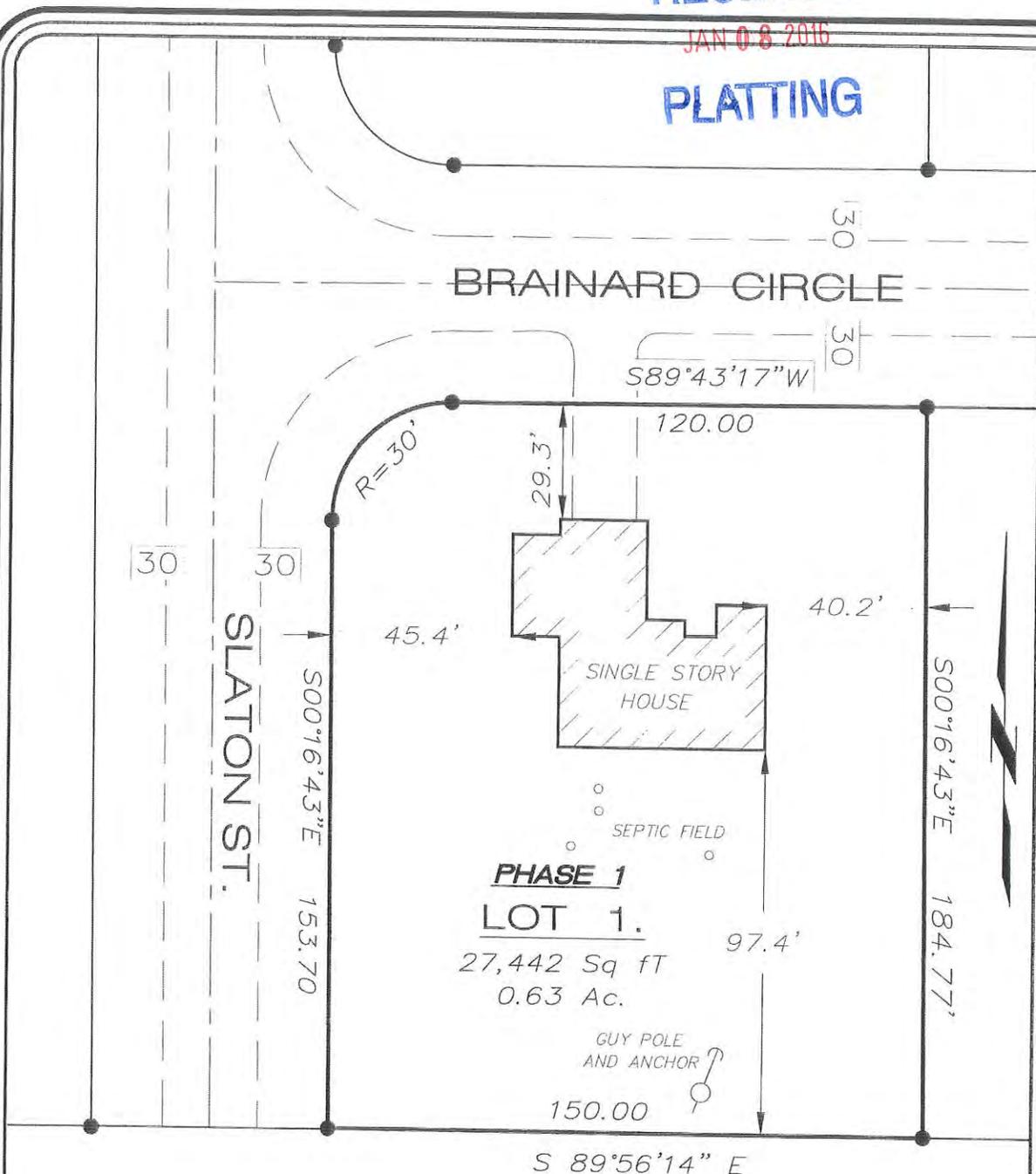
This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 007-861-7801.



RECEIVED

JAN 08 2016

PLATTING



MORTGAGE SURVEY NOTE: THIS SURVEY IS PREPARED IN ACCORDANCE TO A.S.P.L.S. MORTGAGE LOCATION SURVEY STANDARDS. THIS SURVEY REPRESENTS SURFACE CONDITIONS FOUND AT THE TIME OF LOCATION SURVEY AND DOES NOT CONSTITUTE A BOUNDARY SURVEY. THIS SURVEY IS SUBJECT TO ANY INACCURACIES THAT A BOUNDARY SURVEY MAY DISCLOSE. THE INFORMATION SHOWN HEREON SHALL NOT BE USED TO ESTABLISH FENCES, STRUCTURES, OR OTHER IMPROVEMENTS, UNLESS GROSS NEGLIGENCE IS DISCOVERED. LIABILITY OF THE PREPARER IS LIMITED TO THE FEES COLLECTED FOR SERVICES IN THE PREPARATION OF THIS PRODUCT.

NOTE:
THIS LOT IS CONNETED TO COMMUNITY WATER SYSTEM.

EXHIBIT B-1

SCALE: 1"=40'

 DATE: 17 JAN 2012
 FILE: 07510.03A/4026

AS-BUILT DRAWING OF:
PHASE 1, LOT 1, BIRCHWOOD ESTATES
 A COMMON INTEREST COMMUNITY
 (PLAT RECORDING NO. 2011-55)
 PROPERTY ADDRESS: BRAINARD COURT.
 WASILLA, AK., MAT-SU BOROUGH,
 PALMER RECORDING DIST.

49TH

 Thomas M. Kirchner
 LS-5713
 REGISTERED PROFESSIONAL LAND SURVEYOR
 1-6-2016

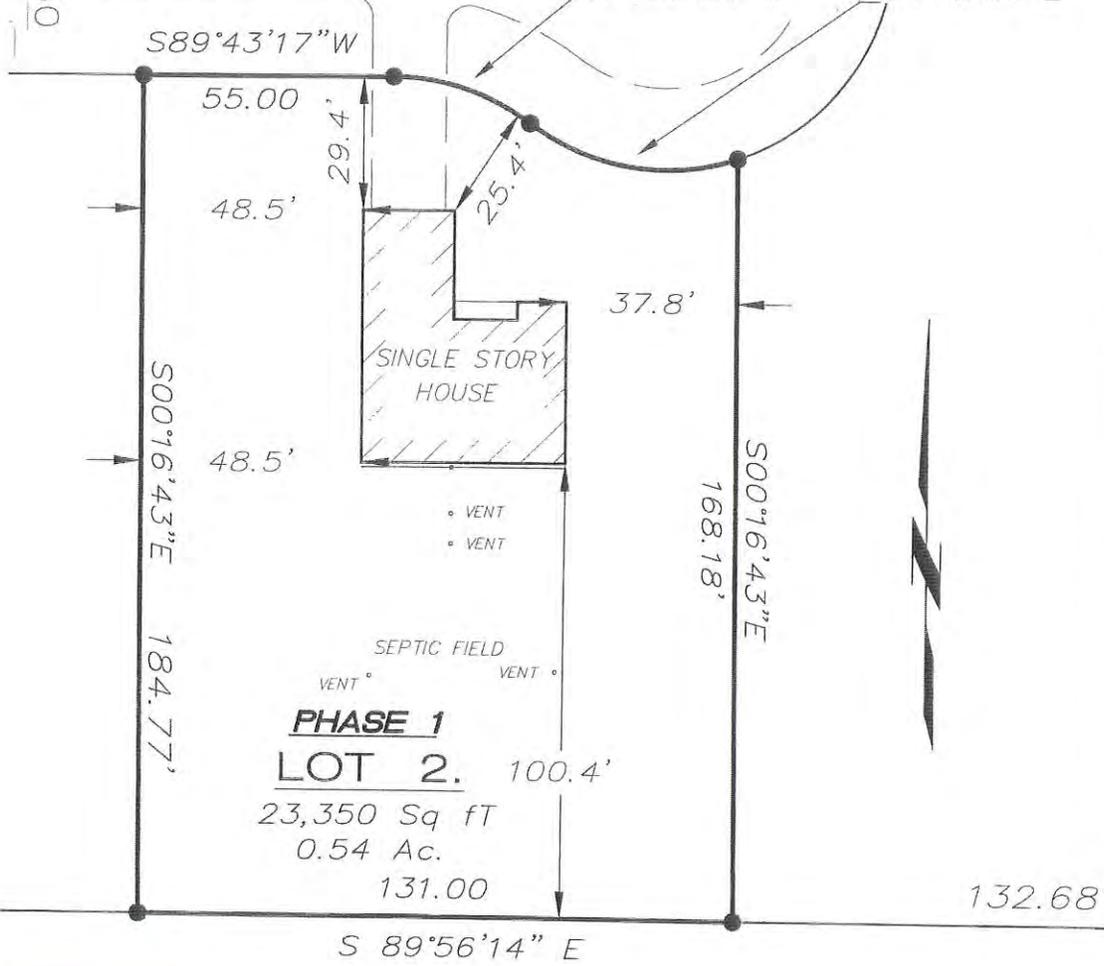
ALASKA LAND SURVEYING CO. L.L.C.

PO BOX 397, PALMER, ALASKA, 99645; TEL. 907-745-1491, FAX 907-745-1490

BRAINARD CIRCLE

$\Delta=36^{\circ}52'12''$
 $R=50.00$
 $L=32.18$
 $T=16.67$
Ch Dist=31.62
Ch Berg=
N71°50'37"W

$\Delta=55^{\circ}31'58''$
 $R=50.00$
 $L=48.46$
 $T=26.32$
Ch Dist=46.59
Ch Berg=
S81°10'30"E



MORTGAGE SURVEY NOTE: THIS SURVEY IS PREPARED IN ACCORDANCE TO A.S.P.L.S. MORTGAGE LOCATION SURVEY STANDARDS. THIS SURVEY REPRESENTS SURFACE CONDITIONS FOUND AT THE TIME OF LOCATION SURVEY AND DOES NOT CONSTITUTE A BOUNDARY SURVEY. THIS SURVEY IS SUBJECT TO ANY INACCURACIES THAT A BOUNDARY SURVEY MAY DISCLOSE. THE INFORMATION SHOWN HEREON SHALL NOT BE USED TO ESTABLISH FENCES, STRUCTURES, OR OTHER IMPROVEMENTS, UNLESS CROSS NEGLIGENCE IS DISCOVERED. LIABILITY OF THE PREPARER IS LIMITED TO THE FEES COLLECTED FOR SERVICES IN THE PREPARATION OF THIS PRODUCT.

RECEIVED

JAN 08 2016

PLATTING

NOTE:

THIS LOT IS CONNECTED TO COMMUNITY WATER SYSTEM.

EXHIBIT B-2

SCALE: 1"=40'



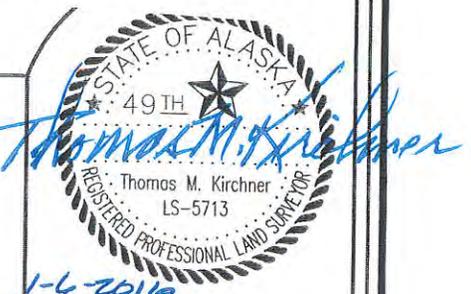
DATE: 17 JAN 2012

FILE: 07510.03A/4026

AS-BUILT DRAWING OF:

PHASE 1, LOT 2, BIRCHWOOD ESTATES
A COMMON INTEREST COMMUNITY
(PLAT RECORDING NO. 2011-55)

PROPERTY ADDRESS: BRAINARD COURT.
WASILLA, AK., MAT-SU BOROUGH,
PALMER RECORDING DIST.



ALASKA LAND SURVEYING CO. L.L.C.

PO BOX 397, PALMER, ALASKA, 99645; TEL. 907-745-1491, FAX 907-745-1490



RECEIVED

JAN 15 2016

Pioneer Engineering LLC
Professional, Reliable, Local

January 11, 2016

**RE: Birchwood Estates Subdivision - Usable Area Report
T18N R1E Sec 16 Lot B10**

Platting Division, Mat-Su Borough
350 E. Dahlia Ave.
Palmer, AK 99645

Dear Hr. Hulbert,

Usable Area: Working on behalf of the owner, Paul Madson, and in coordination with Alaska Land Surveying Co. LLC, I performed a soils investigation for the above-referenced proposed subdivision. The project will create 15 lots from the parent parcel that contains approximately 19.9 acres. This soils evaluation includes visual descriptions of each of the lots, a review of historic test hole information, and a review of topography information.

All lots will be accessed from a new internal road (N Slaton Street) being constructed within the subdivision.

Topography: Most of the lots are fairly flat. Lot 15 contains the remainder of a hill that originally spanned across Lots 1 and 15 that was mined to provide gravel for the new internal road. This is the only area where grades over 25% were noted. The total elevation differential across the entire +/- 20 acres was approximately 60 feet, dropping from north to south.

Vegetation & Soils: There are two structures on the parent parcel. When subdivided, these two single family residences will remain on lots 7 and 8. The majority of the parent parcel has been cleared. A few trees remain on the east, west, and south perimeters.

Test Holes: Six test holes were excavated, inspected and documented on 11-19-09 by Thomas Kirchner, PLS (see attached). All test holes were excavated to 14 to 15 feet deep. All test holes were spaced fairly evenly throughout the parcel, providing a very good representation of the subsurface soils throughout the property.

All test holes began with 1.5 feet of topsoil and brown dirt overlaying a generally 2-foot to 3-foot thick layer consisting of 1-inch to 8-inch diameter rocks with fines. This layer was classified as GW to GW/GP soils. Further down, a 7.5' to 11' thick layer of GP soils (1" to 8" diameter rocks containing more fines) was encountered. The only atypical test hole was #6 near the NW corner of the property. After 1.5' of topsoil and 6.5' of GW soils, ML glacial silt or "hardpan" material was encountered beginning at 8' deep and continuing to the bottom of the test hole at 14' below ground surface.

Groundwater: No groundwater was discovered in any of the test holes.

EXHIBIT C-1



Pioneer Engineering LLC
Professional, Reliable, Local

Flood Hazard Reduction: The proposed subdivision is not located in any Flood Hazard Area on FIRM Panels 02170C7241E (attached) or 02170C7245E.

Useable Area: The proposed lots have very few limitations on areas defined by MSB code as *useable septic area* or *useable building area*. Useable septic areas may be slightly limited by lot lines.

Each lot will be nominally an acre in size. With the size of the lots, setbacks to future water wells should present little influence to siting of septic drainfields.

Based on the available soils & water table information, topography, MSB Title 43 Code definitions, and my observations at the site, *each lot will have at least 10,000 square feet of usable building area and at least 10,000 square feet of usable septic area as required by MSB 43.20.280 AREA.*

If you have any questions, please do not hesitate to contact me. Thank you for your time.

Sincerely,

Bill Klebesadel, P.E.
Owner/Principal Engineer,
Pioneer Engineering LLC



EXHIBIT C-2

ALASKA LAND SURVEYING CO., L.L.C.

5451 N. MAVERICK DRIVE
P.O. BOX 392
PALMER, AK 99645

tel: (907)745-1491
fax: (907)745-1490

TEST HOLE No. 1
DATE LOGGED:
19 NOVEMBER 2009
LOGGED BY: T.M.K.

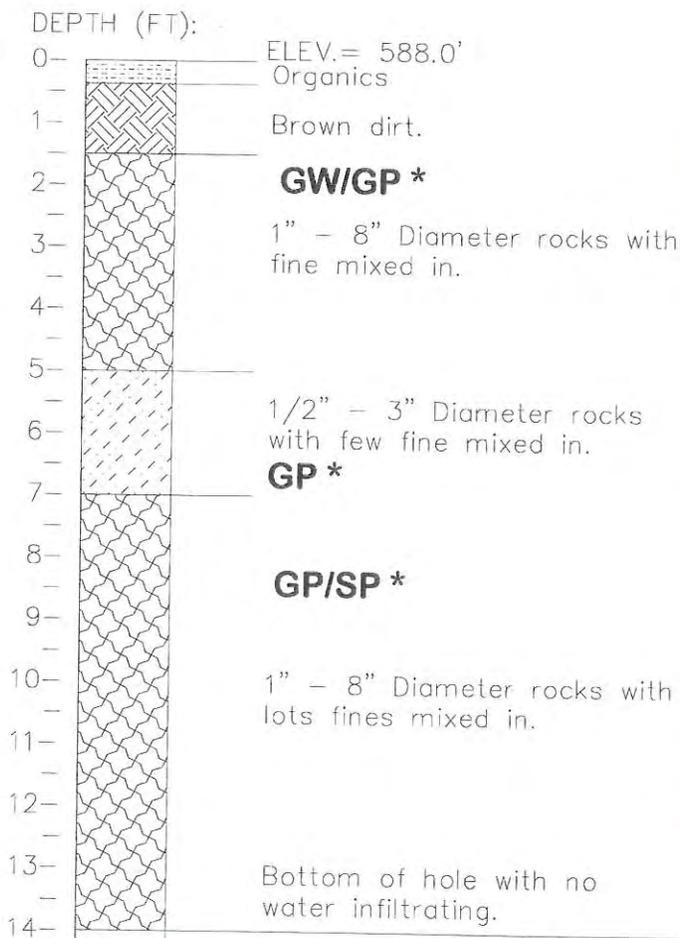
LOCATION:
N= 18,755.0'
E= 19,450.0'
ELEV.= 588.0'

PROJECT:
BIRCHWOOD ESTATES,
WASILLA, AK.

**UNIFIED GROUP
SYM:**

DESCRIPTION

PHOTO(S)



*Soils were classified under the Unified Soil Classification System. Soils were field classified at the time of digging. The visual field classification was supplemented with a laboratory gradation of a blended sample of similar soils. Individual lots intended for on-site septic systems should be tested for site-specific conditions and infiltration rates, and to verify there are no anomalies that would preclude on-site disposal.

ALASKA LAND SURVEYING CO., L.L.C.

5451 N. MAVERICK DRIVE
P.O. BOX 392
PALMER, AK 99645

tel: (907)745-1491
fax: (907)745-1490

TEST HOLE No. 2
DATE LOGGED:
19 NOVEMBER 2009
LOGGED BY: T.M.K.

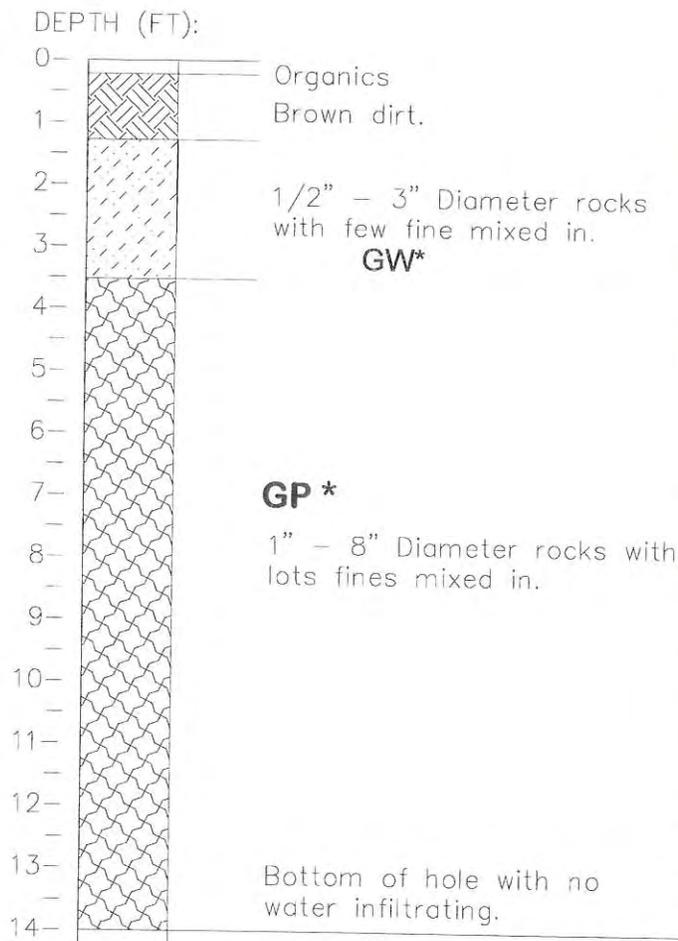
LOCATION:
N= 18,795.0'
E= 19,925.0'
ELEV.= 587.0'

PROJECT:
BIRCHWOOD ESTATES,
WASILLA, AK.

**UNIFIED GROUP
SYM:**

DESCRIPTION

PHOTO(S)



*Soils were classified under the Unified Soil Classification System. Soils were field classified at the time of digging. The visual field classification was supplemented with a laboratory gradation of a blended sample of similar soils. Individual lots intended for on-site septic systems should be tested for site-specific conditions and infiltration rates, and to verify there are no anomalies that would preclude on-site disposal.

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5451 N. MAVERICK DRIVE
P.O. BOX 392
PALMER, AK 99645

tel: (907)745-1491
fax: (907)745-1490

TEST HOLE No. 3
DATE LOGGED:
19 NOVEMBER 2009
LOGGED BY: T.M.K.

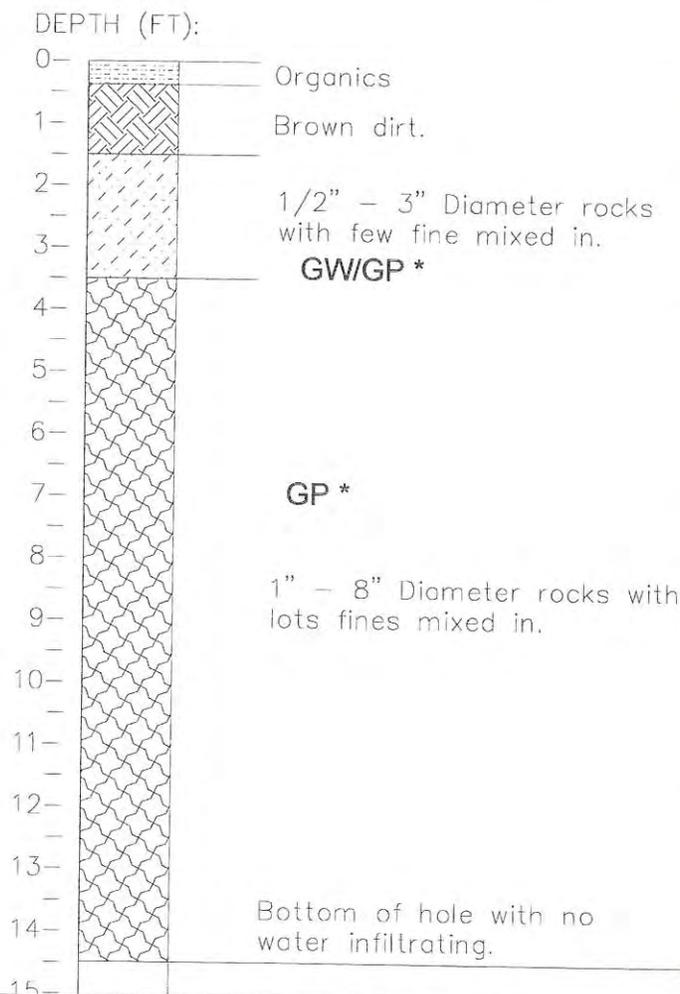
LOCATION:
N= 19,132.0'
E= 19,625.0'
ELEV.= 590.0'

PROJECT:
BIRCHWOOD ESTATES,
WASILLA, AK.

**UNIFIED GROUP
SYM:**

DESCRIPTION

PHOTO(S)



*Soils were classified under the Unified Soil Classification System. Soils were field classified at the time of digging. The visual field classification was supplemented with a laboratory gradation of a blended sample of similar soils. Individual lots intended for on-site septic systems should be tested for site-specific conditions and infiltration rates, and to verify there are no anomalies that would preclude on-site disposal.

ALASKA LAND SURVEYING CO., L.L.C.

5451 N. Maverick Dr.
P.O. Box 392
Palmer, Alaska 99645

tel: (907)745-1491
fax: (907)745-1490

TEST HOLE No.4
DATE LOGGED:
19 NOVEMBER 2009
LOGGED BY: T.M.K.

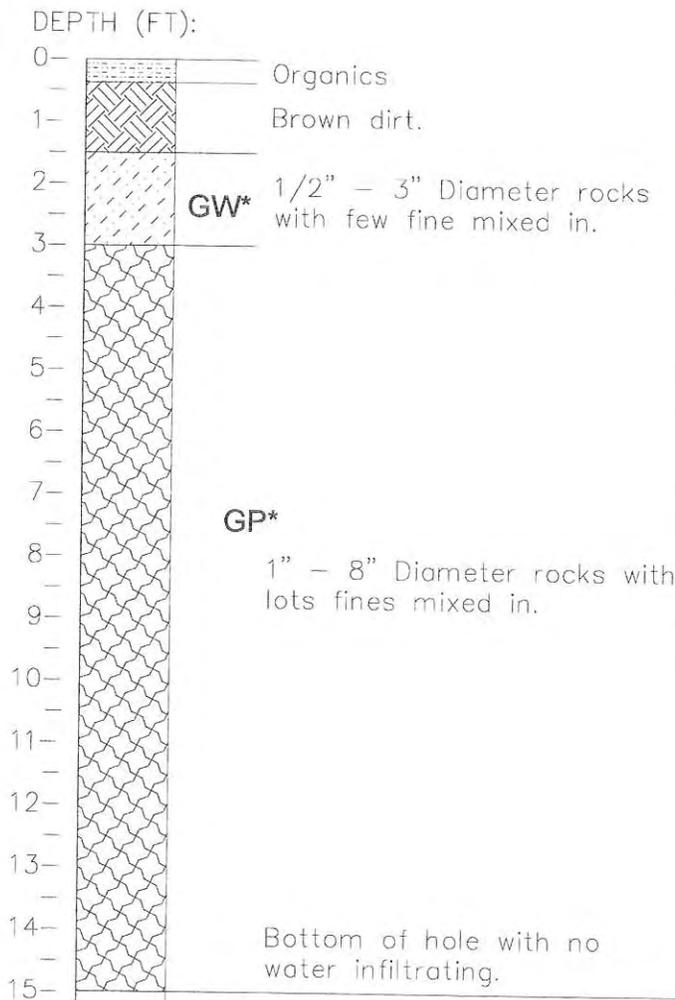
LOCATION:
N= 19,635.0
E= 19,920.0'
ELEV.= 592.0'

PROJECT:
BIRCHWOOD ESTATES,
WASILLA, AK.

UNIFIED GROUP
SYM:

DESCRIPTION

PHOTO(S)



*Soils were classified under the Unified Soil Classification System. Soils were field classified at the time of digging. The visual field classification was supplemented with a laboratory gradation of a blended sample of similar soils. Individual lots intended for on-site septic systems should be tested for site-specific conditions and infiltration rates, and to verify there are no anomalies that would preclude on-site disposal.

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5451 N. Maverick Dr.
P.O. Box 392
Palmer, Alaska 99645

tel: (907)745-1491
fax: (907)745-1490

TEST HOLE No. 6
DATE LOGGED:
19 NOVEMBER 2009
LOGGED BY: T.M.K.

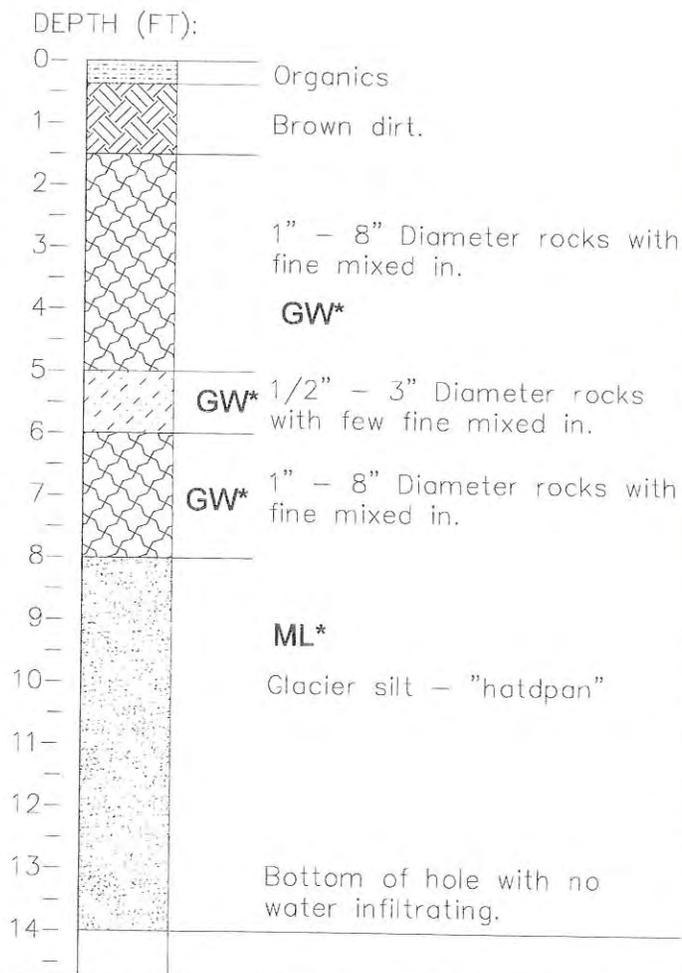
LOCATION:
N= 19,510.0'
E= 19,415.0'
ELEV.= 594.0'

PROJECT:
BIRCHWOOD ESTATES,
WASILLA, AK.

UNIFIED GROUP SYM:

DESCRIPTION

PHOTO(S)



*Soils were classified under the Unified Soil Classification System. Soils were field classified at the time of digging. The visual field classification was supplemented with a laboratory gradation of a blended sample of similar soils. Individual lots intended for on-site septic systems should be tested for site-specific conditions and infiltration rates, and to verify there are no anomalies that would preclude on-site disposal.

ALASKA LAND SURVEYING CO., L.L.C.

5451 N. Maverick Dr.
P.O. Box 392
Palmer, Alaska 99645

tel: (907)745-1491
fax: (907)745-1490

TEST HOLE No. 7
DATE LOGGED:
19 NOVEMBER 2009
LOGGED BY: T.M.K.

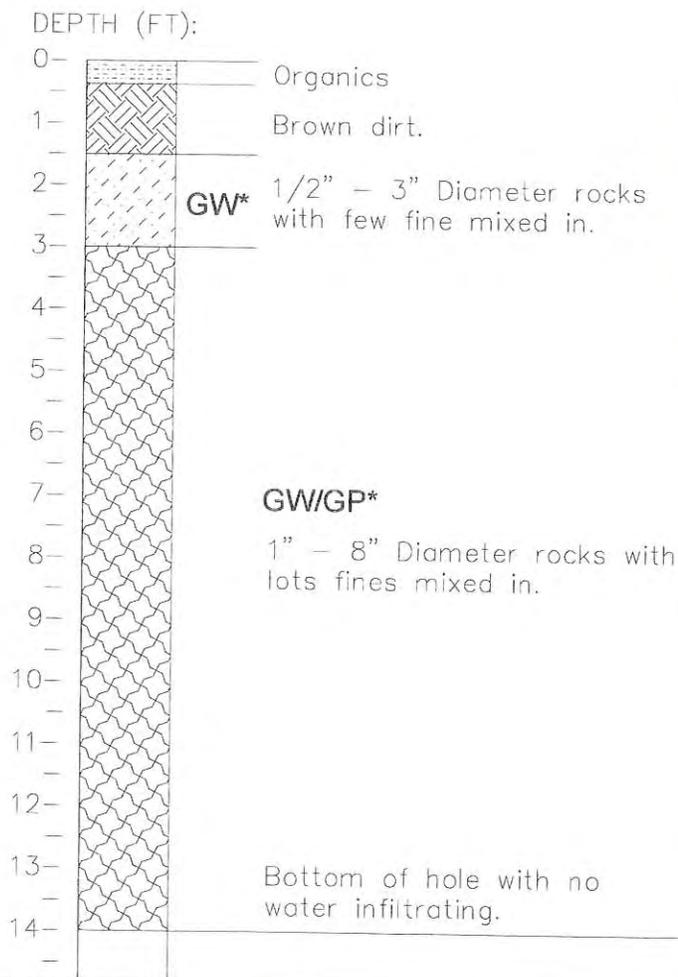
LOCATION:
N= 19,165.0'
E= 19,980.0'
ELEV.= 593.0'

PROJECT:
BIRCHWOOD ESTATES,
WASILLA, AK.

UNIFIED GROUP
SYM:

DESCRIPTION

PHOTO(S)

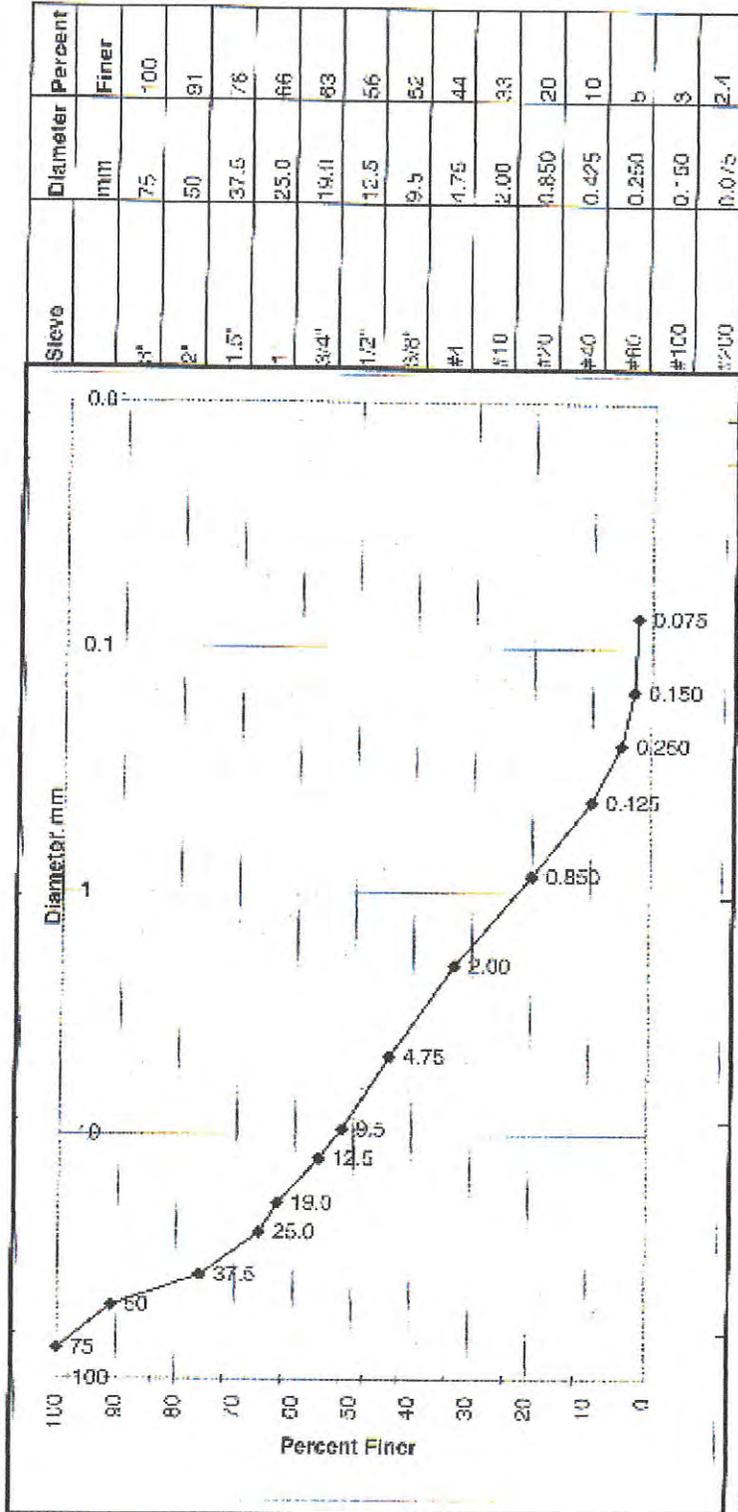


*Soils were classified under the Unified Soil Classification System. Soils were field classified at the time of digging. The visual field classification was supplemented with a laboratory gradation of a blended sample of similar soils. Individual lots intended for on-site septic systems should be tested for site-specific conditions and infiltration rates, and to verify there are no anomalies that would preclude on-site disposal.



MARK HANSEN P.E.

CONSULTING ENGINEERS TESTING LABORATORY
 2603 N. Old Glenn Hwy. Pomona, AK 98846-4323 Phone: (360) 745-4721 Fax: (360) 746-4721
 e-mail: mh@mh-engineers.com

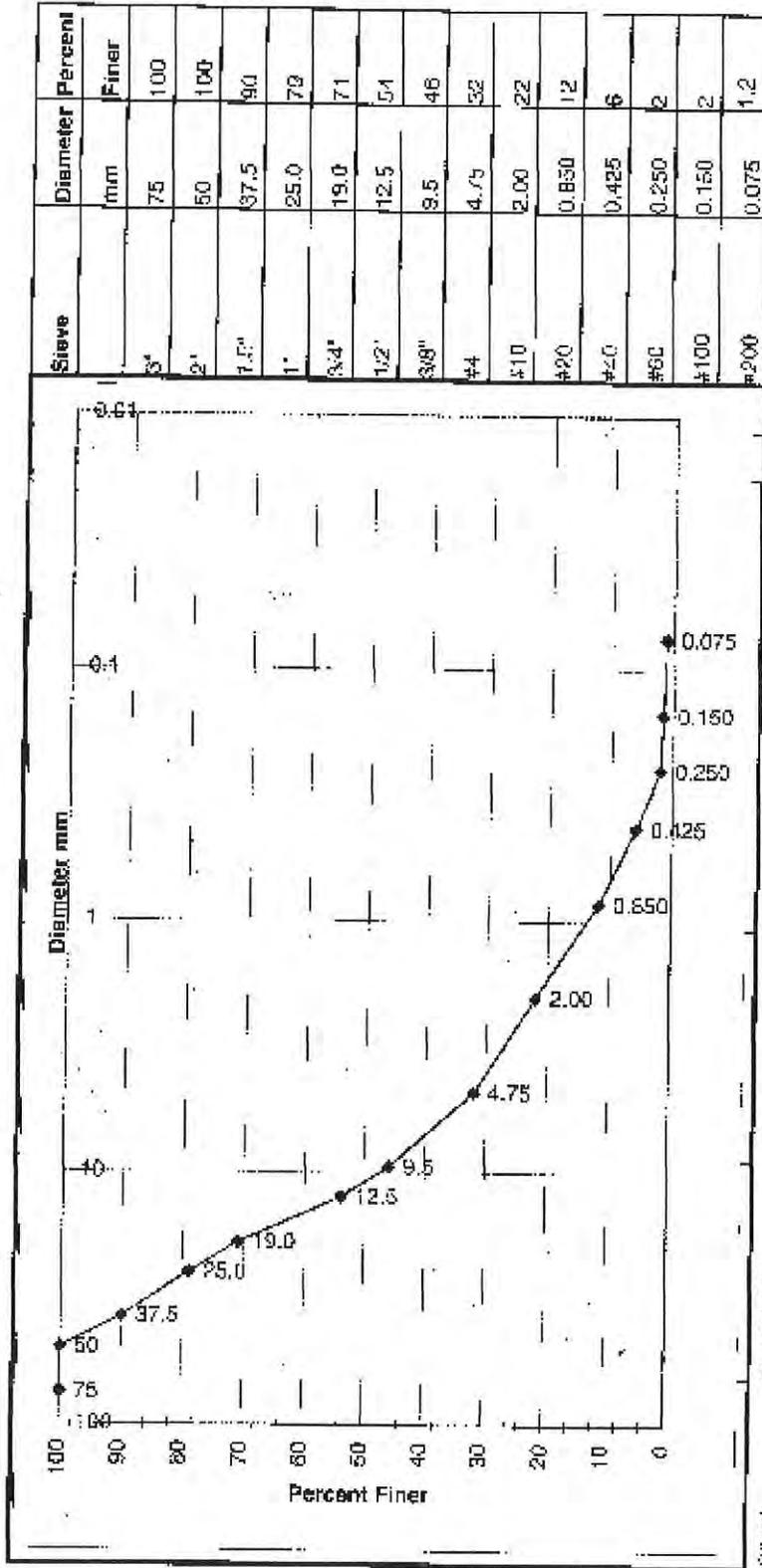


Client: Ken Walch
 Project: Birchwood Estates
 Sample Location: #1
 Depth:
 Soil Description: Poorly graded Gravel with Sand
 Unified Classification: GP
 Date: 1/20/2010
 Sample Date: 1/12/2010
 C_u = 38
 C_c = 0.4
 Proj. No.: 10004



MARK HANSEN P.E.

CONSULTING ENGINEERS TESTING LABORATORY
 2805 N. Old Salem Hwy, Fairfax, VA 22031-4323 Phone: (907) 745-4723 Fax: (907) 746-4725
 e-mail: mhpe@mtl.com



Client: Ken Walsh
 Project: Birchwood Estates
 Sample Location: #2
 Depth:
 Soil Description: Well graded Gravel with Sand
 Unified Classification: GW

Date: 1/20/2010
 Sample Date: 1/12/2010
 Proj No.: 10004

Peggy Horton

From: Peggy Horton
Sent: Wednesday, June 15, 2016 3:12 PM
To: Bill Klebesadel (pioneerllc@hotmail.com)
Cc: Tom Kirchner (tkirchner.als@ak.net)
Subject: Birchwood Estates soils report amendment for redesign
Attachments: prior soils report.pdf; Birchwood Est Rev plat.PDF

Bill,

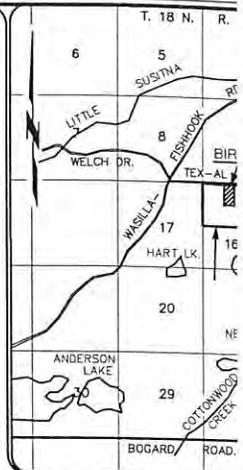
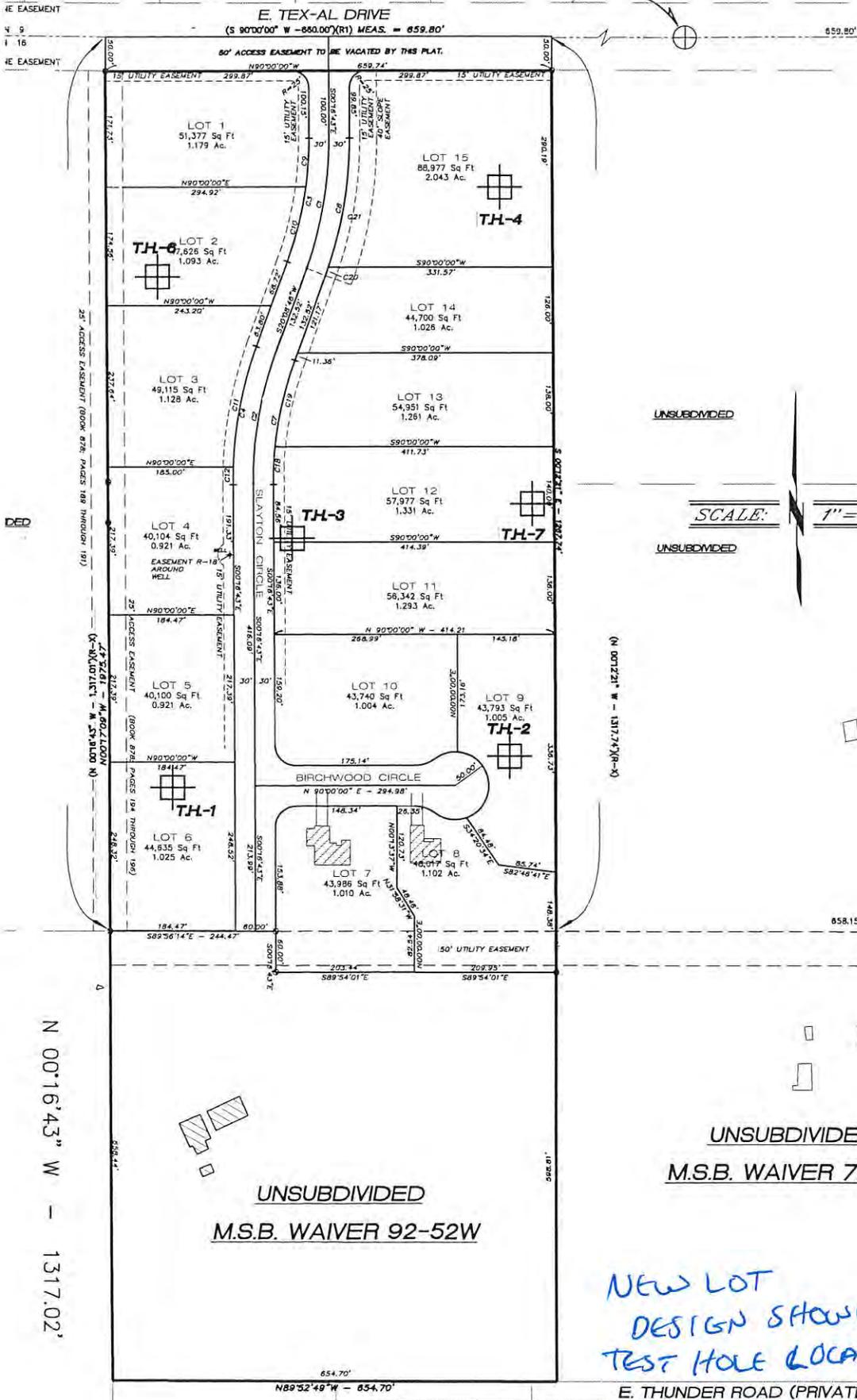
Could you please amend your soils report for the new lot design? Attached is your previous report. An amendment (or email) could be submitted just telling us that the adjusted lots will still have 10,000 sq ft of useable septic area and 10,000 sq ft of useable building area AND that the larger tract A is over 400,000 sq ft and does not require useable area determination per MSB 43.20.281(A)(1)(i)(i) because a topographic information has been provided by the surveyor.

Peggy Horton
Platting Technician
Matanuska-Susitna Borough
(907) 861-7881 direct
(907) 861-8407 fax
peggy.horton@matsugov.us (email)

EXHIBIT C-11

BASIS OF BEARING

(Rec. WEST 2,640.00' Per G.L.O.) Meas. 2,639.22'



- LEGEND**
- FOUND SURVEY MONUMENTS:**
- ⊕ FOUND B.L.M. OR G.L.O. MONUMENT AS DES
 - ⊕ FOUND PRIMARY MONUMENT SET BY OTHER ALUMINUM CAP ON 2" DIA. ALUMINUM PIPE
 - 1-1/2" DIA. ALUMINUM CAP ON 5/8" DIA. REBAR
 - 1-1/4" DIA. YELLOW PLASTIC CAP (YPC) ON 5/8" DIA. REBAR
 - 1" DIA. IRON PIPE
- SET SURVEY MONUMENTS:**
- ⊙ SET SECONDARY MONUMENT THIS SURVY DIA. ALUMINUM CAP ON 5/8" DIA. REBAR 2' SET ON ALL LOT CORNERS LOCATED ALONG ROAD RIGHT-OF-WAY.

UNSUBDIVIDED

SCALE: 1" = 80'

UNSUBDIVIDED

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	20°25'29"	550.00	196.06	99.04
C2	20°18'09"	550.04	194.90	98.48
C3	20°25'29"	520.00	185.37	93.68
C4	20°32'52"	580.04	207.97	105.11
C5	24°25'52"	60.00	254.43	97.98
C6	62°57'52"	50.00	54.95	30.62
C7	20°32'59"	520.04	186.52	94.27
C8	20°25'29"	580.00	206.76	104.49
C9	7°09'51"	574.02	71.77	35.93
C10	12°30'55"	520.00	113.58	57.02
C11	17°58'08"	580.04	181.91	91.71
C12	2°14'27"	580.04	26.06	13.03
C13	63°36'00"	60.00	68.17	36.30
C14	84°54'00"	60.00	88.91	54.88
C15	30°00'00"	60.00	31.42	16.08
C16	30°00'00"	60.00	31.42	16.08
C17	42°57'52"	60.00	34.52	17.75
C18	63°02'02"	520.04	55.52	27.79
C19	14°25'57"	520.04	130.99	65.85
C20	17°01'01"	580.00	12.99	6.50
C21	19°08'28"	580.00	193.76	97.79

SURVEYOR CERTIFICATE:

I, THOMAS M. KIRCHNER, ALS 5713, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY OR UNDER MY DIRECT SUPERVISION, AND MONUMENTS SHOWN ON THE PLAT ACTUALLY EXIST AS DESCRIBED, AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

DATE: _____

RECEIVED

JUN 30 2016

GRAPHIC SCALE: 1" = 80'

UNSUBDIVIDE

M.S.B. WAIVER 7:

NEW LOT DESIGN SHOWING TEST HOLE LOCATIONS

UNSUBDIVIDED

M.S.B. WAIVER 92-52W

PLATTING

A PLAT OF

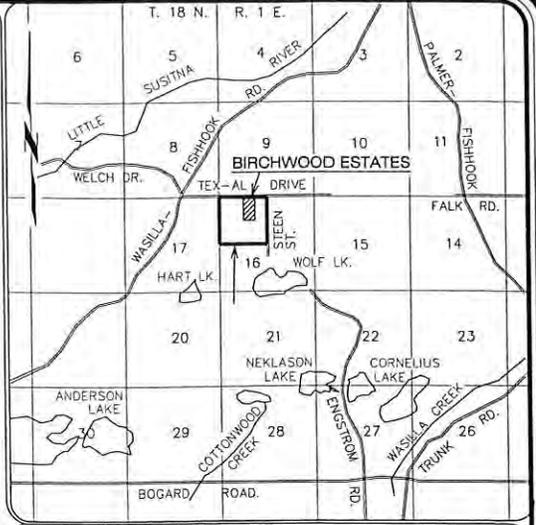
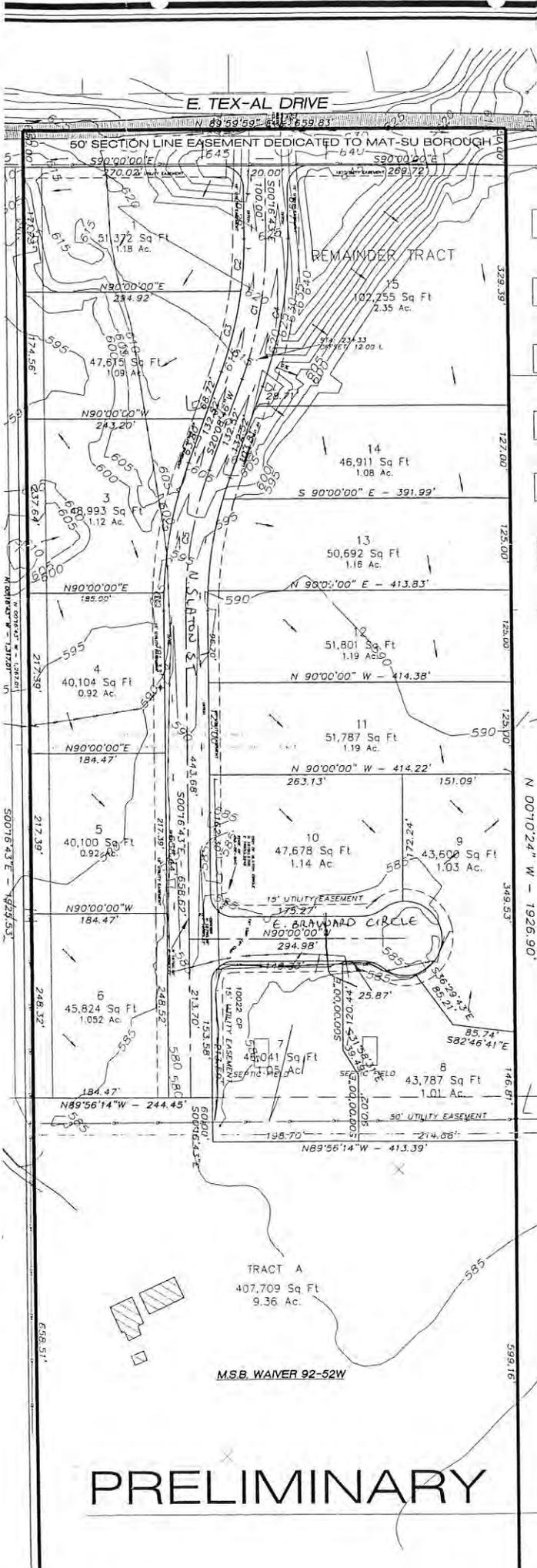
BIRCHWOOD E

SUBDIVISION OF WEST 1/2, OF NORTHEAST 1/4 OF SECTION 16; TOWNSHIP 18 NORTH, RANGE 0 MAT-SU BOROUGH, PALMER RECORD

CONTAINING 19.93 AC. MO

EXHIBIT C-12

19-1009



LEGEND

- FOUND SURVEY MONUMENTS:**
- FOUND B.L.M. OR G.L.O. MONUMENT AS DESCRIBED HEREIN.
 - FOUND PRIMARY MONUMENT SET BY OTHERS: 3-1/4" OR 2" DIA. ALUMINUM CAP ON 2" DIA. ALUMINUM PIPE
 - 1-1/2" DIA. ALUMINUM CAP ON 5/8" DIA. REBAR.
 - 1-1/4" DIA. YELLOW PLASTIC CAP (YPC) ON 5/8" DIA. REBAR.
 - 1" DIA. IRON PIPE

- SET SURVEY MONUMENTS:**
- SET SECONDARY MONUMENT THIS SURVEY: 2-1/2" DIA. ALUMINUM CAP ON 5/8" DIA. REBAR 36" LONG SET ON ALL LOT CORNERS LOCATED ALONG ROAD RIGHT-OF-WAY.



CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD DIST.	CHORD BERG.
C1	20°25'29"	550.00	196.06	99.08	195.03	N09°56'02"E
C2	20°18'09"	550.04	194.90	98.48	193.89	S09°59'40"W
C3	20°25'29"	520.00	185.37	93.68	184.39	N09°56'02"E
C4	20°32'35"	580.04	207.97	105.11	206.86	S09°52'27"W
C5	24°57'52"	60.00	254.43	97.98	102.34	N58°14'21"E
C6	62°57'52"	50.00	54.95	30.62	52.22	S31°45'39"E
C7	20°32'59"	520.04	186.52	94.27	185.52	S09°52'15"W
C8	20°25'29"	580.00	206.76	104.49	205.66	N09°56'02"E
C9	7°09'51"	574.02	71.77	35.93	71.73	N03°40'34"E
C10	12°30'55"	520.00	113.58	57.02	113.36	N13°53'19"E
C11	17°58'08"	580.04	181.91	91.71	181.16	S11°09'41"W
C12	2°34'27"	580.04	26.06	13.03	26.06	S00°53'23"W
C13	65°08'00"	60.00	68.17	38.30	64.56	S32°49'43"E
C14	84°54'00"	60.00	88.91	54.88	80.99	N72°10'17"E
C15	30°00'00"	60.00	31.42	16.08	31.06	N14°43'17"E
C16	30°00'00"	60.00	31.42	16.08	31.06	N15°16'43"W
C17	3°07'03"	520.25	28.31	14.16	28.30	S01°08'55"W
C18	14°00'25"	520.04	127.13	63.89	126.62	S09°42'41"W
C19	3°25'52"	520.04	31.14	15.58	31.14	S18°25'49"W

SURVEYOR CERTIFICATE:

I, THOMAS M. KIRCHNER, ALS 5713, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND MONUMENTS SHOWN ON THE PLAT ACTUALLY EXIST AS DESCRIBED, AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

DATE: 6/15/2016



T8PO

GRAPHIC SCALE: 1" = 100'



Agenda Copy

EXHIBIT D
BIRCHWOOD

SUBDIVISION OF
THE W. 1/2, N.E. 1/4, N.W. 1/4, + PARCEL 1 MSB WAIVER 92-9, RECORD 43 9352W
SECTION 16, TOWNSHIP 18 NORTH, RANGE 01 EAST, SEWARD MERIDIAN,
MAT-SU BOROUGH, PALMER RECORDING DISTRICT, ALASKA
CONTAINING 29.93 AC. MORE OR LESS

OWNER:

P & J PROPERTIES
P.O. BOX 875910-258
WASILLA, AK. 99687

SURVEYOR:

PAUL J. MADSON
P.O. BOX 89523
SIOUX FALLS, SD 57109-1009

SURVEYOR:

ALASKA LAND SURVEYING CO., L.L.C.
5451 N. MAVERICK DRIVE
P.O. BOX 397
PALMER, ALASKA 99645

Agenda Copy

14547.05 / 4026

SIGHT DISTANCE ALONG
 E. TEX-AL DRIVE
 FROM SLATON ST.

#57 MY HOES RT HOES DIST EL.
 K @ #59
 BS @ #10022
 Z = 0°00'00"

#58
 EIGHT DIST TO ONE CORNER'S
 TRAFFIC FROM EAST IS
381'

#57
 EIGHT DIST TO ONE CORNER'S
 TRAFFIC FROM WEST IS
380'

RECEIVED
 JAN 08 2016
 PLATTING



Thomas M. Kirchner
 01/08/2016

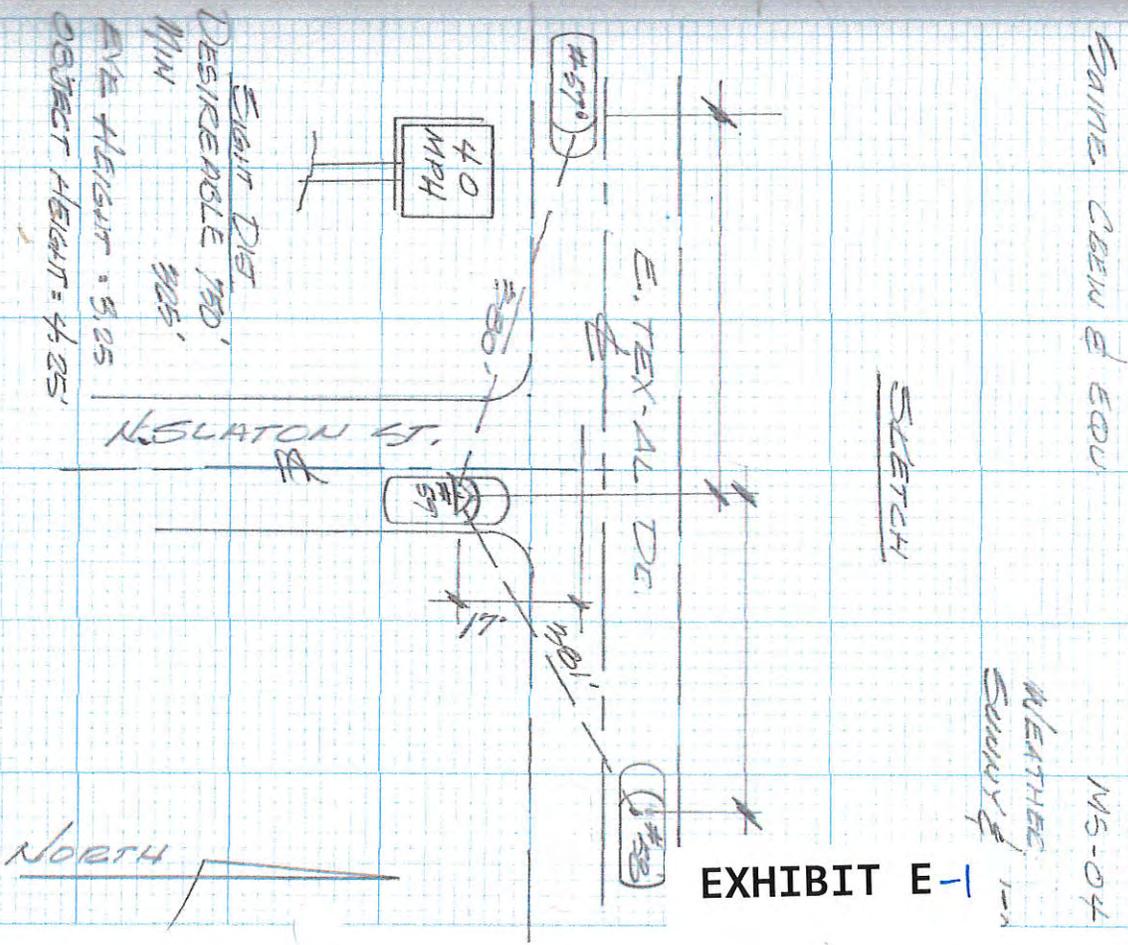
SAT 07 Nov 2015

SKETCH

MS-04

WEATHER
 Sunny & 1-4

EXHIBIT E - 1



SIGHT DIST
 DESIRABLE 780'
 MIN 705'
 EYE HEIGHT = 5.25
 OBJECT HEIGHT = 4.25'

Peggy Horton

From: Peggy Horton
Sent: Friday, February 12, 2016 2:10 PM
To: Tom Kirchner (tkirchner.als@ak.net)
Subject: Birchwood Estates sight distance
Attachments: S011000628_1602110758000.pdf; tom's site distance.pdf

Tom,

Our new borough engineer, Jamie Keller and I, went out to Birchwood Estates and took a look at the sight distance at the intersection and made our own measurements. We did this because when she and Bob Walden went out there earlier last week, both thought the sight distance to the east would not meet the Subdivision Construction Manual standards. She was at the station on Slaton and bending over to be at the height of 3.25'. She said that if she stood up, she could see the car at 381 feet, but not if she was stooping down to 3.25'. I was in the car.

I showed her your drawing of sight distance and there appears to be some discrepancies. It looks like we're about 100 foot off. Could you help us figure this out?

She also said that moving the road over a bit to the east and taking down all the brush on either side of the Slaton St would improve the sight distance.

We're looking through our files to see what the design speed is for Tex Al road, but you're probably right at 40 MPH. The posted speed limit is 30 MPH.

Peggy Horton
Platting Technician
Matanuska-Susitna Borough
(907) 861-7881 direct
(907) 861-8407 fax
peggy.horton@matsugov.us (email)

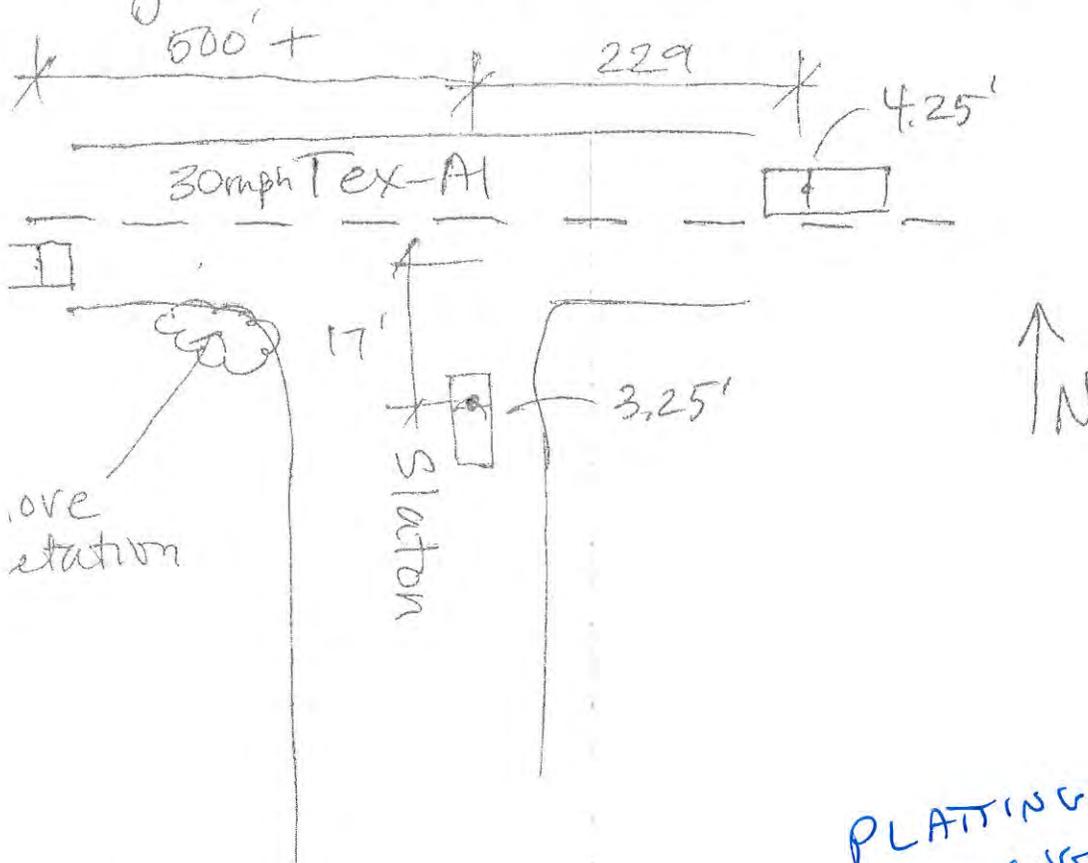
Tex-AL & Slaton st.

2/9/2016

10:15 am

sunny

Sight Distance



Tex-AL

posted speed = 30 mph

design speed =

PLATTING STAFF
& DPW ENGINEER

Peggy Horton

From: Jamie Keller
Sent: Friday, February 19, 2016 10:54 AM
To: Platting
Cc: Bob Walden; Peggy Horton
Subject: RE: Request for comments for Birchwood Estates Case #2016-012 Tech: PH

My comments are as follows:

- Current sight-distances are barely adequate for the posted speed limit of 30 mph and might be improved when ditches are added and backslopes are laid back
- Coordinate with utility companies for re-location of utilities as needed
- Cul-de-sac is not to exceed 1000 feet in length
- Ditches must be 30" deep to provide adequate snow storage
- Consider increasing the spacing between driveways on the cul-de-sac to improve ditch drainage, snow storage, and maintainability

Jamie Keller

From: Bob Walden
Sent: Thursday, February 04, 2016 9:41 AM
To: Jamie Keller
Subject: FW: Request for comments for Birchwood Estates Case #2016-012 Tech: PH

Here is Birchwood the one we looked at yesterday.

Bob Walden

From: Peggy Horton **On Behalf Of** Platting
Sent: Wednesday, January 20, 2016 4:18 PM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; cepoa-rd-s@usace.army.mil; Shane M. McCoy (shane.m.mccoy@usace.army.mil); brian.young@usps.gov; joeri@mtaonline.net; 'akers@mtaonline.net' (akers@mtaonline.net); mschoming@crweng.com; John Aschenbrenner; John Mcnutt (jmcnutt@palmerak.org); Elizabeth Weiant; Eric Phillips; Sandra Cook; Capital Projects; Cindy Corey; Bob Walden; Brad Sworts; Sheila Armstrong; Tracy McDaniel; Jennifer Ballinger; Terry Dolan; Jim Jenson; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; Barbara Doty
Cc: Platting; jay@valleymarket.com; stan.gillespie@gmail.com; jordan@alaskaplans.com; tait@zimmermanteamak.com; Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com); winforhim@aol.com
Subject: Request for comments for Birchwood Estates Case #2016-012 Tech: PH

Good afternoon,

Attached is a request for comments for a 15-lot subdivision off of Tex-Al Road. Please review and provide your comments by February 19, 2016.

Peggy Horton
Platting Technician
Matanuska-Susitna Borough
(907) 861-7881 direct
(907) 861-8407 fax
peggy.horton@matsugov.us (email)

EXHIBIT E-4

Peggy Horton

From: Jamie Taylor
Sent: Thursday, May 12, 2016 2:24 PM
To: Peggy Horton
Subject: RE: Birchwood Estates at Tex-Al road
Attachments: sight distance.pdf

This is kinda crude, but it is what I was looking for on the sight distance thing. I could analyze it for the best location (a little bit to the east, I think) but that would take a while without having the CAD file. The developer's engineer should do the analysis to determine the best location for the intersection. Let me know if you have any questions.

Jamie

From: Peggy Horton
Sent: Monday, April 11, 2016 12:54 PM
To: Jamie Taylor
Cc: Fred Wagner
Subject: FW: Birchwood Estates at Tex-Al road

From: TOM KIRCHNER - A L S [<mailto:tkirchner.als@ak.net>]
Sent: Monday, April 11, 2016 12:12 PM
To: Peggy Horton
Subject: Birchwood Estates at Tex-Al road

Peggy,

Here is the Plan and Profile of Tex-Al road you requested.

Thanks,

'Terry Johnson (woop@mtaonline.net)'; 'Jamie Taylor'; 'Fred Wagner'

Thomas M. Kirchner, P.L.S.
President

ALS SURVEYING -- MAPPING -- CONSTRUCTION
ALASKA LAND SURVEYING CO., L.L.C.
5451 N. Maverick Drive
P.O. Box 397
Palmer, Alaska 99645
Voice: 907-745-1491; Fax: 907-745-1490
Cell: 907-321-1491
tkirchner.als@ak.net

EXHIBIT E-5

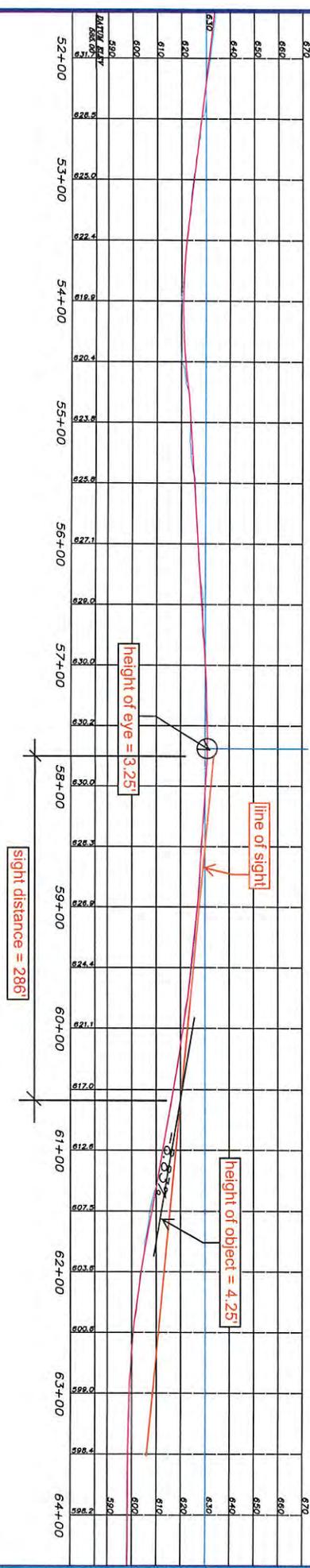
LOT 3 LOT 4 LOT 5 LOT 6

50' SECTION LINE EASEMENT DEDICATED TO MAT-SU BOROUGH

TEX-AL DRIVE



N. SLATON STREET
STA: 57+68.92
OFFSET: 0.00 R



PRELIMINARY / WORK SHEET

SCALE:	DATE:	DESIGNED BY:	DATE:	PROJECT NAME:
XXX		PAUL J. JAMESON		TEX-AL ROAD
CHECK BY:		PAUL J. JAMESON		PLAN & PROFILE
FILED BY:				SHEETS: 1 OF 1
XXX				C-TAT 0

AL'S SURVEYING & CONSULTING
42500 LAND SUBDIVISION CO. LTD. L.L.C.
P.O. Box 302
Rte. 1007745-1-150
Tel: (507)745-1150

BERKWOOD ESTATES
TEX-AL ROAD
PLAN & PROFILE
SHEETS: 1 OF 1

14547.01A / 4026

Peggy Horton

From: Pioneer Engineering LLC <pioneerllc@hotmail.com>
Sent: Tuesday, June 14, 2016 11:02 AM
To: Jamie Taylor; Peggy Horton
Cc: Tom Kirchner
Subject: Birchwood Estates Sight Distance
Attachments: 1991 MSB DCM A13.pdf; Birchwood Estates Intersection.pdf

RECEIVED
JUN 14 2016
PLATTING

Hi Jamie,

Thank you for your input on the Birchwood Estates Subdivision. All involved appreciate the feedback we have received and we have done our best to meet the requirements of the current Mat-Su Borough Code regarding subdivisions (Title 43), including the existing 1991 Subdivision Construction Manual.

I understand there is a difference of opinion regarding what is required of the developer and their representatives. The issue at hand is the "sight distance" for the proposed intersection of N Slayton Street and E Tex-Al Drive.

Please note on page 14 of the Borough's Subdivision Construction Manual, specifically the wording of Section A13.1a), second sentence, which reads "*Both intersecting streets shall be designed to provide a minimum corner sight distance as specified in the accompanying chart:*" The chart on the subsequent page then lists various Design Speed/Posted Speed Limits, each accompanied with a Sd (Sight Distance) Desirable and Sd Minimum.

Since the posted speed limit of E Tex-Al Road is 30 MPH, the required sight distance is therefore 200 feet. There is no ambiguity in the wording "shall be designed to provide a minimum". The developers of Birchwood Estates have not only done that, but actually improved upon it by achieving a sight distance of 312.74', exceeding the minimum sight distance of 200' by almost 64%.

Having served as the Borough's Project Management & Engineering Division Manager for the Mat-Su Borough for over 4 years (a position effectively reclassified as the Capital Projects Director), I appreciate requiring a safe product for the residents and motorists of the Mat-Su Borough. While a longer sight distance may be *desired*, it is not *required* of the developer, except through their largess. If the Mat-Su Borough desires additional improvements of the developer, we welcome the Borough to provide a mechanism for reimbursing the developer for those requested improvements.

Bill Klebesadel, P.E.

EXHIBIT F-1

RECEIVED

JUN 14 2016

PLATTING

Matanuska-Susitna Borough
Public Works Department

**Subdivision Construction
Manual**

(Roads, Drainage and Utilities)

6-18-91

BROCHURE \$3.50
100.130/131.341.900
PLATTING

EXHIBIT F-3

in its entirety has been included as part of an approved preliminary plat or master plan.

A11.2 RESIDENTIAL COLLECTOR STUB STREETS. Residential Collector stub streets may be required by the Public Works Department provided that the future extension of the street is deemed desirable by the Public Works Department or would conform to the adopted Official Streets and Highway Plan Map in the Transportation element of the Comprehensive Plan.

A11.3 TEMPORARY TURNAROUNDS. All stub streets requiring construction will be provided with a constructed turnaround with an outside diameter of 80 feet. No turnaround construction is required if the stub street is less than 200 feet long and provides access to two or fewer lots, a turnaround easement may be required. See A16.1(2)(4) for signage requirements. A 100 foot diameter temporary easement will be provided at the turnaround which will automatically terminate upon extension of the street.

A11.4 STUB STREET CONSTRUCTION. No construction is required if physical access is provided to all lots by adjoining streets.

A12 HALF STREETS

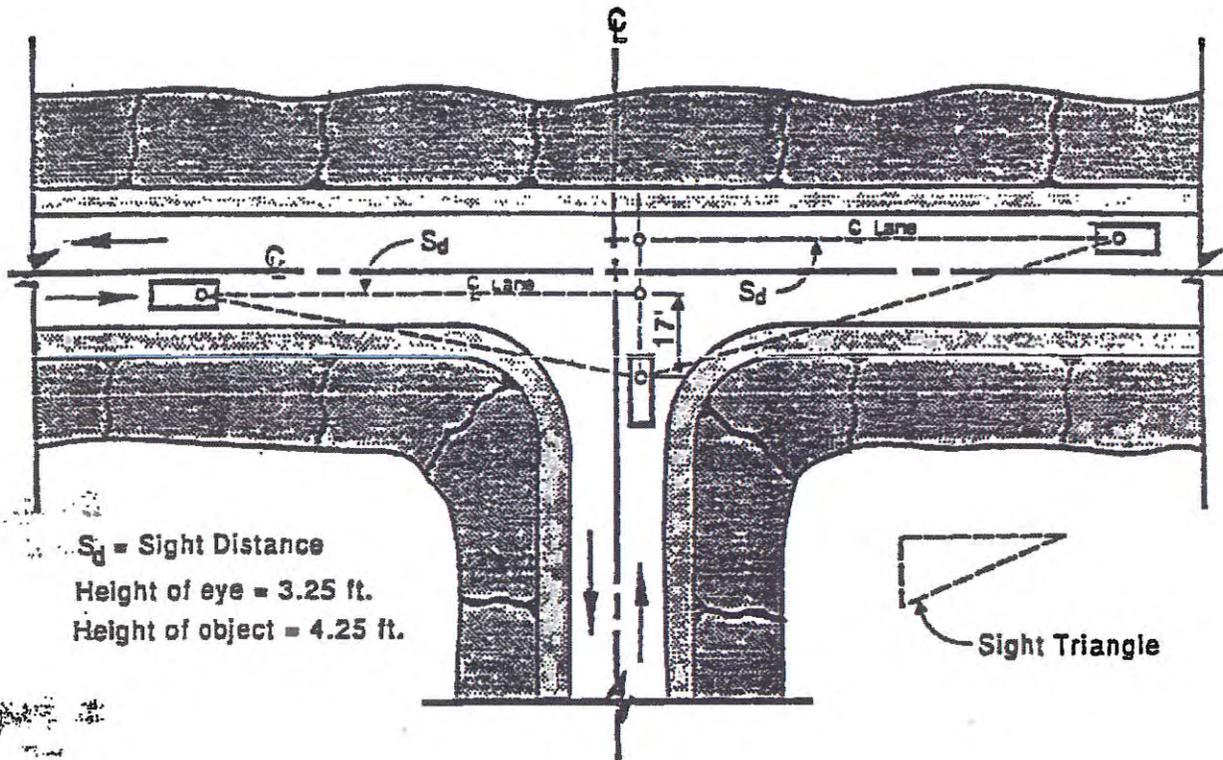
Half width trafficways are prohibited. The full trafficway width for all street classifications will always be provided.

A13 INTERSECTIONS

A13.1 CORNER SIGHT DISTANCE.

a) Whenever a proposed street intersects an existing or proposed street of higher order the street of lower order shall be made a stop street. Both intersecting streets shall be designed to provide a minimum corner sight distance as specified in the accompanying chart:

MINIMUM INTERSECTION SIGHT DISTANCE



Design Speed or
Posted Speed Limit

S_d
Desireable

S_d
Minimum

<u>Design Speed or Posted Speed Limit</u>	<u>S_d Desireable</u>	<u>S_d Minimum</u>
25 mph	370 feet	150 feet
30	450	200
35	580	250
40	750	325
45	950	400
50	1180	475
55	1450	550
60	1750	650
65	2100	725

Peggy Horton

From: Jamie Taylor
Sent: Monday, June 27, 2016 4:53 PM
To: Platting
Cc: Peggy Horton
Subject: RE: Request for comments for Birchwood Estates Case #2016-012 Tech: PH
Attachments: Green Book p 9-38.pdf

Relative risk of accidents at intersections is high and sight distance at intersections is of primary importance for giving drivers sufficient time to react to conflicts. The minimum sight distance listed in the chart in the 1991 Subdivision Construction Manual corresponds to stopping sight distance for traffic on the major road. I believe the intent of the 1991 Subdivision Construction Manual is for intersections to be designed to provide as much sight distance as possible and if the target desirable sight distance can't be met, then it should be no less than the minimum.

According to the SCM, the desirable sight distance for the posted 30 mph is 450 feet. According to the AASHTO Green Book, the national standard for road design, the design sight distance for a design speed of 35 mph (design speed is typically 5 or 10 mph higher than the posted speed) is 390 feet.

It is the ultimate intent of the Matanuska-Susitna Borough to provide safe roads for residents throughout the year. We want the best sight distance possible at this and all intersections. Again, I request that the petitioner's engineer provide an analysis of Tex-Al Drive to determine the best location for the intersection to maximize the sight distance in both directions.

The rest looks good, I like the cul-de-sac and connection to the parcel to the south.

Please let me know if you have any questions.

Jamie Taylor, PE
Civil Engineer
Matanuska-Susitna Borough
Department of Public Works
Operations & Maintenance
t: 907-861-7765 c: 907-355-9810
jamie.taylor@matsugov.us
<http://www.matsugov.us/>

From: Peggy Horton **On Behalf Of** Platting
Sent: Wednesday, June 15, 2016 3:44 PM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; regpagemaster@usace.army.mil; brian.young@usps.gov; joeri@mtaonline.net; retirees@mtaonline.net; mschoming@crweng.com; John Aschenbrenner; John McNutt (jmccnutt@palmerak.org); Elizabeth Weiant; Eric Phillips; Sandra Cook; Michael Weller; Sheila Armstrong; Tracy McDaniel; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; Barbara Doty; mearow@matanuska.com; Becky Glenn (rglenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; ospdesign@gci.com (ospdesign@gci.com); dblehm@gci.com
Cc: Jay Van Diest (jay@valleymarket.com); LaMarr Anderson (lamarra05@gmail.com); Stan Gillespie (stan.gillespie@gmail.com); jordan@alaskaplans.com; Tait Zimmerman (tait@zimmermanteamak.com); Patrick Johnson (patrickjhnsn@hotmail.com); Amy Hansen (amyhansenhomes@gmail.com); Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com); Gregory Pugh (winforhim@aol.com)
Subject: Request for comments for Birchwood Estates Case #2016-012 Tech: PH

EXHIBIT F-6



Looking north towards the intersection with Tex-Al Road

EXHIBIT G-1



Looking south within subdivision near the north end

EXHIBIT G-2



At the intersection with Tex-Al Road, looking west

EXHIBIT G-3



At the intersection with Tex-Al Road, looking east

EXHIBIT G-4

Peggy Horton

From: Jamie Keller
Sent: Friday, February 19, 2016 10:54 AM
To: Platting
Cc: Bob Walden; Peggy Horton
Subject: RE: Request for comments for Birchwood Estates Case #2016-012 Tech: PH

My comments are as follows:

- Current sight-distances are barely adequate for the posted speed limit of 30 mph and might be improved when ditches are added and backslopes are laid back
- Coordinate with utility companies for re-location of utilities as needed
- Cul-de-sac is not to exceed 1000 feet in length
- Ditches must be 30" deep to provide adequate snow storage
- Consider increasing the spacing between driveways on the cul-de-sac to improve ditch drainage, snow storage, and maintainability

Jamie Keller

From: Bob Walden
Sent: Thursday, February 04, 2016 9:41 AM
To: Jamie Keller
Subject: FW: Request for comments for Birchwood Estates Case #2016-012 Tech: PH

Here is Birchwood the one we looked at yesterday.

Bob Walden

From: Peggy Horton **On Behalf Of** Platting
Sent: Wednesday, January 20, 2016 4:18 PM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; cepoa-rd-s@usace.army.mil; Shane M. McCoy (shane.m.mccoy@usace.army.mil); brian.young@usps.gov; joeri@mtaonline.net; 'akers@mtaonline.net' (akers@mtaonline.net); mschoming@crweng.com; John Aschenbrenner; John Mcnutt (jmcnutt@palmerak.org); Elizabeth Weiant; Eric Phillips; Sandra Cook; Capital Projects; Cindy Corey; Bob Walden; Brad Sworts; Sheila Armstrong; Tracy McDaniel; Jennifer Ballinger; Terry Dolan; Jim Jenson; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; Barbara Doty
Cc: Platting; jay@valleymarket.com; stan.gillespie@gmail.com; jordan@alaskaplans.com; tait@zimmermanteamak.com; Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com); winforhim@aol.com
Subject: Request for comments for Birchwood Estates Case #2016-012 Tech: PH

Good afternoon,

Attached is a request for comments for a 15-lot subdivision off of Tex-Al Road. Please review and provide your comments by February 19, 2016.

Peggy Horton
Platting Technician
Matanuska-Susitna Borough
(907) 861-7881 direct
(907) 861-8407 fax
peggy.horton@matsugov.us (email)

EXHIBIT H



MATANUSKA-SUSITNA BOROUGH

Planning Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-8158

www.matsugov.us

RECEIVED
JAN 28 2016
PLANNING

Date: 1/28/2016

RE: Preliminary Plat Review – Birchwood Estates – P&J Homes Inc., et al

Date of Application: 1/20/2016

Reviewed By: Andy Dean ROW Coordinator *A. Dean*

Comments:

1. Existing Utilities may be required to be relocated where said utilities exist within or along the access route to the proposed subdivision or within areas to be dedicated as public right-of-way, Drainage, Slope & Maintenance and Snow Storage easements. The Borough may choose not to accept a Public Use Easement or right of way when Utilities and other encroachments exist within said area.
2. Vacate all easements of record and/or have private easements released by the Easement Grantee, where Public Right-of-way and Public Use Easements, Drainage Easements, Slope & Maintenance Easements and Snow Storage Easements are to be dedicated.

Matanuska Susitna Borough
Planning Department
Permit Center
Row Coordinator

Providing Outstanding Borough Services to the Matanuska-Susitna Community.

Peggy Horton

From: Susan Lee
Sent: Thursday, June 16, 2016 8:22 AM
To: Platting
Subject: RE: Request for comments for Birchwood Estates Case #2016-012 Tech: PH

Structures should be in compliance with setback requirements.

Susan

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

From: Peggy Horton **On Behalf Of** Platting
Sent: Wednesday, June 15, 2016 3:44 PM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; regpagemaster@usace.army.mil; brian.young@usps.gov; joeri@mtaonline.net; retirees@mtaonline.net; mschoming@crweng.com; John Aschenbrenner; John McNutt (jmcnutt@palmerak.org); Elizabeth Weiant; Eric Phillips; Sandra Cook; Michael Weller; Sheila Armstrong; Tracy McDaniel; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; Barbara Doty; mearow@matanuska.com; Becky Glenn (rglenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com
Cc: Jay Van Diest (jay@valleymarket.com); LaMarr Anderson (lamarra05@gmail.com); Stan Gillespie (stan.gillespie@gmail.com); jordan@alaskaplans.com; Tait Zimmerman (tait@zimmermanteamak.com); Patrick Johnson (patrickjhnsn@hotmail.com); Amy Hansen (amyhansenhomes@gmail.com); Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com); Gregory Pugh (winforhim@aol.com)
Subject: Request for comments for Birchwood Estates Case #2016-012 Tech: PH

Good Afternoon,

Attached is a revision to the preliminary plat for Birchwood Estates off of Tex-Al Road. Please review and provide your comments by June 27, 2016. I apologize for the short notice, this case was continued from the April 21, 2016 public hearing.

Peggy Horton
Platting Technician
Matanuska-Susitna Borough
(907) 861-7881 direct
(907) 861-8407 fax
peggy.horton@matsugov.us (email)

EXHIBIT J



MATANUSKA-SUSITNA BOROUGH

• PLATTING DIVISION •

350 EAST DAHLIA AVENUE, PALMER, ALASKA 99645-6488
PHONE 861-7874 • FAX 861-8407

Matanuska - Susitna Borough
Development Services

JAN 21 2016

Received

Comments Due: February 19, 2016

January 20, 2016

Preliminary Plat Request for Comments

RECEIVED

AK Dept. of Transportation – Anchorage	MSB – Emergency Services
AK Dept. of Transportation – Palmer	Open Cases <u>Y</u> or <u>N</u>
AK Dept. of Transportation – Aviation	7241 e
AK DNR, Division of Mining/Land/Water	FIRM # <u>7245</u> Zone <u>X</u>
AK DNR, Public Access Defense	Comments: _____
AK DNR, Division of Agriculture	_____
AK DF&G, Habitat Mgmt. & Permitting	_____
AK DF&G, Division of Sport Fish	_____
AK Railroad, Engineering Department	Date: <u>2/19/16</u> By: <u>[Signature]</u>
Corp of Engineers	_____
U.S. Postmaster	Assembly District #6
City of	
Community Council: Fishhook	
Fire Service Area: #132 Greater Palmer	
Road Service Area: #28 Gold Trail	
MSB – Borough Attorney	

SpUD Y or N 22 2016

PLATTING

Title:	Birchwood Estates
Location:	Sec 16, T18N, R1E, S.M, AK
Petitioner:	P & J Homes Inc., et al
Address:	3060 N. Lazy Eight Court, Ste 2-258, Wasilla AK 99654-4331
Surveyor:	Alaska Land Surveying Co. LLC
Address:	PO Box 397, Palmer AK 99645
Engineer:	Pioneer Engineering
Address:	16547 E. Smith Rd, Palmer AK 99645

The request is to divide W 1/2 NW 1/4 NE 1/4 Section 16, Township 18N, Range 1 East, Seward Meridian, Alaska into 15 lots to be known as Birchwood Estates, containing 19.93 acres, more or less. The parcel is currently configured as Birchwood Estates Condos, Units 1-6.

Please submit your comments in writing, specifying any easements or other requirements that your department or agency may need or any data which you feel should be incorporated on the preliminary plat to help us more effectively enforce our subdivision regulations.

All comments, existing files and correspondence that you may have relating to this case must be submitted to the Platting Division by **February 19, 2016** so that we may incorporate this information into our recommendations to the Platting Board, for the public hearing to be held on **March 3, 2016**.

Kindest Regards,

[Signature]

Peggy Horton
Platting Technician
peggy.horton@matsugov.us

EXHIBIT K

Providing Outstanding Borough Services to the Matanuska-Susitna Community.



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Cultural Resources Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 745-9859 • Fax (907) 745-9876

MEMORANDUM

DATE: 20 June 2016
TO: Peggy Horton, Platting Technician
FROM: Sandra Cook, Cultural Resources
SUBJECT: Preliminary App
TITLE: Birchwood Estates
LEGAL: Section 16, T18N, R01E, SM
TAX MAP: WA02

NO OBJECTION

Cultural Resources Division staff has reviewed the above application and finds there are no known *recorded* sites on said property. This conclusion was derived through research of the documented sites on file in the Cultural Resources Division of the Matanuska-Susitna Borough and sites documented in Alaska Heritage Resource files at the State Office of History and Archaeology.

While we have no objection to the proposed Platting action on the said property, and our records are not complete, we recommend caution during construction or related activities in the event cultural remains may come to light or be recovered. If cultural resources are found as a result of the above mentioned activity we would appreciate the chance to document them to augment our knowledge of local history. Cultural remains may include features such as cache pits, house pits, garbage pits, depressions and/or other non-removable indications of human activity, as well as, artifacts, buildings, machinery, etc.

Recording of cultural resources or other remains does not change ownership status of materials found, they belong to the property owner, nor does it prohibit your activity request. If cultural remains are located please contact this office at (907) 861-8655 as soon as possible. This would enable us to photograph and record any cultural materials that may be observed. Thank you for your cooperation. We appreciate you helping us learn more about our past.

Sincerely

Sandra Cook
Cultural Resources

NOTE §A.S. 11.46.482 (a) of the Alaska Statutes states that
A person commits the crime of criminal mischief in the third degree if, having not right to do so or any reasonable grounds to believe the person have such a right...

(3) If a person knowingly

(A) defaces, damages or desecrates a cemetery or the contents of a cemetery or a tomb, grave, or memorial regardless of whether the tomb, grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected; (B) removes human remains or associated burial artifacts from a cemetery, tomb, grave, or memorial regardless of whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost or neglected.

EXHIBIT L



MATANUSKA-SUSITNA BOROUGH

Community Development

Land & Resource Management

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7869 • Fax (907) 861-8635

MEMORANDUM

DATE: June 17, 2016
TO: Fred Wagner, Platting Officer
FROM: Land & Resource Management *ML*
SUBJECT: Preliminary Plat Comments / Case #2016-012

Platting Tech: Peggy Horton
Public Hearing: July 7, 2016
Applicant / Petitioner: P&J Homes, Inc et al
TRS: 18N02E16
Tax ID: 18N02E16B010 and 9126000L000-L006
Subd: Birchwood Estates
Tax Map: WA 02

Comments:

- No MSB lands are affected.
- No objection to proposed subdivision.

RECEIVED

JUN 17 2016

PLATTING

EXHIBIT M

Peggy Horton

From: Peggy Horton on behalf of Platting
Sent: Monday, June 20, 2016 9:29 AM
To: Barbara Doty
Cc: Terry Dolan; Jude Bilafer; barbdotymd@gmail.com
Subject: Birchwood Estates Case #2016-012 Tech: PH
Attachments: vicinity map.pdf

Ms. Doty,

I'll let the other's comment on any planned extension of Engstrom, but attached is a map of the area to include Engstrom and Tex Al, showing the location of the proposed Birchwood Estates.

Peggy Horton
Platting Technician
Matanuska-Susitna Borough
(907) 861-7881 direct
(907) 861-8407 fax
peggy.horton@matsugov.us (email)

From: Barbara Doty
Sent: Thursday, June 16, 2016 5:19 PM
To: Platting
Cc: Terry Dolan; Jude Bilafer; barbdotymd@gmail.com
Subject: RE: Request for comments for Birchwood Estates Case #2016-012 Tech: PH

Peggy:
This is Barb Doty, District 6 Assembly representative. I need to understand where this subdivision sits in relationship to the proposed extension of Engstrom Road to attach to Tex Al, and if the revision has any adverse affect on the completion of this much-needed connector to decrease congestion on Engstrom and Bogard intersection. Thanks Barb Doty

From: Peggy Horton on behalf of Platting
Sent: Wednesday, June 15, 2016 3:43 PM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; regpagemaster@usace.army.mil; brian.young@usps.gov; joeri@mtaonline.net; retirees@mtaonline.net; mschoming@crweng.com; John Aschenbrenner; John Mcnutt (jmcnutt@palmerak.org); Elizabeth Weiant; Eric Phillips; Sandra Cook; Michael Weller; Sheila Armstrong; Tracy McDaniel; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; Barbara Doty; mearow@matanuska.com; Becky Glenn (rglenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com
Cc: Jay Van Diest (jay@valleymarket.com); LaMarr Anderson (lamarra05@gmail.com); Stan Gillespie (stan.gillespie@gmail.com); jordan@alaskaplans.com; Tait Zimmerman (tait@zimmermanteamak.com); Patrick Johnson (patrickjhnsn@hotmail.com); Amy Hansen (amyhansenhomes@gmail.com); Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com); Gregory Pugh (winforhim@aol.com)
Subject: Request for comments for Birchwood Estates Case #2016-012 Tech: PH

Good Afternoon,

EXHIBIT N -1

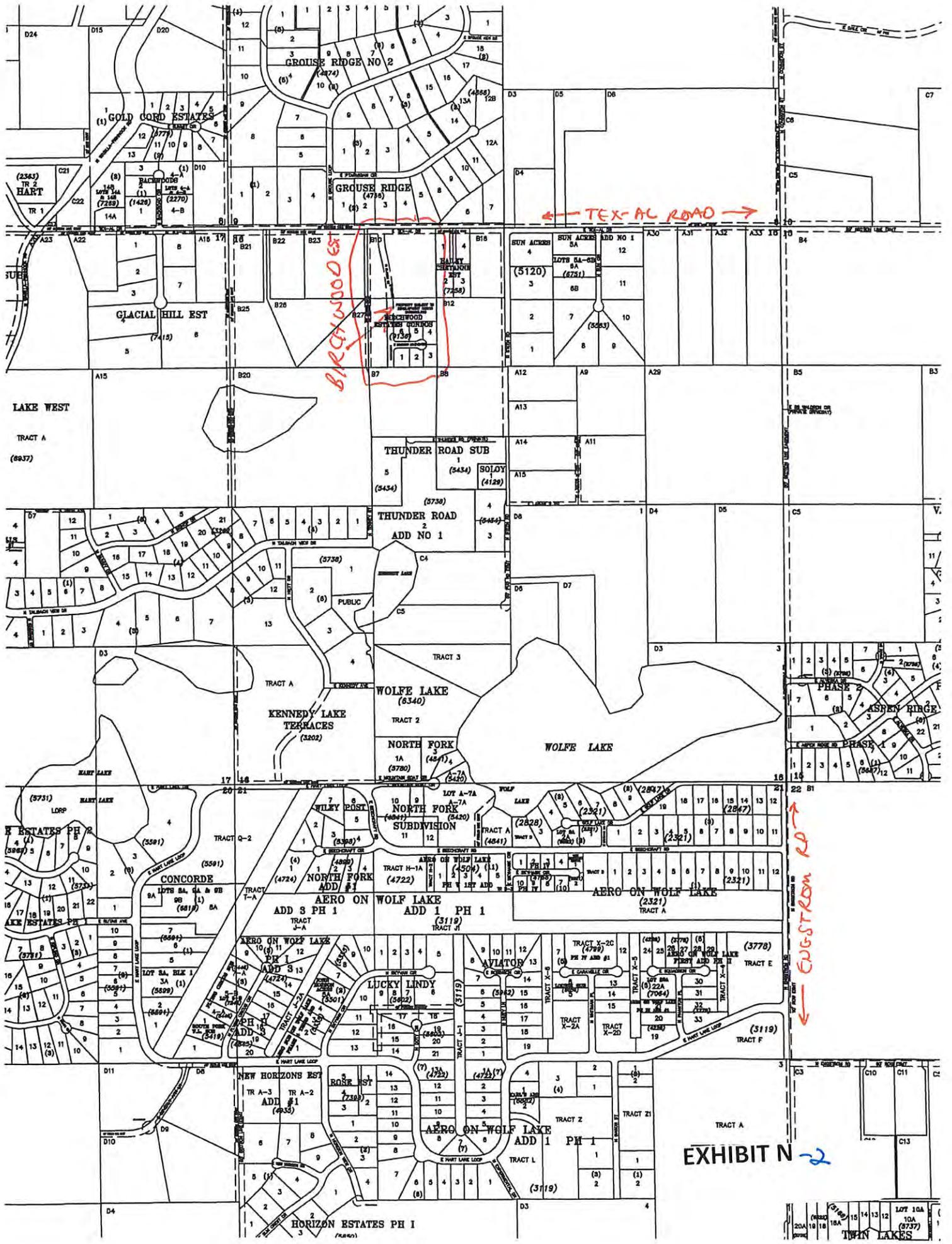


EXHIBIT N 2

10A	11A	12A	13A	14A	15A	16A	17A	18A	19A	20A
(3737)	(3737)	(3737)	(3737)	(3737)	(3737)	(3737)	(3737)	(3737)	(3737)	(3737)
TWIN LAKES										



ENSTAR Natural Gas Company
A DIVISION OF SEMCO ENERGY
Engineering Department, Right of Way Section
401 E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 277-5551
FAX (907) 334-7798

June 20, 2016

Peggy Horton, Platting Technician
Matanuska-Susitna Borough, Platting Division
350 East Dahlia Avenue
Palmer, AK 99645-6488

**Subject: Revised Preliminary Plat Request for Comments – Birchwood Estates
(Case No. 2016-012)**

Dear Ms. Horton:

ENSTAR Natural Gas Company has reviewed the subject Revised Preliminary Plat and has no comments, recommendations, or objections.

If you have any questions, please feel free to contact me at 334-7944 or by email at cassie.wohlgemuth@enstarnaturalgas.com.

Sincerely,

A handwritten signature in black ink that reads "Cassie Wohlgemuth". The signature is written in a cursive style with a long horizontal line extending to the right.

Cassie Wohlgemuth
Right-of-Way and Compliance Technician
ENSTAR Natural Gas Company

EXHIBIT P

Peggy Horton

From: Keith R Quintavell <Keith.Quintavell@mea.coop>
Sent: Tuesday, May 17, 2016 10:53 AM
To: Peggy Horton; Andy Dean
Subject: RE: Proposed Birchwood Estates off Tex-Al
Attachments: SKMBT_C36016051709380.pdf

Peggy, Andy

MEA has no objection to the well in the utility easement provided that the utility easement is widened at the well location to extend 15 feet out from the well (as shown on the attached map not to be a 15' radius from the well).

Sincerely,
Keith Quintavell
MEA Land Services Manager

From: Peggy Horton [<mailto:Peggy.Horton@matsugov.us>]
Sent: Tuesday, May 17, 2016 8:50 AM
To: MEA_ROW; J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com; Becky Glenn (rglenn@mta-telco.com)
Subject: Proposed Birchwood Estates off Tex-Al

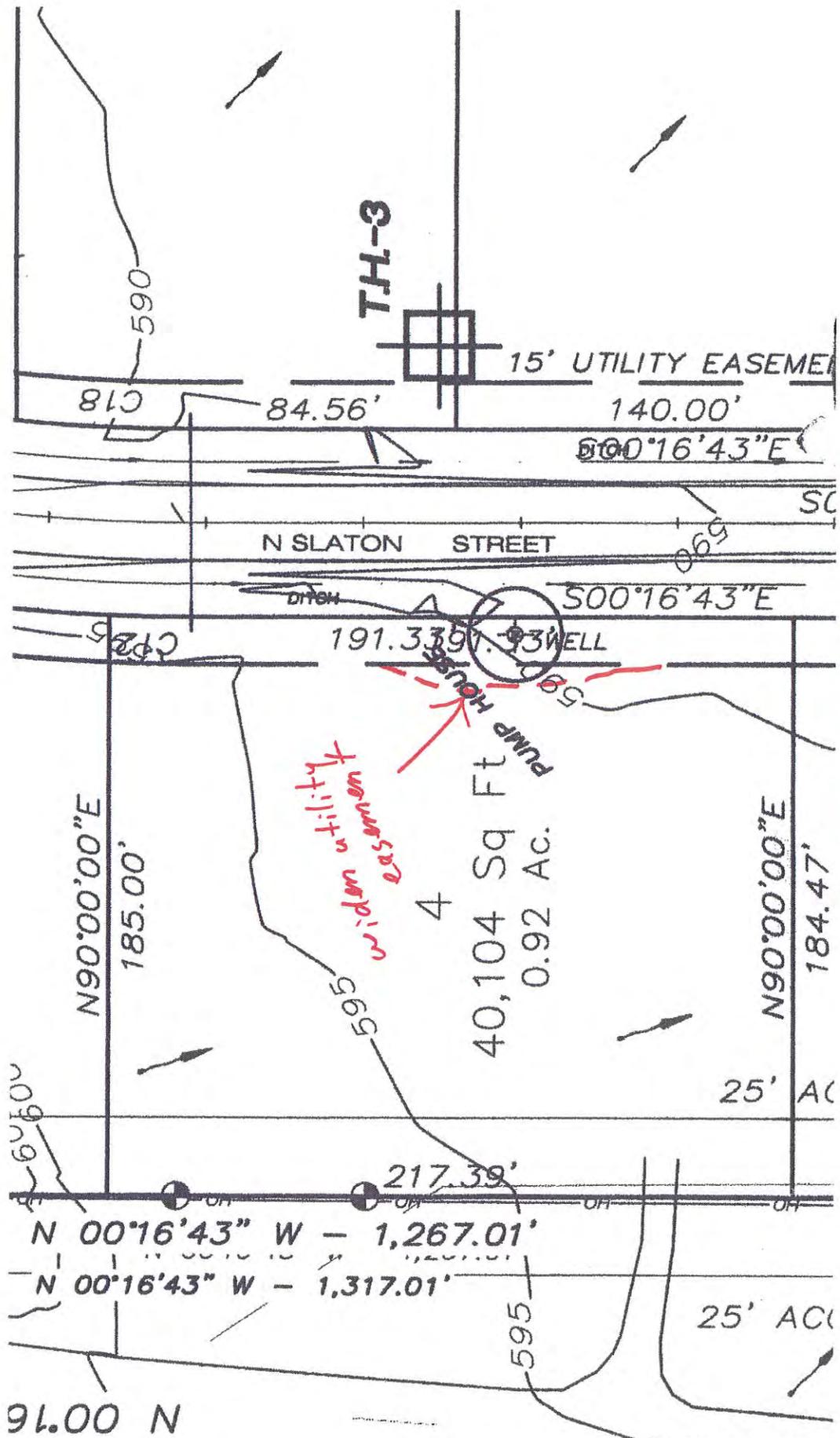
Good Morning,

While we're working out the final design for this proposed subdivision, we noticed the well house was located within the utility easement in the front of Lot 4. The owners have agreed to remove the well house, but would like to keep the well within the utility easement for the future owner of Lot 4. There may need to be some accommodation needed, with the depth of the power line to the well, the size and shape of the utility easement, etc.

Andy Dean, the MSB ROW Coordinator, has stated he will require non-objection letters from the utility companies in order to grant an encroachment permit. I'm just giving you a head's up that this will be coming your way.

Peggy Horton
Platting Technician
Matanuska-Susitna Borough
(907) 861-7881 direct
(907) 861-8407 fax
peggy.horton@matsugov.us (email)

EXHIBIT Q-1



5-17-16 MEACOMMENT
 Keith Quintana

A
L
A
S
K
A

2009-021425-0

Recording Dist: 311 - Palmer
9/24/2009 1:59 PM Pages: 1 of 1



**MATANUSKA ELECTRIC ASSOCIATION, INC.
RIGHT OF WAY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned (whether one or more),

Terry G. Johnson P & J Properties
whose address is POB 875910 Wasilla Akc 99687

for a good valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant unto MATANUSKA ELECTRIC ASSOCIATION, INC., a cooperative corporation (hereinafter called the "Grantee") whose post office address is Box 2929 Palmer, Alaska 99645, and to its successors or assigns, the right to enter upon the lands of the undersigned, situated in the Palmer Recording District, State of Alaska, and more particularly described as follows:

Birchwood Estates Phase 1
SW 1/4 NW 1/4

being in Section 16, Township 18 N, Range 1E, S.M., and to construct, reconstruct, rephase, repair, operate and maintain on, over or under the above described lands and/or in, upon or under all streets, roads or highways abutting said lands, an electric (or telecommunication) transmission and/or distribution line or system; to inspect and make such repairs, changes, alterations, improvements, removals from, substitutions and additions to its facilities as the Grantee may from time to time deem advisable, including, by way of example and not by the way of limitation: the right to increase or decrease the number of conduits, wires, cables, hand holes, manholes, connection boxes, pedestals, transformer enclosures; to cut, trim and control the growth by machinery or otherwise of trees and shrubbery located within 5 feet of the center line of said line or system, or that may interfere with or threaten to endanger the operation and maintenance of said line or system (including any control of the growth of other vegetation in the right of way which may incidentally and necessarily result from the means of control employed); to keep the easement clear of all buildings, structures or other obstructions.

The undersigned agree that all poles, wires and other facilities including any main service entrance equipment, installed in, upon or under the above described lands at the Grantee's expense shall remain the property of the Grantee, removable at the option of the Grantee.

The Grantee, its successors or assigns, is hereby expressly given and granted the right to assign said right-of-way and easement herein granted and conveyed, or any part thereof, or interest therein.

TO HAVE AND TO HOLD unto the GRANTEE, its successors or assigns, together with the right of ingress to and egress from the premises for the purpose herein granted.

The undersigned covenant that they are the owners of the above described lands, and that the said lands are free and clear of encumbrances and liens of whatsoever character except as may appear of record as of the date set forth below, and those held by the following persons: _____

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 27 day of May, 2009.

Terry G. Johnson Grantor _____ Grantor

STATE OF ALASKA)SS-

THIS IS TO CERTIFY that on this 27 day of May, 2009 before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared

Terry G. Johnson
Vice President

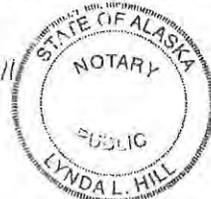
Known to me and to me known to be the individual(s) named in and who executed the foregoing instrument and acknowledged to me that he/she/they signed and sealed the same as a voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written

Lynnda L Hill
Notary Public in and of Alaska

My commission expires 7/27/2011

SEAL



W/O <u>96380</u>	Subd <u>7000119</u>	Plat _____
P/S <u>P</u>	Misc _____	Map <u>18K5</u>
Pole _____	Easement <u>20090057</u>	Quad _____

Return to: MEA, PO Box 2929, Palmer, AK 99645

Rev. 2/08

EXHIBIT Q - 3



RECEIVED
MAY 20 2016
WAITING

NON-OBJECTION TO EASEMENT ENCROACHMENT DOCUMENT

By this document Matanuska Telephone Association, Inc. (MTA) declares that it has no objection to the encroachment of a well situated in the utility easement within Lot 4, Birchwood Estates, Palmer Recording District, State of Alaska.

Please be advised that MTA through the issuance of this document does not forfeit any of its rights to the use of the area cited. In the exercise of these rights MTA will, if needed, upgrade, maintain, repair, and/or replace buried or aerial telecommunications facilities within the easement. Any repairs that may be required to the encroachment as a result of utility construction will be borne by the property owner of record. This document does not authorize the placement of any additional encroachments within the easement area. Property owners are required to obtain utility locates before doing any kind of work in the utility easements and will be liable for any damages caused by their construction work in the easements.

This document is, in no way, an agreement to vacate any portion of the utility easement and should not be interpreted as such.

Issued for Matanuska Telephone Association, Inc. this 18th day of May, 2016, by,

Robbie Nash, OSP Engineering & Construction Manager

THIS IS TO CERTIFY, that on this 18th day of May, 2016, before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared Robbie Nash known to me and to me known to be the individual named in and who executed the foregoing instrument and acknowledged to me that he signed and sealed the same as a voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Beg Chew
Notary Public in and for Alaska
My commission expires: 11-20-18

Matanuska Telephone Association Inc.
PO Box 3550
Palmer Alaska 99645-3550

800.746.9510
907.761.2510
907.761.2646 (fax)

www.mtasolutions.com

EXHIBIT R - 1

Local
Long Distance
Wireless
Business Solutions
Internet
Directory
DTV

cc

A
L
A
S
K
A

2011-018110-0

Recording Dist: 311 - Palmer
9/19/2011 12:45 PM Pages: 1 of 1



Matanuska Telephone Association, Inc.

Grant of Easement

KNOW ALL BY THESE PRESENTS:

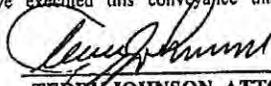
That the undersigned P & J HOMES INC. AND PAUL MADSON, (hereinafter called Grantor, whether one or more) whose address is 3060 N. LAZY EIGHT COURT, SUITE 2-258, WASILLA, AK 99654, for benefit received, does hereby grant unto MATANUSKA TELEPHONE ASSOCIATION, INC., P.O. Box 3550, Palmer Alaska 99645, a cooperative corporation (hereinafter called GRANTEE) duly organized and existing under and by virtue of the laws of the State of Alaska, whose address is Palmer, Alaska, its successors and assigns, rights of ingress and egress, an easement to enter upon the lands of the GRANTOR(S) and to construct, reconstruct, lay, maintain, operate, alter, repair, remove, and replace aerial or buried telecommunications and/or electrical cables/lines, poles, or systems and appurtenances thereto, and make changes and additions thereto, to cut and trim trees and shrubbery that may interfere with or threaten to endanger the operation and maintenance of said cables/lines or systems by any other firm or corporation for telecommunications and/or electrical purposes, utilizing such facilities, under, upon, over, and through lands which the undersigned owns or in which the undersigned has an interest and/or in, upon, or under all private or underlying interest streets, roads or highways abutting said lands. The said GRANTOR(S) is/are to fully use and enjoy said premises provided that GRANTOR(S) shall not construct or permit to be constructed any structures or obstructions on, under, or over that will interfere with the construction, maintenance or operation of any telecommunications and/or electrical cables/lines or systems, or appurtenances constructed hereunder. Said easement is situated in the PALMER Recording District, Third Judicial District, State of Alaska, Section(s) 16, Township 18 NORTH, Range 1 EAST, SEWARD Meridian, Alaska. Said easement is more particularly described as:

A ten-foot wide easement upon and within Birchwood Estates, a common interest community, situated within the W1/2NE1/4NW1/4 of Section 16, T18N, R1E, S.M.

The Grantee, its successors and assigns, is hereby expressly given and granted the right to assign said rights of ingress and egress, and easement herein granted and conveyed, and any part thereof, or interest herein. TO HAVE AND TO HOLD unto the GRANTEE, its successors and assigns, with ingress to and egress from the premises for the purpose herein granted.

The undersigned covenant that they are the owners of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following person(s):

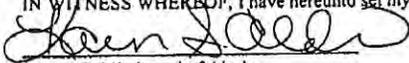
IN WITNESS WHEREOF, the Grantor(s) have executed this conveyance this _____ day of _____, 2011.


Grantor
TERRY JOHNSON, ATTORNEY IN FACT FOR P&J HOMES INC. & PAUL MADSON

STATE OF ALASKA) SS
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 14th day of Sept, 2011 before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared: **TERRY JOHNSON, ATTORNEY IN FACT FOR P & J HOMES INC. AND PAUL MADSON.** Known to me and to me known to be the individual(s) named in and who executed the foregoing instrument and acknowledged to me that he/she/they signed and sealed the same as a voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.


Notary Public in and of Alaska
My commission expires: 10/10/14

Return to: MTA, PO Box 3550, Palmer, AK 99645

SEAL



W/O

Do not write / stamp below this line - reserved for State Recorders Office

EXHIBIT R - 2

Peggy Horton

From: Cheryl Scott
Sent: Wednesday, February 24, 2016 2:58 PM
To: Peggy Horton
Subject: FW: Birchwood Estates

RECEIVED
FEB 24 2016
PLATTING

From: George [<mailto:george@strother.us>]
Sent: Wednesday, February 24, 2016 9:10 AM
To: Cheryl Scott
Subject: Re: Birchwood Estates

Cheryl Scott,

Thanks for the vicinity map.

Can you please send me the names and phone numbers of the developer and the surveyor.

My current comments for the March 3 Platting board meeting:

1. Parts of Lots 1 and 2 have gravel placed over a deep stump and vegetation debris fill area. This area has been used for several years to dump debris from other construction sites. I would expect this area to settle substantially over the years. Future property owners should be warned by a plat note that construction on these lots should require deep test holes and may require deep pile foundations. Or the areas of debris fill site should be delineated on the plat with the note of no construction or septic systems to be built in those areas.
2. The current development has a community water system, and well house about lot 4. A class A water well requires a 200' safety radius. Has this radius already been preserved by an easement or will new easements be required? Or will the community water system be removed and each new lot have its own on lot water and sewer system?
3. The existing Brainard Lane continues to the south boundary and then turns west to provide a good access to tax parcel B7. This access should be maintained for future development of parcel B&. The easements on the west side of this subdivision do not contain the old drive way, and are not wide enough for a borough standard road to be constructed from Tex-Al Drive due to a steep drop off from Tex Al Drive. A dedicated right of way should be preserved by the continued extension of Brainard Lane to Tax Parcel B7. Or additional dedicated public right of way should be created to contain a borough standard residential road from Tex Al Drive south along the west side of this subdivision. This would require reduction in the size or reconfiguration of of lots 1 through 6.
4. The new Brainard drive was built with large cuts through a hill between lots 1 and 15, and there are large cuts along the south side of Tex Al Drive. Slope easements should be required on the final plat to contain all slopes for future road maintenance.
5. Curve returns should be dedicated as part of the right of way where Brainard drive connects with Tex Al Drive.

I live 1/4 mile west on Tex Al Drive on the SE corner of Section 8, on Tax parcel D010.

George Strother
5935 E Tex Al Drive
Wasilla, Alaska 99654

EXHIBIT S -1

Peggy Horton

RECEIVED

MAR 14 2016

PLATTING

From: George <george@strother.us>
Sent: Sunday, March 13, 2016 6:33 PM
To: Cheryl Scott; Peggy Horton
Subject: Birchwood Estates Preliminary Plat
Attachments: Looking South on Lot 1.jpg; Brainard Access.jpg

Platting Board:

I reside at the South east corner of section 8, on Tax parcel D10, 1/4 mile westerly of this proposed subdivision. I do not object to the general subdivision or the number of lots, but have concerns about: 1.) the safety of the intersections with Tex Al Drive, 2.) access to parcel B7, and 3.) utility easements.

1.) Tex Al Drive was classified as a collector road by the Department of Public Works when paved in the 1990's due to the number of subdivisions served, length, and total land area served. The Borough's current Official Streets and Highways Map classifies Tex Al as a minor collector, and shows eventual connection between Schrock to Soapstone Roads, which will greatly increase traffic. The extension of Tex Al Drive to Palmer-Fishhook Road is a named project in the final draft of the Fishhook Community Council Comprehensive Plan.

The Borough's 1991 Subdivision Construction Manual designates a collector road as a 35 mph design standard, with a desirable intersection sight distance of 580 feet, and a minimum sight distance of 250 feet. I measured the sight distance at 305 feet, which is about half of the desirable distance. The developer has constructed the road base and now wants to borough to accept what has been built after the fact. Is there a location for the access road, that will have a better intersection sight distance? The developer's civil engineer should provide a report if there is a better intersection location, and the final intersection should be approved by Department of Public Works engineering staff.

Intersections with collector roads are to have 30' curve return radii dedicated as part of the public right of way. The preliminary plat shows a curve, but dimensions the lot lines to the sharp corners and does not include data for the curve returns in the Curve Table, and would require adjustments to the lot areas. Curve returns are required for Lot 1, both the NE and the NW corners, and the NW corner of lot 15.

2.) MSB 43.20.060 (C) Dedication to Public:

Roads shall be dedicated for access to all lots within the subdivision and parcels of land adjacent to the subdivision. Dedications shall be sufficient to carry all traffic generated by the subdivision and to provide residential rights-of-way for projected traffic through the subdivision.

This ordinance to prevent a subdivision from blocking subdivision of parcels further from the road, by not providing a future residential public right of way.

I've known Rita Brainard, who owns tax parcel B7, for over 30 years. She currently resides at the Wasilla Senior Housing. Her old driveway is through tax parcels B23, B26, and B27, with an easement, but cannot be improved for subdivision access. Plat 2011-55 of the Birchwood Estates condominium development showed a right of way to the south boundary. Mrs. Brainard has been using a driveway in this right of way for several years, as shown in the attached photo.

Tax Parcel B7 does not have a legal access to the private Thunder Road, even though the Borough has assigned B7 a street address on Thunder Road. The fifty foot of right of ways on the west side of this this subdivision,

EXHIBIT S -2

ITEM #4C 3/17/2016
BIRCHWOOD EST
PAGES 1 TO 4
HANDOUT #2

do not provide a residential access because: a.) an existing pole line with overhead lines, on the property line, b.) the terrain drops off from Tex-Al Drive and a residential standard road with fill slopes cannot be built in the dedicated area, c.) This development has filled to and past the west property line of lot 1, partially blocking use of the easement. This shows in the subdivision topographic map and the attached photo.

Since there is not a public access to tax parcel B7 that can be developed as a public residential road, MSB 43.20.060 (C) requires that this subdivision dedicate (but not construct) a public right of way to B7 so that B7 can be subdivided and, that can be used "for projected traffic through the subdivision". The Slaton Street cul-de-sac could be temporary, with the bulb vacated when a residential standard road with a new turn around is built to serve B7.

- 3.) a.) The Slaton Street built for the condominium development went through the proposed lots 1, 2 and 3. Is there an Enstar Natural Gas line down the old right of way with easements, through what would now be the middle of the lots, that are not shown on the preliminary plat?
- b.) The existing community well is in the proposed utility easement on the east side of lot 4. Is there a 150' or 200' safety radius reserved through the State DEC for a class A or B public well. Since each of the new lots are large enough for their own on site water and sewer systems, the two existing homes should have new wells provided and this community well properly abandoned, so the utility easement can be jointly used by the other utilities.
- c.) The Brainard Circle constructed with the condominium plat is shown on the preliminary plat topo, encroaching onto lot 7. If the gas line is on the south side of the existing cul-de-sac, an easement will be needed on lot 7 or the gas line moved lot 8 flag pole prior to recording.

Sincerely,
George Strother
5935 E Tex-Al Drive
Wasilla, AK 99654



EXHIBIT S-4



EXHIBIT S -5

Matanuska-Susitna Borough
Platting Board Meeting
March 17, 2016

RECEIVED
RECEIVED
MAY 18 2016
PLATTING
PLATTING

Comments concerning Agenda Item C
P&J Homes Inc. Birchwood Estates

Introduction:

My name is David Malette. I am attending this meeting on behalf of my mother, Rita Brainard, the property owner of Lot B 7 adjacent and to the South of the proposed Birchwood Estates subdivision.

Statement:

Rita has no objections to the size or location of the proposed subdivision along the North boundary of her property (Lot B 7). However at this time, Rita uses the South termination of Slaton Street to access her property as shown on Plat 2011-55. The proposed revisions to Birch Harbor Estates would have Slaton Street terminate in a Cul-de-sac and remove her current access to Lot B 7.

Comments:

1. For many years Rita used an old easement road on the East boundary of Lots B 23, B 26 and B 27. The road has become overgrown with vegetation and been damaged near the beginning where it meets Tex-Al Drive by the construction of utilities and normal erosion. This has created a dangerous access on to Tex-Al Drive from this road.
2. The recordings for this easement road (Palmer Recording District Book 0878 Page 189,190 and 191) allow for the use of the road but do not allow for improvements or continuance if the Brainard property should be subdivided in the future.
3. The Matanuska-Susitna Borough Subdivision Standards Chapter 43.20 addresses the issues of access to adjacent properties through proposed subdivisions as follows.
4. 43.20.060 DEDICATION TO PUBLIC.

(A) All roads shall be dedicated to the public, except as provided in subsection (D) of this section; provided, that a subdivider shall be required only to provide the designated right-of-way width within the subdivision, and one-half of the designated right-of-way width of the street on the exterior boundary of the

subdivision with the dedication secured from the adjacent property owner before final plat approval.

(B) When accepting roadway dedication, the platting authority shall conduct a public hearing.

(C) Roads shall be dedicated for access to all lots within the subdivision and parcels of land adjacent to the subdivision. Dedications shall be sufficient to carry all traffic generated by the subdivision and to provide residential rights-of-way for projected traffic through the subdivision.

5. 43.20.100 ACCESS REQUIRED.

(D) A subdivider proposing to create roads shall ensure access to adjoining privately owned parcel(s) beyond a proposed subdivision as follows:

- (1) Legal access shall be provided along a constructible alignment;
 - (a) Geometrical alignment shall meet a minimum of subcollector standards unless the applicant demonstrates that it is not necessary;
 - (b) Provided that constructing physical access to said adjoiners shall not be a condition of plat approval; and
- (2) Access to adjoining lands does not have to be provided where legal and constructible alternative access is available.

Additional Comments:

1. As an adjacent property owner Rita Brainard would like to request that this Platting Board place as a condition of approval that the developers of the Birchwood Estates subdivision create a right-of-way from the proposed cul-de-sac on Slaton Street to her property (Lot B 7)
2. Finally, the Matanuska- Susitna Borough Subdivision Standards seem to address these issues of access so that properties do not become land locked anomalies and can be integrated into future developments.

OWNERSHIP CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION BY OUR FREE CONSENT, DEDICATE ALL RIGHTS OF WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

OWNER: DAVE JOHNSON DATE
P & J PROPERTIES LIMITED
P.O. BOX 875910-258
WASILLA, AK. 99687

OWNER: PAUL J. MADSON DATE
P.O. BOX 89523
SIOUX FALLS, SD 57109-1009

OWNER: HELEN JOHNSON DATE
P.O. BOX 187
SPICER, MN 56288

OWNER: RITA M. BRAINARD DATE
P.O. BOX 870809
WASILLA, AK 99687

PLANNING AND LAND USE DIRECTOR'S CERTIFICATE

I CERTIFY THAT THIS SUBDIVISION PLAN HAS BEEN FOUND TO COMPLY WITH THE LAND SUBDIVISION REGULATIONS OF THE MATANUSKA-SUSTITNA BOROUGH, AND THAT THE PLAN HAS BEEN APPROVED BY THE PLATTING AUTHORITY BY PLAT RESOLUTION NUMBER _____ DATED _____ 2016 AND THAT THIS PLAN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE RECORDER IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, IN WHICH THE PLAT IS LOCATED.

PLANNING & LAND USE DIRECTOR ATTEST:

PLATTING CLERK

TAX CERTIFICATE

I HEREBY CERTIFY THAT ALL CURRENT TAXES AND SPECIAL ASSESSMENTS THROUGH: _____ 2016 AGAINST THE PROPERTY INCLUDED IN THE SUBDIVISION SHOWN HEREON HAVE BEEN PAID.

DATE _____ BOROUGH TAX COLLECTION OFFICIAL _____

NOTARY ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 2016, FOR DAVE JOHNSON

NOTARY PUBLIC MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 2016, FOR PAUL J. MADSON

NOTARY PUBLIC MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 2016, FOR HELEN JOHNSON

NOTARY PUBLIC MY COMMISSION EXPIRES: _____

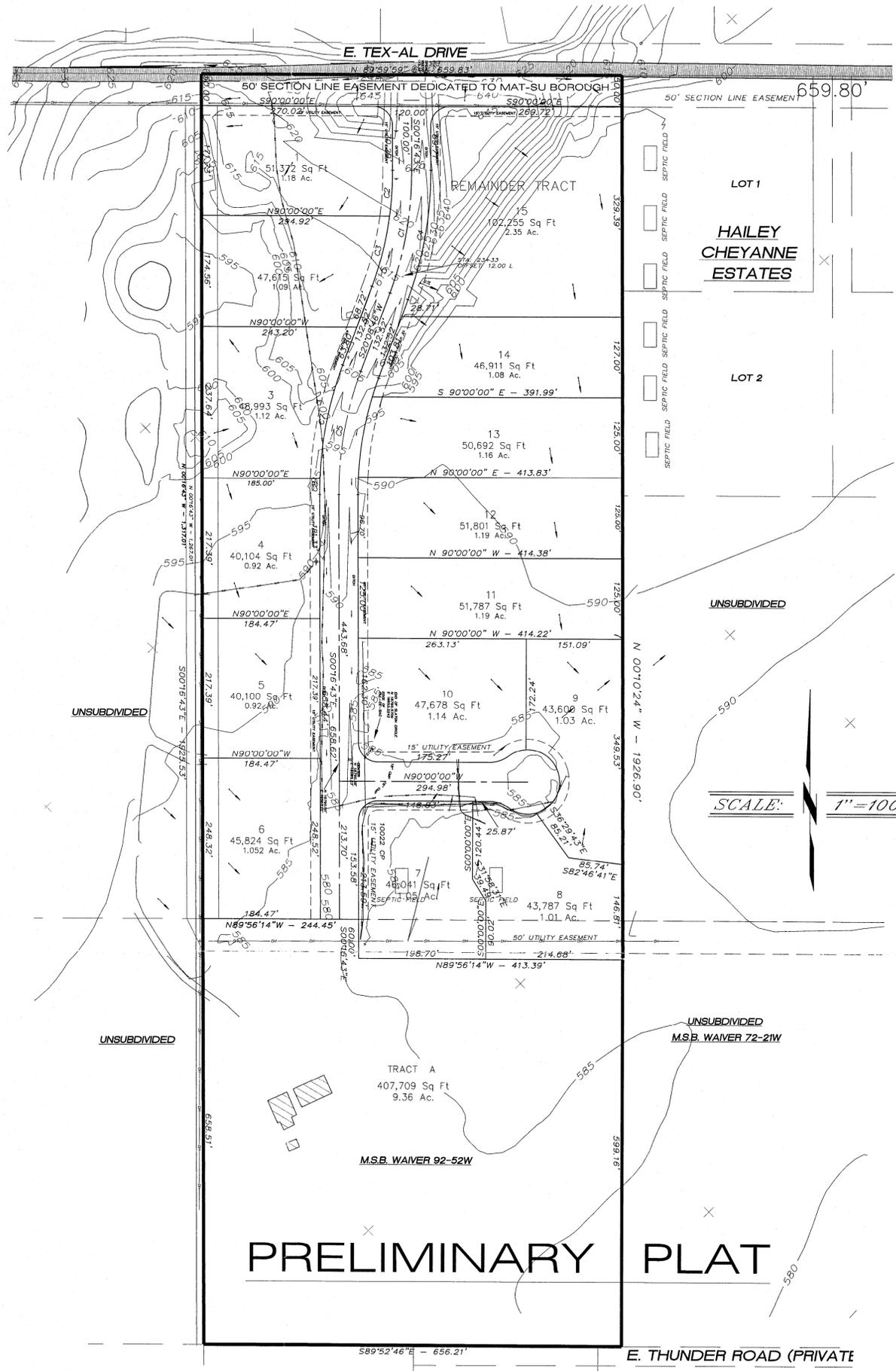
NOTARY ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 2016, FOR RITA M. BRAINARD

NOTARY PUBLIC MY COMMISSION EXPIRES: _____

GENERAL NOTES:

1. THE BASIS OF BEARING FOR THIS SURVEY IS THE NORTH LINE OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, HAVING A RECORD BEARING OF "WEST" PER GOVERNMENT LAND OFFICE PLAT OF SAID TOWNSHIP, DATED APRIL 2, 1915.
2. WHERE RECORD COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM THAT OF ACTUAL MEASURED OR COMPUTED COURSES, RECORD COURSE ARE SHOWN WITHIN PARENTHESES WHILE THE ACTUAL MEASURED OR COMPUTED SURVEY COURSES ARE SHOWN WITHOUT PARENTHESES.
3. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
4. ALL DIMENSIONS SHOWN ARE MEASURED OR CALCULATED DIMENSIONS UNLESS NOTED OTHERWISE.
5. THE ACCURACY OF THIS SURVEY IS GREATER THAN 1:10,000.
6. THERE IS NO DIRECT ACCESS TO TEX-AL DRIVE FROM SUBDIVISION LOTS.
7. THERE MAY BE FEDERAL, STATE, AND LOCAL REQUIREMENTS GOVERNING LAND USE. IT IS THE RESPONSIBILITY OF THE INDIVIDUAL PARCEL OWNER TO OBTAIN A DETERMINATION WHETHER SUCH REQUIREMENTS APPLY TO THE DEVELOPMENT OF PARCELS SHOWN HEREON.
8. ALL SEPTIC SYSTEMS FOR THE LOTS SHOWN HEREON ARE TO BE ON-SITE. NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS LOCATED, CONSTRUCTED, AND EQUIPPED IN ACCORDANCE TO THE REQUIREMENTS, STANDARDS, AND RECOMMENDATIONS OF THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHICH GOVERNS THOSE SYSTEMS.
9. NO UTILITY SHALL BE PLACED WITHIN ANY TEMPORARY TURNAROUND OR SLOPE EASEMENT WITHOUT A PERMIT FROM THE MATANUSKA-SUSTITNA BOROUGH PUBLIC WORKS DEPARTMENT.
10. FOR FOUND MONUMENT DESCRIPTIONS, SEE THE INDIVIDUAL PHASE SHEETS.
11. THERE IS GREATER THAN ONE PERCENT CHANGE THAT ANY PART OF THE PLATTED AREA WILL BE INUNDATED BY THE BASE FLOOD EVENT IN ANY GIVEN YEAR.
12. THERE IS AN BLANKET EASEMENT GRANTED TO MATANUSKA ELECTRICITY ASSOCIATION, INC., RECORDED IN BOOK 156, PAGE 39, PALMER RECORDING DISTRICT.
13. THERE IS AN EASEMENT GRANTED TO THE PUBLIC FOR INGRESS AND EGRESS RECORDED IN BOOK: 878, PAGE: 194, PALMER RECORDING DISTRICT.
14. THERE IS AN EASEMENT GRANTED TO THE PUBLIC FOR "PUBLIC ROADWAYS" RECORDED IN BOOK: 878, PAGE: 196, PALMER RECORDING DISTRICT.



LEGEND

- FOUND SURVEY MONUMENTS:**
- ⊗ FOUND B.L.M. OR G.L.O. MONUMENT AS DESCRIBED HEREIN.
 - ⊕ FOUND PRIMARY MONUMENT SET BY OTHERS: 3-1/4" OR 2" DIA. ALUMINUM CAP ON 2" DIA. ALUMINUM PIPE
 - ⊙ 1-1/2" DIA. ALUMINUM CAP ON 5/8" DIA. REBAR.
 - 1-1/4" DIA. YELLOW PLASTIC CAP (YPC) ON 5/8" DIA. REBAR.
 - 1" DIA. IRON PIPE
- SET SURVEY MONUMENTS:**
- SET SECONDARY MONUMENT THIS SURVEY: 2-1/2" DIA. ALUMINUM CAP ON 5/8" DIA. REBAR 36" LONG SET ON ALL LOT CORNERS LOCATED ALONG ROAD RIGHT-OF-WAY.

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD DIST.	CHORD BEARING
C1	20°25'28"	550.00	196.06	99.08	195.03	N09°56'02"E
C2	20°18'09"	550.04	194.90	98.48	193.89	S09°59'40"W
C3	20°25'28"	520.00	185.37	93.88	184.39	N09°56'02"E
C4	20°32'56"	580.04	207.97	103.11	206.86	S09°52'27"W
C5	24°25'52"	60.00	254.43	97.98	102.34	N58°14'21"E
C6	62°57'52"	50.00	54.95	30.62	52.22	S31°45'39"E
C7	20°32'59"	520.04	186.52	94.27	185.52	S09°52'15"W
C8	20°25'29"	580.00	206.76	104.49	205.66	N09°56'02"E
C9	70°29'51"	574.02	71.77	35.83	71.73	N03°40'34"E
C10	12°30'55"	520.00	113.58	57.02	113.36	N13°53'19"E
C11	17°58'08"	580.04	181.91	91.71	181.16	S11°09'41"W
C12	2°34'27"	580.04	26.06	13.03	26.06	S00°52'23"W
C13	65°08'00"	60.00	68.17	35.30	64.56	S32°45'43"E
C14	84°54'00"	60.00	88.91	54.88	80.99	N22°10'17"E
C15	30°00'00"	60.00	31.42	16.08	31.06	N14°43'17"E
C16	30°00'00"	60.00	31.42	16.08	31.06	N15°16'43"W
C17	3°07'03"	520.25	28.31	14.16	28.30	S01°08'55"W
C18	14°00'25"	520.04	127.13	63.89	126.82	S09°42'41"W
C19	32°5'52"	520.04	31.14	15.58	31.14	S18°25'49"W

SURVEYOR CERTIFICATE:

I, THOMAS M. KIRCHNER, ALS 5713, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND MONUMENTS SHOWN ON THE PLAT ACTUALLY EXIST AS DESCRIBED, AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



DATE: 6/15/2016

GRAPHIC SCALE: 1" = 100'



A PLAT OF BIRCHWOOD ESTATES

SUBDIVISION OF THE W. 1/2, N.E. 1/4, N.W. 1/4, + PARCEL 1 AND WAIVER AS RECORDED AS 14547.01 4/26 SECTION 16, TOWNSHIP 18 NORTH, RANGE 01 EAST, SEWARD MERIDIAN, MAT-SU BOROUGH, PALMER RECORDING DISTRICT, ALASKA CONTAINING 19.93 AC. MORE OR LESS

OWNER:

P & J PROPERTIES
P.O. BOX 875910-258
WASILLA, AK. 99687

PAUL J. MADSON
P.O. BOX 89523
SIOUX FALLS, SD 57109-1009

SURVEYOR:

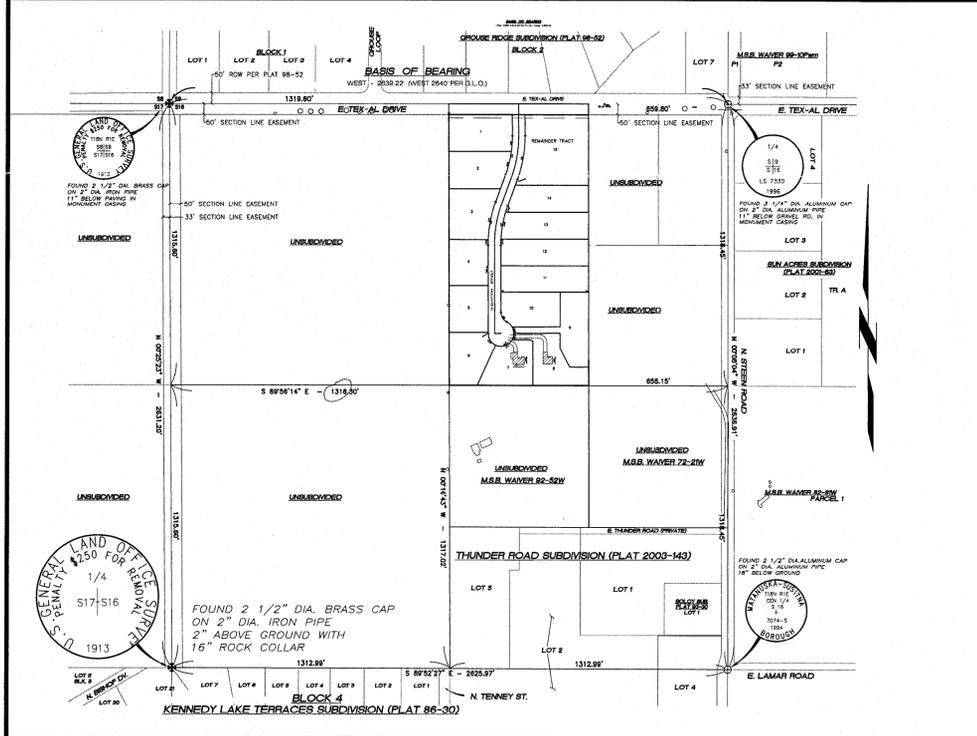
ALASKA LAND SURVEYING CO., L.L.C.
5451 N. MAVERICK DRIVE
P.O. BOX 397
PALMER, ALASKA 99645

DRAWN BY: T.M.K.

SCALE: 1"=100'

DATE: 12 JUNE 2016

PROJECT NO. 14547.01 / 4026



CONTROL SURVEY
SCALE: 1" = 400'

4D

**MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD RESOLUTION SERIAL NO. 16-54**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLATTING BOARD ON
SUBSTANTIAL CHANGES WITHIN TITLE 43, SUBDIVISIONS.

WHEREAS, ON April 17, 2012 the Borough Assembly approved Ordinance 12-072, repealing MSB Title 27, and adopting MSB Title 43, Subdivisions. At the time of adoption, the assembly requested that staff work with the code for a period of time and bring any suggested changes back to the assembly for consideration; and

WHEREAS, on March 1, 2013, Platting Division staff prepared a memorandum summarizing their review and breaking down proposed amendments into four areas: housekeeping, procedural, inconsistencies, and substantial; and

WHEREAS, amendments were drafted and adopted dealing with housekeeping, procedural and inconsistency changes to Title 43; and

WHEREAS, amendments have been drafted to address substantial items in Title 43; and

WHEREAS, notice of public hearing for the ordinance amendments was published; and

WHEREAS, the Platting Board heard testimony for or against the request and considered the merits of the proposed language; and

WHEREAS, the Platting Board approved the requested

amendments to Title 43; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Platting Board respectively requests that the Planning Commission approve amendments to address substantial changes within Title 43 and forward to the Assembly for adoption.

ADOPTED by the Matanuska-Susitna Borough Platting Board this 7th day of July, 2016.

JAY VAN DIEST, Chair

ATTEST

FRED WAGNER, Platting Officer

(SEAL)

YES:

NO:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO.**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING
MSB 43, SUBDIVISIONS.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of subsection. MSB 43.10.060(A), Platting Authority Procedure, is hereby amended as follows:

(A) The platting board shall act on an application for preliminary plat, variance, public use easement, plat note amendment, elimination or modification of platted utility, drainage, sanitation, slope, snow storage, buffer, and screening easements, or vacation of public interest only after holding a public hearing on the application. The platting board shall hear applications for vacations at the hearing on the preliminary plat to which they pertain if an application for plat approval has been filed or is required. The platting board shall consider any preliminary or final plat affected by the vacation of public interest.

Section 3. Amendment of section. MSB 43.15.005, General Administration, is hereby amended as follows:

(A) The platting board shall act upon applications for preliminary plats, variances, public use easements, plat note amendments, elimination or modification of platted utility, drainage, sanitation, slope, snow storage, buffer, and screening easements, and vacations of public interest within the procedures outlined by AS 29.40.110 and this title.

(1) The platting board shall not make conditions of plat approval beyond the authority and specific provisions of this title.

(B) The platting officer shall act upon applications for abbreviated plats, waivers, 40-acre exemptions, and right-of-way acquisition plats[, AND ELIMINATION OR MODIFICATION OF UTILITY EASEMENTS AS DESCRIBED IN MSB 43.15.032].

(1) the platting officer shall determine whether agency, department, or public comments provided are within the regulatory authority of this chapter and whether they should apply to a platting action.

(2) The platting officer shall not recommend or impose conditions of approval for platting actions that are not within the specific authority of this title.

[(3) THE PLATTING OFFICER SHALL DETERMINE WHETHER UTILITY EASEMENT REQUESTS ARE REASONABLE AND ONLY REQUIRE REASONABLE REQUESTS AS RECOMMENDATIONS TO THE BOARD OR AS CONDITIONS OF APPROVAL. THE PLATTING OFFICER SHALL PROVIDE FINAL APPROVAL ON THE ADEQUACY OF AN EASEMENT(S) PROVIDED FOR PLATTING ACTIONS ON FINAL PLATS AND PLATTING ACTIONS DELEGATED AS BY THIS TITLE, WITHIN 20 DAYS OF ACCEPTANCE OF SUBMISSION.]

(C) Leaseholds located within municipal airports are exempt from the requirement to plat.

(D) Commercial leases of ten years or greater are exempt from this title.

Section 4. Amendment of section. MSB 43.15.012, Forty-Acre Exemption, is hereby amended as follows:

(A) Purpose clause. The purpose of this section is to allow the land owner to divide or combine large parcels of land by document in an expedited manner.

(B) Exemptions. The platting officer shall exempt parcels from the provisions of this title where all the following conditions are met:

(1) The smallest parcel created is 40 acres in size, or is one-sixteenth of a section as defined by "aliquot part;"

(2) The parcel is to be conveyed by deed;

(3) The parcels or tracts created can be described by:

(a) aliquot part; or

(b) a metes and bounds description, provided the description is under the seal of a land surveyor;

(4) The document does not alter:

(a) an existing plat of record, including tracts on a cadastral plat; or

(b) parcels created via the waiver process.

(5) A certificate to plat shall be required, consistent with the requirements of MSB 43.15.053(E);

(6) Signatures of consent are provided on affidavits from all parties holding a legal or

equitable interest in the property to be recorded with the document;

(7) No more than four parcels shall be created from the parent parcel (s); and

(8) The applicant demonstrates that legal access as defined by MSB 43.20.120 exists to all parcels or tracts created and is suitable for future borough standard road construction.

(a) The suitability of legal access for future road construction shall be documented by the applicant based on the following information available from existing records within the Matanuska-Susitna Borough:

- (i) air photos;
- (ii) USGS mapping;
- (iii) topographic mapping; and
- (iv) other available data.

(b) The platting officer shall review within ten working days the legal access documentation and its "suitability" for future road construction.

(c) [FOR THE PURPOSE OF THIS SUBSECTION, "SUITABILITY" IS DEFINED AS THE ABILITY OF THE LEGAL ACCESS TO CONTAIN A BOROUGH STANDARD ROAD.

(I)] Access for parcels located two miles beyond the limits of the core comprehensive planning area may be from a trail shown to be constructible to the trail standards listed in MSB 43.20.055(B)(5); however, no trail construction is required for 40-acre exemption approval.

(d) The applicant [BOROUGH SHALL NOT REQUIRE THE PETITIONER TO PROVIDE A DESIGNED ROAD OR TRAIL TO MEET THE REQUIREMENTS OF THIS SUBSECTION] shall be required to submit plan, profile, and cross-sections if existing grades along proposed route exceed 10%, or if existing utilities or other land/water features influence the road design.

(9) An as-built of all structures or improvements within the parcel boundaries is provided, or a letter from a land surveyor stating that no setback violations exist or will be created by this platting action;

(10) For parcels described by metes and bounds, all parcel corners shall be surveyed and monumented and a record of survey or a detailed sealed drawing prepared by a land surveyor shall be recorded with the 40-acre exemption document. The survey shall

be tied to at least two platted subdivision corners or two aliquot part corners set by the state or federal government, or land surveyor, or any combination of the preceding;

(C) Exemption document. The document exempting a parcel from the provisions of this title shall be reviewed by the platting officer. The platting officer shall approve the exemption document within ten working days once the exemption submittal meets the conditions of this subsection. Upon approval of the document, the platting officer shall execute the approved document, signed by the planning director, and it shall be affixed with the platting board seal. It is the responsibility of the applicant to pay all appropriate fees.

(1) The intent of this provision is to allow prompt approval of a 40-acre exemption.

(D) The decision of the platting officer in this matter is final unless appealed in accordance with MSB 43.35.

Section 5. Amendment of section. MSB 43.15.021, Public Use Easement Acceptance Procedure, is hereby amended as follows:

(A) Prior to acceptance by the borough and recordation, the offeror for a public use easement shall submit a legal description of the proposed easement together with a drawing depicting the location of the proposed easement. If the proposed easement is in the form of a metes and bounds description, the description shall be submitted under the seal of a [REGISTERED] land surveyor. In lieu of a written legal description, a drawing showing the location and dimensions of the public use easement under the seal of a [REGISTERED] land surveyor shall be submitted.

(B) The legal description or drawing shall be reviewed for accuracy and completeness. If discrepancies are found, the offeror shall be notified of the discrepancies and shall resubmit the application for approval.

(C) The offeror shall prove that the public use easement is in a practical location where road construction is feasible in accordance with the subdivision construction manual. The offeror [SHALL NOT] shall be required to submit [ROAD DESIGNS] plan, profile, and cross-sections if existing grades along

proposed route exceed 10%, or if existing utilities or other land/water features influence the road design.

(D) If road construction is proposed, the offeror shall demonstrate that the physical road is feasible within the public use easement and that all approvals required from federal, state, borough, and other regulatory agencies have been issued or final recording will be contingent upon other permits and approvals.

(E) Public use easements shall be surveyed, monumented on the exterior, or the centerline if approved by the platting officer, and either shown on a record of survey, an associated plat, or a detailed sealed drawing prepared by a land surveyor which shall be recorded with the public use easement document.

(F) It is the responsibility of the offeror to pay all applicable fees.

(G) In acting on applications under this section the platting authority shall use the standards and procedures of MSB 43.10.060. Public noticing shall be in accordance with MSB 43.10.065

[(E)] (H) Upon compliance with subsections (A) through [(D)] (G) of this section, a public use

easement form with the approved legal description, bearing acknowledgment of acceptance by the borough and being signed by all individuals holding a legal or equitable interest in the property involved, shall be recorded. This provision does not require the signatures of holders of subsurface estate interests in the land being dedicated.

[(F) IT IS THE RESPONSIBILITY OF THE OFFEROR TO PAY ALL APPLICABLE FEES.]

(G) IN ACTING ON APPLICATIONS UNDER THIS SECTION THE PLATTING AUTHORITY SHALL USE THE STANDARDS AND PROCEDURES OF MSB 43.10.060. PUBLIC NOTICING SHALL BE IN ACCORDANCE WITH MSB 43.10.065.]

Section 6. Amendment of section. MSB 43.15.032, Elimination or Modification of Utility, Drainage, Sanitation, Slope, Snow Storage, Buffer, and Screening Easements, is hereby amended as follows:

(A) The platting [OFFICER]board shall review and act upon all petitions requesting elimination or modification of platted utility, drainage, sanitation, slope, snow storage, buffer, and screening easements; provided, that:

(1) the authority having jurisdiction over the easement consents;

(a) however, if the beneficiary of an easement refuses to authorize a vacation, the platting [OFFICER]board may approve the vacation if the following conditions are met:

(i) there are currently no existing improvements within the subject easement of the easement beneficiary or a portion of the easement will remain which includes the improvements;

(ii) if necessary a substitute easement is provided by document on the plat; and

(iii) findings of facts support granting the vacation;

(2) if the elimination or modification of easement is due to an encroachment, an as-built survey must be submitted with the original petition; and

(3) a vacation resolution is recorded along with a graphic representation showing the specific area eliminated and any alternate easements proposed.

(B) In acting on applications under this section the platting [OFFICER]board shall use the standards [AND THE PROCEDURES USED BY THE PLATTING BOARD IN

ACTING ON APPLICATIONS] and procedures under MSB 43.10.060. The platting [OFFICER] board shall act upon the application within [30] 60 days of the acceptance for public hearing.

(C) Public noticing shall be in conformance with MSB 43.10.065. [NOTICE OF PLATTING AUTHORITY APPROVAL SHALL BE SENT TO THE PUBLIC BODY HAVING JURISDICTION IN ACCORDANCE WITH MSB 43.10.065.]

Section 7. Amendment of section. MSB 43.15.040, Section Line and State Recognized RS-2477 Easement Vacations, is hereby amended as follows:

(A) This title provides standards for the vacation of section line easements and state recognized RS-2477 easements, also referred to as rights-of-way acquired under former 43 U.S.C. 932.

(B) An application for vacation of a section line easement or RS-2477 easement shall contain the following:

(1) a preliminary finding [OR] of approval from the appropriate agency of the state of Alaska;

(2) documentation by a [REGISTERED] land surveyor establishing the existence of a valid section line easement or RS-2477 easement within the area to

be vacated, stating the width of the section line easement or RS-2477 easement and verifying the existence and width of any adjoining section line easements or RS-2477 easements;

(3) legal description of the section line easement or RS-2477 easement proposed for vacation;

(4) reason for vacation request;

(5) plat copies, as needed, of a section line or RS-2477 vacation plat, drawn to the requirement of the state of Alaska;

(6) current Alaska State Department of Transportation and Public Facilities and Department of Natural Resources final approval required prior to recordation pursuant to A.S. 19.30.410;

(7) [Repealed by Ord. 16-018, § 17, 2016]

(8) demonstration that a reasonably comparable, established alternate right-of-way or means of access exists that is sufficient to satisfy all present and reasonably foreseeable uses pursuant to A.S. 19.30.410. In making this determination, the platting board shall consider comments from utilities concerning the adequacy of alternative access to provide for utility facilities and services; and

(9) demonstration that the vacation shall meet the standards set forth under MSB 43.15.035.

(C) Public notice of the vacation shall follow the procedures of MSB 43.10.065. Notice of platting authority approval shall be sent to the public body having jurisdiction in accordance with MSB 43.10.065.

Section 7. Amendment of section. MSB 43.15.049, Final Plat; General Provisions, is hereby amended as follows:

(A) Board review. The platting officer shall review all plats subdividing lands within the borough boundaries.

(B) Review for deficiencies. The platting officer shall review and check all final plats for deficiencies. Where deficiencies are found, the plat shall be returned to the subdivider for alteration or correction by the land surveyor responsible for the survey and the plat. The platting officer shall approve or disapprove the final plat within 20 days of submittal of the plat. If disapproved, the final plat shall be returned to the subdivider with specification of the deficiencies. The platting officer shall approve or disapprove the second final plat within ten days of resubmittal.

(C) Dedication and adoption. When a tract or parcel of land has been subdivided and the plat bears acknowledgement of the owner and the approval of the planning and land use director has been recorded in compliance with this title, all streets and other public areas shown on the plat shall be dedicated to the public for the use and purpose specified in the plat.

(D) Duplication of names. Road and subdivision names may not duplicate existing road or subdivision names in spelling or sound to avoid confusion with existing names.

(E) Service area boundary requirements. [BECAUSE OF THE CONSTRAINTS OF STATE LAW, IT SHALL NOT BE A CONDITION OF SUBDIVISION APPROVAL THAT NO LOT, TRACT, OR PARCEL BE SPLIT BY A SERVICE AREA BOUNDARY. HOWEVER, IF POSSIBLE THE SUBDIVIDER SHOULD CONFIGURE A LOT, TRACT, OR PARCEL SUCH THAT IT WOULD NOT BE SPLIT BY A SERVICE AREA.] It shall be a condition of subdivision approval that no lot, tract, or parcel be split by a service area boundary. Proposals to create a lot, tract, or parcel that would be split by a

service area boundary must realign the service area boundary prior to final plat approval.

(F) Utility easements.

(1) A snow storage easement if granted can be placed within a utility easement if there is no overriding surface conflict.

(2) A utility easement can be placed within a slope easement.

(G) Minor plat alterations.

(1) The purpose of this subsection is to resolve platting issues and/or improve the subdivision design and function without burdening staff, the petitioner, and the board with the additional time and costs to rehear the case.

(2) The platting officer is authorized to approve minor changes to an approved preliminary plat or master plan during review of the final plat for the following items. Any amendment or modification of the preliminary plat shall be limited to the following:

(a) The total number of lots may be reduced;

(b) The total number of lots may not be increased;

(c) Individual lot sizes may not be reduced by more than 20 percent per lot, and at no point to less than the minimum requirements that the preliminary plat was approved under. The aggregate of the proposed reductions shall not exceed one acre;

(d) Proposed rights-of-way or easements may be moved up to 25 feet if approved by the platting officer[, IF CHANGES MADE DO NOT AFFECT EXISTING PROPERTIES];

[(E) [PROPOSED RIGHTS-OF-WAY OR EASEMENTS MAY BE MOVED BETWEEN 25 FEET AND 100 FEET WITH THE CONCURRENCE OF THE PLATTING OFFICER AND THE DIRECTOR OF THE MATANUSKA-SUSITNA BOROUGH DEPARTMENT OF PUBLIC WORKS, AS LONG AS CHANGES DO NOT INCREASE THE AVERAGE DAILY TRAFFIC COUNT BY MORE THAN 5 PERCENT OR NECESSITATE A HIGHER ROAD CLASSIFICATION;]

(F) Approved external accesses cannot be changed; and

(G) Amendments and modifications cannot create setback violations.

Section __. Amendment of subsection. MSB 43.15.051(H), Final Plat; Submitted, is hereby amended as follows:

(H) All monuments to be of record shall be adequately described and clearly identified on the plat. [WHERE ADDITIONAL MONUMENTS SHALL BE SET AFTER THE PLAT IS RECORDED, THE LOCATION OF THE ADDITIONAL SUBORDINATE MONUMENTS SHALL BE SHOWN BY A DISTINCT SYMBOL NOTED ON THE PLAT AS REPRESENTING MONUMENTS SET THIS SURVEY.]

Section 8. Amendment of subsection. MSB 43.15.053(C), Final Plat; Certificates, is hereby amended as follows:

(C) Surveyor's certificate. A surveyor's certificate shall be substantially in one of the forms that follow, whichever is appropriate:

I, (surveyor's name and land surveyor number), hereby certify that I am a registered professional land surveyor in the state of Alaska and that this plat represents a survey made by me or under my direct supervision, and that the monuments shown on the plat actually exist as described, and that all dimensional and other details are true and correct to the best of my knowledge.

(SEAL)

I, (surveyor's name and land surveyor number), hereby certify that I am a registered professional land surveyor in the state of Alaska and that this

plat was prepared by me or under my direct supervision using record dimensions from Plat #_____.

(SEAL)

[I, (SURVEYOR'S NAME AND LAND SURVEYOR NUMBER) HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THE PLAT SHALL BE SET ON OR BEFORE _____, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

(SEAL)]

Section 9. Amendment of subsection. MSB 43.15.053(E), Final Plat, Certificates, is hereby amended as follows:

(E) Certificate to plat. Every final plat of a subdivision submitted for recording shall be accompanied by a certificate to plat or a preliminary commitment for title insurance, executed no more than [90]7 days prior to recording, by a title insurance company, confirming that the title of the land described and shown on the plat is in the name of the person signing the certificate of ownership as it is

shown on the plat, or in the name of the corporation as shown in the certificate of ownership.

Section 10. Amendment of subsection. MSB 43.15.053(F), Final Plat; Certificates, is hereby amended as follows:

(F) Certificate of payment of taxes. Every final plat of a subdivision submitted for recording shall be accompanied by a certificate from the tax collecting official or city treasurer stating that all special assessments and borough real property taxes levied against the property are current. The certificate shall be as follows:

CERTIFICATION OF PAYMENT OF TAXES

I hereby certify that all current taxes and special assessments, through _____, 20____, against the property, included in the subdivision or resubdivision, [HEREON] have been paid.

_____, 20____

Tax Collection Official (Borough)

I hereby certify that all current taxes and special assessments through _____, 20____,

against the property, included in the subdivision or resubdivision, [HEREON] have been paid.

Tax Collection Official (City)

Section 11. Repeal of subsection. MSB 43.15.054(D), Final Plat; Surveyor Requirements, is hereby repealed in its entirety:

[(D) MONUMENTS AND MARKERS SET AFTER RECORDING OF PLAT. ALL MONUMENTS OR MARKERS, OTHER THAN THE PERMANENT CONTROL MONUMENTS REQUIRED IN SUBSECTION (A) OF THIS SECTION, SHALL BE SET BEFORE THE RECORDING OF THE PLAT UNLESS THE LAND SURVEYOR INCLUDES IN THE SURVEYOR'S CERTIFICATION ON THE PLAT THAT THE ADDITIONAL MONUMENTS REQUIRED BY THIS TITLE SHALL BE SET ON OR BEFORE A SPECIFIED LATER DATE. THIS SUBSECTION SHALL ONLY BE USED WITH A SIGNED AND APPROVED SUBDIVISION AGREEMENT.]

Section 12. Amendment of subsection. MSB 43.20.060(A), Dedication to Public, is hereby amended as follows:

(A) All roads shall be dedicated to the public, except as provided in [SUBSECTION (D) OF THIS SECTION] **MSB 43.20.100(C)**; provided, that a subdivider shall be required only to provide the designated right-of-way width within the subdivision, and one-

half of the designated right-of-way width of the street on the exterior boundary of the subdivision with the dedication secured from the adjacent property owner before final plat approval.

Section 13. Amendment of section. MSB 43.20.100, Access Required, is hereby amended as follows:

(A) There shall be legal and physical road access provided to all subdivisions and to all lots within subdivisions, except as allowed by subsection (B) of this section and any other exemption within this title.

(B) Upon finding that no practical means of providing road access to a proposed subdivision exists and upon a showing that permanent public access by air, water, or railroad is both practical and feasible, the platting board shall waive the road requirements of subsection (A) of this section. If other than road access is approved, the mode of access shall be noted on the plat.

(C) Gated subdivisions and private roads shall be approved, provided they meet the following criteria:

(1) [ROADS ARE CONSTRUCTED TO THE REQUIRED BOROUGH STANDARDS] internal roads conform to the

requirements of the Subdivision Construction Manual for residential standards minimum except as allowed in MSB 43.20.055;

(2) emergency services shall be provided access to deliver services within the private subdivision[. BOROUGH MAINTENANCE SHALL BE PROVIDED ACCESS TO GET THROUGH THE SUBDIVISION TO PROVIDE SERVICES BEYOND THE PRIVATE SUBDIVISION];

(3) there is no possibility or public necessity to provide for public through traffic because alternate legal access to adjoining properties is available and that access is constructible in accordance with subdivision construction manual standards;[.]

(4) private road maintenance is guaranteed.

(a) the applicant shall submit a documented plan stating the following:

(i) what seasons road maintenance will be performed,

(ii) contact information for road maintenance,

(iii) length of the maintained roads in feet, and

(iv) surface type.

[(D) A SUBDIVIDER PROPOSING TO CREATE ROADS SHALL ENSURE ACCESS TO ADJOINING PARCEL(S) BEYOND A PROPOSED SUBDIVISION AS FOLLOWS:

(1) LEGAL ACCESS SHALL BE PROVIDED ALONG A CONSTRUCTIBLE ALIGNMENT;

(A) GEOMETRICAL ALIGNMENT SHALL MEET A MINIMUM OF SUBCOLLECTOR STANDARDS UNLESS THE APPLICANT DEMONSTRATES THAT IT IS NOT NECESSARY;

(B) PROVIDED THAT CONSTRUCTING PHYSICAL ACCESS TO SAID ADJOINERS SHALL NOT BE A CONDITION OF PLAT APPROVAL.]

(E) A subdivision plat whose sole purpose is to separate/divide a home/headquarters site in a Matanuska-Susitna Borough agricultural rights parcel under former MSB Title 13 is exempt from the road construction standards of the MSB Subdivision Construction Manual; provided, that the following conditions are fulfilled:

(1) prior to preliminary plat submittal the agriculture rights property owner is to obtain assembly approval of the sale of the home/headquarters

site through an application made to the borough land and resource management division; and

(2) the maximum parcel size is five acres for the home/headquarters site; and

(3) only two parcels can be created from the farm unit parcel, the home/headquarters site and the remainder;

(4) the applicant demonstrates that legal access as defined in MSB 43.20.120, Legal Access, exists to all parcels or tracts created, and the suitability of the legal access for future residential road construction is documented by a [REGISTERED] land surveyor or civil engineer hired by the applicant;

(5) the property is to be surveyed and monumented and a plat submitted in conformance with MSB 43.15.016, Preliminary plat submittal and approval, 43.15.049, Final plat; general provisions, and 43.15.051, Final plat; submitted;

(6) a plat note declaring that the borough is not responsible for road construction or road maintenance; and

(7) a plat note restricting further subdivision of the parcels being created.

Section 14. Amendment of section. MSB 43.20.140, Physical Access, is hereby amended as follows:

(A) Roads used for access or internal circulation shall:

(1) be located entirely within dedicated or legal rights-of-way; [AND]

(2) conform to existing requirements of the Subdivision Construction Manual[.]; and

(a) Prior to recordation, a surveyor's sealed drawing shall be submitted showing roadways within existing or proposed rights-of-way and any slopes steeper than 2.5 to 1 that extend beyond the right-of-way limits.

(b) A centerline profile shall be provided for those sections of roadway exceeding 6 percent grade.

Section 15. Amendment of subsection. MSB 43.20.281(A), Area, is hereby amended as follows:

(A) Unless designated otherwise by another authority having jurisdiction, minimum lot sizes shall be as follows:

(1) Except as allowed under subsections (A) (2), (3), and (4) of this section, all lots within

this district shall contain at least 40,000 square feet of area with at least 10,000 square feet of usable building area and 10,000 square feet of contiguous usable septic area. Lots having 20,000 square feet or less of the total of usable building area and usable septic area shall have 10,000 square feet of contiguous usable septic area surrounded by a well exclusion area extending 100 feet from the perimeter, delineated and reserved on the plat at the discretion of the platting board.

(a) Usable septic area is that area where seasonal high water table is a minimum of eight feet below the surface. Where water is encountered at ten feet or less below the surface, the seasonal high subsurface water is to be determined between May 1st and October 30th, and:

(i) that area where slopes are less than 25 percent;

(ii) that area which is more than 100 feet from open water, surface waters, and wetlands;

(iii) that area which is located at least 50 feet from the top of a slope which is

greater than 25 percent and has more than ten feet of elevation change;

(iv) that area which is not within an area dedicated to public use;

(v) that area which is outside of utility or other easements that would affect the use of the areas for on-site septic installation;

(vi) that area which is outside of a protective well radius;

(vii) that area which is outside of any known debris burial site; and

(viii) This subsection (A)(1)(a) may be changed to a minimum of six feet below surface if all of the following criteria are met:

(aa) There are special considerations which would preclude reasonably creating usable area by placing suitable fill to provide eight feet water table clearance;

(bb) A standard design is provided which is certified to meet applicable ADEC requirements at the time of recording by a state of Alaska licensed professional engineer; and

(cc) A note is provided on the plat stating an engineer designed and certified wastewater disposal system or packaged treatment plant meeting ADEC requirements will be required on subject lots (L#B#).

(b) Water table and ability of soils to accept effluent shall be determined by a number of borings or test holes sufficient to indicate subsurface conditions over the entire area of the subdivision. All of the borings and test holes shall be located within the perimeter of the proposed subdivision. Borings and test holes must have the following minimum depths below the ground surface:

(i) in areas known or suspected to contain permafrost, the lesser of:

(aa) twenty feet deep; or

(bb) a depth at which permafrost or an impermeable layer is encountered; and

(ii) the least depth associated with the following conditions, where they apply:

(aa) two feet below the depth where the water table is encountered;

(bb) twelve feet deep for shallow trench or bed systems;

(cc) sixteen feet deep for areas where deep trench or seepage pits will likely be used;

(dd) the depth to bedrock, clay, or other impermeable strata with an expected percolation rate slower than 120 minutes per inch; or

(ee) As determined by the engineer, a lesser depth as required to verify usable areas is acceptable for hand-dug excavations on parcels with limited or no access for heavy equipment.

(c) The minimum number of test holes shall be determined by the engineer.

(d) When the water table is encountered in the test holes, the depth to the seasonal high water table must be determined by:

(i) monitoring test holes or soil borings at times between May and October (inclusive);

(ii) soil mottling or staining analyses;

(iii) interpretation of levels of standing open water;

(iv) local knowledge and experience, if approved by the borough; or

(v) a combination of these methods.

(e) The depth to any seeps must be noted and may require subsequent monitoring.

(f) Soils in a usable wastewater disposal area must be:

(i) clearly shown to be visually classified as GW, GP, SW, or SP under the Unified Soils Classification System and expected to have a percolation rate of 15 minutes per inch or less (faster);

(ii) clearly shown to be GM or SM under the Unified Soils Classification System by a sieve analysis; or

(iii) shown by a percolation test conducted in accordance with (ADEC) Alaska State Department of Environmental Conservation regulations to have a percolation rate of 60 minutes per inch or less (faster).

(g) These borings or test holes shall be accomplished under the direct supervision of a

state of Alaska registered civil engineer, who shall submit soil logs and other findings in writing to the Matanuska-Susitna Borough certifying 10,000 square feet of contiguous usable area for septic drain field use.

(h) Where lots, tracts, or parcels exceed five acres in size, the platting authority may accept a reduced number of test holes or other supporting information, accomplished under the direct supervision of a state of Alaska registered engineer.

(i) The platting authority shall exempt the submission requirements of MSB 43.15.016(A)(2) for purposes of fulfilling usable area requirements for subdivisions of land where:

(i) the lot size is 400,000 square feet or greater and an engineer or land surveyor submits a detailed topographic narrative; or

(ii) the existing subdivision was previously approved by the Alaska State Department of Environmental Conservation or by the borough after July 1, 1996, and the proposed subdivision action is limited to moving one or more lot lines a distance of ten feet or less.

(2) Lots containing at least 20,000 square feet but less than 40,000 square feet must be serviced by an approved municipal or community water or municipal or community septic system. The platting authority may approve lots having at least 20,000 square feet, provided each lot is serviced by an approved municipal or community water system or municipal or community wastewater system. A community wastewater disposal system shall include a common wastewater disposal site on separate lot(s) that serves the entire subdivision.

(a) Lots containing at least 20,000 square feet but less than 40,000 square feet not served by an approved municipal or community septic system must have a minimum 10,000 square feet of useable septic area and are exempt from the useable building area requirement.

(3) The platting authority may approve lots having less than 20,000 square feet but at least 7,200 square feet if served by a community or municipal water system and community or municipal sewage disposal facilities.

(4) For those areas not served by municipal sewer and water, lots less than 20,000 square feet must be approved by a planned unit development as authorized by MSB 17.36.

Section 16. Amendment of chapter. MSB 43.55, Subdivision Agreements, is hereby amended as follows:

43.55.010 SUBDIVISION AGREEMENT REQUIRED.

(A) Agreement. Where subdivision improvements are required under this title as a condition of plat approval the subdivider may enter into a subdivision agreement with the borough in accordance with this chapter. Road access must be at least 85 percent complete; all lots within the plat being recorded having access. All signage must be installed. All drainage improvements must be installed providing functioning drainage throughout the subdivision prior to entering into a subdivision agreement; minor improvements are allowed to the functioning drainage system under the subdivision agreement.

(B) Application. Application for a subdivision agreement shall be made to the platting division. The application shall include a tentative schedule of all proposed construction of public improvements [AND

UTILITIES] and the subdivider's estimate of the cost of each required public improvement, itemized materials list, plans, specifications, descriptions of work, the limits of the work area, the methods to be employed, Storm Water Pollution Prevention plans, and any other pertinent data and information necessary for the platting division to evaluate the proposed installation. The borough may require a showing of the subdivider's financial responsibility.

(C) Contents of agreement. The subdivision agreement shall include, but need not be limited to, the following provision:

(1) a designation of the public improvements required to be constructed;

(2) the construction and inspection requirements of the borough [OR UTILITY] for which the improvements are constructed;

(3) the time schedule for completing the improvements;

(4) the guarantee required by MSB 43.55.030;

[(5) A SCHEDULE FOR ANY PAYMENTS REQUIRED UNDER THIS CHAPTER;]

(6) the allocation of costs between the borough and the subdivider for required public improvements;

(7) the warranty required by MSB 43.55.037;

(8) the consent of the subdivider for the ownership of specified public improvements to vest with the municipality upon final acceptance by the borough;

(9) a warranty that the subdivider has title to the subdivision property and the authority to execute the subdivision agreement;

[(10) WHERE THE SUBDIVISION IS WITHIN THE REGULATORY FLOODWAY, A PROVISION REQUIRING THE SUBDIVIDER TO SUBMIT CERTIFICATION OF FLOODPROOFING, INFORMATION ON THE ELEVATION OF THE LOWEST HABITABLE FLOOR, AND INFORMATION ON THE ELEVATION TO WHICH THE STRUCTURE IS FLOODPROOF FOR EACH BUILDING OR STRUCTURE TO BE CONSTRUCTED AS PART OF THE SUBDIVISION AGREEMENT;]

(11) a provision that all work shall be performed pursuant to Matanuska-Susitna Borough specifications for subdivision improvements or, where

city specifications are applicable, city specifications for such improvements;

(12) a provision that work shall not commence until plans have been approved by the platting division and notice to proceed is given.

43.55.015 ASSEMBLY APPROVAL REQUIRED.

(A) Approval by the assembly shall be required to enter into subdivision agreements where borough participation in the cost of the required public improvements is involved, and approval by the city within which the subdivision is located shall be required to enter into subdivision agreements where city participation in the cost of the required public improvements is involved.

43.55.020 COMPLETION DATE.

(A) The improvements required under the terms of the subdivision agreement shall be fully completed for final acceptance within two years of the date of execution of the agreement, unless upon a showing of good cause the subdivision agreement is extended by the platting division for an additional one-year period. The platting board may grant further

extensions following the standards and procedures of MSB 43.10.060.

43.55.025 COST OF REQUIRED PUBLIC IMPROVEMENTS.

(A) Elements of cost. The cost of any public improvements includes the cost of design, engineering, contract administration, inspection, testing, and surveillance as well as the work, labor, and materials furnished for the construction of the improvement. **Little Davis Bacon wages shall be used to estimate costs.**

(B) Apportionment. The subdivision agreement shall require the subdivider to pay all the costs as follows:

(1) all direct and indirect costs incurred by the borough in supplying and administering [ANY] **the** method of public improvement guarantee provided for in MSB 43.55.030;

(2) all costs for inspection for final acceptance and warranty repairs of any required public improvements. Surveillance shall be performed by the borough during the course of construction and up to the point of final acceptance of the completed

project. Inspection shall be performed by the borough during the warranty period;

(3) all direct and indirect costs of plan review, agreement review, and administration and attendant costs;

(4) all costs of all subdivision improvements required as a condition of plat approval, except those costs of an improvement the borough has agreed to pay that are attributable to oversizing;

(5) the manager may promulgate and amend a schedule of fees and charges to recover the costs set out in subsections (B)(1) through (4) of this section.

43.55.030 GUARANTEE OF COMPLETION OF PUBLIC IMPROVEMENTS.

(A) Guarantee. To assure the installation of required public improvements which are not accepted at the time the final plat is filed, the subdivision agreement shall require the subdivider to guarantee the completion of all the improvements by [ONE OR MORE OF] the method[S] specified below. [THE MEANS OF A GUARANTEE MAY BE CHANGED DURING THE GUARANTEE PERIOD THROUGH A WRITTEN MODIFICATION OF THE AGREEMENT.] The amount of guarantee shall be determined on the basis of the borough's cost estimate and shall be adequate

for the borough to complete construction of the public improvements. The guarantee shall remain in effect until final acceptance of the public improvements and successful completion of the [POSTING AND ACCEPTANCE OF SECURITY FOR THE] warranty period.

(B) Cost estimates. The borough's estimate shall state the estimated cost of completion for each required public improvement, using Little Davis Bacon wages. Cost estimates for each required public improvement shall be approved by the borough engineer through the platting division. For purposes of establishing the amount necessary for the guarantee of completion of public improvements, a percentage of overrun allowance shall be added to the total estimated cost of public improvements as follows:

Total Estimated Cost of Improvement

Percent for Overrun Allowance

\$0 to \$500,000 [20]25 percent

Over \$500,000 [10]15 percent

(C) Method[S] of public improvement guarantee.

The subdivision agreement shall include [ONE OR MORE

OF] the following method[S] to guarantee the construction of required public improvements:

[(1) PERFORMANCE BOND. THE SUBDIVIDER MAY PROVIDE A SURETY BOND FROM A COMPANY AUTHORIZED TO DO SUCH BUSINESS IN THE STATE OF ALASKA. THE BOND SHALL BE IN AN AMOUNT EQUAL TO THE ESTIMATED COST OF ALL REQUIRED PUBLIC IMPROVEMENTS PLUS AN OVERRUN ALLOWANCE AS PROVIDED IN SUBSECTION (B) OF THIS SECTION. THE BOND SHALL BE PAYABLE TO THE BOROUGH IN THE EVENT THAT ANY REQUIRED PUBLIC IMPROVEMENTS ARE NOT FINALLY ACCEPTED IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE AND SHALL BE POSTED BY NO PERSON OTHER THAN THE SUBDIVIDER.]

(2) Deposit in escrow. The subdivider [MAY ELECT TO] shall deposit a cash sum equal to the estimated cost of the remaining [ALL] required public improvements plus overrun allowances as provided above either with the borough or in escrow with the responsible financial institution authorized to do such business in the state of Alaska. In the case of an escrow account, the subdivider shall file with the borough an escrow agreement which includes the following terms:

(a) Funds of the escrow account shall be held in trust until released by the borough and may not be used or pledged by the subdivider as security in any matter during the period other than payment for the improvements. [THE FUNDS MAY BE RELEASED UPON AUTHORIZATION BY THE BOROUGH FOR PAYMENT OF IMPROVEMENTS AS MADE, EXCEPT THAT THE ESCROW HOLDER SHALL ALWAYS WITHHOLD FROM DISBURSEMENT SO MUCH OF THE FUND AS IS ESTIMATED BY THE BOROUGH AS BEING NECESSARY TO COMPLETE THE CONSTRUCTION AND INSTALLATION OF THE IMPROVEMENTS, PLUS AN OVERRUN AT THE PERCENTAGE UNDER SUBSECTION (B) OF THIS SECTION THAT IS APPLICABLE TO THE COST OF THE REMAINING CONSTRUCTION.]

(b) In the case of a failure on the part of the subdivider to complete any improvement within the required time period, the institution shall immediately make all funds in the account available to the borough for use in the completion of those improvements.

[(3) LETTER OF CREDIT. THE SUBDIVIDER MAY ELECT TO PROVIDE FROM A BANK OR OTHER RESPONSIBLE FINANCIAL INSTITUTION AUTHORIZED TO DO SUCH BUSINESS IN THE STATE OF ALASKA AN IRREVOCABLE LETTER OF CREDIT

THAT IS GOOD UNTIL A TIME AS THE BOROUGH AUTHORIZES ITS REVOCATION. THE LETTER SHALL BE FILED WITH THE BOROUGH AND SHALL CERTIFY THE FOLLOWING:

(A) THAT THE CREDITOR IRREVOCABLY GUARANTEES FUNDS IN AN AMOUNT EQUAL TO THE ESTIMATED COST OF ALL REQUIRED PUBLIC IMPROVEMENTS PLUS OVERRUN ALLOWANCES AS REQUIRED IN SUBSECTION (B) OF THIS SECTION FOR THE COMPLETION OF ALL SUCH IMPROVEMENTS;

(B) THAT IN THE CASE OF FAILURE ON THE PART OF THE SUBDIVIDER TO COMPLETE ANY SPECIFIED IMPROVEMENTS WITHIN THE REQUIRED TIME PERIOD, THE CREDITOR SHALL PAY TO THE BOROUGH IMMEDIATELY AND WITHOUT FURTHER ACTION THE FUNDS AS THE BOROUGH DETERMINES ARE NECESSARY TO FINANCE THE COMPLETION OF THOSE IMPROVEMENTS UP TO THE LIMIT OF CREDIT STATED IN THE LETTER.]

43.55.035 RELEASE OF GUARANTEE.

(A) The borough shall release the obligation for performance guarantees upon the final acceptance of the improvement and the [POSTING OF ADEQUATE SECURITY FOR] successful completion of the warranty period.

[THE BOROUGH MAY REFUSE TO RELEASE THE GUARANTEE AND OBLIGATION FOR ANY PARTICULAR PUBLIC IMPROVEMENT IF

THE SUBDIVIDER IS IN PRESENT OR IMMINENT DEFAULT IN WHOLE OR IN PART ON THE COMPLETION OF ANY OTHER PUBLIC IMPROVEMENT OR WARRANTY COVERED BY THE SUBDIVISION AGREEMENT.]

43.55.037 WARRANTY.

(A) Warranty of improvements. The subdivider shall warrant and guarantee that required public improvements constructed under the agreement have been constructed in accordance with the approved plans, shall remain in good condition and meet all applicable specification for one year after final acceptance of all improvements required to be constructed. The warranty includes defects in design, workmanship, materials, and any damage to improvements caused by the subdivider, its agents, or others engaged in work to be performed under the subdivision agreement.

(B) Security for warranty. To secure the warranty, the guarantee of performance provided in MSB 43.55.030 shall remain in effect until[:

(1)] the end of the warranty period[; OR

(2) THE SUBDIVIDER HAS FURNISHED THE BOROUGH WITH A CORPORATE SURETY BOND, CASH DEPOSIT, OR LETTER OF CREDIT IN AN AMOUNT EQUAL TO A PERCENT OF THE TOTAL

CONSTRUCTION COSTS AS SET FORTH BELOW. THIS SECURITY SHALL GUARANTEE THE PAYMENT OF ANY RECONSTRUCTION OR REPAIR COSTS WHICH MAY BE UNDERTAKEN DUE TO FAILURE OCCURRING DURING THE WARRANTY PERIOD. RESPONSIBILITY FOR IDENTIFYING THE NECESSITY OF REPAIRS OR RECONSTRUCTION OF THE IMPROVEMENTS SHALL REST WITH THE BOROUGH.

TOTAL CONSTRUCTION COST

PERCENT TO SECURE WARRANTY

\$0 TO \$500,000 10 PERCENT

\$500,000 TO \$1,000,000 7.5 PERCENT

\$1,000,000 AND HIGHER 5 PERCENT]

43.55.040 WARRANTY; CORRECTION OF DEFICIENCIES.

(A) Within a reasonable time as allowed by the borough, the subdivider shall correct, to the satisfaction of the borough, all deficiencies occurring in required improvements during the warranty period. Notification shall be made by any reasonable method. If the subdivider fails to repair or reconstruct the deficiency within the time specified above, the borough shall make the repair at the

subdivider's sole expense. The borough may then bill the subdivider for the cost of the repair or declare the guarantee[BOND, DEPOSIT, OR LETTER OF CREDIT] amount forfeited or demand payment of the note.

43.55.050 RELEASE OF WARRANTY.

(A) Inspection shall be made by the borough at the end of the warranty period and prior to the release of the guarantee[S]. All deficiencies shall be corrected prior to release of the guarantee [WARRANTY SECURITY]. Upon satisfactory correction of all deficiencies, the borough shall release the guarantee [SECURITY].

43.55.055 DEFAULT.

(A) Default on agreement or warranty. In the event the subdivider defaults on any obligation to construct required public improvements, to repair the improvements under the warranty, or to pay the costs or fees to the borough as are due it, the borough may demand immediate payment [ON THE PERFORMANCE OR WARRANTY GUARANTEE. IN THE CASE OF A PERFORMANCE BOND, DEPOSITS IN ESCROW, OR LETTER OF CREDIT, THE BOROUGH MAY DEMAND IMMEDIATE PAYMENT OF A PORTION OF ALL SUMS

OBLIGATED FOR THE PAYMENT] of costs and fees or for the construction or warranty of any improvements. All funds received by the borough shall be used for any construction, repair, or reconstruction necessary to ensure:

(1) that all required public improvements are built to specifications necessary to receive final acceptance; and

(2) the improvements remain in good condition for the completion of the warranty period.

(B) Use of proceeds. The borough may use guarantee funds for the construction, repair, or maintenance of required public improvements from the date of initial default until three years after the funds have become available to the borough for the use, except that no use shall be made of the funds later than [TWO] one year[S] after satisfactory completion and final acceptance of the work. The borough shall pay the subdivider all guarantee funds which were not used or obligated for the completion of the improvements after either:

(1) the final acceptance of all public improvements and [POSTING]successful completion of the warranty period[SECURITY] or;

(2) [SUCCESSFUL COMPLETION OF THE WARRANTY PERIOD; OR

(3)] the three-year period provided for above.

43.55.060 ENFORCEMENT.

(A) All provisions of this chapter are mandatory and may not be altered by the subdivision agreement. The obligations contained in this chapter may be enforced through an action to enforce the ordinance codified in this chapter as well as an action in contract.

43.55.065 OTHER MUNICIPALITIES AS BENEFICIARY.

(A) Where the public improvements are to become the property of a municipality within the borough, the borough may require that the municipality be a beneficiary of any undertaking of the subdivider, and of any guarantees and warranties to secure the performance of the subdivision agreement with respect to the improvements. The term "municipality" includes

the borough and cities with the Matanuska-Susitna Borough.

(B) Where, by borough ordinance, a municipality is given authority to determine, accept, release, or take similar actions relating to subdivision improvement guarantees or warranties, or the ordinance provides for procedures or standards that are different from the provisions of this chapter, the ordinance governs to the extent of its coverage of the actions.