

# AGENDA

**MATANUSKA-SUSITNA BOROUGH  
PLATTING BOARD  
AGENDA**

**REGULAR MEETING**

**1:00 P.M.**

**AUGUST 4, 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*

**AUGUST 4, 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. July 21, 2016

**3. UNFINISHED BUSINESS**

**4. PUBLIC HEARINGS**

- A. **JIM BUCKWALTER AND BRETT & AUDREY AMUNDSON** (owner/petitioner):  
The request is to create two lots from Tax Parcel C2 (described in warranty deed recorded December 27, 2012, Reception No. 2012-028232-0) and Tract A, Block 2, Jaclyn Plat No. 84-300, to be known as **LAZY A**, containing 25.93 acres +/- . Petitioner is apply for a variance from MSB 43.20.320 Frontage, as proposed Lot 2 has 50' of frontage onto N. Michigan Street; 60' frontage is required. Located within N ½ E ½ E ½ SW ¼ Sec 24, T19N, R05W, S.M. AK, lying between Long Lake and Florence Lake and south of John Lake, north of W. Roberts Drive and west of W. Long Lake Road. Community Council: Willow, Assembly District: #7: Randall Kowalke
- B. **ROMIE & PATRICIA DESCHAMPS, JOSEPH & JOANNE DAUGHERTY, SANDRA & PATRICK GARLEY** (owner/petitioner): The request is to create 4 lots from Tax Parcel D10 (described in deed recorded 4/7/1977 at Book/Page 136/873), Tax Parcel D6 (described in deed recorded 8/23/2003 at Reception No. 2003-025029-0) and Lots 1 and 2, Faulkner Estates, Plat No. 90-66, to be known as **GARLEY**, containing 6.89 acres +/- . Petitioner is applying for a variance from MSB 43.20.300(C), as proposed Lot 1 does not meet the length to width ratio. Located within E ½ E ½ NE ¼ NE ¼ Sec 09, T17N, R02E, S.M. AK, lying north and west of E. Outer Springer Loop, south of Palmer Airport and northwest of the Matanuska River. Community Council: N/A, Assembly District: #2: Matthew Beck

- C. **MICHAEL & KRISTLE LOTZER** (owner/petitioner): The request is to divide Lot 2 & Lot 3, Block 11 and Tract A, Potter Place Add #2 (Plat #86-199) into 8 new lots to be known as **SIDETRACK SUBDIVISION**, containing 17.38 acres +/- . The petitioner is also requesting to vacate the 30 x 400-foot Public Use Easement along the north side of proposed Lots 1 & 2 and the 14-footwide pedestrian easement within proposed Lots 2, 3&4. Located within Sec 17, T17N, R02W, S.M. AK, lying south of the Parks Highway, north of W. Misty Lake Road and adjoining the north side of S. Leora Drive. Community Council: Meadow Lakes, Assembly District: #7 Randall Kowalke
- 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 August 18, 2016 Platting Board Hearing (*Informational Only – Subject to change*)
- Kitter Ac, Case # 2016-088

**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](http://www.matsugov.us)), or at various libraries within the borough.

**MINUTES**

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on July 21, 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 Chairman, Mr. Jay Van Diest.

**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)
- Mr. LaMarr Anderson, District #2
- Mr. Stan Gillespie, District #3 (Excused Absence)
- Mr. Jordan Rausa, District #4
- 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

Staff in attendance:

- Ms. Sloan Von Gunten, Administrative Specialist
- Mr. Fred Wagner, Platting Officer
- Ms. VickieLee Fenster, Platting Assistant
- Ms. Cheryl Scott, Platting Technician

**B. THE PLEDGE OF ALLEGIANCE**

- The pledge of allegiance was led by Mr. Gregory Pugh.

**C. APPROVAL OF THE AGENDA**

The Chairman, Jay Van Diest inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objection.

**2. APPROVAL OF MINUTES**

The Chairman, Jay Van Diest inquired if there were any changes to the minutes.

GENERAL CONSENT: The minutes for July 7, 2016, was approved without objection.

**3. UNFINISHED BUSINESS**

**4. PUBLIC HEARINGS**

**A. ASLS 2015-18**

VickieLee Fenster (Platting Assistant)

- Stated that 32 public hearing notices were mailed out on June 29, 2016, to this date there have been no returns, no objections, no non-objections, and no concerns.

Cheryl Scott (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.

Nancy Cameron (MSB Land Management Agent)

- Gave a brief explanation of the actions being taken on this property.

MOTION:

- Mr. Johnson moved to approve the preliminary plat for ASLS 2015-18, seconded by Mr. Pugh.

DISCUSSION:

- Discussion on the wording on the findings.

VOTE:

- The motion passed with all in favor. There are 7 findings.

**TIME: 1:25 P.M.**

**CD: 0:22:49**

**5. MISCELLANEOUS**

**6. RECONSIDERATIONS/APPEALS**

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

Nancy Cameron (MSB Land Management Agent)

- Clarified on buying and selling of land through the borough.

**8. PLATTING STAFF & OFFICER COMMENTS**

- There will be 3 cases to be heard and Title 43 proposed amendments at the next platting board meeting.
- Ms. VickieLee Fenster will be a backup clerk for the platting board and will be practicing clerking the meeting for at the next few hearings.
- Ms. Horton is working on the final write up for the Title 43 proposed amendments.

**9. BOARD COMMENTS**

- Mr. Anderson asked about future presentations for the board for staff.

**10. ADJOURNMENT**

**Adjourned: 01:35 P.M.**

**CD: 0:32:28**

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Jay Van Diest, Chairman

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Sloan Von Gunten  
Administrative Specialist

4A

**STAFF REVIEW AND RECOMMENDATIONS  
PUBLIC HEARING  
AUGUST 4, 2016**

PRELIMINARY PLAT:     **LAZY A**  
LEGAL DESCRIPTION:    **SEC 24, T19N, R05W, SEWARD MERIDIAN, AK**  
PETITIONER(S):        **BRETT & AUDREY AMUNDSON and  
                              JIM BUCKWALTER**  
SURVEYOR:             **WOODS LAND SURVEYING**  
ACRES: 25.93 ±         **PARCELS: 2**  
REVIEWED BY:          **AMY OTTO-BUCHANAN**                             **CASE: 2016-080**

**REQUEST:** The request is to create two lots from Tax Parcel C2 (described in warranty deed recorded December 27, 2012, Reception No. 2012-028232-0) and Tract A, Block 2, Jaclyn Subdivision, Plat No. 84-300, Section 24, Township 19 North, Range 05 West, SM AK, to be known as LAZY A, containing 25.93+ acres. Petitioner is applying for a variance from MSB 43.20.320 Frontage, as proposed Lot 2 has 50' of frontage onto N. Michigan Street; 60' frontage is required.

**EXHIBITS**

Vicinity Map, Aerial Photo & Bare Earth Imagery                             **Exhibit A – 3 pgs**  
Variances from MSB 43.20.320 Frontage Application                           **Exhibit B – 4 pgs**

**AGENCY COMMENTS**

Department of Public Works Operations & Maintenance                       **Exhibit C - 1 pg**  
Code Compliance   **Exhibit D – 1 pg**  
Planning   **Exhibit E – 1 pg**  
Land & Resource Management Division   **Exhibit F - 1 pg**  
Cultural Resources   **Exhibit G – 1 pg**  
Utilities   **Exhibit H – 4 pgs**  
Assemblyperson Comments   **Exhibit I – 1 pg**  
Site Visit Report w/Photos, dated July 13, 2016                               **Exhibit J – 6 pgs**

**DISCUSSION:** The subject parcel is located in the N ½ E ½ E ½ SW ¼ between Long Lake and Florence Lake and south of John Lake, north of W. Roberts Drive and west of W. Long Lake Road in the Willow area. Access for proposed Lot 2 is N. Michigan Street, a 50' wide right-of-way in this section; street is owned and maintained by MSB. Access for proposed Lot 1 is N. Jaclyn Circle, a 50' wide right-of-way; street is owned and maintained by MSB. Proposed Lot 1 is 15.93 acres; Lot 2 is ten acres. Petitioner is applying for a variance from MSB 43.20.320 Lot Frontage, as proposed Lot 2 does not have the required 60' of frontage. Variance application at **Exhibit B.**

### Variance

MSB 43.20.320 Frontage states each lot shall contain a minimum of 60' of frontage. Proposed Lot 2 fronts along the west right-of-way of N. Michigan Street at the southeasterly corner of the lot. Petitioner's response to criteria is as follows:

The granting of the variance shall not be detrimental to the public health, safety, or welfare, or injurious to adjacent property. *The granting of this variance will not be detrimental to the public health, safety or welfare as it creates no limiting factors on the existing physical location of N. Michigan Street. N. Michigan Street, a paved through-way, lies within its dedicated right-of-way as shown on the preliminary plat. It should be noted that N. Michigan Street is situated in a rural setting where vehicular traffic is generally light. The granting of this variance will not be injurious to adjacent properties as future frontage can be made available from the west if the existing 50' wide right-of-way of W. Jaclyn Way is extended across the southerly boundary of Mr. Buckwalter's property. This right-of-way, currently undeveloped, terminates at a 50' radius temporary turnaround which is located at the southwest corner of Mr. Buckwalter's parcel. The right-of-way of W. Jaclyn Way was dedicated on Plat No. 84-300, Jaclyn Subdivision, with the intent of future extension as noted on the plat.*

The conditions upon which the variance application is based do not apply generally to properties for which the variance is sought. *This variance application represents unique conditions at the southeast corner of Mr. Buckwalter's property being brought to light by the subdivision of the unaffected north portion of his property. Upon review of surrounding subdivision activity, it is apparent that right-of-way planning for this portion of N. Michigan Street has been conducted piece-meal, being fully dependent on sequential dedication in determining which side of the right-of-way will require expansion to meet minimum width requirements. This is illustrated by the variable width of N. Michigan Street as shown on the preliminary plat and as referenced below. Foster's Subdivision, Plat No. 2005-213, located immediately east, reflects a 10' wide right-of-way dedication along its southern boundary. This dedication expanded the existing 50' wide public right-of-way easement, recorded at Book 245, Pages 368-369 to 60' across this portion, thusly satisfying MSB minimum width requirements of MSB 43.20.060(C). The consequent filing of Third Times A Charm Subdivision, Plat No. 2005-219, dedicated an additional 10' wide right-of-way along its northern boundary and 60' along its western boundary, making N. Michigan Street a strictly compliant 60' wide right-of-way through the entire subject area. However, this dedication not only created a 70' right-of-way width where these two subdivisions overlap (along track), it also locked Mr. Buckwalter's frontage at 50', without due consideration or adequate visionary planning. In retrospect, a planned future westerly extension of the south right-of-way line of Foster's Subdivision could have provided all adjacent parcels with their required minimum frontage along N. Michigan Street. These unique circumstances do have a potentially unique solution. Future development of the remaining southerly portion of Mr. Buckwalter's property and/or future development of the adjacent unsubdivided lands to the south could warrant dedication of right-of-way in extending W. Jaclyn Way easterly to intersect with N. Michigan Street. This would provide for the minimum frontage requirements under MSB 43.20.320, but would inherently be at odds with MSB 43.20.060(C) requiring a minimum of 60' right-of-way dedication.*

Because of unusual physical surroundings, shape or topographical conditions of the property for which the variance is sought, or because of the taking of a part of the property through condemnation or because of surrounding development or conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property. *Strict application of MSB 43.20.320, as illustrated above, places the burden of rectifying the shortage of minimum frontage squarely on Mr. Buckwalter's shoulders. This presents an undue hardship to Mr. Buckwalter as his options are 1) apply for a variance or 2) construct a 120' diameter cul-de-sac in the southeasterly corner of his property. Option 2 would require that Mr. Buckwalter construct a 60' radius cul-de-sac in the lower southeast corner of his property, at his own expense, to assure he meets with minimum 45' cul-de-sac frontage requirements, MSB 43.20.060(C). This would result in an undue hardship to Mr. Buckwalter and could provide injurious to his southerly adjoiner due to the amount of fill that would be required to construct a cul-de-sac to MSB residential road standards. The topography in the recommended construction zone consists of lowlands which would require in excess of 4'-6' of fill material over a 120' diameter. The lowlands extend even lower in elevation to the south, meaning Mr. Buckwalter would likely have to place fill over the common boundary line with his southern adjoiner. At this time, Mr. Buckwalter does not wish to construct a cul-de-sac and does not wish to dedicate right-of-way along his southerly boundary. Physical access onto Mr. Buckwalter's property is currently by way of an existing and historic 12' wide gravel driveway which extends northerly from N. Michigan Street. Please see Page 2 of the preliminary plat for as-built information.*

**Soils:** A geotechnical report was not required, pursuant to MSB 43.20.281(A)(1)(i)(i), as each proposed lot is greater than 400,000 sf and topographic information has been supplied by the surveyor.

**Access:** Legal and physical access to the proposed lots are required pursuant to MSB 43.20.100 Access Required, MSB 43.20.120 Legal Access and MSB 43.20.140 Physical Access. Access requirements are met, as N. Michigan Street and N. Jaelyn Circle as both MSB owned and maintained streets.

**Comments:** Department of Public Works Operations & Maintenance (**Exhibit C**) would prefer the right-of-way to be dedicated along the southern boundary. If the petitioner does not wish to dedicate that right-of-way, as stated in the variance application, then the availability of that right-of-way should not be used as a reason to grant the variance. *Staff notes the petitioner may certainly dedicate the requested right-of-way; however, staff is not suggesting it as a condition of approval. If the variance is not approved, the petitioner will be required to create the necessary 60' or 45' wide frontage pursuant to MSB 43.20.320 Frontage.* Code Compliance notes (**Exhibit D**) no open cases. Planning Division (**Exhibit E**) notes existing structures should be in compliance with setback requirements. Land and Resource Management Division (**Exhibit F**) notes no MSB owned lands are affected and has no objection to the subdivision. Cultural Resources (**Exhibit G**) has no objection to the platting action; however, they recommend caution during construction or related activities in the event cultural remains are recovered. Site visit report with photos, dated July 13, 2016 at **Exhibit J**.

**Utilities:** (Exhibit H) MTA has no objections. Enstar has no recommendations, comments or objections. GCI approved as shown. MEA requested a 15' wide utility easement adjoining the 20' wide road easement on the eastern boundary. *Staff notes the 20' wide road easement is a private easement and this information was relayed to MEA.* MEA responded with a request for a 30' wide utility easement centered on the west edge of the 20' wide roadway right-of-way easement. *Staff notes the petitioner may grant the utility easement as requested by MEA on final plat; however, staff is not suggesting it as a condition of approval.*

**Assemblyperson Comments:** (Exhibit I) Assemblyperson Randall Kowalke supports the variance.

At the time of staff report write-up, there were no responses to the Request for Comments (RFC) from US Army Corps of Engineers; ADF&G; Willow Community Council; Fire Service Area #35 Willow; Road Service Area #20 Greater Willow; MSB Emergency Services, Assessments, Permit Center, and Pre-Design Division.

**CONCLUSION:** The preliminary plat of Lazy A Subdivision is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plats. The variance from MSB 43.20.320 Frontage is consistent with MSB 43.15.075 Variances; Standard of Approval. There were no objections to the plat or variances from any federal or state agency, Borough department or utilities. No objections were received from the general public in response to the Notice of Public Hearing. Legal and physical access is provided to the proposed lots, consistent with MSB 43.20.100 Access Required, MSB 43.20.120 Legal Access and MSB 43.20.140 Physical Access. A geotechnical report was not required, pursuant to MSB 43.20.281(A)(1)(i)(i).

#### **RECOMMENDATION FOR APPROVAL OF PRELIMINARY PLAT**

**Suggested motion: "I move to approve the preliminary plat of Lazy A Subdivision and Variance from MSB 43.20.320 Frontage, Section 24, Township 19 North, Range 05 West, Seward Meridian, Alaska, contingent on staff recommendations:"**

1. Taxes and special assessments must be current prior to recording, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
2. Pay mailing and advertising fees of \$62.32.
3. Provide updated Certificate to Plat executed within 90 days of recording of the plat and submit Beneficiary Acknowledgement for any holder of a beneficial interest
4. Show or list all easements of record on final plat.
5. Submit recording fee payable to State of Alaska, Department of Natural Resources (SOA/DNR).
6. Submit final plat in full compliance with Title 43.

#### **FINDINGS for PRELIMINARY PLAT**

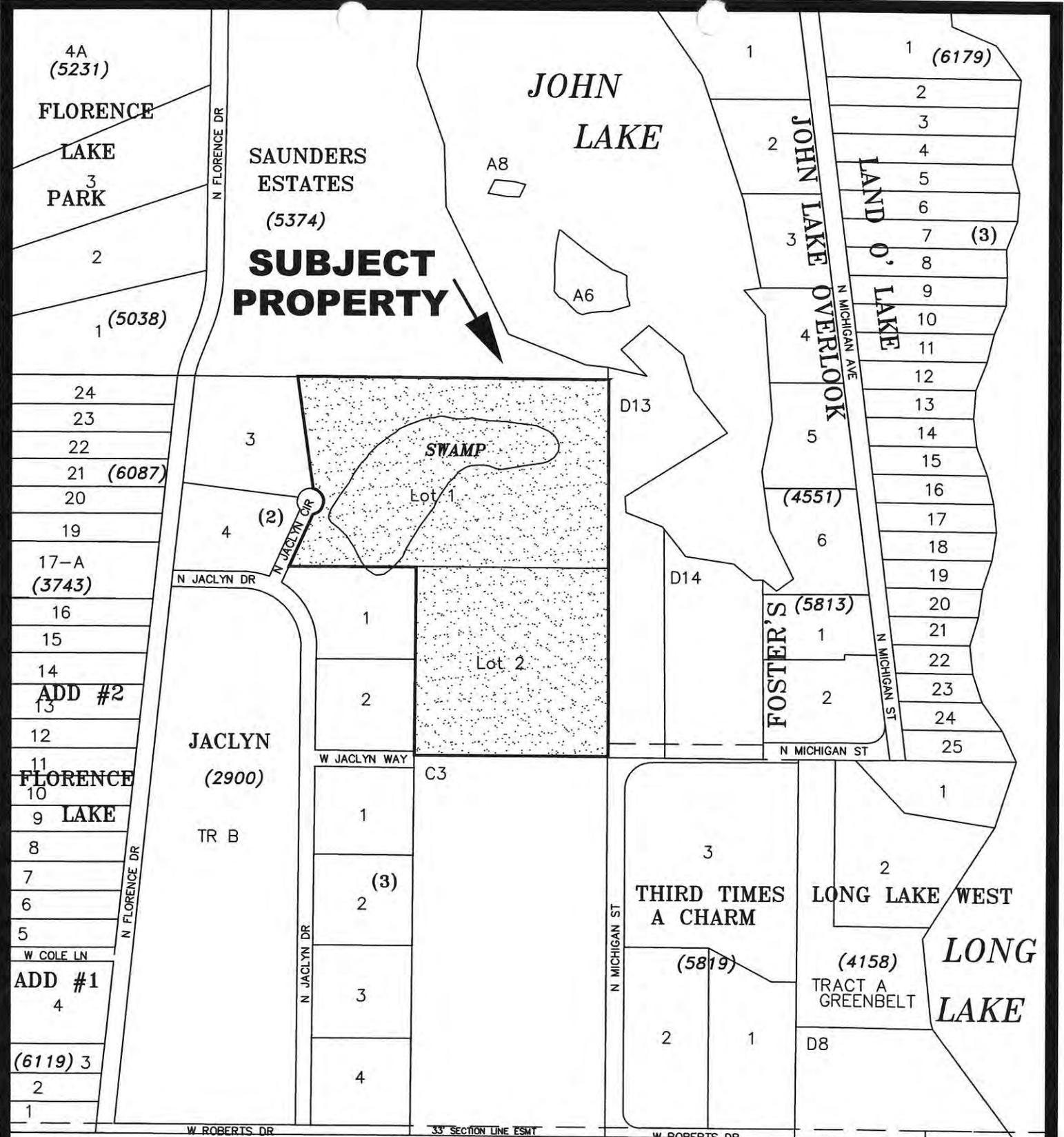
1. The plat of Lazy A Subdivision is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plats.

2. The variance from MSB 43.20.320 Frontage is consistent with MSB 43.15.075 Variances; Standard of Approval.
3. Petitioner's response to criteria for variance from MSB 43.20.320 Frontage:
  - a. The granting of the variance shall not be detrimental to the public health, safety, or welfare, or injurious to adjacent property. *The granting of this variance will not be detrimental to the public health, safety or welfare as it creates no limiting factors on the existing physical location of N. Michigan Street. N. Michigan Street, a paved through-way, lies within its dedicated right-of-way as shown on the preliminary plat. It should be noted that N. Michigan Street is situated in a rural setting where vehicular traffic is generally light. The granting of this variance will not be injurious to adjacent properties as future frontage can be made available from the west if the existing 50' wide right-of-way of W. Jaclyn Way is extended across the southerly boundary of Mr. Buckwalter's property. This right-of-way, currently undeveloped, terminates at a 50' radius temporary turnaround which is located at the southwest corner of Mr. Buckwalter's parcel. The right-of-way of W. Jaclyn Way was dedicated on Plat No. 84-300, Jaclyn Subdivision, with the intent of future extension as noted on the plat.*
  - b. The conditions upon which the variance application is based do not apply generally to properties for which the variance is sought. *This variance application represents unique conditions at the southeast corner of Mr. Buckwalter's property being brought to light by the subdivision of the unaffected north portion of his property. Upon review of surrounding subdivision activity, it is apparent that right-of-way planning for this portion of N. Michigan Street has been conducted piece-meal, being fully dependent on sequential dedication in determining which side of the right-of-way will require expansion to meet minimum width requirements. This is illustrated by the variable width of N. Michigan Street as shown on the preliminary plat and as referenced below. Foster's Subdivision, Plat No. 2005-213, located immediately east, reflects a 10' wide right-of-way dedication along its southern boundary. This dedication expanded the existing 50' wide public right-of-way easement, recorded at Book 245, Pages 368-369 to 60' across this portion, thusly satisfying MSB minimum width requirements of MSB 43.20.060(C). The consequent filing of Third Times A Charm Subdivision, Plat No. 2005-219, dedicated an additional 10' wide right-of-way along its northern boundary and 60' along its western boundary, making N. Michigan Street a strictly compliant 60' wide right-of-way through the entire subject area. However, this dedication not only created a 70' right-of-way width where these two subdivisions overlap (along track), it also locked Mr. Buckwalter's frontage at 50', without due consideration or adequate visionary planning. In retrospect, a planned future westerly extension of the south right-of-way line of Foster's Subdivision could have provided all adjacent parcels with their required minimum frontage along N. Michigan Street. These unique circumstances do have a potentially unique solution. Future development of the remaining southerly portion of Mr. Buckwalter's property and/or future development of the adjacent unsubdivided lands to the south could warrant dedication of right-of-way in extending W. Jaclyn Way easterly to intersect with N. Michigan Street. This would provide for the minimum frontage requirements under MSB 43.20.320, but would inherently be at odds with MSB 43.20.060(C) requiring a minimum of 60' right-of-way dedication.*
  - c. Because of unusual physical surroundings, shape or topographical conditions of the property for which the variance is sought, or because of the taking of a part of the property

through condemnation or because of surrounding development or conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property. *Strict application of MSB 43.20.320, as illustrated above, places the burden of rectifying the shortage of minimum frontage squarely on Mr. Buckwalter's shoulders. This presents an undue hardship to Mr. Buckwalter as his options are 1) apply for a variance or 2) construct a 120' diameter cul-de-sac in the southeasterly corner of his property. Option 2 would require that Mr. Buckwalter construct a 60' radius cul-de-sac in the lower southeast corner of his property, at his own expense, to assure he meets with minimum 45' cul-de-sac frontage requirements, MSB 43.20.060(C). This would result in an undue hardship to Mr. Buckwalter and could provide injurious to his southerly adjoiner due to the amount of fill that would be required to construct a cul-de-sac to MSB residential road standards. The topography in the recommended construction zone consists of lowlands which would require in excess of 4'-6' of fill material over a 120' diameter. The lowlands extend even lower in elevation to the south, meaning Mr. Buckwalter would likely have to place fill over the common boundary line with his southern adjoiner. At this time, Mr. Buckwalter does not wish to construct a cul-de-sac and does not wish to dedicate right-of-way along his southerly boundary. Physical access onto Mr. Buckwalter's property is currently by way of an existing and historic 12' wide gravel driveway which extends northerly from N. Michigan Street. Please see Page 2 of the preliminary plat for as-built information.*

4. Department of Public Works Operations & Maintenance prefers the right-of-way to be dedicated along the southern boundary. If the petitioner does not wish to dedicate that right-of-way, as stated in the variance application, then the availability of that right-of-way should not be used as a reason to grant the variance.
5. MEA requested a 30' wide utility easement centered on the west edge of the 20' wide private easement.
6. There were no objections to the plat or the variances from any federal or state agencies, Borough departments or utilities.
7. Assemblyperson Randall Kowalke supports the request for a variance.
8. There were no objections from the general public in response to the Notice of Public Hearing
9. At the time of staff report write-up, there were no responses to the Request for Comments (RFC) from US Army Corps of Engineers; ADF&G; Willow Community Council; Fire Service Area #35 Willow; Road Service Area #20 Greater Willow; MSB Emergency Services, Assessments, Permit Center, and Pre-Design Division.
10. Lot sizes and useable area are consistent with MSB 43.20.281(A)(2) Area.
11. A geotechnical report was not required, pursuant to MSB 43.20.281(A)(1)(i)(i).
12. Legal and physical access is provided to the proposed lots, consistent with MSB 43.20.100 Access Required, MSB 43.20.120 Legal Access, and MSB 43.20.140 Physical Access.

**SUBJECT  
PROPERTY**



**VICINITY MAP**

FOR PROPOSED LAZY A SUBDIVISION  
LOCATED WITHIN  
SECTION 24, T19N, R05W, SEWARD MERIDIAN,  
ALASKA  
WILLOW 14 MAP

**EXHIBIT A -1**





COLE

FLORENCE

JACLYN

MICHIGAN

ROBERTS

EXHIBIT A-2



### VARIANCE APPLICATION

This application is to the Matanuska-Susitna Borough Platting Board for a variance from the Subdivision Ordinance, Title 43. The application must include all of the information listed below. Incomplete applications will not be processed.

**Legal description of property:** N1/2 E1/2 E1/2 SW1/4 SEC 24, T19N, R5W, S.M., AK AS DESCRIBED IN WARRANTY DEED, DOCUMENT NO. 2012-028232-0, PALMER RECORDING DISTRICT, ALASKA.

RECEIVED

An application for a variance from a requirement of Title 43 shall contain:

MAY 31 2016

1. The preliminary plat to which the variance pertains or, if presented separately, a graphic representation of what the future platting project would entail;
2. A description of the variance requested including the code section reference;
3. Explain the special circumstances for the variance *on separate pages*, addressing criteria A, B, & C as required in MSB 43.15.075.
  - A. *The granting of the variance shall not be detrimental to the public health, safety or welfare, or injurious to adjacent property; and*
  - B. *The conditions upon which the variance application is based do not apply generally to properties for which the variance is sought; and*
  - C. *Because of unusual physical surroundings, shape, or topographical conditions of the property for which the variance is sought, or because of the taking of a part of the property through condemnation or because of surrounding development or conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property.*

PLATTING

I, JIM BUCKWALTER the owner (or owner's representative) of the above described property apply for a variance from Section 43.20. 320 of the Borough Code in order to allow: SUBDIVISION OF NORTHERLY 10 ACRES (+/-) TO BE ADDED TO ADJOINING TRACT A, BLOCK 2, JACLYN SUBDIVISION, PLAT 84-300, P.R.D., CREATING THE "LAZY A SUBDIVISION" AS DEPICTED ON "ATTACHMENT 1" (PRELIMINARY PLAT, LAZY A SUBDIVISION)

(Variances from Road Design Standards are variances from MSB 43.20.140, described within the Subdivision Construction Manual).

**APPLICANT OR OWNER**      Name: JIM BUCKWALTER      Email: dadbuckwalter@gmail.com  
 Mailing Address: 11616 N. MICHIGAN ST., WILLOW, AK      Zip: 99688  
 Signature: \_\_\_\_\_      Phone: 907-242-2962

**SURVEYOR**      Name (FIRM): WOODS LAND SURVEYS      Email: woodslandsurveys@gmail.com  
 Mailing Address: 529 W. EDINBOROUGH DR., PALMER, AK      Zip: 99645-6511  
 Contact Person: KARL D. WOODS, PLS 10950      Phone: 907-232-7512

~ Woods Land Surveys ~

529 W. Edinborough Dr., Palmer, Alaska 99645-6511  
907.745.6366 (Office) ~ 907.232.7512 (Mobile) ~ woodslandsurveys@gmail.com

29 March, 2016

Matanuska-Susitna Borough Platting Board  
350 East Dahlia Avenue  
Palmer, Alaska 99645-6488

RECEIVED

MAY 31 2016

PLATTING

Subject: Variance Application – Attachments 2 and 3A-3C  
Jim Buckwalter, MSB File: PA2016007

**Variance from MSB 43.20.320 FRONTAGE**

MSB Platting Board,

Please refer to **ATTACHMENT 1 – LAZY A SUBDIVISION** (Preliminary Plat Submittal, 2 Sheets)

**ATTACHMENT 2 – DESCRIPTION OF VARIANCE**

We are requesting a variance from the MSB 43.20.320 Frontage requirement of a minimum sixty foot (60') of frontage. This Variance applies to the remaining southerly 10 Acres of Mr. Jim Buckwalter's property which currently fronts along the west right-of-way of **N. Michigan Street** at the southeasterly corner of the parcel. The existing frontage along Mr. Buckwalter's property is fifty feet (50') as provided by Corrected Easement described in Book 245, Pages 368-369, Palmer Recording District, recorded Oct. 2, 1981.

**ATTACHMENT 3 – SPECIAL CIRCUMSTANCES FOR VARIANCE**

**3A:** The granting of this Variance will not be detrimental to the public health, safety or welfare as it creates no limiting factors on the existing physical location of N. Michigan Street. N. Michigan Street, a paved through-way, lies within its dedicated right-of-way as shown on Attachment 1 (Sheet 2 of 2 – Detail 02). It should be noted that N. Michigan St. is situated in a rural setting where vehicular traffic is generally light.

The granting of this Variance will not be injurious to adjacent properties as future frontage can be made available from the west if the existing 50' Right-of-Way of W. Jaclyn Way is extended across the southerly boundary of Mr. Buckwalter's property. This Right-of-Way, currently undeveloped, terminates at a 50' Radius Temporary Turnaround which is located at the southwest corner of Mr. Buckwalter's parcel. The Right-of-Way of W. Jaclyn Way was dedicated on Plat 84-300, P.R.D., Jaclyn Subdivision with the intent of future extension as noted on the plat.

**3B.** This Variance Application represents unique conditions at the southeast corner of Mr. Buckwalter's property being brought to light by the subdivision of the (unaffected) north portion of his property. Upon review of surrounding subdivision activity, it is apparent that Right-of-Way planning for this portion of N. Michigan St. has been conducted piece-meal, being fully dependent on sequential dedication in determining which side of the Right-of-Way will require expansion to meet minimum width requirements. This is illustrated by the variable width of N. Michigan Street as shown on Attachment 1 (Sheet 1 of 2) and as referenced below.

FOSTER'S SUBDIVISION (Plat 2005-213, P.R.D.), located immediately east, reflects a 10' Right-of-Way dedication along its southern boundary. This dedication expanded the existing 50' Public Right-of-Way Easement (Book 245, Pg's 368-369, P.R.D.) to 60' across this portion thusly satisfying MSB minimum width requirements (MSB 43.20.060 (C)).

The consequent filing of THIRD TIMES A CHARM Subdivision (Plat 2005-219, P.R.D.), dedicated an additional 10' of right-of-way along its northern boundary and 60' along its western boundary making N. Michigan Street a strictly compliant, 60' Right-of-Way through the entire subject area. However, this dedication not only created a 70' Right-of-Way width where these two subdivisions overlap (along track), it also locked Mr. Buckwalter's frontage at 50' without due consideration or adequate visionary planning. In retrospect, a planned future westerly extension of the south right-of-way line of Foster's Subdivision could have provided all adjacent parcels with their required minimum frontage along N. Michigan St.

These unique circumstances do have a potentially unique solution. Future development of the remaining southerly portion of Mr. Buckwalter's property and / or future development of the adjacent un-subdivided lands to the south could warrant dedication of Right-of-Way in extending W. Jaclyn Way easterly to intersect with N. Michigan St. This would provide for the minimum frontage requirements under MSB 43.20.320 but would inherently be at odds with MSB 43.20.060 (C) requiring a minimum of 60' Right-of-Way dedication.

**3C.** Strict application of MSB 43.20, as illustrated above, places the burden of rectifying the shortage of minimum frontage squarely on Mr. Buckwalter's shoulders. This presents an undue hardship to Mr. Buckwalter as his options are 1: Apply for a Variance; or 2: Construct a 120' diameter cul-de-sac in the southeasterly corner of his property.

Option 2 would require that Mr. Buckwalter construct a 60' Radius Cul-de-sac in the lower southeast corner of his property, at his own expense, to assure he meets with minimum 45' cul-de-sac frontage requirements (MSB 43.20.060 (C)). This would result in an undue hardship to Mr. Buckwalter and could prove injurious to his southerly adjoiner due to the amount of fill that would be required to construct a cul-de-sac to MSB Residential Road Standards. The topography

~ Woods Land Surveys ~

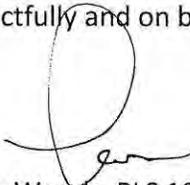
529 W. Edinborough Dr.  
Palmer, Alaska 99645-6511

in the recommended construction zone consists of lowlands which would require in excess of 4'-6' of fill material over a 120' diameter. The lowlands extend even lower in elevation to the south meaning Mr. Buckwalter would likely have to place fill over the common boundary line with his southerly adjoiner.

At this time, Mr. Buckwalter does not wish to construct a cul-de-sac and does not wish to dedicate Right-of-Way along his southerly boundary.

Physical access onto Mr. Buckwalter's property is currently by way of an existing and historic 12' wide gravel driveway which extends northerly from N. Michigan St. (Please refer to Attachment 1 – Sheet 2 of 2, Detail 02 – Lot 2 As-built).

Respectfully and on behalf of Mr. Jim Buckwalter,



Karl D. Woods, PLS 10950  
Woods Land Surveys  
907-232-7512

## Amy Otto-Buchanan

---

**From:** Jamie Taylor  
**Sent:** Tuesday, July 05, 2016 2:09 PM  
**To:** Platting  
**Cc:** Amy Otto-Buchanan  
**Subject:** RE: RFC Lazy A 16-080 AOB

O&M would prefer ROW to be dedicated along the southern boundary. If the petitioner does not wish to dedicate that ROW (as is stated in the variance application), then the availability of that ROW should not be used as a reason to grant the variance.

From 3A

The granting of this Variance will not be injurious to adjacent properties as future frontage can be made available from the west if the existing 50' Right-of-Way of W. Jaclyn Way is extended across the southerly boundary of Mr. Buckwalter's property. This Right-of-Way, currently

**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](mailto:jamie.taylor@matsugov.us)  
<http://www.matsugov.us/>

-----Original Message-----

**From:** Amy Otto-Buchanan On Behalf Of Platting  
**Sent:** Monday, June 20, 2016 4:00 PM  
**To:** Zafian, Holly K (DFG) ([holly.zafian@alaska.gov](mailto:holly.zafian@alaska.gov)); [mark.fink@alaska.gov](mailto:mark.fink@alaska.gov); [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil); [brian.young@usps.gov](mailto:brian.young@usps.gov); John Aschenbrenner; Randall Kowalke; Char Avril; [sec@waco-ak.org](mailto:sec@waco-ak.org); [debiebloom@gmail.com](mailto:debiebloom@gmail.com); [willowseniors@yahoo.com](mailto:willowseniors@yahoo.com); [comet62@gci.net](mailto:comet62@gci.net); [trs@mtaonline.net](mailto:trs@mtaonline.net); Richard Boothby; 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; MEA; MTA; Jessica Thompson ([jthompson@mta-telco.com](mailto:jthompson@mta-telco.com)); [jennifer.diederich@enstarnaturalgas.com](mailto:jennifer.diederich@enstarnaturalgas.com); Robin L. Leighty ([Robin.Leighty@enstarnaturalgas.com](mailto:Robin.Leighty@enstarnaturalgas.com)); [row@enstarnaturalgas.com](mailto:row@enstarnaturalgas.com); 'ospdesign@gci.com' ([ospdesign@gci.com](mailto:ospdesign@gci.com)); 'dblehm@gci.com' ([dblehm@gci.com](mailto:dblehm@gci.com))  
**Cc:** [jay@valleymarket.com](mailto:jay@valleymarket.com); [lamarra05@gmail.com](mailto:lamarra05@gmail.com); [stan.gillespie@gmail.com](mailto:stan.gillespie@gmail.com); [jordan@alaskaplans.com](mailto:jordan@alaskaplans.com); [tait@zimmermanteamak.com](mailto:tait@zimmermanteamak.com); [patrickjhnsn@hotmail.com](mailto:patrickjhnsn@hotmail.com); [amyhansenhomes@gmail.com](mailto:amyhansenhomes@gmail.com); [marty@valleymarket.com](mailto:marty@valleymarket.com); [winforhim@aol.com](mailto:winforhim@aol.com)  
**Subject:** RFC Lazy A 16-080 AOB

Attached is a Request for Comments for Lazy A Subdivision, MSB Case #2016-080 Tech AOB. Also attached is the Vicinity Map, Variance application, Owner's Statement and preliminary plat (2 pages). Comments are due by July 20, 2016. Please let me know if you have any questions. Thanks. A.

Note: Platting Board members are receiving a copy of this email for notification of upcoming cases only.

**Amy Otto-Buchanan**

---

**From:** Theresa Taranto  
**Sent:** Wednesday, July 20, 2016 1:50 PM  
**To:** Platting  
**Subject:** Amundson-Lazy A

No cases

## Amy Otto-Buchanan

---

**From:** Susan Lee  
**Sent:** Tuesday, June 21, 2016 7:31 AM  
**To:** Platting  
**Subject:** RE: RFC Lazy A 16-080 AOB

Existing 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)

-----Original Message-----

From: Amy Otto-Buchanan On Behalf Of Platting  
Sent: Monday, June 20, 2016 4:00 PM  
To: Zafian, Holly K (DFG) ([holly.zafian@alaska.gov](mailto:holly.zafian@alaska.gov)); [mark.fink@alaska.gov](mailto:mark.fink@alaska.gov); [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil); [brian.young@usps.gov](mailto:brian.young@usps.gov); John Aschenbrenner; Randall Kowalke; Char Avril; [sec@waco-ak.org](mailto:sec@waco-ak.org); [debiebloom@gmail.com](mailto:debiebloom@gmail.com); [willowseniors@yahoo.com](mailto:willowseniors@yahoo.com); [comet62@gci.net](mailto:comet62@gci.net); [trs@mtaonline.net](mailto:trs@mtaonline.net); Richard Boothby; 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; MEA; MTA; Jessica Thompson ([jthompson@mta-telco.com](mailto:jthompson@mta-telco.com)); [jennifer.diederich@enstarnaturalgas.com](mailto:jennifer.diederich@enstarnaturalgas.com); Robin L. Leighty ([Robin.Leighty@enstarnaturalgas.com](mailto:Robin.Leighty@enstarnaturalgas.com)); [row@enstarnaturalgas.com](mailto:row@enstarnaturalgas.com); 'ospdesign@gci.com' ([ospdesign@gci.com](mailto:ospdesign@gci.com)); 'dblehm@gci.com' ([dblehm@gci.com](mailto:dblehm@gci.com))  
Cc: [jay@valleymarket.com](mailto:jay@valleymarket.com); [lamarra05@gmail.com](mailto:lamarra05@gmail.com); [stan.gillespie@gmail.com](mailto:stan.gillespie@gmail.com); [jordan@alaskaplans.com](mailto:jordan@alaskaplans.com); [tait@zimmermanteamak.com](mailto:tait@zimmermanteamak.com); [patrickjhnsn@hotmail.com](mailto:patrickjhnsn@hotmail.com); [amyhansenhomes@gmail.com](mailto:amyhansenhomes@gmail.com); [marty@valleymarket.com](mailto:marty@valleymarket.com); [winfohim@aol.com](mailto:winfohim@aol.com)  
Subject: RFC Lazy A 16-080 AOB

Attached is a Request for Comments for Lazy A Subdivision, MSB Case #2016-080 Tech AOB. Also attached is the Vicinity Map, Variance application, Owner's Statement and preliminary plat (2 pages). Comments are due by July 20, 2016. Please let me know if you have any questions. Thanks. A.

Note: Platting Board members are receiving a copy of this email for notification of upcoming cases only.

Amy Otto-Buchanan  
Platting Technician  
email: [amy.otto@matsugov.us](mailto:amy.otto@matsugov.us)  
Phone: 861.7872 (direct line)



# 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 20, 2016  
TO: Fred Wagner, Platting Officer  
FROM: Land & Resource Management *RL*  
SUBJECT: Preliminary Plat Comments / Case #2016-008

---

JUN 20 2016

PLATTING

Platting Tech: Amy Otto-Buchanan  
Public Hearing: August 4, 2016  
Applicant / Petitioner: Amundson / Buckwalter  
TRS: 19N05W24  
Tax ID: 52900B02T00A & 219N05W24C002  
Subd: Lazy A  
Tax Map: WI 14

#### Comments:

- No borough land affected.
- No objections to proposed subdivision or variance.

EXHIBIT F



## 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:** Amy Otto Buchanan, Platting Technician  
**FROM:** Sandra Cook, Cultural Resources  
**SUBJECT:** Preliminary App  
**TITLE:** Lazy A  
**LEGAL:** Section 24, T19N, R05W, SM  
**TAX MAP:** WI 14

### 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 G

## Amy Otto-Buchanan

---

**From:** Becky Glenn <rglenn@mta-telco.com>  
**Sent:** Tuesday, June 21, 2016 9:54 AM  
**To:** Platting  
**Cc:** Jessica Thompson  
**Subject:** RE: RFC Lazy A 16-080 AOB

Amy,

MTA has reviewed the plat for RFC Lazy A. MTA has no objections.

Thank you for the opportunity to review and comment.

Becky Glenn  
MTA

-----Original Message-----

From: Amy Otto-Buchanan [<mailto:Amy.Otto-Buchanan@matsugov.us>] On Behalf Of Platting  
Sent: Monday, June 20, 2016 4:00 PM  
To: Zafian, Holly K (DFG) ([holly.zafian@alaska.gov](mailto:holly.zafian@alaska.gov)) <[holly.zafian@alaska.gov](mailto:holly.zafian@alaska.gov)>; [mark.fink@alaska.gov](mailto:mark.fink@alaska.gov); [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil); [brian.young@usps.gov](mailto:brian.young@usps.gov); John Aschenbrenner <[John.Aschenbrenner@matsugov.us](mailto:John.Aschenbrenner@matsugov.us)>; Randall Kowalke <[Randall.Kowalke@matsugov.us](mailto:Randall.Kowalke@matsugov.us)>; Char Avril <[Charlene.Avril@matsugov.us](mailto:Charlene.Avril@matsugov.us)>; [sec@waco-ak.org](mailto:sec@waco-ak.org); [debiebloom@gmail.com](mailto:debiebloom@gmail.com); [willowseniors@yahoo.com](mailto:willowseniors@yahoo.com); [comet62@gci.net](mailto:comet62@gci.net); [trs@mtaonline.net](mailto:trs@mtaonline.net); Richard Boothby <[Richard.Boothby@matsugov.us](mailto:Richard.Boothby@matsugov.us)>; Elizabeth Weiant <[Elizabeth.Weiant@matsugov.us](mailto:Elizabeth.Weiant@matsugov.us)>; Eric Phillips <[Eric.Phillips@matsugov.us](mailto:Eric.Phillips@matsugov.us)>; Sandra Cook <[Sandra.Cook@matsugov.us](mailto:Sandra.Cook@matsugov.us)>; Michael Weller <[Michael.Weller@matsugov.us](mailto:Michael.Weller@matsugov.us)>; Sheila Armstrong <[Sheila.Armstrong@matsugov.us](mailto:Sheila.Armstrong@matsugov.us)>; Tracy McDaniel <[Tracy.McDaniel@matsugov.us](mailto:Tracy.McDaniel@matsugov.us)>; Terry Dolan <[Terry.Dolan@matsugov.us](mailto:Terry.Dolan@matsugov.us)>; Jim Jenson <[James.Jenson@matsugov.us](mailto:James.Jenson@matsugov.us)>; Jamie Taylor <[Jamie.Taylor@matsugov.us](mailto:Jamie.Taylor@matsugov.us)>; Nicole Wilkins <[Nicole.Wilkins@matsugov.us](mailto:Nicole.Wilkins@matsugov.us)>; Theresa Taranto <[Theresa.Taranto@matsugov.us](mailto:Theresa.Taranto@matsugov.us)>; Susan Lee <[Susan.Lee@matsugov.us](mailto:Susan.Lee@matsugov.us)>; Eileen Probasco <[Eileen.Probasco@matsugov.us](mailto:Eileen.Probasco@matsugov.us)>; Jessica Smith <[Jessica.Smith@matsugov.us](mailto:Jessica.Smith@matsugov.us)>; Frankie Barker <[Frankie.Barker@matsugov.us](mailto:Frankie.Barker@matsugov.us)>; Permit Center <[PermitCenter@matsugov.us](mailto:PermitCenter@matsugov.us)>; Andy Dean <[Andy.Dean@matsugov.us](mailto:Andy.Dean@matsugov.us)>; MEA <[mearow@matanuska.com](mailto:mearow@matanuska.com)>; Becky Glenn <[rglenn@mta-telco.com](mailto:rglenn@mta-telco.com)>; Jessica Thompson <[jthompson@mta-telco.com](mailto:jthompson@mta-telco.com)>; [jennifer.diederich@enstarnaturalgas.com](mailto:jennifer.diederich@enstarnaturalgas.com); Robin L. Leighty ([Robin.Leighty@enstarnaturalgas.com](mailto:Robin.Leighty@enstarnaturalgas.com)) <[Robin.Leighty@enstarnaturalgas.com](mailto:Robin.Leighty@enstarnaturalgas.com)>; [row@enstarnaturalgas.com](mailto:row@enstarnaturalgas.com); 'ospdesign@gci.com' ([ospdesign@gci.com](mailto:ospdesign@gci.com)) <[ospdesign@gci.com](mailto:ospdesign@gci.com)>; 'dblehm@gci.com' ([dblehm@gci.com](mailto:dblehm@gci.com)) <[dblehm@gci.com](mailto:dblehm@gci.com)>  
Cc: [jay@valleymarket.com](mailto:jay@valleymarket.com); [lamarra05@gmail.com](mailto:lamarra05@gmail.com); [stan.gillespie@gmail.com](mailto:stan.gillespie@gmail.com); [jordan@alaskaplans.com](mailto:jordan@alaskaplans.com); [tait@zimmermanteamak.com](mailto:tait@zimmermanteamak.com); [patrickjhnsn@hotmail.com](mailto:patrickjhnsn@hotmail.com); [amyhansenhomes@gmail.com](mailto:amyhansenhomes@gmail.com); [marty@valleymarket.com](mailto:marty@valleymarket.com); [winforhim@aol.com](mailto:winforhim@aol.com)  
Subject: RFC Lazy A 16-080 AOB

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.

---

Attached is a Request for Comments for Lazy A Subdivision, MSB Case #2016-080 Tech AOB. Also attached is the Vicinity Map, Variance application, Owner's Statement and preliminary plat (2 pages). Comments are due by July 20, 2016. Please let me know if you have any questions. Thanks. A.

Note: Platting Board members are receiving a copy of this email for notification of upcoming cases only.



**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 22, 2016

Amy Otto-Buchanan, Platting Technician  
Matanuska-Susitna Borough, Platting Division  
350 East Dahlia Avenue  
Palmer, AK 99645-6488

Subject: Preliminary Plat Request for Comments – **Lazy A**  
(Case No. 2016-080)

Dear Ms Otto-Buchanan:

ENSTAR Natural Gas Company has reviewed the subject 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](mailto:cassie.wohlgemuth@enstarnaturalgas.com).

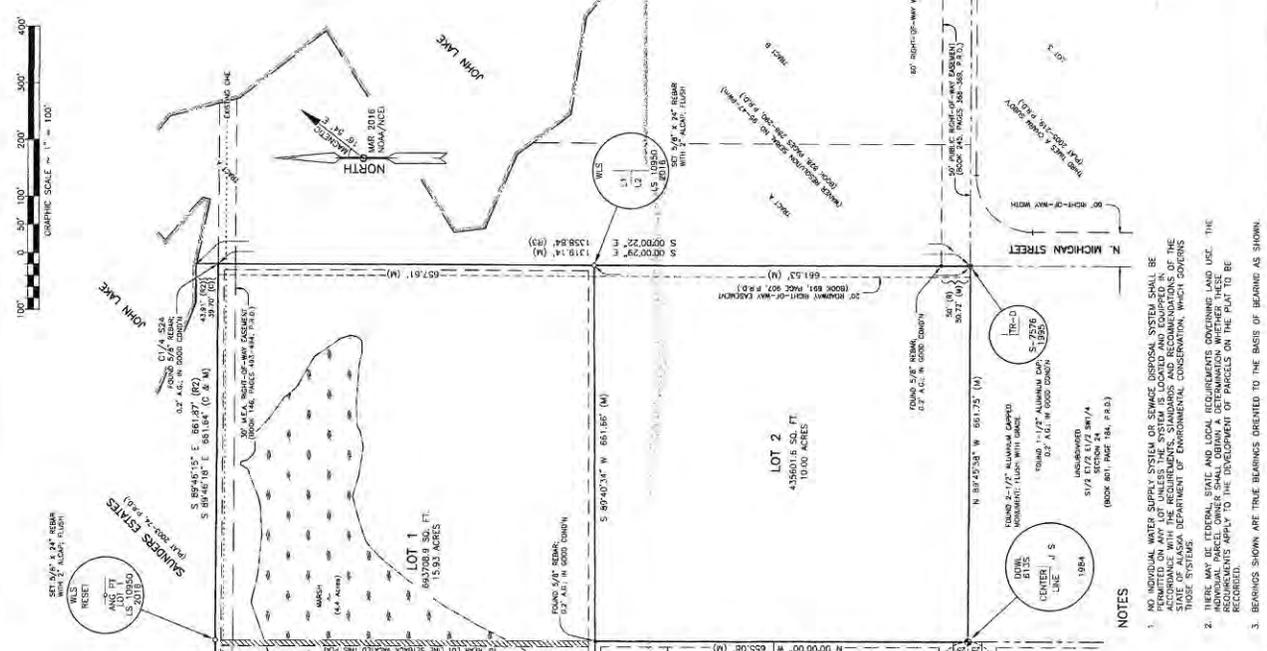
Sincerely,

A handwritten signature in blue ink that reads "Cassie Wohlgemuth". The signature is written in a cursive style with a long horizontal stroke at the end.

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

**EXHIBIT H-2**

CURVE	BEARING	CHORD	ANGLE	PLACEMENT
C1 (M)	S 89°45'15" E	117.82	117.82	18.82
C1 (M)	S 89°45'15" E	117.82	117.82	18.82
C1 (M)	S 89°45'15" E	117.82	117.82	18.82
C1 (M)	S 89°45'15" E	117.82	117.82	18.82
C1 (M)	S 89°45'15" E	117.82	117.82	18.82
C1 (M)	S 89°45'15" E	117.82	117.82	18.82
C1 (M)	S 89°45'15" E	117.82	117.82	18.82
C1 (M)	S 89°45'15" E	117.82	117.82	18.82
C1 (M)	S 89°45'15" E	117.82	117.82	18.82
C1 (M)	S 89°45'15" E	117.82	117.82	18.82



**CERTIFICATE OF OWNERSHIP**  
 WE CERTIFY THAT WE ARE THE OWNERS OF TRACT A, JACLYN SUBDIVISION AS DESCRIBED IN THIS PLAN AND THAT WE ADOPT THIS PLAN OF SUBDIVISION BY OUR FREE CONSENT.

BRETT AMUNDSON \_\_\_\_\_ DATE \_\_\_\_\_  
 AUDREY AMUNDSON \_\_\_\_\_ DATE \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT**  
 THIS IS TO CERTIFY THAT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED \_\_\_\_\_ TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATE OF OWNERSHIP**  
 I, CERTIFY THAT I AM THE OWNER OF THE N1/2 E1/2 SW1/4, SECTION 24, T19N R35W S1M, AS DESCRIBED IN THIS PLAN OF SUBDIVISION BY MY FREE CONSENT.

JIM BUCKWALTER \_\_\_\_\_ DATE \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT**  
 THIS IS TO CERTIFY THAT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED \_\_\_\_\_ TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATE OF PAYMENT OF TAXES**  
 I, THE UNDERSIGNED, HAVE PAID ALL CURRENT TAXES AND SPECIAL ASSESSMENTS, THROUGH \_\_\_\_\_, AGAINST THE PROPERTY INCLUDED IN THE SUBDIVISION OR RESUBDIVISION, HEREON HAVE BEEN PAID.

BOROUGH TAX COLLECTION OFFICIAL \_\_\_\_\_

**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-SUSTINA BOROUGH, AS APPLICABLE TO THIS SUBDIVISION, AND HAS BEEN APPROVED BY THE PLANNING AUTHORITY BY PLAT RESOLUTION NUMBER: \_\_\_\_\_

DATED \_\_\_\_\_ AT \_\_\_\_\_, ALASKA.

PLANNING AND LAND USE DIRECTOR \_\_\_\_\_  
 ATTEST: \_\_\_\_\_  
 PLANNING CLERK \_\_\_\_\_

**APPROVED AS SHOWN**  **CORRECTED**   
**SIGN LAST SUBMITTAL DATE**  **DATE**   
**ENGINEERING & DESIGN**

**SURVEYOR'S CERTIFICATE**  
 I, MARK D. WOODS, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND REGULATIONS OF THE STATE OF ALASKA. I HAVE REVIEWED THE RECORDS OF THE SURVEY AND THE MONUMENTS SHOWN ON THE PLAT ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

DATE: 5/17/16  
 LS-10980  
 ALASKA REGISTRATION NO.  
 MARK D. WOODS  
 REGISTERED LAND SURVEYOR

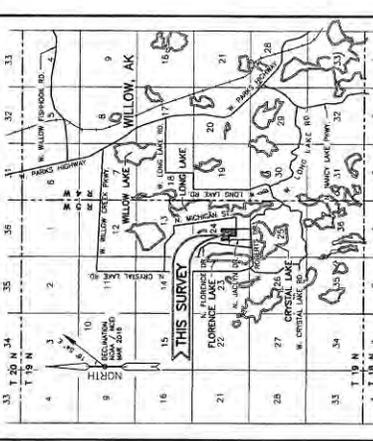


**NOTES**

- NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE CONSIDERED AS PART OF THIS SURVEY. THE SURVEYOR'S RESPONSIBILITY IS TO ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND REGULATIONS OF THE STATE OF ALASKA.
- THE USE OF FEDERAL, STATE AND LOCAL REGULATIONS CONCERNING LAND USE, THE INDIVIDUAL PARCEL OWNER SHALL OBTAIN A DETERMINATION WHETHER THESE REGULATIONS APPLY TO THE DEVELOPMENT OF PARCELS ON THE PLAT TO BE RECORDED.
- BEARINGS SHOWN ARE TRUE BEARINGS OBTAINED TO THE BASIS OF BEARING AS SHOWN.

**LEGEND**

- FOUND PRIMARY MONUMENT (AS NOTED)
- FOUND 5/8" REBAR (AS NOTED)
- FOUND 1/2" REBAR (AS NOTED)
- FOUND 3/4" REBAR (AS NOTED)
- FOUND 1" REBAR (AS NOTED)
- FOUND 1 1/2" REBAR (AS NOTED)
- FOUND 2" REBAR (AS NOTED)
- FOUND 3" REBAR (AS NOTED)
- FOUND 4" REBAR (AS NOTED)
- FOUND 6" REBAR (AS NOTED)
- FOUND 8" REBAR (AS NOTED)
- FOUND 10" REBAR (AS NOTED)
- FOUND 12" REBAR (AS NOTED)
- FOUND 14" REBAR (AS NOTED)
- FOUND 16" REBAR (AS NOTED)
- FOUND 18" REBAR (AS NOTED)
- FOUND 20" REBAR (AS NOTED)
- FOUND 22" REBAR (AS NOTED)
- FOUND 24" REBAR (AS NOTED)
- FOUND 26" REBAR (AS NOTED)
- FOUND 28" REBAR (AS NOTED)
- FOUND 30" REBAR (AS NOTED)
- FOUND 32" REBAR (AS NOTED)
- FOUND 34" REBAR (AS NOTED)
- FOUND 36" REBAR (AS NOTED)
- FOUND 38" REBAR (AS NOTED)
- FOUND 40" REBAR (AS NOTED)
- FOUND 42" REBAR (AS NOTED)
- FOUND 44" REBAR (AS NOTED)
- FOUND 46" REBAR (AS NOTED)
- FOUND 48" REBAR (AS NOTED)
- FOUND 50" REBAR (AS NOTED)
- FOUND 52" REBAR (AS NOTED)
- FOUND 54" REBAR (AS NOTED)
- FOUND 56" REBAR (AS NOTED)
- FOUND 58" REBAR (AS NOTED)
- FOUND 60" REBAR (AS NOTED)
- FOUND 62" REBAR (AS NOTED)
- FOUND 64" REBAR (AS NOTED)
- FOUND 66" REBAR (AS NOTED)
- FOUND 68" REBAR (AS NOTED)
- FOUND 70" REBAR (AS NOTED)
- FOUND 72" REBAR (AS NOTED)
- FOUND 74" REBAR (AS NOTED)
- FOUND 76" REBAR (AS NOTED)
- FOUND 78" REBAR (AS NOTED)
- FOUND 80" REBAR (AS NOTED)
- FOUND 82" REBAR (AS NOTED)
- FOUND 84" REBAR (AS NOTED)
- FOUND 86" REBAR (AS NOTED)
- FOUND 88" REBAR (AS NOTED)
- FOUND 90" REBAR (AS NOTED)
- FOUND 92" REBAR (AS NOTED)
- FOUND 94" REBAR (AS NOTED)
- FOUND 96" REBAR (AS NOTED)
- FOUND 98" REBAR (AS NOTED)
- FOUND 100" REBAR (AS NOTED)



**VICINITY MAP** ~ 1" = 1 MILE

**CERTIFICATE OF PAYMENT OF TAXES**  
 I, THE UNDERSIGNED, HAVE PAID ALL CURRENT TAXES AND SPECIAL ASSESSMENTS, THROUGH \_\_\_\_\_, AGAINST THE PROPERTY INCLUDED IN THE SUBDIVISION OR RESUBDIVISION, HEREON HAVE BEEN PAID.

BOROUGH TAX COLLECTION OFFICIAL \_\_\_\_\_

**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-SUSTINA BOROUGH, AS APPLICABLE TO THIS SUBDIVISION, AND HAS BEEN APPROVED BY THE PLANNING AUTHORITY BY PLAT RESOLUTION NUMBER: \_\_\_\_\_

DATED \_\_\_\_\_ AT \_\_\_\_\_, ALASKA.

PLANNING AND LAND USE DIRECTOR \_\_\_\_\_  
 ATTEST: \_\_\_\_\_  
 PLANNING CLERK \_\_\_\_\_

**PLAT SHOWING:**

**LAZY A SUBDIVISION**  
**LOT 1 AND LOT 2**

RECORDING DATE: MAY 20 2016  
 PLATTING

A SUBDIVISION OF TRACT A, BLOCK 2, JACLYN SUBDIVISION (PLAT 84-300, P.2.0) AND THE N1/2 E1/2 SW1/4 SECTION 24, T19 N R35 W S1M, AS DESCRIBED BY WARRANTY DEED (DOC 2012-028232-0) RECORDED 12/27/2012, PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, ALASKA.

CONTAINING 25.83 ACRES (CUMULATIVE TOTAL), MORE OR LESS

SECTION 24, TOWNSHIP 19 NORTH, RANGE 3 WEST, SEWARD MERIDIAN, ALASKA

PREPARED FOR: BRETT AND AUDREY AMUNDSON  
 5522 CODE STREET  
 ANCHORAGE, ALASKA 99518-1055

PREPARED BY: JIM BUCKWALTER  
 1000 WILLOW LAKE ROAD  
 WILLOW, ALASKA 99808  
 woodsonsurvey@gmail.com

FIELD SURVEY DATES: \_\_\_\_\_

BEORN: 27 FEBRUARY, 2016  
 END: 07 MARCH, 2016

DRAWN BY: MDS:AW  
 CHECKED BY: MDS:AW  
 SCALE: AS NOTED

RECORDING NO.: WLS16004  
 SHEET 1 OF 2

PRELIMINARY SUBMITTAL 01 ~ 19 MAY, 2016

## Amy Otto-Buchanan

---

**From:** Tammy L. Simmons <Tammy.Simmons@mea.coop>  
**Sent:** Monday, July 18, 2016 8:24 AM  
**To:** Amy Otto-Buchanan  
**Subject:** RE: Lazy A Subdivision

MEA is requesting a 30' wide easement centered on west edge of the 20' Roadway Right-of-Way easement.

Thank you for your help.

Tammy

---

**From:** Amy Otto-Buchanan [<mailto:Amy.Otto-Buchanan@matsugov.us>]  
**Sent:** Thursday, July 14, 2016 11:37 AM  
**To:** Tammy L. Simmons  
**Subject:** RE: Lazy A Subdivision

Tammy: What is shown on the plat as a road easement on the east is actually a private easement. Do you want to revise your comments? Thanks. A.

---

**From:** Tammy L. Simmons [<mailto:Tammy.Simmons@mea.coop>]  
**Sent:** Thursday, July 14, 2016 11:35 AM  
**To:** Amy Otto-Buchanan  
**Subject:** Lazy A Subdivision

Hello,

We have reviewed the plat for Lazy A Subdivision. MEA is requesting a 15' easement be added along the 20' Roadway Right-of-Way. This would allow us to bring power to Lot 2.

Thank you,

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

# SITE VISIT REPORT

Case Name: Lazy A	Date: 07/13/2016	Time: 11:10 am
Owner: Amundson & Buckwalter	Case Number: 2016-080	
Surveyor/Engineer: Woods Land Surv.	Tax ID #: 529000B02T00A & 219N05W24C002	
Subdivision: Jaclyn	Regarding: two-lot subdivision	

## SITE CONDITIONS

<b>Weather:</b> Warm	<b>Temperature:</b> 70°F
<b>Wind:</b> None	
<b>General Site Condition:</b> Houses on both proposed tracts.	

**Personnel on site:** Amy Otto-Buchanan, Cheryl Scott & Peggy Horton, Platting Technicians

**Equipment in use:** Camera

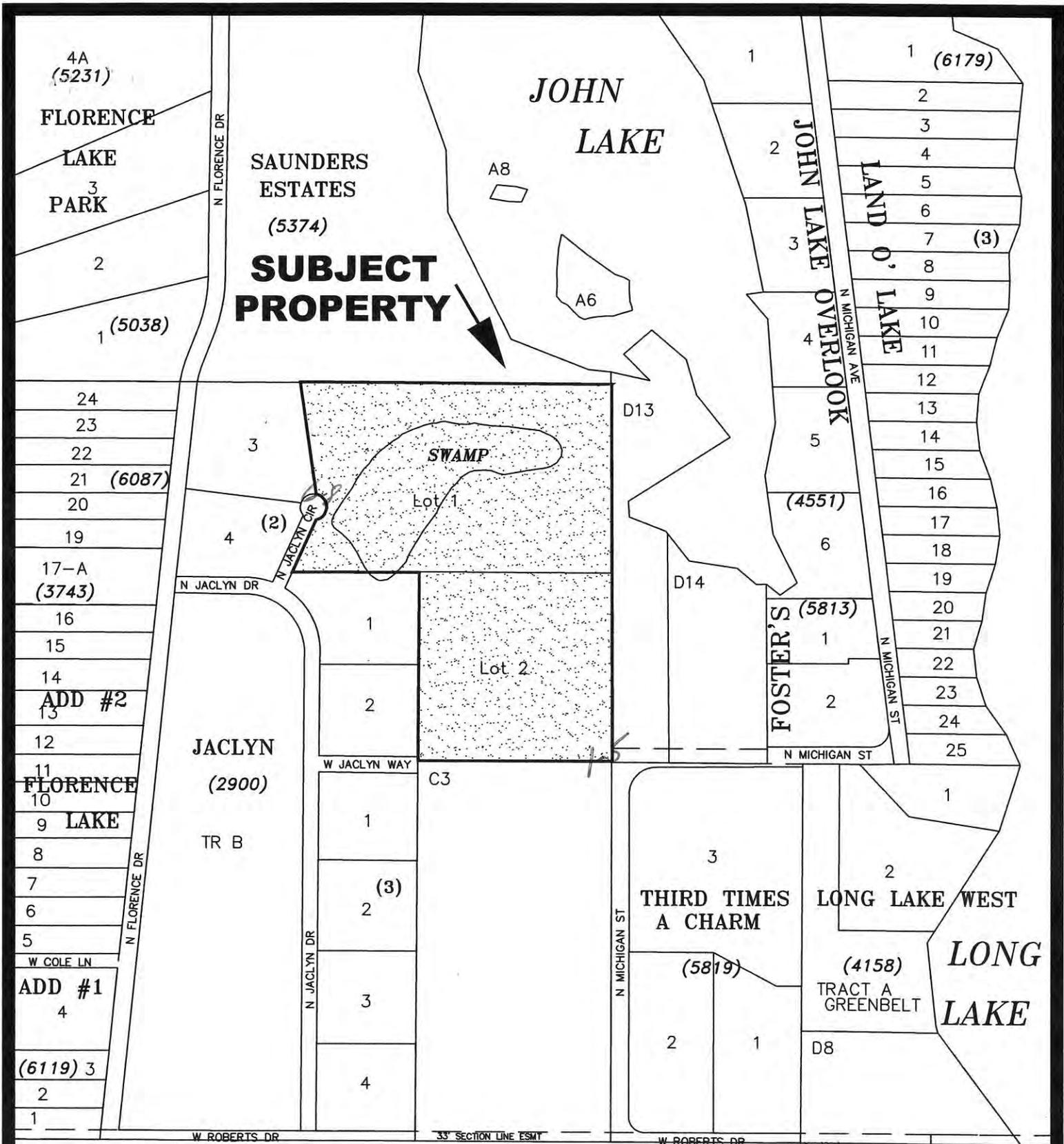
**Current phase of work:** To be heard by Platting Board, August 4, 2016

**Reason for Visit/Remarks:** Petitioner has asked for a variance because of the 50' wide frontage from N. Michigan Street. Wanted to look at topography, since petitioner does not want to construct a cul-de-sac for frontage requirements. Also wanted to see where the new driveway would be from N. Jaclyn Circle.

(See attached photos)

**Signed By:** Amy Otto-Buchanan, Platting Technician

**Date:** July 13, 2016



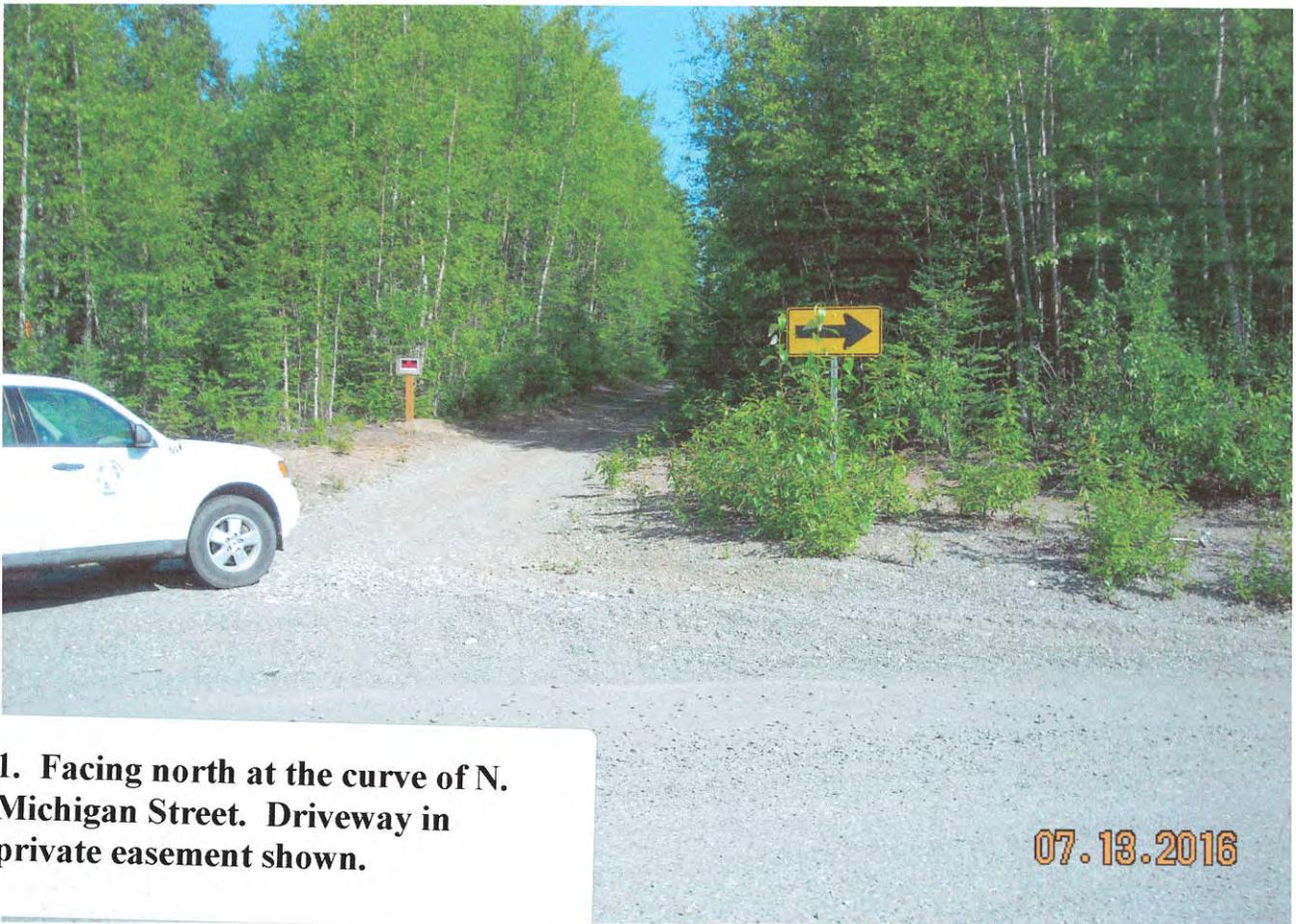
**VICINITY MAP**

FOR PROPOSED LAZY A SUBDIVISION  
 LOCATED WITHIN  
 SECTION 24, T19N, R05W, SEWARD MERIDIAN,

ALASKA **EXHIBIT J - 2**

WILLOW 14 MAP





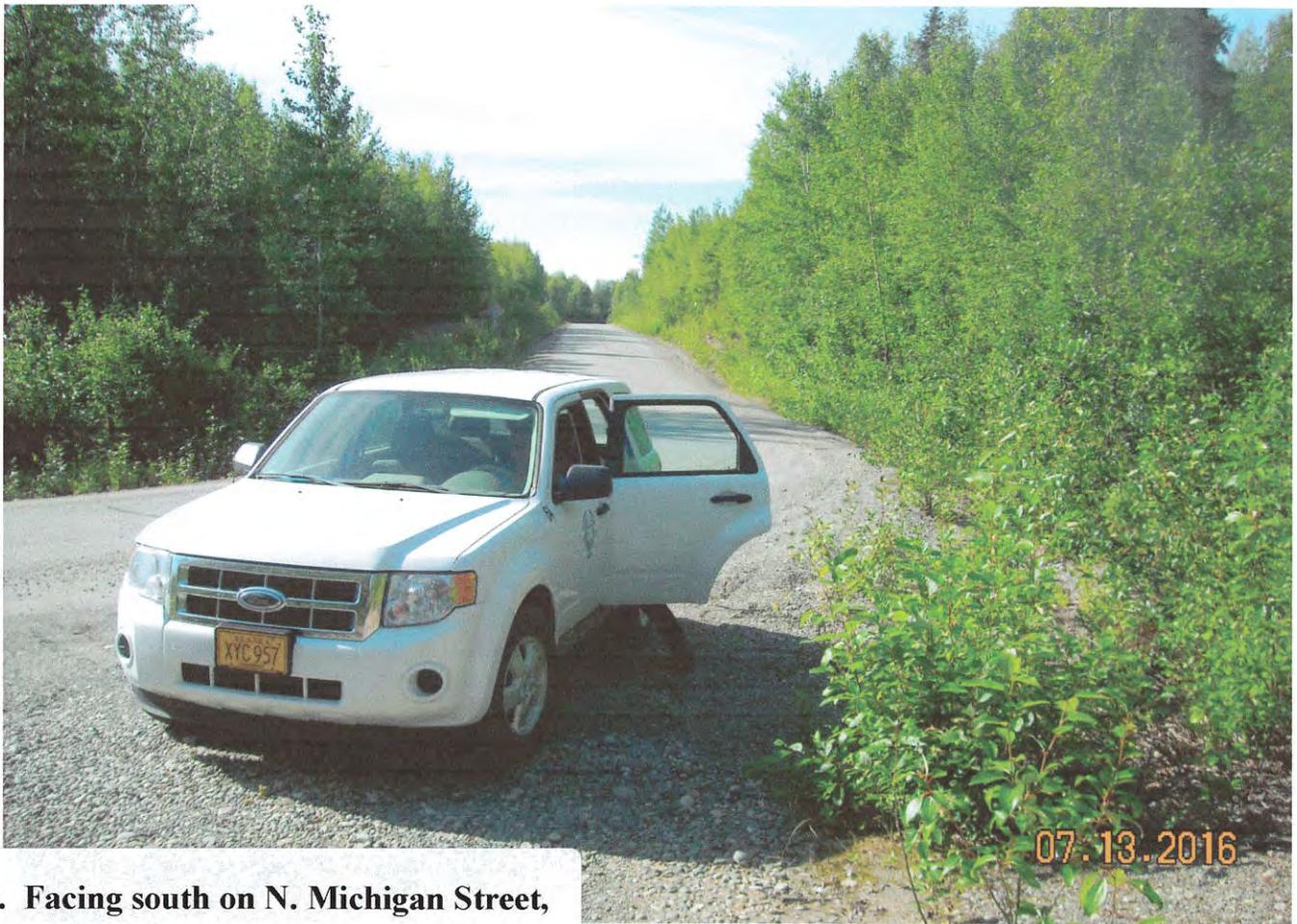
**1. Facing north at the curve of N. Michigan Street. Driveway in private easement shown.**

07.13.2016



**2. Facing west on N. Michigan Street.**

07.13.2016



**3. Facing south on N. Michigan Street,  
from the driveway.**

**4. Facing east on N. Michigan Street,  
from the driveway.**

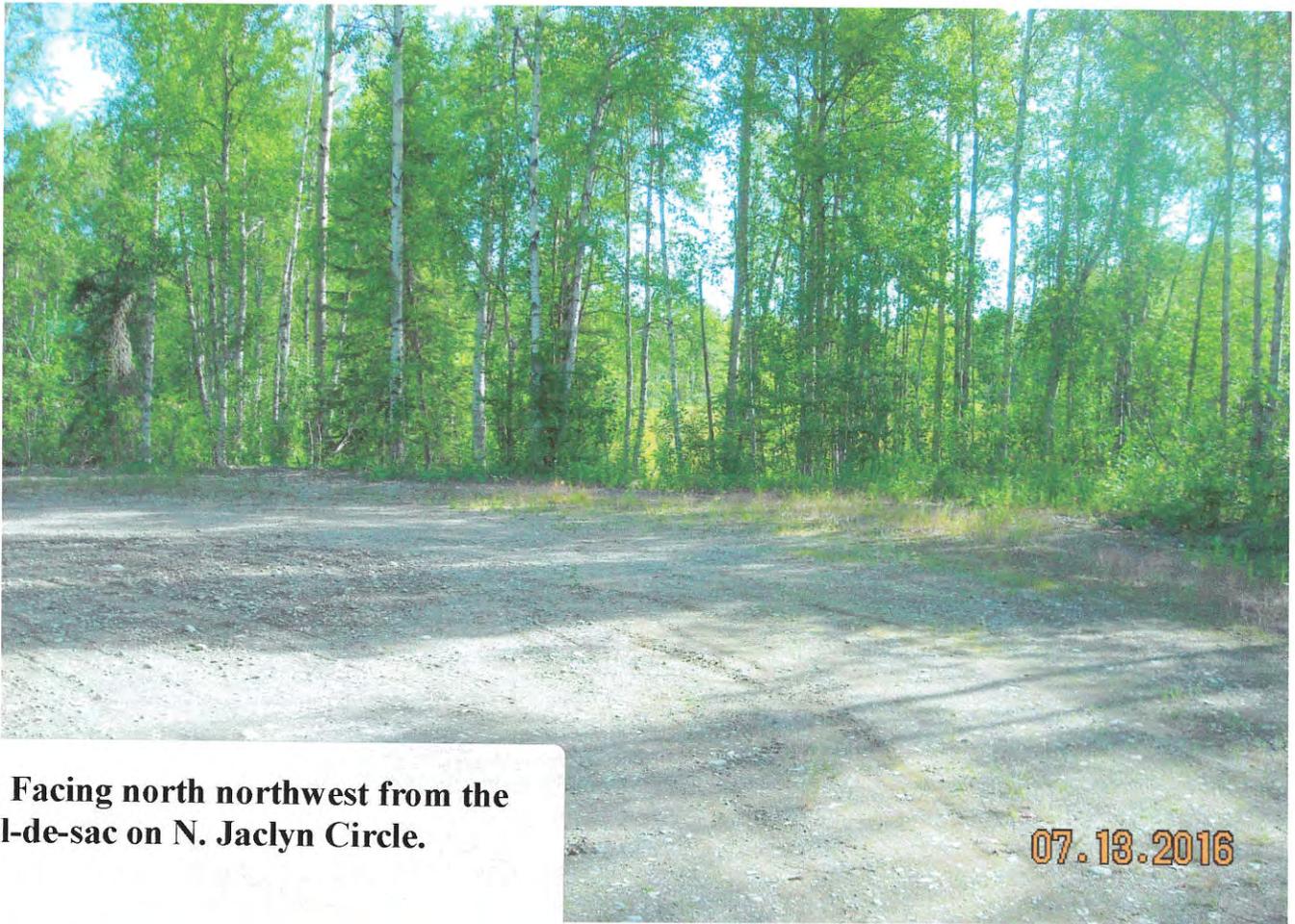




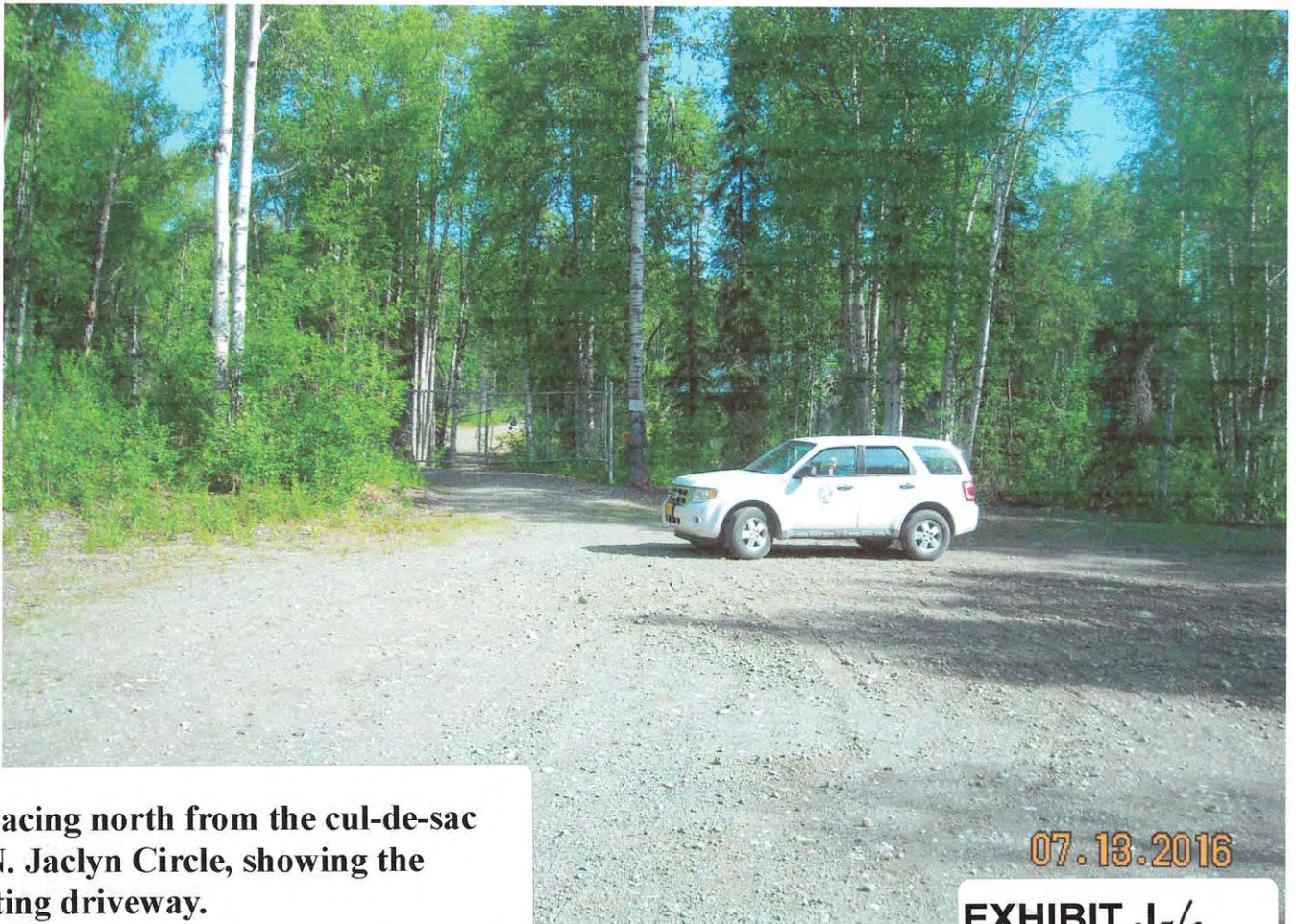
**6. Facing north northwest from N. Jaclyn Circle. Current driveway on the left, proposed new driveway on the right.**



**5. Facing west on N. Michigan Street, showing the driveway to the right.**



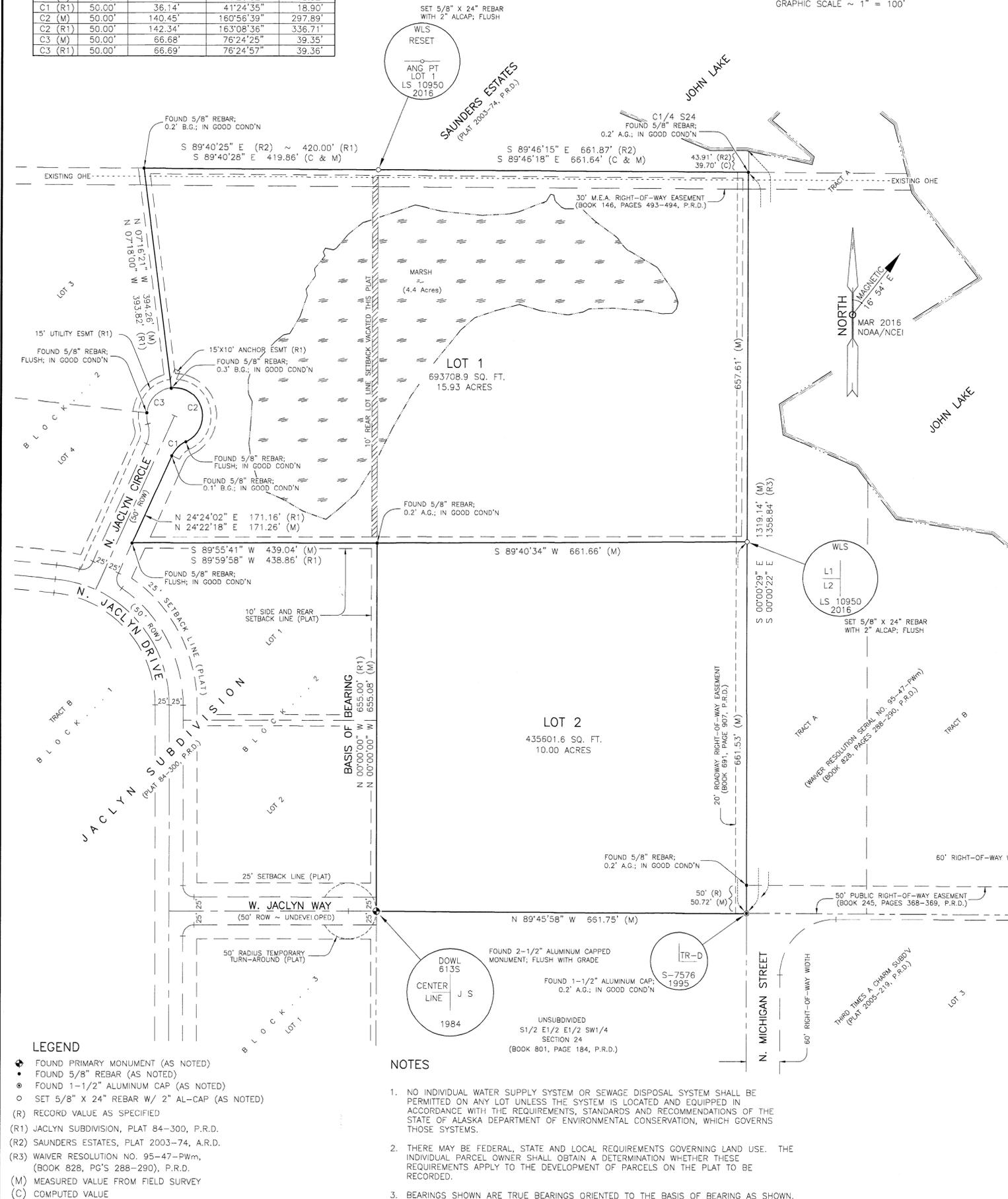
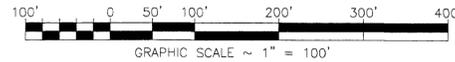
**7. Facing north northwest from the cul-de-sac on N. Jaclyn Circle.**



**8. Facing north from the cul-de-sac on N. Jaclyn Circle, showing the existing driveway.**

**EXHIBIT J-6**

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	TANGENT
C1 (M)	50.00'	36.17'	41°26'52"	18.92'
C1 (R1)	50.00'	36.14'	41°24'35"	18.90'
C2 (M)	50.00'	140.45'	160°56'39"	297.89'
C2 (R1)	50.00'	142.34'	163°08'36"	336.71'
C3 (M)	50.00'	66.68'	76°24'25"	39.35'
C3 (R1)	50.00'	66.69'	76°24'57"	39.36'



**LEGEND**

- ◆ FOUND PRIMARY MONUMENT (AS NOTED)
- FOUND 5/8" REBAR (AS NOTED)
- ⊙ FOUND 1-1/2" ALUMINUM CAP (AS NOTED)
- SET 5/8" X 24" REBAR W/ 2" AL-CAP (AS NOTED)
- (R) RECORD VALUE AS SPECIFIED
- (R1) JACLYN SUBDIVISION, PLAT 84-300, P.R.D.
- (R2) SAUNDERS ESTATES, PLAT 2003-74, A.R.D.
- (R3) WAIVER RESOLUTION NO. 95-47-PWm, (BOOK 828, PG'S 288-290), P.R.D.
- (M) MEASURED VALUE FROM FIELD SURVEY
- (C) COMPUTED VALUE

**NOTES**

1. NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS THE SYSTEM IS LOCATED AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHICH GOVERNS THOSE SYSTEMS.
2. THERE MAY BE FEDERAL, STATE AND LOCAL REQUIREMENTS GOVERNING LAND USE. THE INDIVIDUAL PARCEL OWNER SHALL OBTAIN A DETERMINATION WHETHER THESE REQUIREMENTS APPLY TO THE DEVELOPMENT OF PARCELS ON THE PLAT TO BE RECORDED.
3. BEARINGS SHOWN ARE TRUE BEARINGS ORIENTED TO THE BASIS OF BEARING AS SHOWN.

**CERTIFICATE OF OWNERSHIP**

WE CERTIFY THAT WE ARE THE OWNERS OF TRACT A, JACLYN SUBDIVISION AS DESCRIBED IN THIS PLAN AND THAT WE ADOPT THIS PLAN OF SUBDIVISION BY OUR FREE CONSENT.

BRETT AMUNDSON \_\_\_\_\_ DATE \_\_\_\_\_

AUDREY AMUNDSON \_\_\_\_\_ DATE \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT**

THIS IS TO CERTIFY THAT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED:

KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE INSTRUMENT; AND WHO ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

FOR THE STATE OF ALASKA \_\_\_\_\_ NOTARY

MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATE OF OWNERSHIP**

I CERTIFY THAT I AM THE OWNER OF THE N1/2 E1/2 E1/2 SW1/4, SECTION 24 AS DESCRIBED IN THIS PLAN AND THAT I ADOPT THIS PLAN OF SUBDIVISION BY MY FREE CONSENT.

JIM BUCKWALTER \_\_\_\_\_ DATE \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT**

THIS IS TO CERTIFY THAT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED:

KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE INSTRUMENT; AND WHO ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

FOR THE STATE OF ALASKA \_\_\_\_\_ NOTARY

MY COMMISSION EXPIRES: \_\_\_\_\_

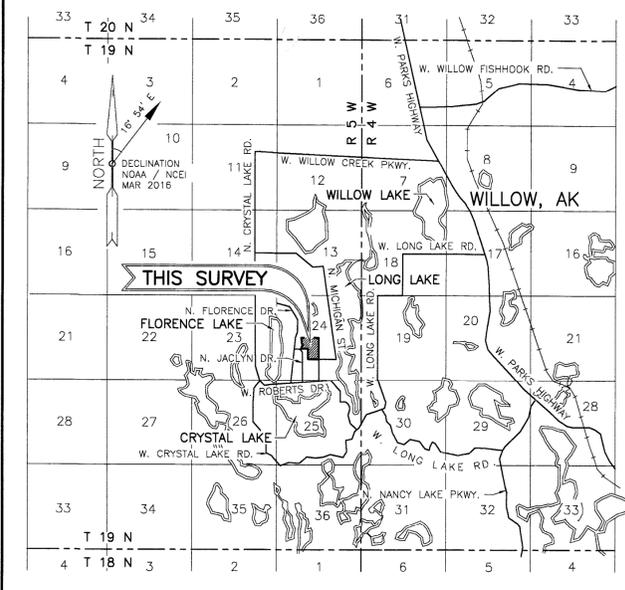
**SURVEYOR'S CERTIFICATE**

I, KARL D. WOODS, 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.

5.19.16 \_\_\_\_\_  
DATE

LS-10950 \_\_\_\_\_  
ALASKA REGISTRATION NO.

KARL D. WOODS \_\_\_\_\_  
REGISTERED LAND SURVEYOR



VICINITY MAP ~ 1" = 1 MILE

**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.

BOROUGH TAX COLLECTION OFFICIAL \_\_\_\_\_

**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-SUSITNA BOROUGH, AND THAT THE PLAT HAS BEEN APPROVED BY THE PLATTING AUTHORITY BY PLAT RESOLUTION NUMBER:

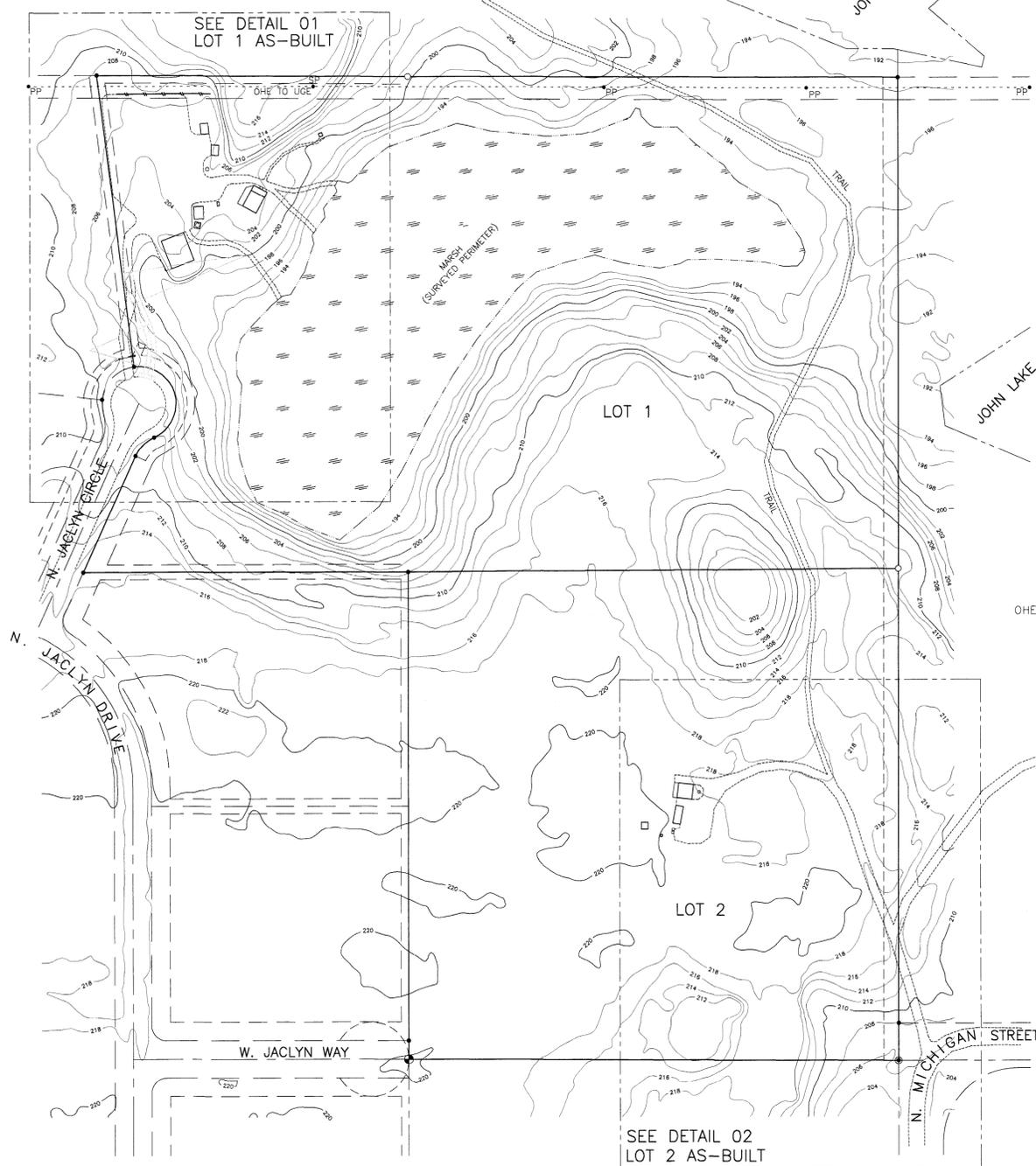
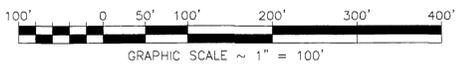
DATED \_\_\_\_\_ AND THAT THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE RECORDER IN THE ANCHORAGE RECORDING DISTRICT IN WHICH THE PLAT IS LOCATED.

PLANNING AND LAND USE DIRECTOR \_\_\_\_\_

ATTEST:

PLATTING CLERK \_\_\_\_\_

<p>PLAT SHOWING:</p> <p><b>LAZY A SUBDIVISION</b></p> <p>LOT 1 AND LOT 2</p> <p>BEING:</p> <p>A SUBDIVISION OF TRACT A, BLOCK 2, JACLYN SUBDIVISION (PLAT 84-300, P.R.D.) AND THE N1/2 E1/2 E1/2 SW1/4 SECTION 24, T 19 N, R 5 W, S.M., AK AS DESCRIBED BY WARRANTY DEED (DOC. 2012-028232-0) RECORDED 12/27/2012, PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, ALASKA.</p> <p>CONTAINING 25.93 ACRES (CUMULATIVE TOTAL), MORE OR LESS</p> <p>LOCATED WITHIN:</p> <p>SECTION 24, TOWNSHIP 19 NORTH, RANGE 5 WEST, SEWARD MERIDIAN, ALASKA.</p>		<p><b>RECEIVED</b></p> <p>MAY 20 2016</p> <p><b>PLATTING</b></p>
<p>PREPARED FOR:</p> <p>BRETT AND AUDREY AMUNDSON</p> <p>5522 COPE STREET</p> <p>ANCHORAGE, ALASKA 99518-1055</p> <p>JIM BUCKWALTER</p> <p>11616 N. MICHIGAN STREET</p> <p>WILLOW, ALASKA 99688</p>	<p>PREPARED BY:</p> <p><b>WOODS LAND SURVEYS</b></p> <p>529 W. EDINBOROUGH DR.</p> <p>PALMER, ALASKA 99645-6511</p> <p>(907) 745-6366</p> <p>woodslandsurveys@gmail.com</p>	
<p>FIELD SURVEY DATES:</p> <p>BEGIN: 27 FEBRUARY, 2016    END: 07 MARCH, 2016</p>		
<p>DRAWN BY:</p> <p>S.O.G.K.</p>	<p>GRID:</p> <p>W114</p>	<p>FIELD BOOK:</p> <p>WLS16004</p>
<p>CHECKED BY:</p> <p>K.D.W.</p>	<p>WORK ORDER:</p> <p>16004</p>	<p>SHEET</p> <p>1 OF 2</p>
<p>SCALE:</p> <p>AS NOTED</p>	<p>DATE:</p> <p>15 MARCH, 2016</p>	



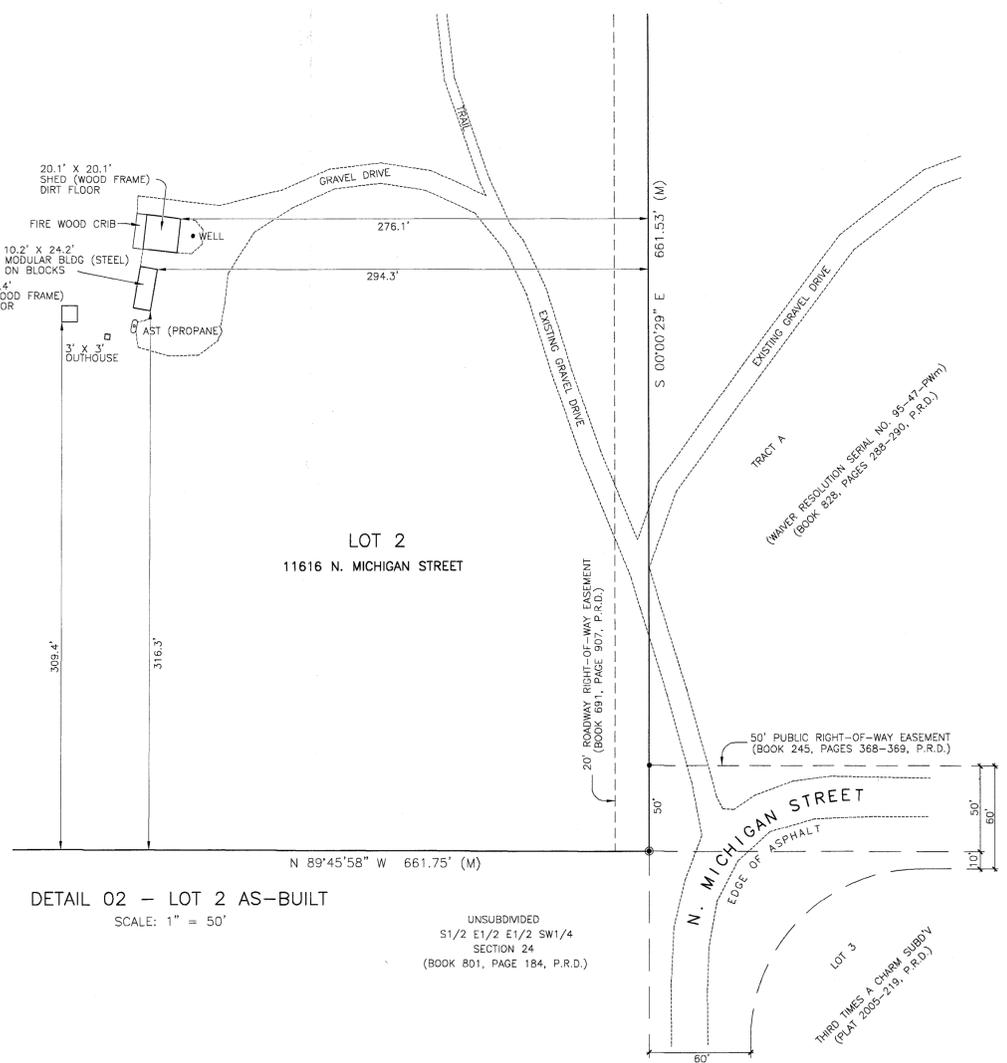
TOPOGRAPHIC OVERLAY  
SCALE: 1" = 100'

NOTES

1. CONTOUR INTERVAL IS 2'. CONTOUR DATA SHOWN WAS OBTAINED FROM THE MATANUSKA-SUSITNA BOROUGH OFFICE OF INFORMATION TECHNOLOGY AT WEB-LINK: <http://matsu.gino.alaska.edu/LiDAR/Matanuska/Contours/DXF/>. CONTOURS WERE COMPILED FROM AVAILABLE LIDAR DATA FILES (2 FT CONTOURS) FOR THE WILLOW BLOCK, NAMELY TILES: WIL\_Q33\_NE\_CONTOURS.DXF AND WIL\_Q34\_NW\_CONTOURS.DXF.
2. REFER TO PLAT SHEET 1 OF 1 FOR BOUNDARY LINE CALLS.

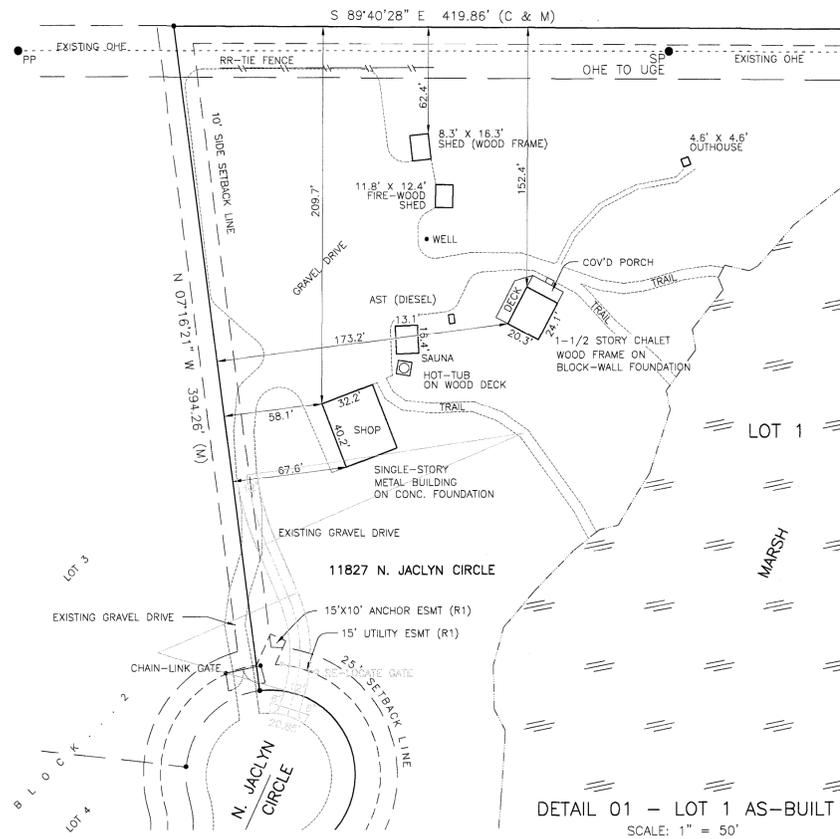
LEGEND

- FOUND PRIMARY MONUMENT (AS NOTED)
- FOUND 5/8" REBAR (AS NOTED)
- FOUND 1-1/2" ALUMINUM CAP (AS NOTED)
- SET 5/8" X 24" REBAR W/ 2" AL-CAP (AS NOTED)
- PP POWER TRANSMISSION POLE
- SP SERVICE POLE (ELECTRIC)
- OHE TO UGE OVERHEAD ELECTRIC TO UNDERGROUND ELECTRIC
- E UGE SERVICE CONNECTION POINT
- C/O SEPTIC CLEAN-OUT
- SV SEPTIC TANK VENTS
- MT LEACH-FIELD MONITOR TUBES
- WELL WATER WELL
- AST ABOVE-GROUND STORAGE TANK (FUEL OIL / PROPANE)
- ▲ ROAD SIGN



DETAIL 02 - LOT 2 AS-BUILT  
SCALE: 1" = 50'

UNSUBDIVIDED  
S1/2 E1/2 E1/2 SW1/4  
SECTION 24  
(BOOK 801, PAGE 184, P.R.D.)



DETAIL 01 - LOT 1 AS-BUILT  
SCALE: 1" = 50'

DRIVEWAY RE-ALIGNMENT PLAN

TOPOGRAPHIC AND AS-BUILT DATA FOR:

LAZY A SUBDIVISION

LOT 1 AND LOT 2

BEING:

A SUBDIVISION OF TRACT A, BLOCK 2, JACLYN SUBDIVISION (PLAT 84-300, P.R.D.) AND THE N1/2 E1/2 E1/2 SW1/4 SECTION 24, T 19 N, R 5 W, S.M., AK AS DESCRIBED BY WARRANTY DEED (DOC. 2012-028232-0) RECORDED 12/27/2012, PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, ALASKA.

CONTAINING 25.93 ACRES (CUMULATIVE TOTAL), MORE OR LESS

LOCATED WITHIN:

SECTION 24, TOWNSHIP 19 NORTH, RANGE 5 WEST, SEWARD MERIDIAN, ALASKA.

PREPARED FOR: <b>BRETT AND AUDREY AMUNDSON</b> 5522 COPE STREET ANCHORAGE, ALASKA 99518-1055	PREPARED BY: <b>WOODS LAND SURVEYS</b> 529 W. EDINBOROUGH DR. PALMER, ALASKA 99645-6511 (907) 745-6366 woodslandsurveys@gmail.com	
PREPARED BY: <b>JIM BUCKWALTER</b> 11616 N. MICHIGAN STREET WILLOW, ALASKA 99688	FIELD SURVEY DATES: BEGIN: 27 FEBRUARY, 2016    END: 07 MARCH, 2016	
DRAWN BY: S.O.G.K.	GRID: W114	FIELD BOOK: WLS16004
CHECKED BY: K.D.W.	WORK ORDER: 16004	SHEET <b>2 OF 2</b>
SCALE: AS NOTED	DATE: 15 MARCH, 2016	

**4B**



reduced to 2.63 acres. Petitioner is applying for a variance from MSB 43.20.300(C), length to width ratio. Variance application at **Exhibit B**.

**Variance**

MSB 43.20.300(C) Lot and Block Design states lots two acres to ten acres may have an average depth of no more than four times its average width. Proposed Lot 1 does not meet the criteria, as it is 165.24' in width and 693' in length, which exceeds the ratio by 33'. The parcel in its current formation is 164.24' in width and 1,279.87' in length. This platting action will reduce the existing length by allowing the sale of 586.97' of the northern-most portion to the adjacent property owners, thereby reducing the size of non-conformance to the 4:1 length to width ratio. Petitioner's response to criteria is as follows:

The granting of the variance shall not be detrimental to the public health, safety, or welfare, or injurious to adjacent property. *Lots 1-4 proposed by this plat are all fully developed and occupied. Proposed Lot 1 is owned and occupied by the Deschamps. The house was built in 1973. Proposed Lot 2 is a single-family rental unit owned by Joe Daugherty; the house was built in 1935 and renovated in 2012. Proposed Lot 3 is owned and occupied by Jo and Joe Daugherty; the house was built in 1982. Proposed Lot 4 is owned and occupied by Sandra and Pat Garley; the house was built in 1949 and renovated in 2000. Adding approximately 58' to the back of proposed Lots 2-4 will not change the current use of the properties or be detrimental to health, safety or welfare of adjacent property, or be injurious to the public. Neither housing density nor traffic will increase as a result of the granting of this variance request.*

The conditions upon which the variance application is based do not apply generally to properties for which the variance is sought. *Other lots along this portion of E. Outer Springer Loop are very large agricultural parcels or small residential parcels. Tax Parcel D10's unusually long and narrow (589' X 58') rear lot area is not replicated by other lots in the vicinity.*

Because of unusual physical surroundings, shape or topographical conditions of the property for which the variance is sought, or because of the taking of a part of the property through condemnation or because of surrounding development or conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property. *The long narrow strip of the back yard of Tax Parcel D10 is not useful to the owners. It is .24 miles from the south property line to the north property line and only 58' wide for the northern-most 589'. The requested 33' variance will "square-off" Tax Parcel D10 and provide an additional 58' of useable rear yard to proposed Lots 2-4.*

**Soils:** Geotechnical report, submitted per MSB 43.20.281(A) at **Exhibit C**. Max A. Schillinger, PE, All Points North, performed a soils and usable area investigation. Each parcel currently has one permanent residence with existing well and septic systems. One testhole was excavated to investigate the usable area. The site is mostly cleared. The few native trees are birch. The site is generally flat and the majority of neighboring parcels include farmland. Neither signs of permanent standing water nor bedrock was noted. The site includes three working septic systems that have been working without trouble for years. The

Garley residence has a DEC approved septic system, installed by Certified Installer Frank Scoggen in 2000. The report for this system indicates dry testhole conditions and poorly graded gravelly sand (SP). Samples were taken from the one testhole, centrally located in the subdivision, dug to a minimum depth of 12' and a monitoring tube was installed. No groundwater was encountered. The soils comprised of sand and gravel, with very little silt and clay (photos attached). A test log is included in the report. Mr. Schillinger concludes that each of the proposed lots will have a minimum of 10,000 sf of contiguous useable septic area and 10,000 sf of building area.

**Access:** Legal and physical access to the proposed lots are required pursuant to MSB 43.20.100 Access Required, MSB 43.20.120 Legal Access and MSB 43.20.140 Physical Access. Access requirements are met, as E. Outer Springer Loop is an ADOT&PF owned and maintained road. Pursuant to MSB 43.20.320 Frontage, each lot has over 60' frontage

**Comments:** Department of Public Works Operations & Maintenance (**Exhibit D**) has no comments. Code Compliance notes (**Exhibit E**) no open cases. Planning Division (**Exhibit F**) notes existing structures should be in compliance with setback requirements. *Staff notes the shed that encroaches .8' onto proposed Lot 1 will be moved by the neighbor (see Recommendation #5).* Land and Resource Management Division (**Exhibit G**) notes no MSB owned lands are affected and has no objection to the subdivision. Cultural Resources (**Exhibit H**) has no objection to the platting action; however, they recommend caution during construction or related activities in the event cultural remains are recovered. Site visit report with photos, dated June 22, 2016 at **Exhibit K**.

**Utilities:** (**Exhibit I**) GCI approved as shown. Enstar has no recommendations, comments or objections. MEA and MTA did not respond

**Agencies:** (**Exhibit J**) ADOT&PF notes no new access will be granted to E. Outer Springer Loop.

At the time of staff report write-up, there were no responses to the Request for Comments (RFC) from US Army Corps of Engineers; ADF&G; Fire Service Area #132 Greater Palmer Consolidated; Road Service Area #16 South Colony; MSB Assessments, Permit Center, and Pre-Design Division; MEA or MTA.

**CONCLUSION:** The preliminary plat of Garley Subdivision is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plats. The variance from MSB 43.20.300(C) Lot and Block Design is consistent with MSB 43.15.075 Variances; Standard of Approval. There were no objections to the plat or variances from any federal or state agency, Borough department or utilities. No objections were received from the general public in response to the Notice of Public Hearing. Legal and physical access is provided to the proposed lots, consistent with MSB 43.20.100 Access Required, MSB 43.20.120 Legal Access and MSB 43.20.140 Physical Access. Frontage for the subdivision exists pursuant to MSB 43.20.320 Frontage. The engineer has provided a geotechnical report pursuant to MSB 43.20.281(A).

## **RECOMMENDATION FOR APPROVAL OF PRELIMINARY PLAT**

**Suggested motion: "I move to approve the preliminary plat of Garley Subdivision and Variance from MSB 43.20.300(C) Lot and Block Design, Section 09, Township 17 North, Range 02 East, Seward Meridian, Alaska, contingent on staff recommendations:"**

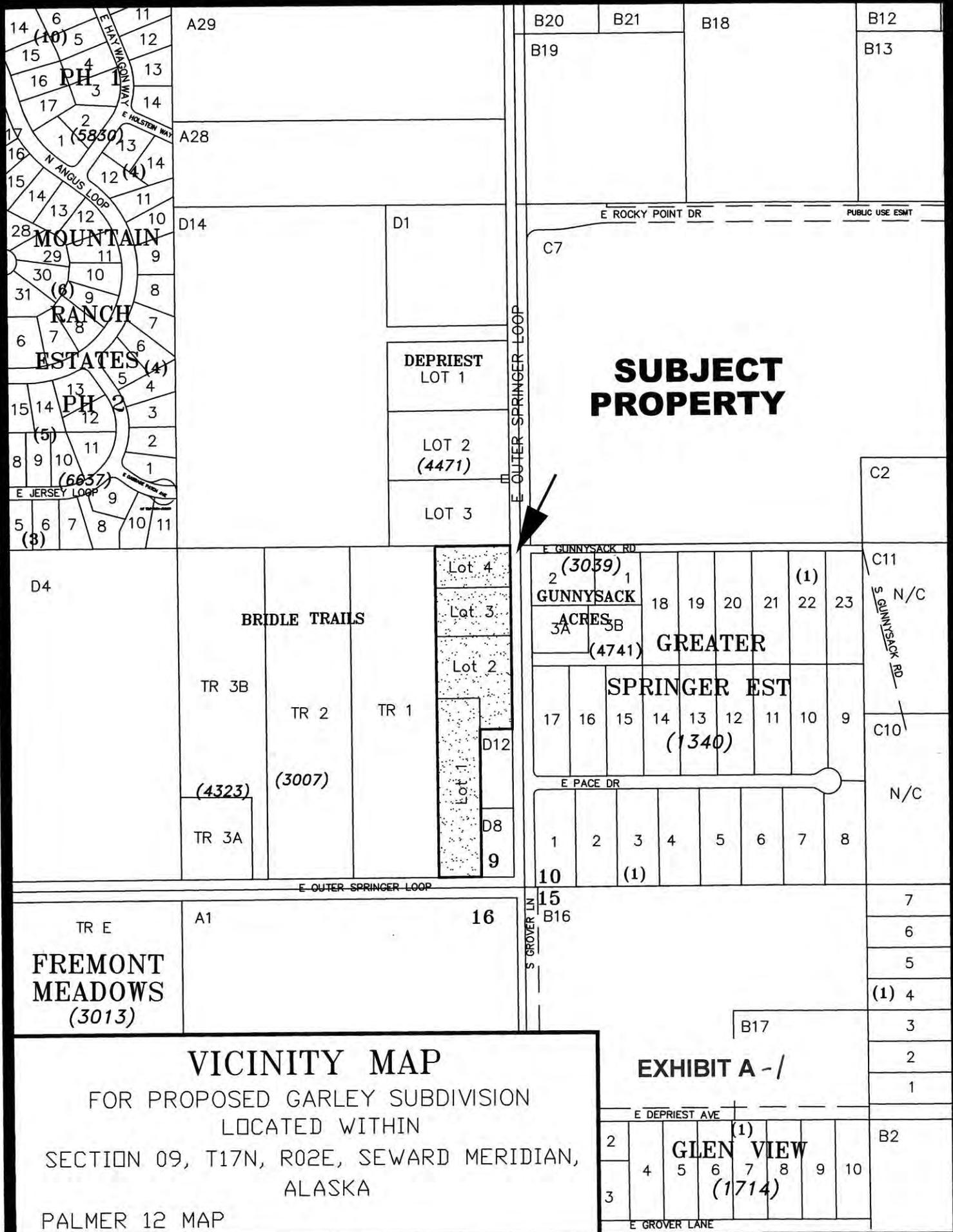
1. Taxes and special assessments must be current prior to recording, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
2. Pay mailing and advertising fees of \$56.21.
3. Provide updated Certificate to Plat executed within 90 days of recording of the plat and submit Beneficiary Acknowledgement for any holder of a beneficial interest
4. Show or list all easements of record on final plat.
5. Move the encroaching shed on Lot 1 and provide proof to Platting staff that it has been moved.
6. Submit recording fee payable to State of Alaska, Department of Natural Resources (SOA/DNR).
7. Submit final plat in full compliance with Title 43.

## **FINDINGS for PRELIMINARY PLAT**

1. The plat of Garley Subdivision is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plats.
2. The variance from MSB 43.20.300(C) Lot and Block Design is consistent with MSB 43.15.075 Variances; Standard of Approval.
3. Petitioner's response to criteria for variance from MSB 43.20.300(C) Lot and Block Design:
  - a. The granting of the variance shall not be detrimental to the public health, safety, or welfare, or injurious to adjacent property. *Lots 1-4 proposed by this plat are all fully developed and occupied. Proposed Lot 1 is owned and occupied by the Deschamps. The house was built in 1973. Proposed Lot 2 is a single-family rental unit owned by Joe Daugherty; the house was built in 1935 and renovated in 2012. Proposed Lot 3 is owned and occupied by Jo and Joe Daugherty; the house was built in 1982. Proposed Lot 4 is owned and occupied by Sandra and Pat Garley; the house was built in 1949 and renovated in 2000. Adding approximately 58' to the back of proposed Lots 2-4 will not change the current use of the properties or be detrimental to health, safety or welfare of adjacent property, or be injurious to the public. Neither housing density nor traffic will increase as a result of the granting of this variance request.*
  - b. The conditions upon which the variance application is based do not apply generally to properties for which the variance is sought. *Other lots along this portion of E. Outer Springer Loop are very large agricultural parcels or small residential parcels. Tax Parcel D10's unusually long and narrow (589' X 58') rear lot area is not replicated by other lots in the vicinity.*
  - c. Because of unusual physical surroundings, shape or topographical conditions of the property for which the variance is sought, or because of the taking of a part of the property through condemnation or because of surrounding development or conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property. *The long narrow strip of the back yard of Tax Parcel D10 is*

*not useful to the owners. It is .24 miles from the south property line to the north property line and only 58' wide for the northern-most 589'. The requested 33' variance will "square-off" Tax Parcel D10 and provide an additional 58' of useable rear yard to proposed Lots 2-4.*

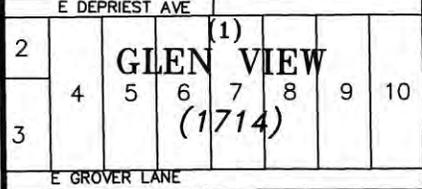
4. There were no objections to the plat or the variances from any federal or state agencies, Borough departments or utilities.
5. There were no objections from the general public in response to the Notice of Public Hearing
6. At the time of staff report write-up, there were no responses to the Request for Comments (RFC) from US Army Corps of Engineers; ADF&G; Fire Service Area #132 Greater Palmer Consolidated; Road Service Area #16 South Colony; MSB Assessments, Permit Center, and Pre-Design Division; MEA or MTA.
7. Lot sizes and useable area are consistent with MSB 43.20.281(A)(2) Area.
8. Petitioners' engineer of record submitted an engineering statement pursuant to MSB 43.20.281(A) Area, verifying all proposed lots have 10,000 sf of contiguous useable septic area.
9. Frontage for the subdivision exists pursuant to MSB 43.20.320 Frontage.
10. Legal and physical access is provided to the proposed lots, consistent with MSB 43.20.100 Access Required, MSB 43.20.120 Legal Access, and MSB 43.20.140 Physical Access.
11. ADOT&PF has noted no other accesses than the existing accesses will be granted to E. Outer Springer Loop.



**SUBJECT  
PROPERTY**

**VICINITY MAP**  
 FOR PROPOSED GARLEY SUBDIVISION  
 LOCATED WITHIN  
 SECTION 09, T17N, R02E, SEWARD MERIDIAN,  
 ALASKA  
 PALMER 12 MAP

**EXHIBIT A - /**



E OUTER SPRINGER LOOP

S GROVER LN





GUNNYSACK

PACE

OUTER SPRINGER

GROVER

DEPRIEST

EXHIBIT A-2



GUNNYSACK

PAGE

GROVER

DEPRIEST

EXHIBIT A-3

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JUN 13 2016

### VARIANCE APPLICATION

PLATTING

This application is to the Matanuska-Susitna Borough Platting Board for a variance from the Subdivision Ordinance, Title 43. The application must include all of the information listed below. Incomplete applications will not be processed.

Legal description of property: See attached Deed Book 136 page 873

An application for a variance from a requirement of Title 43 shall contain:

1. The preliminary plat to which the variance pertains or, if presented separately, a graphic representation of what the future platting project would entail;
2. A description of the variance requested including the code section reference;
3. Explain the special circumstances for the variance *on separate pages*, addressing criteria A, B, & C as required in MSB 43.15.075.
  - A. *The granting of the variance shall not be detrimental to the public health, safety or welfare, or injurious to adjacent property; and*
  - B. *The conditions upon which the variance application is based do not apply generally to properties for which the variance is sought; and*
  - C. *Because of unusual physical surroundings, shape, or topographical conditions of the property for which the variance is sought, or because of the taking of a part of the property through condemnation or because of surrounding development or conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property.*

I, Patricia DesChamps the owner (or owner's representative) of the above described property apply for a variance from Section 43.20. 300 C of the Borough Code in order to allow: Replot improving current lot width to length ratio, but still 33' too long.

(Variances from Road Design Standards are variances from MSB 43.20.140, described within the Subdivision Construction Manual).

**APPLICANT OR OWNER** Name: Ronnie DesChamps Email: \_\_\_\_\_  
 Mailing Address: 715 271 E. Outer Springer Loop Zip: 99645  
 Signature: [Signature] Phone: 907-745-2799

**SURVEYOR** Name (FIRM): All Points North Email: \_\_\_\_\_  
 Mailing Address: P.O. Box 4207, Palmer Zip: 99645  
 Contact Person: Max Schilling Phone: 907 746-4185

## Garley Subdivision Special Circumstances for Variance Request

Description of variance requested including code section reference:

The request is for a 33' variance to the lot depth requirement of Section 43.20.300.C. - *Lots two acres to ten acres may have an average depth of no more than four times its average width.*

Tax parcel 17N02E09D010 is currently 165.24 in width by 1,279.87 in length which exceeds the current 4:1 ratio by 618.9'. The Garley Subdivision proposes to reduce the existing 1,279.87 length of tax parcel 17N02E09D010 by allowing the sale of 586.87' of the northern most portion of this parcel to the adjacent property owners, thereby reducing the size of non-conformance with the 4:1 ratio to 33'.

*A. The granting of the variance shall not be detrimental to the public health, safety or welfare, or injurious to adjacent property;*

The Lots 1-4 proposed by this plat are all fully developed and occupied.

Lot 1, 15271 E. Outer Springer Loop, is owned and occupied by the Dechamps. The house was built in 1973.

Lot 2, 15523 E. Outer Springer Loop is a single-family rental unit owned by Joe Daugherty. The house was built in 1935 and renovated by Joe Daugherty in 2012.

Lot 3, 15571 E. Outer Springer Loop, is owned and occupied by Jo and Joe Daugherty. The house was built in 1982.

Lot 4, 15615 E. Outer Springer Loop, is owned and occupied by Pat and Sandra Garley. The house was built in 1949 and renovated by the Pat Garley in 2000.

Adding approximately 58' to the back of Lots 2, 3 and 4 will not change the current use of the properties or be detrimental to health, safety or welfare of adjacent property, or be injurious to the public. Neither housing density nor traffic will increase as a result of the granting of this variance request.

*B. The condition upon which the variance application is based do not apply generally to properties for which the variance is sought;*

Other lots along this portion of Outer Springer Loop are very large agricultural parcels or small residential parcels. Tax parcel 17N02E09D010's unusually long and narrow (589' x 58') rear lot area is not replicated by other lots in the vicinity.

*C. Because of unusual physical surroundings, shape, or topographic conditions of the property for which the variance is sought, or because of the taking of part of the property through condemnation or because of surrounding development or conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property.*

The long narrow strip of back yard of Tax parcel 17N02E09D010 is not useful to the owners. It is 0.24 mile from the south property line to the north property line and only 58' wide for the northernmost 589'. The requested 33' variance will "square-off" parcel 17N02E09D010 and provide an additional 58' of usable rear yard to lots 2,3 and 4.



LAND SURVEYING &  
CIVIL ENGINEERING

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JUN 13 2016

PLATTING

P: 907-746-4185 | F: 907-746-4186

To: **Matanuska Susitna Borough**  
**Platting Division**  
**350 E. Dahlia Avenue**  
**Palmer, Alaska, 99645**

Date: **6/10/2016**

Job: **15-79 GARLEY SUBDIVISION**

Subject: **M.S.B. Title 43 Geotechnical Investigation, GARLEY SUBDIVISION**

## INTRODUCTION

### **Project Location**

At the request of the Matanuska Susitna Borough Platting, we have performed a soils and usable area investigation for Garley Subdivision. The subject parcels are located on E. Outer Springer Loop. The M.S.B. Tax Identification Numbers are 17N02E09D010, 3740000L001, 3740000L002, and 17N02E09D006. The geographic location is approximately latitude N61°34'24", longitude W149°05'19".

### **Project Description and Overview Map**

Garley Subdivision is a re-subdivision of four parcels totaling 6.89 acres. Each parcel currently has one permanent residence with existing well and septic systems.



ALL POINTS NORTH  
P.O. BOX 4207 PALMER, AK 99645  
MAX@ALLPOINTSORTH.US | WWW.ALLPOINTSORTH.US

EXHIBIT C-1



### **Scope of Investigation**

M.S.B. Title 43 includes definitions and regulations regarding septic and building usable areas. Title 43 requires that all lots have a minimum of 40,000 square feet, of which a minimum 10,000 feet shall be building area and a minimum 10,000 feet shall be contiguous septic field area. Title 43 requires soil borings or test holes be dug under the direction of an Alaska registered civil engineer, and that a report of the findings be written. This investigation chose one test hole to investigate the usable area of the site.

## **RESULTS**

### **Vegetation, Topography, Bedrock, and Existing Site Conditions**

The site is mostly cleared. The few native trees are birch. The site is generally flat. The majority of neighboring parcels include farmland. Neither signs of permanent standing water nor bedrock was noted.

The site includes three working septic systems that have reportedly been working without trouble for years. One belonging to the Garley residence (17N02E09D006) has a DEC approved septic system, installed by Certified Installer Frank Scoggen in 2000. The installers report for this system indicated dry test hole conditions and poorly graded gravelly sand (SP).

### **Soil Investigation**

Samples were taken from one test hole, centrally located in the subdivision, dug to a minimum depth of 12 feet, and installed a monitoring tube installed prior to fill. No groundwater was encountered. The soil was comprised of sand and gravel, with very little silt and clay, as shown in the photos below. Gravel is defined as particles greater than no.4 sieve, or size greater than 4.75mm. Sand is defined as particles smaller than no.4 sieve but larger than no. 200 sieve, or 0.075mm-4.75mm. Silt and clay are particles finer than no. 200 sieve, or smaller than 0.075mm.

Summary Test Log is as follows:

0-1 feet	Topsoil/Organics
1-4 feet	Silty Sand (SM)
4-8 feet	Poorly Graded Sandy Gravel (GP)
8-12 feet	Well Graded Sandy Gravel (GW)
Remarks	Dry



Sample 1: 6 feet deep

Passed no.4      31% Coarse sand.  
Retained no.4    69% Poorly graded rounded gravel.  
Total sample weight: 2.36kg

Result: GP, poorly graded sandy gravel.



Sample 2: 12 feet deep

Passed no.4      46% Coarse sand.  
Retained no.4    54% Well graded rounded gravel.  
Total sample weight: 1.71kg

Result: GW, well graded sandy gravel.





## CONCLUSIONS

The proposed Garley Subdivision has adequate soils and topography such that *each of the proposed lots will have a minimum 10,000 square feet contiguous septic area and 10,000 square feet building area.*

The investigation identified the soil types to be is suitable for conventional septic fields such as deep trench or bed systems. The soil types encountered at the site typically have adequate percolation, however note that percolation rates faster than 10 minutes an inch typically require a sand liner and bed system to comply with regulations from the Alaska Department of Environmental Conservation (DEC).

Please contact me should you have any questions about this usable area certification.

Max Schillinger, P.E.



June 10, 2016

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Doc Cook

Date Received: AUG 29 2000

STATE OF ALASKA  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DOCUMENTATION OF CONSTRUCTION

I. GENERAL INFORMATION

Legal Description of the Location  
15615 E OUTER SPRENGER  
PALMER AK  
T 17N R 2E S 9 5M TP D-6

Submitted by: (Check one)  
 Certified Installer  
 Approved Homeowner  
 Registered Engineer

Installer Name  
FRANK SCOGGIN

Mailing Address  
Box 38  
PALMER AK 99645

Onsite Wastewater System Serves:  
 Single Family. Number of Bedrooms 3  
 Duplex. Number of Bedrooms \_\_\_\_\_  
 Small Commercial Facility With Estimated Design Flow of less than 500 GPD.

II. WATER SUPPLY SYSTEM (SECTION II IS OPTIONAL)

Source of Water and Containment (Check all that Apply)  
 Well (Drilled or Driven)  Surface (Identify) \_\_\_\_\_  
 Roof Catchment  Other (Identify) \_\_\_\_\_  
 Holding Tank

Type of Water Supply System  
 Private  
 Public (Serves more than one family)

Treatment of Water (Check all that Apply)  
 None  Chlorination  
 Filtration  Mineral Removal  
 Other: \_\_\_\_\_

Well Data

Is the height of the well casing more the 12" above the ground?  Yes  No

Is a sanitary seal or well cap installed on the well casing?  Yes  No

Is drainage directed away from or around the casing within a radius of 10 feet of the well casing?  Yes  No

Is well wire enclosed in conduit?  Yes  No

Date Drilled	Depth of Well (Feet)	Static Water Level (Feet)	Yield (if available)	Pump Rate (if available)
--------------	----------------------	---------------------------	----------------------	--------------------------

Separation Distance from the Well Casing to each of the Following Sources of Contamination:

Septic/Holding Tank on Lot Feet	Sewer Lines on Lot Feet	Absorption Area on Lot Feet
Closest Septic/Holding Tank on Adjacent Lot Feet	Closest Sewer Lines on Adjacent Lot Feet	Closest Edge of an Absorption Area on Adjacent Lot Feet
Indicate separation distance from toxic materials including fuel tanks, paints, lubricants and other petroleum based materials, pesticides, fungicides or herbicides to well casing:		On Lot Feet
		On Adjacent Lot Feet

Water Sample Taken by: (Name) \_\_\_\_\_

Address \_\_\_\_\_

Sampler is:  
 Buyer  Engineer  
 Banker  Government Official

Water Sample Results:  
Attach Copy  Satisfactory - Date  Unsatisfactory - Date

Comments/Recommendations:

I certify that the above information, and that provided in Section IV, is correct:

Signature <u>Frank Scoggin</u>	Typed/Printed Name <u>FRANK SCOGGIN</u>	Title <u>INSTALLER</u>	Date <u>8/28/00</u>
-----------------------------------	--	---------------------------	------------------------

Note: 1. This section should be signed by a Certified Installer, Professional Engineer, DEC staff, or Owner/Builder  
2. All public water systems must receive ADEC plan approval prior to construction. See 18 AAC 80 State of Alaska Drinking Water Regulations for specific requirements.

EXHIBIT C-5

ASTEWATER DISPOSAL	Legal Description: <u>15615 E OUTER SPRINGER</u>
Type of Wastewater System:	
<input checked="" type="checkbox"/> Septic Tank with Conventional Soil Absorption System	<input type="checkbox"/> Package Treatment Plant (requires engineered design)
Holding Tank: Material Type: _____ Size in Gallons: _____ Manufacturer: _____	
<input type="checkbox"/> Other - Specify Type _____	<input type="checkbox"/> Alternate Onsite (requires engineered design)
<input type="checkbox"/> Small Commercial System (< 500 GPD) With Estimated Daily Wastewater Flow of: _____ Gallons Per Day (GPD)	
Criteria Used to Estimate Daily Wastewater Quantity: _____	

<input type="checkbox"/> NEW SYSTEM	<input checked="" type="checkbox"/> REPAIR TO EXISTING SYSTEM	Certified Installer Installation Notification Date: <u>9922029</u>
Name of Installer: <u>FRANK SCOGGEN</u>		Date Installed: <u>8/25-26/00</u>

System Installed	<input type="checkbox"/> By a Registered Engineer	<input type="checkbox"/> With Inspection by a Registered Engineer
<input type="checkbox"/> By Approved Homeowner (attach copy of approval letter)	<input checked="" type="checkbox"/> By a Certified Installer/Installer Number <u>9922029</u>	
Septic Tank: Material: <u>STEEL</u>	Manufacturer: <u>CORNER</u>	Size (Gallons): <u>1000</u>
		Number of Compartments: <u>2</u>

Type of Soil Absorption System:	<input type="checkbox"/> Deep Trench	<input type="checkbox"/> Shallow Trench	<input type="checkbox"/> Seepage Pit	<input checked="" type="checkbox"/> Bed
	<input type="checkbox"/> Mound	<input type="checkbox"/> Other, Specify _____		

Soil Type: <u>SP</u>	Soil Rating: <u>150</u>	Dimensions/Size of Absorption Area: <u>18x25</u>
----------------------	-------------------------	--

Grading/Size of Distribution Rock: <u>3/4 - 1 1/2" SR</u>	Thickness/Depth of Distribution Rock: <u>12" +</u>
---	--

Percolation Test Results, Attach Copy of Report:	Percolation Test Performed by:
Minutes per Inch _____ Sq. Ft. per Bedroom _____	percolation test results must be sealed/signed by a registered engineer

Turn Ground Cover Over:	Septic Tank: <u>6'</u>	Absorption Area: <u>6'</u>	Sewer Pipes: <u>5'</u>
-------------------------	------------------------	----------------------------	------------------------

Cleanout Pipes/Caps Installed: <input checked="" type="checkbox"/>	Foundation Cleanout: <input checked="" type="checkbox"/>	Septic Tank: <input checked="" type="checkbox"/>	Monitor Tubes: <input checked="" type="checkbox"/>
--	--	--	--

List Separation Distances From Septic Tank or Absorption Area, Whichever is Closest, to All Nearby:

Public Drinking Water Sources Within 200 feet: <u>N/A</u>	Private Drinking Water Sources Within 100 feet: <u>100' +</u>
---	---

Nearest Water Bodies (see 18 AAC 72.020(b)): <u>N/A</u>	Lot Line: <u>15' (#)</u>
---	--------------------------

Separation Distance from Onlot Sewer Lines to: _____	Public Drinking Water Sources: <u>N/A</u>	Private Sources: <u>100' +</u>
--	---	--------------------------------

Separation Distance From Bottom of Distribution Rock to: _____	Groundwater Table: <u>6' +</u>	Bedrock: <u>6' +</u>
--	--------------------------------	----------------------

Separation Distance from Absorption Area to Slope exceeding 25%: <u>N/A</u>
---

Comments/Recommendations

I certify that the above information, and that provided in Section IV, is correct:

Signature: <u>Frank Scoggen</u>	Typed/Printed Name: <u>FRANK SCOGGEN</u>	Title, Reg./Cert No., Inst. No.: <u>9922029</u>	Date: <u>8/28/00</u>
---------------------------------	--	---	----------------------

Off E. Must be signed by a Certified Installer, Professional Engineer, DEC staff, or Approved Homeowner. If engineering seal bears printed name, registration number and is signed, those blocks need not be completed for engineered submittals.

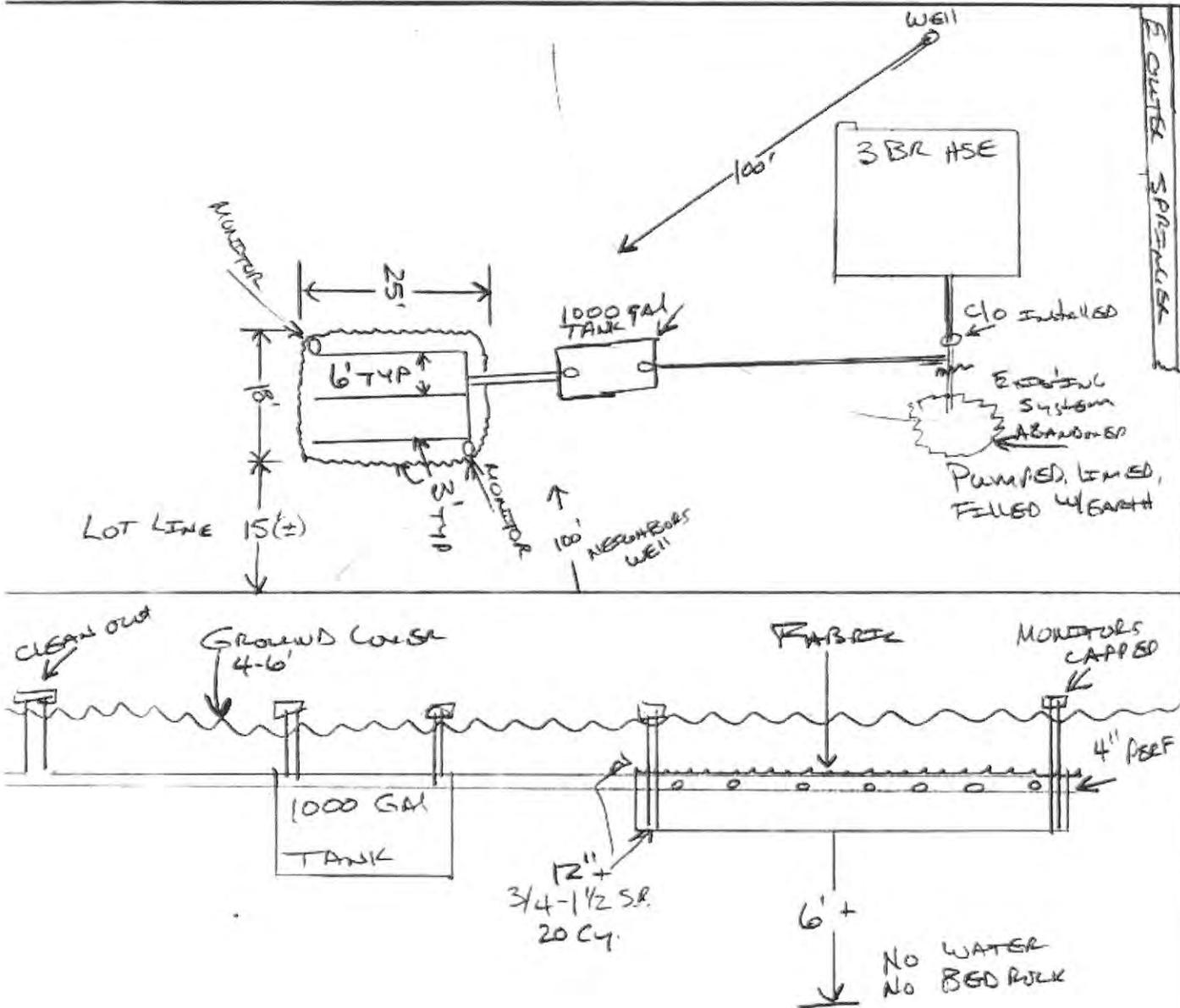
SEAL  
Registered Professional  
Engineer

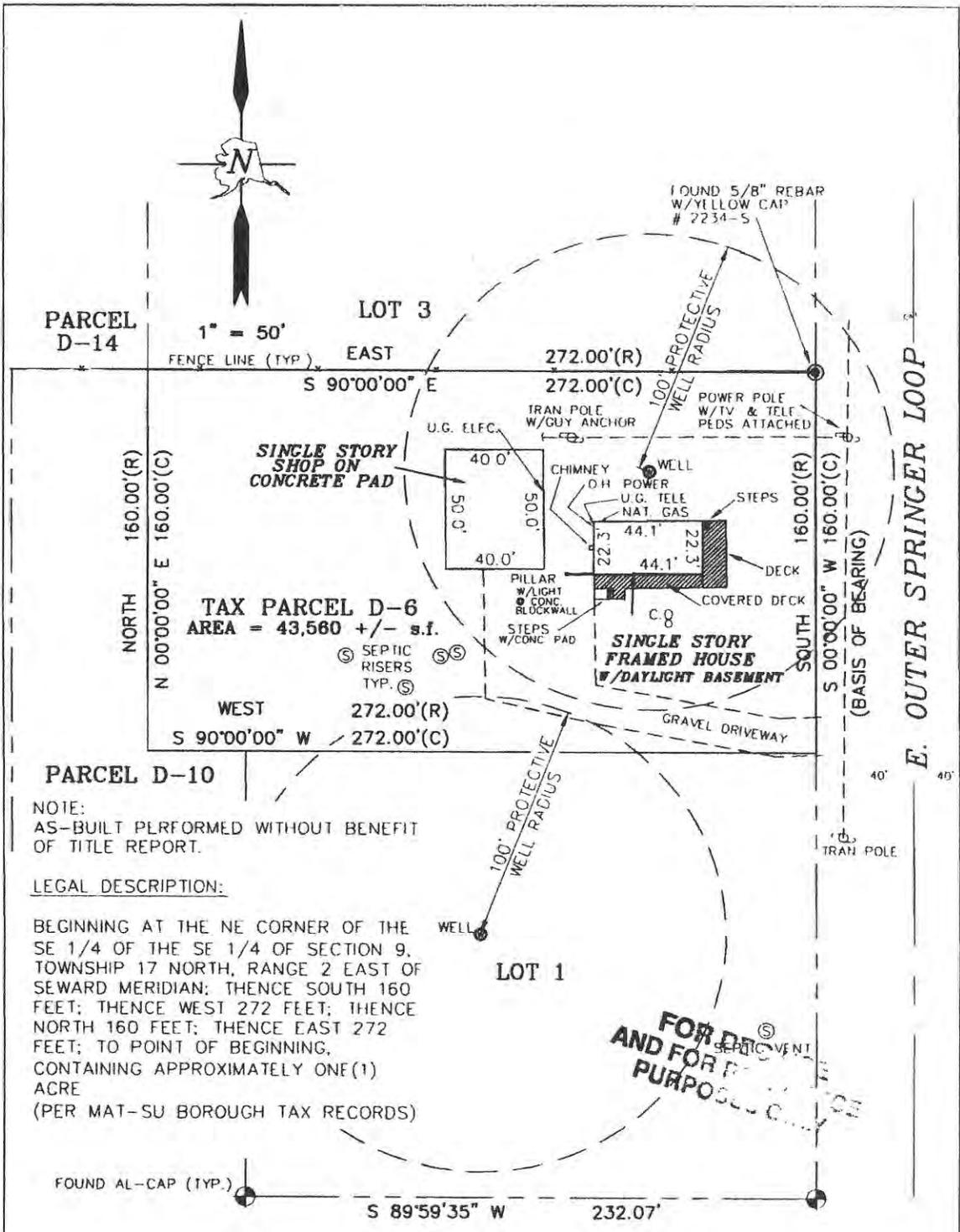
### IV. DIAGRAM OF SYSTEM(S) INSTRUCTIONS FOR DIAGRAM

1. In a plan view, locate and identify each of the following:
 

a) Well	b) All Structures	c) Septic Tank	d) Soil Absorption System <i>(Include dimensions)</i>
e) Surface Water	f) Sources of contamination	g) Property Line	h) Closest septic tank on an adjacent property
i) Closest well on adjacent property	j) Closest edge of an absorption field on adjacent property	k) All cleanouts and monitor tubes	
2. Show distances between the well and each of the sources of contamination listed in 1.
3. Show distances between water bodies and each part of the onsite system listed in 1.
4. In a cross section view of the soil absorption area, identify each component and show the depth (thickness) of the following:
 

a) Soil Cover	b) Absorption Material	c) Water Table	d) Bedrock	e) Discharge pipes	f) Insulation
---------------	------------------------	----------------	------------	--------------------	---------------





NOTE:  
AS-BUILT PERFORMED WITHOUT BENEFIT  
OF TITLE REPORT.

LEGAL DESCRIPTION:

BEGINNING AT THE NE CORNER OF THE  
SE 1/4 OF THE SE 1/4 OF SECTION 9,  
TOWNSHIP 17 NORTH, RANGE 2 EAST OF  
SEWARD MERIDIAN; THENCE SOUTH 160  
FEET; THENCE WEST 272 FEET; THENCE  
NORTH 160 FEET; THENCE EAST 272  
FEET; TO POINT OF BEGINNING,  
CONTAINING APPROXIMATELY ONE(1)  
ACRE  
(PER MAT-SU BOROUGH TAX RECORDS)

FOR DEED AND FOR MORTGAGE PURPOSES ONLY

EXCLUSION NOTE: IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS,  
OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT. UNDER NO CIRCUMSTANCES SHOULD  
ANY DATA HEREON BE USED FOR CONSTRUCTION OR FOR ESTABLISHING BOUNDARY OR FENCE LINES

AS-BUILT  
**ALASKA RIM ENGINEERING, INC.**  
P.O. BOX 2749  
PALMER, ALASKA 99645  
PHONE: (907)745-0222  
FAX: (907)746-0222

W.O. 00-09436 | DATE: 8/22/00 | SCALE: 1" = 50' | FILE: 0000436

I HEREBY CERTIFY THAT I HAVE PERFORMED A MORTGAGE  
INSPECTION ON THE FOLLOWING DESCRIBED PROPERTY:  
LYING WITHIN SECTION 9, T17N, R2E; UNSUBDIVIDED PARCEL; SEE  
LEGAL DESCRIPTION ABOVE PER MAT-SU BOROUGH TAX RECORDS.  
EASEMENTS OF RECORD ARE NOT SHOWN HEREON.  
DATE OF THIS AS-BUILT IS THIS 30th DAY OF AUGUST, 2000.

Doc code

EXHIBIT

Date Received  
AUG 29 2000

STATE OF ALASKA  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DOCUMENTATION OF CONSTRUCTION

I. GENERAL INFORMATION

Legal Description of the Location  
15615 E OUTER SPRENGER  
PALMER AK  
T 17N R 2E S 9 5M TP D-6

Installer Name  
FRANK SCOGGIN

Mailing Address  
Box 382  
PALMER AK 99645

Submitted by: (Check one)  
 Certified Installer  
 Approved Homeowner  
 Registered Engineer

Onsite Wastewater System Serves:  
 Single Family. Number of Bedrooms 3  
 Duplex. Number of Bedrooms \_\_\_\_\_  
 Small Commercial Facility With Estimated Design Flow of less than 500 GPD.

II. WATER SUPPLY SYSTEM (SECTION II IS OPTIONAL)

Source of Water and Containment (Check all that Apply)  
 Well (Drilled or Driven)  Surface (Identify) \_\_\_\_\_  
 Roof Catchment  Other (Identify) \_\_\_\_\_  
 Holding Tank

Type of Water Supply System  
 Private  
 Public (Serves more than one family)

Treatment of Water (Check all that Apply)  
 None  Chlorination  
 Filtration  Mineral Removal  
 Other: \_\_\_\_\_

Well Data  
Is the height of the well casing more the 12" above the ground?  Yes  No  
Is a sanitary seal or well cap installed on the well casing?  Yes  No  
Is drainage directed away from or around the casing within a radius of 10 feet of the well casing?  Yes  No  
Is well wire enclosed in conduit?  Yes  No

Date Drilled \_\_\_\_\_ Depth of Well (Feet) \_\_\_\_\_ Static Water Level (Feet) \_\_\_\_\_ Yield (If available) \_\_\_\_\_ Pump Rate (If available) \_\_\_\_\_

Separation Distance from the Well Casing to each of the Following Sources of Contamination:  
Septic/Holding Tank on Lot \_\_\_\_\_ Feet Sewer Lines on Lot \_\_\_\_\_ Feet Absorption Area on Lot \_\_\_\_\_ Feet  
Closest Septic/Holding Tank on Adjacent Lot \_\_\_\_\_ Feet Closest Sewer Lines on Adjacent Lot \_\_\_\_\_ Feet Closest Edge of an Absorption Area on Adjacent Lot: \_\_\_\_\_ Feet  
Indicate separation distance from toxic materials including fuel tanks, paints, lubricants and other petroleum based materials, pesticides, fungicides or herbicides to well casing:  
On Lot \_\_\_\_\_ Feet On Adjacent Lot \_\_\_\_\_ Feet

Water Sample Taken by: (Name) \_\_\_\_\_  
Address \_\_\_\_\_  
Sampler is:  
 Buyer  Engineer  
 Banker  Government Official

Water Sample Results:  
Attach Copy  Satisfactory - Date \_\_\_\_\_  Unsatisfactory - Date \_\_\_\_\_

Comments/Recommendations:

EXHIBIT C-9

I certify that the above information, and that provided in Section IV, is correct:  
Signature Frank Scoggin Typed/Printed Name FRANK SCOGGIN Title INSTALLER Date 8/28/00

Note 1. This section should be signed by a Certified Installer, Professional Engineer, DEC staff, or Owner/Builder  
2. All public water systems must receive ADEC plan approval prior to construction. See 18 AAC 80 State of Alaska Drinking Water

SEWAGE DISPOSAL

Legal Description:

15615 E OAK SPRINGER

Type of Wastewater System:

- Septic Tank with Conventional Soil Absorption System  Package Treatment Plant (requires engineered design)
- Holding Tank: Material Type: \_\_\_\_\_ Size in Gallons: \_\_\_\_\_ Manufacturer: \_\_\_\_\_
- Other - Specify Type \_\_\_\_\_  Alternate Onsite (requires engineered design)
- Small Commercial System (< 500 GPD) With Estimated Daily Wastewater Flow of: \_\_\_\_\_ Gallons Per Day (GPD)
- Criteria Used to Estimate Daily Wastewater Quantity: \_\_\_\_\_

NEW SYSTEM  REPAIR TO EXISTING SYSTEM Certified Installer Installation Notification Date: 9922029

Name of Installer: FRANK SCOGGEN Date Installed: 8/25-26/00

System Installed  By a Registered Engineer  With Inspection by a Registered Engineer

By Approved Homeowner (attach copy of approval letter)  By a Certified Installer/Installer Number 9922029

Septic Tank: Material: STEEL Manufacturer: GREEN Size (Gallons): 1000 Number of Compartments: 2

Type of Soil Absorption System:  Deep Trench  Shallow Trench  Seepage Pit  Bed  Mound  Other, Specify

Soil Type: SP Soil Rating: 150 Dimensions/Size of Absorption Area: 18x25

Grading/Size of Distribution Rock: 3/4 - 1 1/2" SR Thickness/Depth of Distribution Rock: 12" +

Percolation Test Results, Attach Copy of Report: Percolation Test Performed by: percolation test results must be sealed/signed by a registered engineer

Minimum Ground Cover Over: Septic Tank: 6' Absorption Area: 6' Sewer Pipes: 5'

Cleanout Pipes/Caps Installed: ✓ Foundation Cleanout: ✓ Septic Tank: ✓ Monitor Tubes: ✓

List Separation Distances From Septic Tank or Absorption Area, Whichever is Closest, to All Nearby:

Public Drinking Water Sources Within 200 feet: N/A Private Drinking Water Sources Within 100 feet: 100' +

Nearest Water Bodies (see 18 AAC 72.020(b)): N/A Lot Line: 15' (#)

Separation Distance from Onlot Sewer Lines to: Public Drinking Water Sources: N/A Private Sources: 100' +

Separation Distance From Bottom of Distribution Rock to: Groundwater Table: 6' + Bedrock: 6' +

Separation Distance from Absorption Area to Slope exceeding 25%: N/A

Comments/Recommendations

I certify that the above information, and that provided in Section IV, is correct:

Signature: [Handwritten Signature] Typed/Printed Name: FRANK SCOGGEN Title, Reg./Cert No., Inst. No.: 9922029 Date: 8/26/00

NOTE: Must be signed by a Certified Installer, Professional Engineer, DEC staff, or Approved Homeowner. If engineering seal bears printed name.

Installation number and is signed, those blocks need not be completed for engineered submittals.

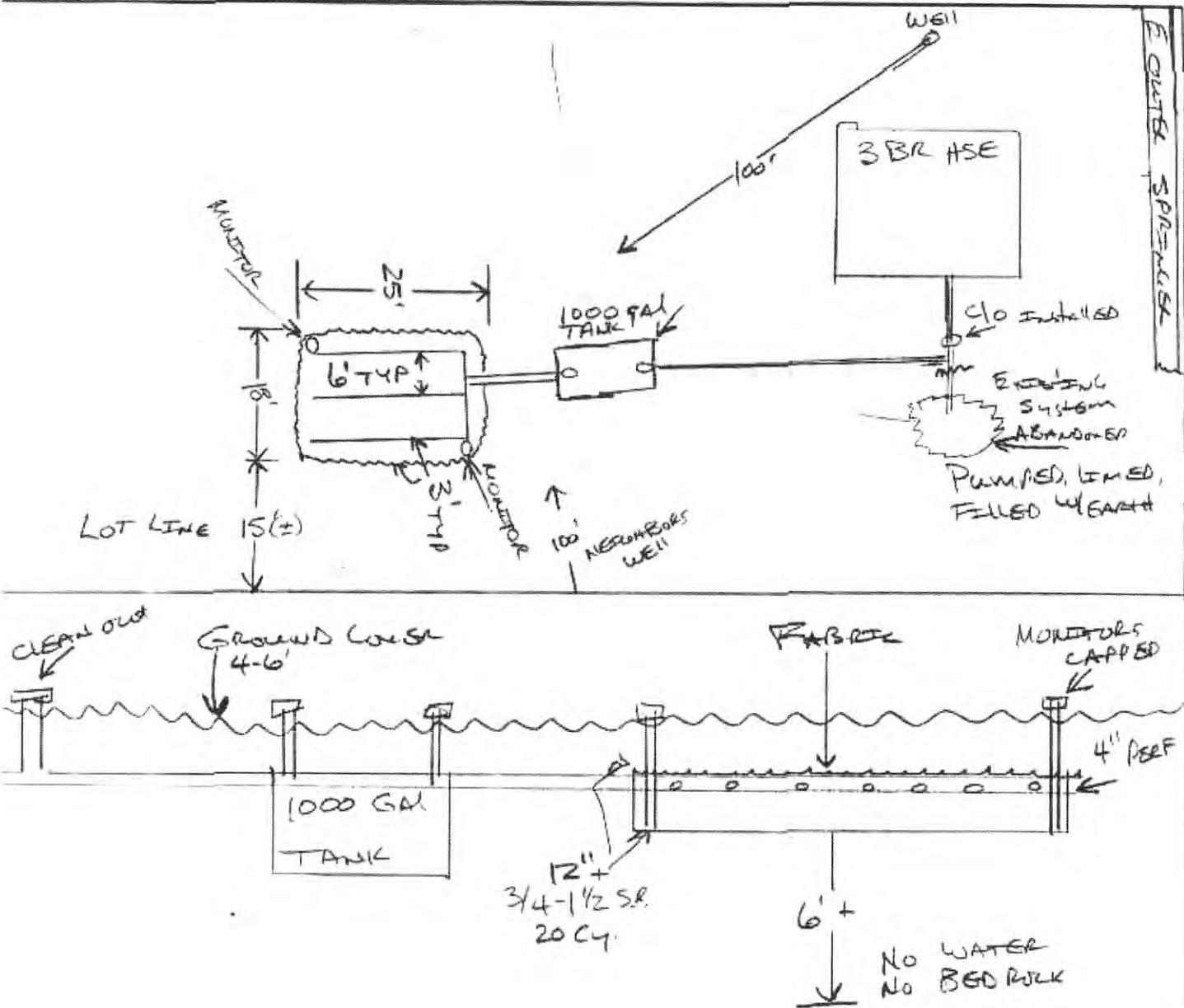
SEAL Registered Professional Engineer

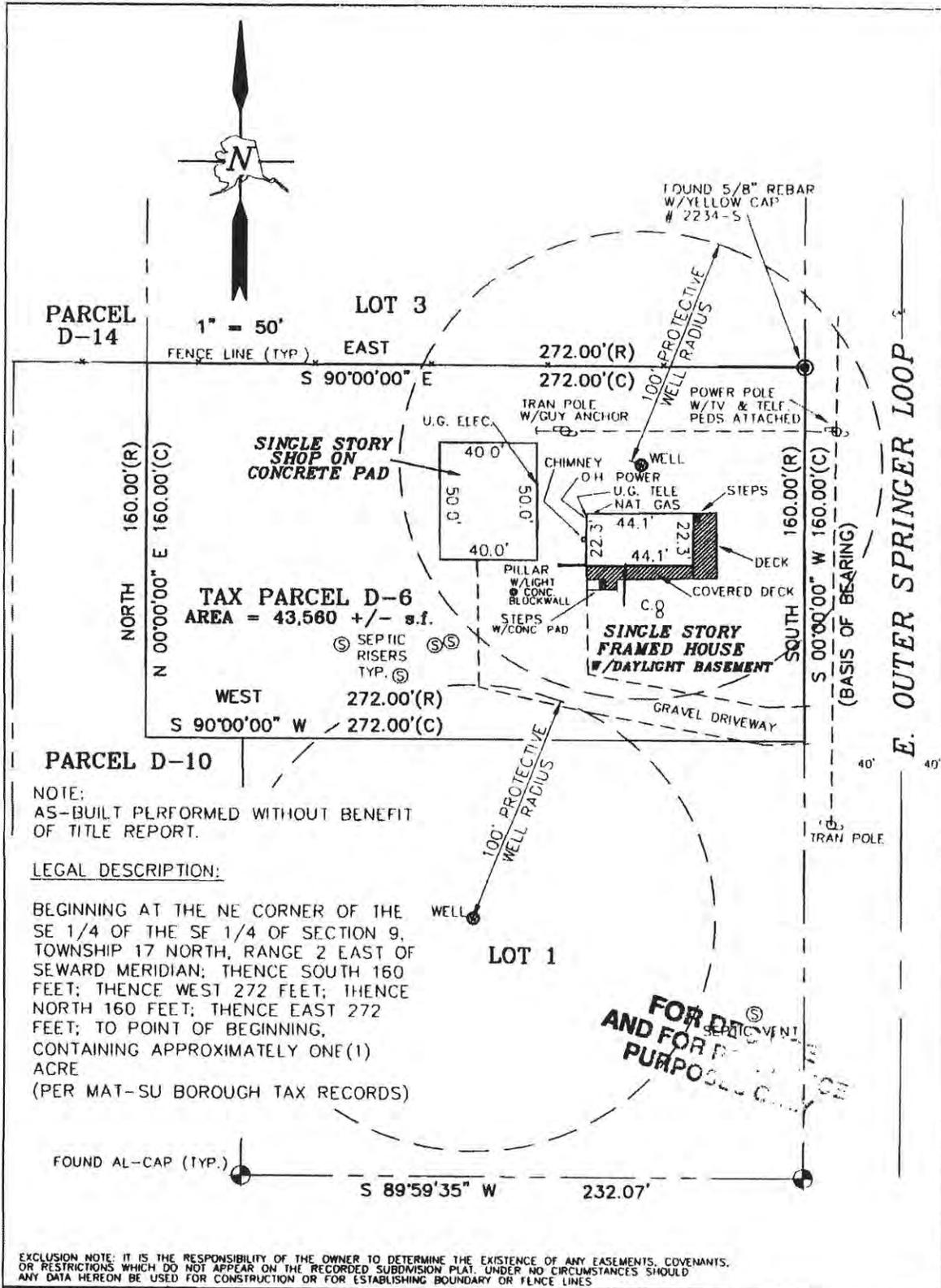
### IV. DIAGRAM OF SYSTEM(S) INSTRUCTIONS FOR DIAGRAM

1. In a plan view, locate and identify each of the following:
 

a) Well	b) All Structures	c) Septic Tank
e) Surface Water	f) Sources of contamination	g) Property Line
h) Closest well on adjacent property		i) Closest septic tank on an adjacent property
j) Closest edge of an absorption field on adjacent property		k) All cleanouts and monitor tubes
2. Show distances between the well and each of the sources of contamination listed in 1.
3. Show distances between water bodies and each part of the onsite system listed in 1.
4. In a cross section view of the soil absorption area, identify each component and show the depth (thickness) of the following:
 

a) Soil Cover	b) Absorption Material	c) Water Table	d) Bedrock
		e) Discharge pipes	f) Insulation





**AS-BUILT**

**ALASKA RIM ENGINEERING, INC.**

**P.O. BOX 2749  
PALMER, ALASKA 99645  
PHONE: (907)745-0222  
FAX: (907)746-0222**

**W.O. 00-09436 | DATE: 8/22/00 | SCALE: 1" = 50' | FILE: 0000436**

**I HEREBY CERTIFY THAT I HAVE PERFORMED A MORTGAGE INSPECTION ON THE FOLLOWING DESCRIBED PROPERTY: LYING WITHIN SECTION 9, T17N, R2E; UNSUBDIVIDED PARCEL; SEE LEGAL DESCRIPTION ABOVE PER MAT-SU BOROUGH TAX RECORDS. EASEMENTS OF RECORD ARE NOT SHOWN HEREON. DATE OF THIS AS-BUILT IS THIS 30th DAY OF AUGUST, 2000.**

## Amy Otto-Buchanan

---

**From:** Jamie Taylor  
**Sent:** Tuesday, July 05, 2016 11:37 AM  
**To:** Platting  
**Cc:** Amy Otto-Buchanan  
**Subject:** RE: Garley Subdivision #16-077 AOB

No comment.

**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](mailto:jamie.taylor@matsugov.us)  
<http://www.matsugov.us/>

---

**From:** Amy Otto-Buchanan  
**Sent:** Wednesday, June 15, 2016 1:49 PM  
**To:** [melanie.nichols@alaska.gov](mailto:melanie.nichols@alaska.gov); Kemplen, Allen (DOT) ([allen.kemplen@alaska.gov](mailto:allen.kemplen@alaska.gov)); [kevin.vakalis@alaska.gov](mailto:kevin.vakalis@alaska.gov); Hurn, John T (DOT) ([tucker.hurn@alaska.gov](mailto:tucker.hurn@alaska.gov)); 'steven.banse@alaska.gov' ([steven.banse@alaska.gov](mailto:steven.banse@alaska.gov)); Zafian, Holly K (DFG) ([holly.zafian@alaska.gov](mailto:holly.zafian@alaska.gov)); [mark.fink@alaska.gov](mailto:mark.fink@alaska.gov); [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil); [brian.young@usps.gov](mailto:brian.young@usps.gov); John Aschenbrenner; Matthew Beck; [retirees@mtaonline.net](mailto:retirees@mtaonline.net); [edstrabelak@gmail.com](mailto:edstrabelak@gmail.com); Richard Boothby; John McNutt ([jmcnutt@palmerak.org](mailto: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; MEA; MTA; Jessica Thompson ([jthompson@mta-telco.com](mailto:jthompson@mta-telco.com)); [jennifer.diederich@enstarnaturalgas.com](mailto:jennifer.diederich@enstarnaturalgas.com); Robin L. Leighty ([Robin.Leighty@enstarnaturalgas.com](mailto:Robin.Leighty@enstarnaturalgas.com)); [row@enstarnaturalgas.com](mailto:row@enstarnaturalgas.com); 'ospdesign@gci.com' ([ospdesign@gci.com](mailto:ospdesign@gci.com)); 'dblehm@gci.com' ([dblehm@gci.com](mailto:dblehm@gci.com))  
**Cc:** [jay@valleymarket.com](mailto:jay@valleymarket.com); [lamarra05@gmail.com](mailto:lamarra05@gmail.com); [stan.gillespie@gmail.com](mailto:stan.gillespie@gmail.com); [jordan@alaskaplans.com](mailto:jordan@alaskaplans.com); [tait@zimmermanteamak.com](mailto:tait@zimmermanteamak.com); [patrickjhnsn@hotmail.com](mailto:patrickjhnsn@hotmail.com); [amyhansenhomes@gmail.com](mailto:amyhansenhomes@gmail.com); [winforhim@aol.com](mailto:winforhim@aol.com)  
**Subject:** Garley Subdivision #16-077 AOB

Enclosed is the Request for Comments (RFC) for Garley Subdivision, MSB Case #2016-077, Tech AOB. Also enclosed are the soils report, Owner's Statements (X3), the Vicinity Map, the variance application, and the preliminary plat. Comments are due by **July 20, 2016**. Please let me know if you have any questions. Thanks. A.

*NOTE: Platting Board members are receiving this email to notify of upcoming platting actions.*

Amy Otto-Buchanan  
Platting Technician  
email: [amy.otto@matsugov.us](mailto:amy.otto@matsugov.us)  
Phone: 861.7872 (direct line)

**Amy Otto-Buchanan**

---

**From:** Theresa Taranto  
**Sent:** Wednesday, July 20, 2016 1:50 PM  
**To:** Platting  
**Subject:** Deschamps-Garley SD

No cases

## Amy Otto-Buchanan

---

**From:** Susan Lee  
**Sent:** Thursday, June 16, 2016 8:18 AM  
**To:** Amy Otto-Buchanan  
**Subject:** RE: Garley Subdivision #16-077 AOB

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:** Amy Otto-Buchanan  
**Sent:** Wednesday, June 15, 2016 1:49 PM  
**To:** [melanie.nichols@alaska.gov](mailto:melanie.nichols@alaska.gov); Kemplen, Allen (DOT) ([allen.kemplen@alaska.gov](mailto:allen.kemplen@alaska.gov)); [kevin.vakalis@alaska.gov](mailto:kevin.vakalis@alaska.gov); Hurn, John T (DOT) ([tucker.hurn@alaska.gov](mailto:tucker.hurn@alaska.gov)); 'steven.banse@alaska.gov' ([steven.banse@alaska.gov](mailto:steven.banse@alaska.gov)); Zafian, Holly K (DFG) ([holly.zafian@alaska.gov](mailto:holly.zafian@alaska.gov)); [mark.fink@alaska.gov](mailto:mark.fink@alaska.gov); [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil); [brian.young@usps.gov](mailto:brian.young@usps.gov); John Aschenbrenner; Matthew Beck; [retirees@mtaonline.net](mailto:retirees@mtaonline.net); [edstrabelak@gmail.com](mailto:edstrabelak@gmail.com); Richard Boothby; John McNutt ([jmcnutt@palmerak.org](mailto: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; MEA; MTA; Jessica Thompson ([jthompson@mta-telco.com](mailto:jthompson@mta-telco.com)); [jennifer.diederich@enstarnaturalgas.com](mailto:jennifer.diederich@enstarnaturalgas.com); Robin L. Leighty ([Robin.Leighty@enstarnaturalgas.com](mailto:Robin.Leighty@enstarnaturalgas.com)); [row@enstarnaturalgas.com](mailto:row@enstarnaturalgas.com); 'ospdesign@gci.com' ([ospdesign@gci.com](mailto:ospdesign@gci.com)); 'dblehm@gci.com' ([dblehm@gci.com](mailto:dblehm@gci.com))  
**Cc:** [jay@valleymarket.com](mailto:jay@valleymarket.com); [lamarra05@gmail.com](mailto:lamarra05@gmail.com); [stan.gillespie@gmail.com](mailto:stan.gillespie@gmail.com); [jordan@alaskaplans.com](mailto:jordan@alaskaplans.com); [tait@zimmermanteamak.com](mailto:tait@zimmermanteamak.com); [patrickjhnsn@hotmail.com](mailto:patrickjhnsn@hotmail.com); [amyhansenhomes@gmail.com](mailto:amyhansenhomes@gmail.com); [winforhim@aol.com](mailto:winforhim@aol.com)  
**Subject:** Garley Subdivision #16-077 AOB

Enclosed is the Request for Comments (RFC) for Garley Subdivision, MSB Case #2016-077, Tech AOB. Also enclosed are the soils report, Owner's Statements (X3), the Vicinity Map, the variance application, and the preliminary plat. Comments are due by **July 20, 2016**. Please let me know if you have any questions. Thanks. A.

*NOTE: Platting Board members are receiving this email to notify of upcoming platting actions.*

Amy Otto-Buchanan  
Platting Technician  
email: [amy.otto@matsugov.us](mailto:amy.otto@matsugov.us)  
Phone: 861.7872 (direct line)



**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 *MSC*  
SUBJECT: Preliminary Plat Comments / Case #2016-077

---

RECEIVED  
JUN 17 2016  
PLATTING

Platting Tech: Amy Otto-Buchanan  
Public Hearing: August 4, 2016  
Applicant / Petitioner: Deschamps, Daugherty, Garley  
TRS: 17N02E09  
Tax ID: 17N02E09D0006/D010 and 5374000L001-L002  
Subd: Garley Subdivision  
Tax Map: PA 12

Comments:

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

**EXHIBIT G**



## 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:** Amy Otto Buchanan, Platting Technician  
**FROM:** Sandra Cook, Cultural Resources  
**SUBJECT:** Preliminary App  
**TITLE:** Garley Subdivision  
**LEGAL:** Section 09, T17N, R02E, SM  
**TAX MAP:** PA 12

### 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 H**

**CORNER NOTES**

- A) Found standard C.I.O. 2.5" brass cap, 1.2" above ground, cap marked as 1916 monument well.
- B) Found 1" iron pin in standard monument well, accepted as corner of sections 9 & 10.
- C) Found 1" iron pin in standard monument well, accepted as corner of sections 9, 10, 15, 16.
- D) Found 1" iron pin in standard monument well, accepted as 1/4 corner section 9 & 10.
- E) Found 2" aluminum cap, marked as shown.
- F) Found 5/8" rebar, bent, in base, for line between lot 2 & 3.
- G) Found 5/8" rebar with cap.

**OWNERS**

- Lot 1  
ROMIE & PATRICIA DESCHAMPS  
15571 E. OUTER SPRINGER LOOP  
PALMER, AK 99645
- Lot 2 & 3  
SANDRA & PATRICK GARLEY  
18615 E. OUTER SPRINGER LOOP  
PALMER, AK 99645  
907-761-1322
- Lot 4  
BRIDE TRAILS TRACT 1  
PLAT # 71-80



**NOTES**

- 1) The corners of this survey are to adjust lot lines from 4 parcels described as: Faulkner Estates, Lot 1 and 2, Plat # 90-66, Deed Bk. 1058 Pg. 357, and Document # 2003-025029-0.
- 2) 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.

**LEGEND**

- Found C.I.O. Monument
- Found DOT/F monument or monument in standard well casing as described hereon
- Other Found Monuments as described hereon
- Corner Note Designation, See Corner Notes
- Record data, C.I.O. Plat 17124 R2E 54, 1938, accepted by the Asst. Commissioner Feb 11, 1938.
- Measured lot lines are shown solid/black
- Record/unmeasured lines are shown dashed
- Monument to be set, 5/8" diameter x 27" long
- Monument to be set, 5/8" diameter x 27" long with 1" plastic cap marked SCHILLINGER 15 12039
- Overhead Utilities



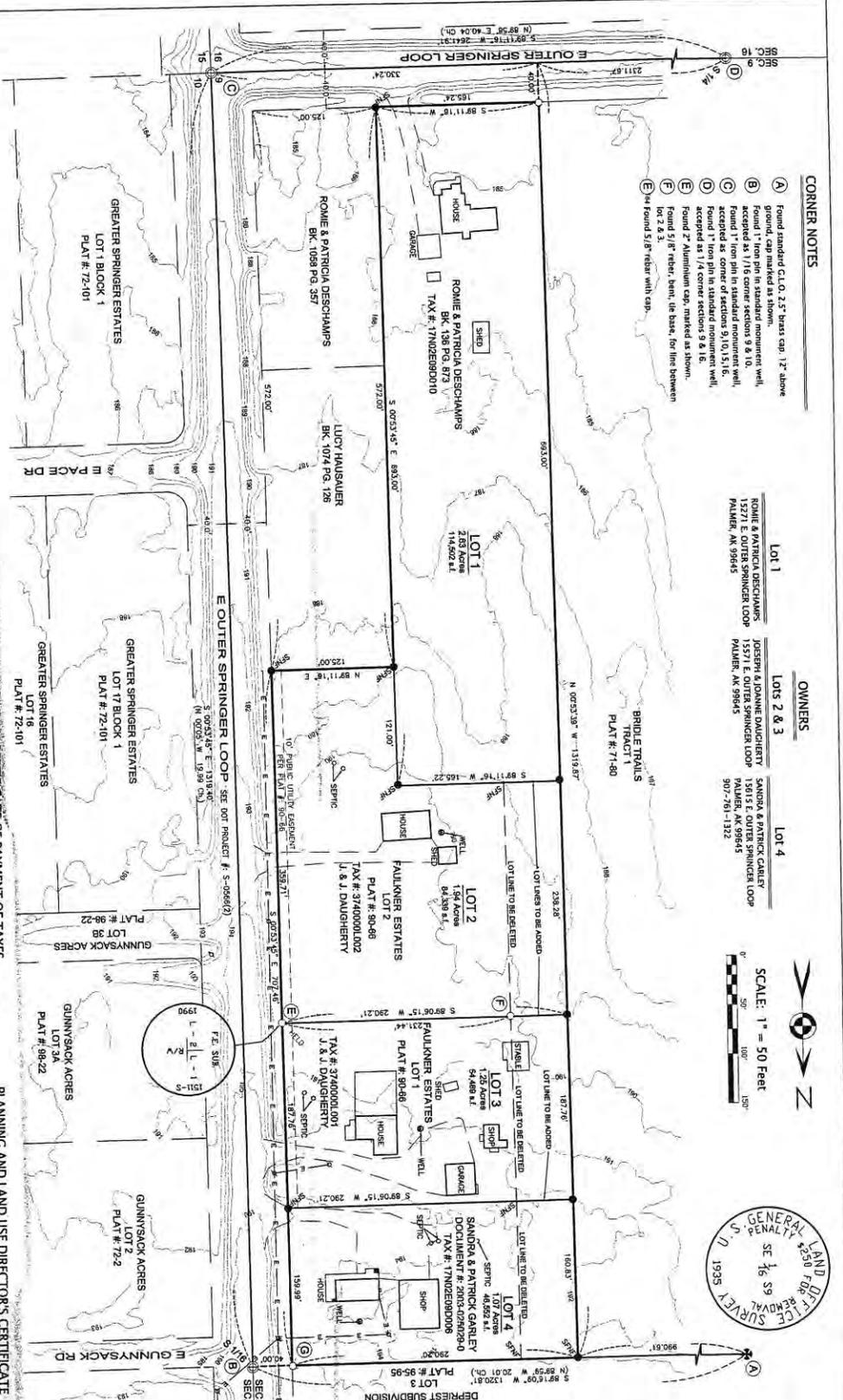
**Agenda Copy**

**RECEIVED**

JUN 13 2016  
PRELIMINARY PLATTING

**GARLEY SUBDIVISION**

Containing 6.89 Acres  
A NE-SECTION OF LANDS DECIDED IN W. 136 PG. 873, DOCUMENT # 2003-05403-1, AND LOTS 1 & 2, FAULKNER ESTATES TRACT # 90-66.  
PALMER MCDONOUGH SUBDIVISION, AD 2004  
Scale: 1" = 50' Sheet: 1 of 1



**BASIS OF BEARINGS**

The bearings and distances shown on this preliminary plat are Alaska State True North (NAD 83) (N 0° 0' 0" E).

**SURVEYORS STATEMENT**

I hereby certify that I, a Professional Land Surveyor registered in the State of Alaska, that this plat represents a survey made by me or under my direct supervision, and the monument shown hereon accurately exist or existed, and that all dimensions and other details are correct.

**OWNERSHIP CERTIFICATE**  
We, the undersigned, hereby certify that we are the owners of the real property shown and described hereon, that we hereby adopt this plan of subdivision, and by our own free consent all statements to the use of the same.  
Owners: \_\_\_\_\_ Dated: \_\_\_\_\_  
Owners: \_\_\_\_\_ Dated: \_\_\_\_\_  
Notary Public: \_\_\_\_\_

**CERTIFICATE OF PAYMENT OF TAXES**

I hereby certify that all current taxes and special assessments, through \_\_\_\_\_ against the property included in the subdivision hereon, have been paid.

**NOTARY'S CERTIFICATE**

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
My commission expires: \_\_\_\_\_  
Notary Public: \_\_\_\_\_

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

I certify that this subdivision plat has been found to comply with the land use plan for the area shown on this plat, and that the plat has been approved by the planning authority by \_\_\_\_\_

Palmer Resolution Number: \_\_\_\_\_ Dated: \_\_\_\_\_

And that this plat has been approved for recording in the office of the Palmer Recording District, Third Judicial District, State of Alaska, in which the plat is located.  
Planning and Land Use Director: \_\_\_\_\_ Dated: \_\_\_\_\_  
Asst. Planning Clerk: \_\_\_\_\_

Containing 6.89 Acres  
A NE-SECTION OF LANDS DECIDED IN W. 136 PG. 873, DOCUMENT # 2003-05403-1, AND LOTS 1 & 2, FAULKNER ESTATES TRACT # 90-66.  
PALMER MCDONOUGH SUBDIVISION, AD 2004  
Scale: 1" = 50' Sheet: 1 of 1



**SURVEYOR**  
Max A. Schilling  
P.O. Box 4207  
Palmer, AK 99645

WITHIN THE SE 1/4 OF THE SE 1/4 OF SECTION 17, T17N, R22E, S16W MERIDIAN  
DATE: 3-25-2016 Scale: 1" = 50' Sheet: 1 of 1



**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 22, 2016

Amy Otto-Buchanan, Platting Technician  
Matanuska-Susitna Borough, Platting Division  
350 East Dahlia Avenue  
Palmer, AK 99645-6488

Subject: Preliminary Plat Request for Comments – **Garley Subdivision**  
(Case No. 2016-077)

Dear Ms Otto-Buchanan:

ENSTAR Natural Gas Company has reviewed the subject 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](mailto:cassie.wohlgemuth@enstarnaturalgas.com).

Sincerely,

A handwritten signature in blue ink that reads "Cassie Wohlgemuth". The signature is fluid and cursive, with a long horizontal stroke at the end.

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



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department of Transportation  
And Public Facilities

CENTRAL REGION  
Planning & Administrative Services

4111 Aviation Avenue  
Anchorage, Alaska 99502  
Main: 907.269.0520  
Fax: 907.269.0521

July 20, 2016

Fred Wagner, Platting Officer  
Matanuska-Susitna Borough  
350 East Dahlia Avenue  
Palmer, Alaska 99645

Re: Plat Review

Dear Mr. Wagner:

The Alaska Department of Transportation and Public Facilities (DOT&PF) has reviewed the following plats and has the following comments:

- **Tax Map Wc 06 Sec 36, T20N, R03W**
  - DOT&PF has no issue with the plat, but if there isn't a formalized access agreement between the C18, C22, & C23, there needs to be something official drawn up, signed, and recorded between all three parcels.
- **Tax Map HO 16, Sec 25, T17N, R02W**
  - Lot 1 & 2 need to share access to Fairview Loop and that access should be placed opposite Carl Drive. Lot 3 should access Coyne Drive.
- **Garley Subdivision**
  - No new access will be granted to Outer Springer Loop.

If there are any questions regarding these comments please feel free to contact me at (907) 269-0509 or [melanie.nichols@alaska.gov](mailto:melanie.nichols@alaska.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Melanie Nichols".

Melanie Nichols  
Mat-Su Area Planner

cc: Tucker Hum, Right of Way Agent, Right of Way  
Scott Thomas, P.E., Regional Traffic Engineer, Traffic Safety and Utilities  
Brad Sworts, MSB Transportation Manager  
James Amundsen, Chief, Highway Design  
Kevin Vakalis, Right of Way Agent, Right of Way  
Allen Kemplen, Mat-Su Area Planner

*"Keep Alaska Moving through service and infrastructure."*

**EXHIBIT J**

# SITE VISIT REPORT

Case Name: Garley	Date: 06/22/2016      Time: 12:30pm
Owner: Deschamps/Daugherty/Garley	Case Number: 2016-077
Surveyor/Engineer: All Points North	Tax ID #: 117N02E09D006 & D010 & 53740000L001 & L002
Subdivision: Garley	Regarding: Four lot subdivision

## SITE CONDITIONS

<b>Weather:</b> Clear	<b>Temperature:</b> 70°F
<b>Wind:</b> None	
<b>General Site Condition:</b> Constructed – homes on each lot	

**Personnel on site:** Amy Otto-Buchanan & Cheryl Scott, Platting Technicians

**Equipment in use:** Camera

**Current phase of work:** To be heard by Platting Board August 4, 2016.

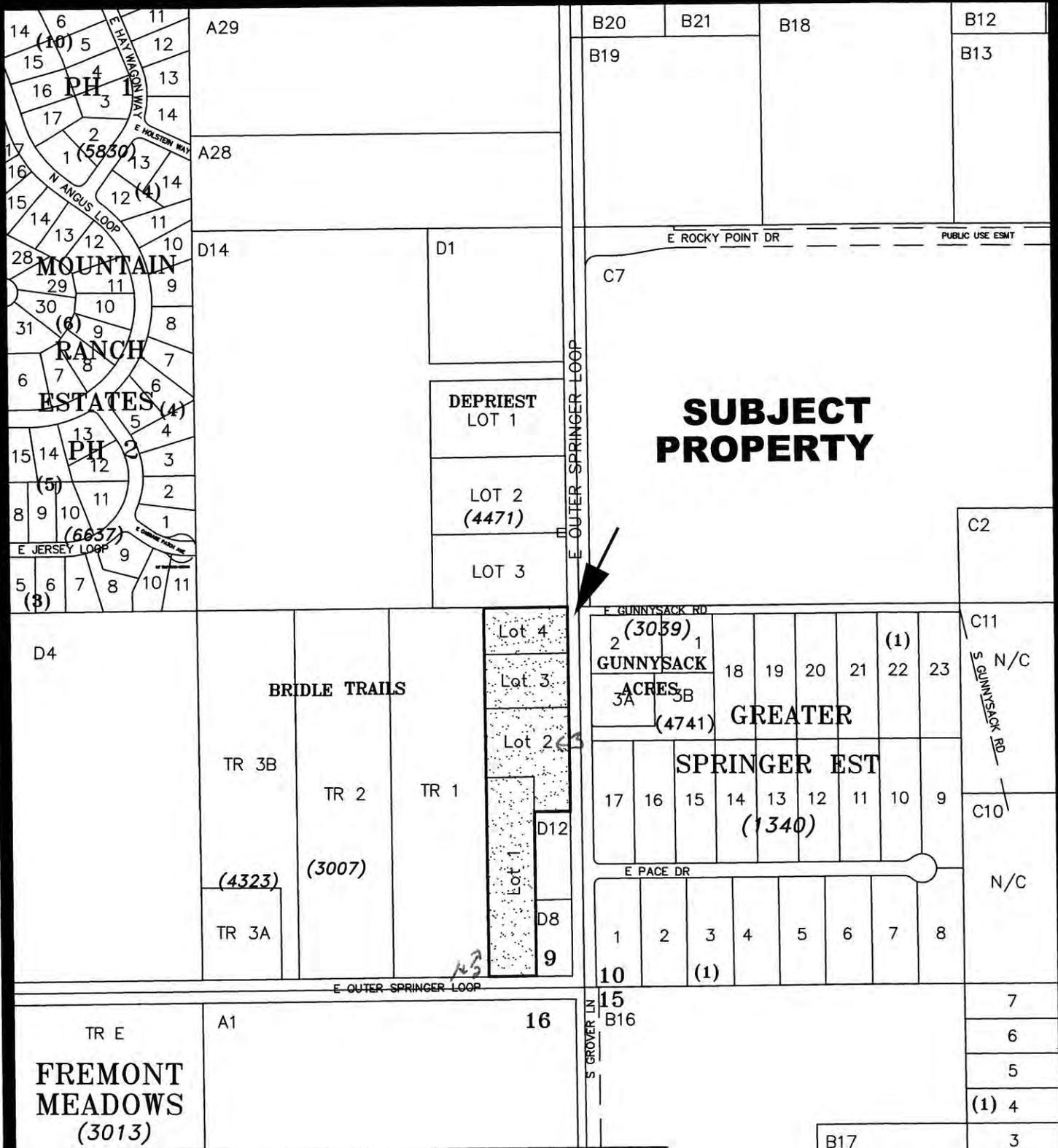
**Reason for Visit/Remarks:** Photos of the 54' wide "pole" of land that is being divided among the three other lots. Show how the other three lots have been using that portion as their back-yards.

(See attached photos)

*AOB*

**Signed By:** Amy Otto-Buchanan, Platting Technician

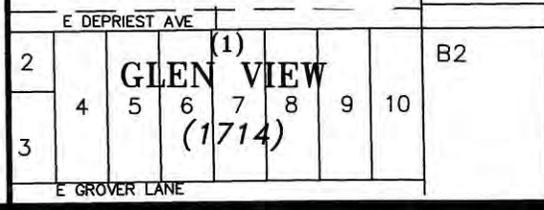
**Date:** June 22, 2016

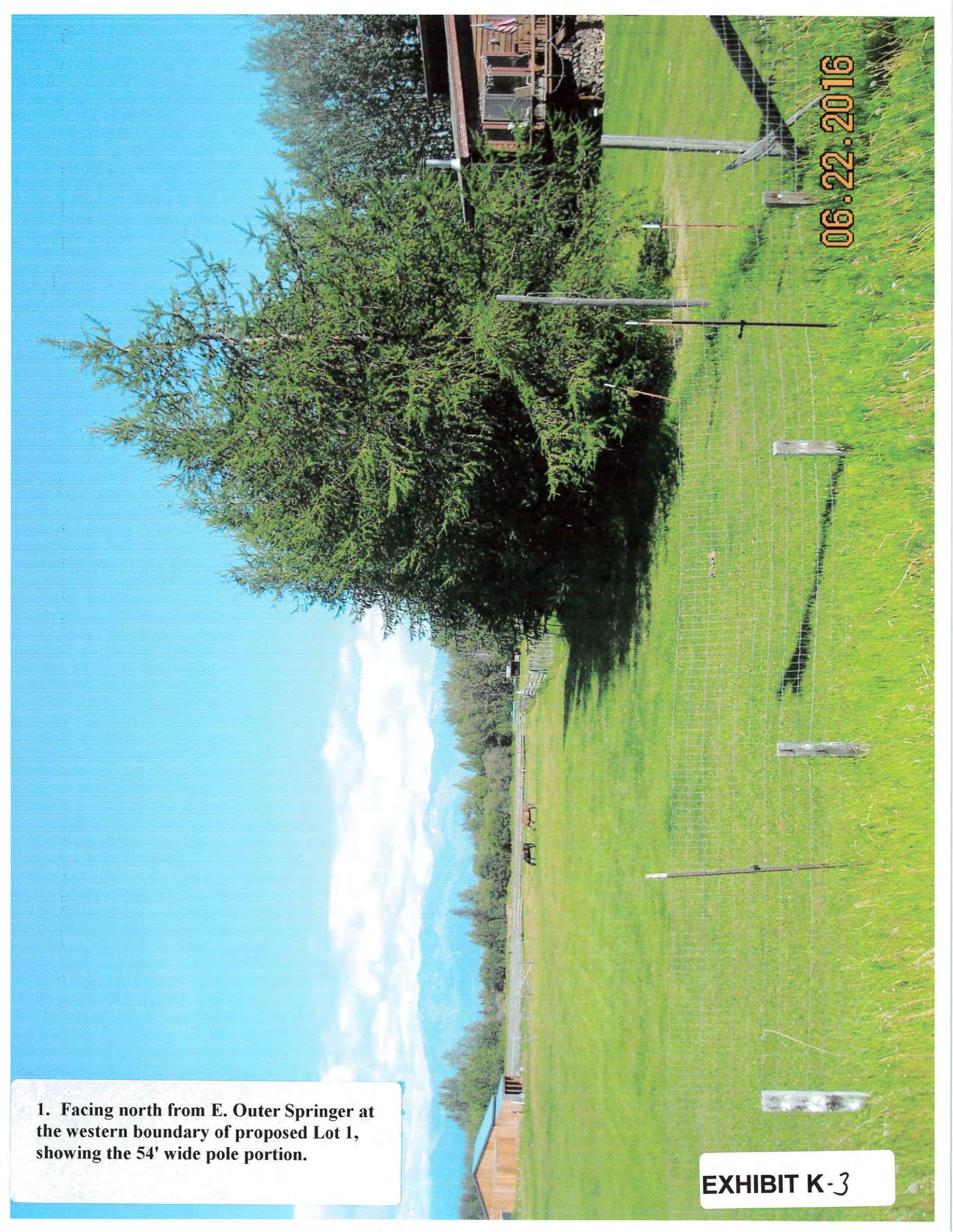


**SUBJECT  
PROPERTY**

**VICINITY MAP**  
 FOR PROPOSED GARLEY SUBDIVISION  
 LOCATED WITHIN  
 SECTION 09, T17N, R02E, SEWARD MERIDIAN,  
 ALASKA  
 PALMER 12 MAP

**EXHIBIT K-2**

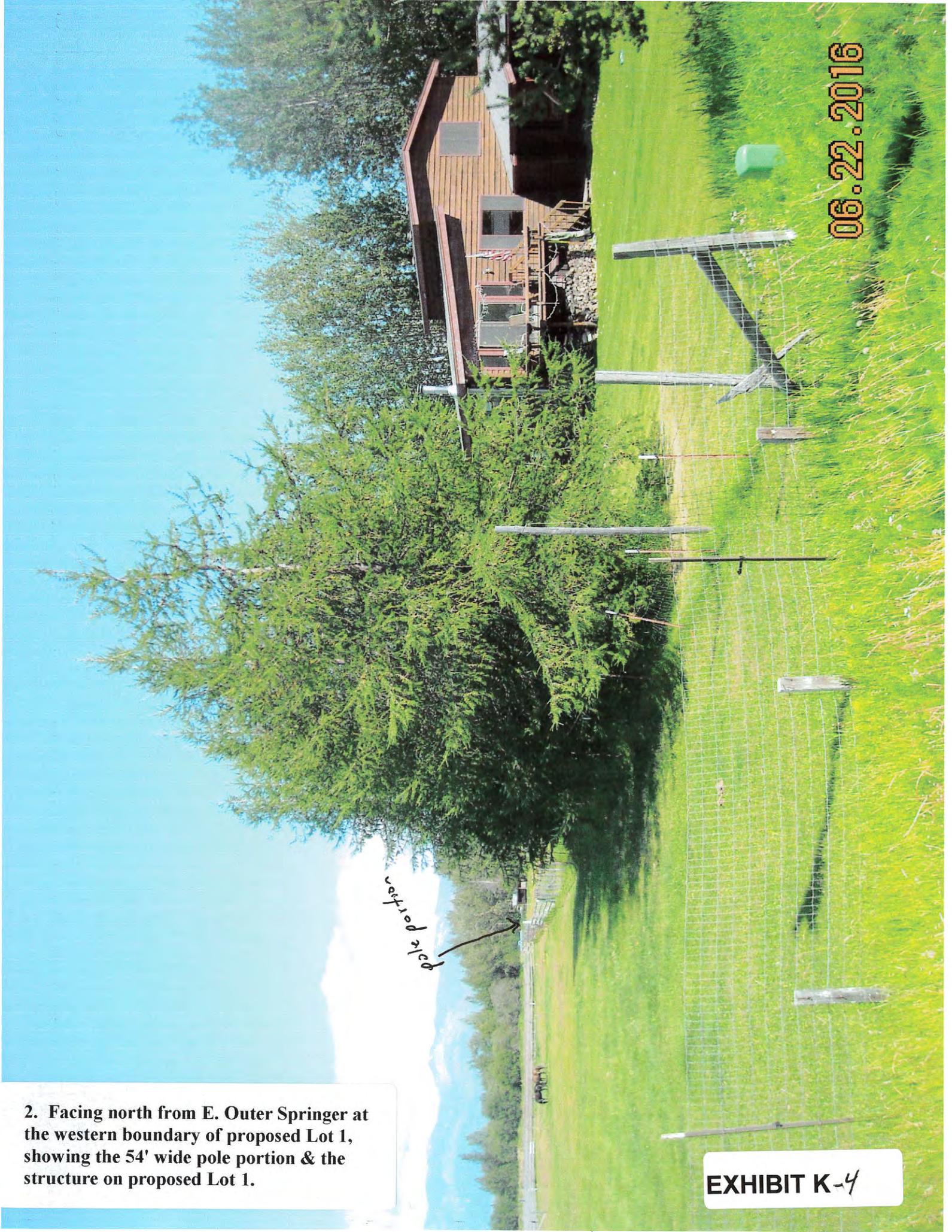




06.22.2016

1. Facing north from E. Outer Springer at the western boundary of proposed Lot 1, showing the 54' wide pole portion.

EXHIBIT K-3



06.22.2016

2. Facing north from E. Outer Springer at the western boundary of proposed Lot 1, showing the 54' wide pole portion & the structure on proposed Lot 1.

EXHIBIT K-4

3. Facing west from E. Outer Springer at proposed Lot 2's driveway, showing the 54' wide area in back of the lot.

*E. Outer Springer Loop*  
**06.22.2016**

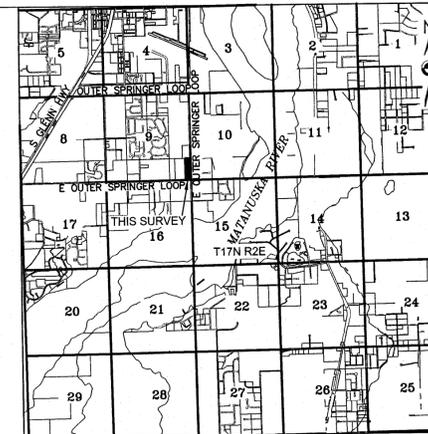
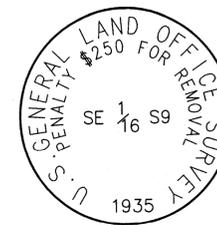
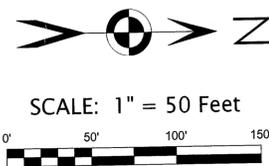
**EXHIBIT K**

**CORNER NOTES**

- (A) Found standard G.L.O. 2.5" brass cap, 12" above ground, cap marked as shown.
- (B) Found 1" iron pin in standard monument well, accepted as 1/16 corner sections 9 & 10.
- (C) Found 1" iron pin in standard monument well, accepted as corner of sections 9,10,15,16.
- (D) Found 1" iron pin in standard monument well, accepted as 1/4 corner sections 9 & 16.
- (E) Found 2" Aluminium cap, marked as shown.
- (F) Found 5/8" reber, bent, tie base, for line between lot 2 & 3.
- (E) Found 5/8" rebar with cap.

**OWNERS**

Lot 1	Lots 2 & 3	Lot 4
ROMIE & PATRICIA DESCHAMPS 15271 E. OUTER SPRINGER LOOP PALMER, AK 99645	JOSEPH & JOANNE DAUGHERTY 15571 E. OUTER SPRINGER LOOP PALMER, AK 99645	SANDRA & PATRICK GARLEY 15615 E. OUTER SPRINGER LOOP PALMER, AK 99645 907-761-1322



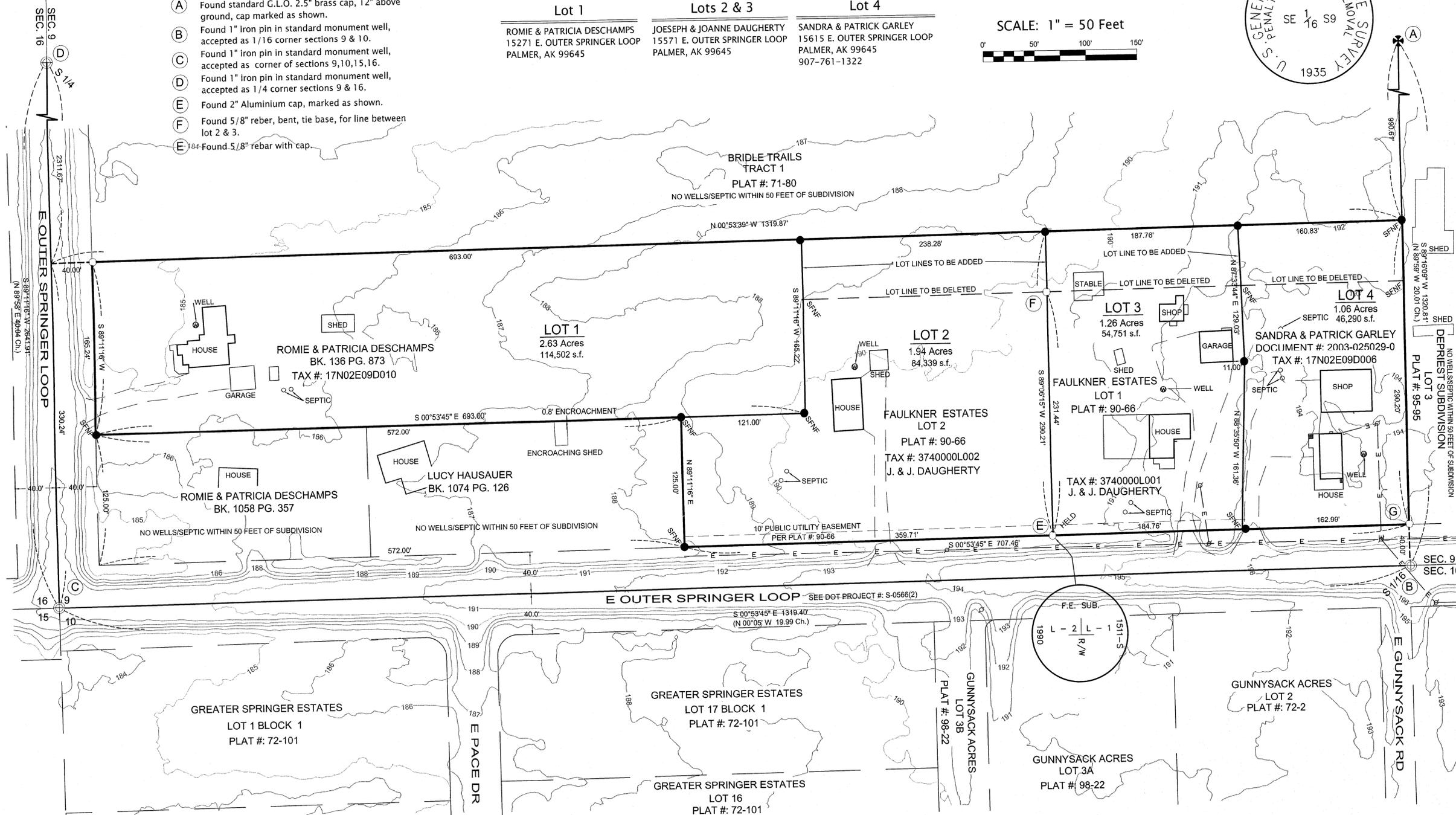
VICINITY MAP Source: M.S.B. Mapping, 1"=1ml.

**NOTES**

- The purpose of this survey is to adjust lot lines from 4 parcels described as: Faulkner Estates, Lot 1 and 2, Plat # 90-66, Deed Bk. 1058 Pg. 357, and Document # 2003-025029-0.
- 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.

**LEGEND**

- Found G.L.O. Monument
- Found DOT/PF monument or monument in standard well casing as described hereon
- Other Found Monuments as described hereon
- Corner Note Designation, See Corner Notes
- Record data, GLO Plat T17N R2E SM., accepted by the Asst. Commissioner Feb 11, 1938.
- Measured lot lines are shown solid/bold
- Record/unmeasured lines are shown dashed
- Monument to be set. 5/8" diameter x 30" long rebar with plastic cap marked "SCHILLINGER LS 12039"
- Overhead Utilities



**SURVEYOR**  
Max A. Schillinger  
All Points North  
P.O. Box 4207,  
Palmer, AK. 99645

**BASIS OF BEARINGS**  
The Bearings and distances shown on this preliminary plat are Alaska State Plane Zone 4, NAD83 (2011).

**SURVEYORS STATEMENT**  
I hereby certify that I am a Professional Land Surveyor registered in the State of Alaska, that this plat represents a survey made by me or under my direct supervision, and the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.

Date: \_\_\_\_\_

**OWNERSHIP CERTIFICATE**  
We, the undersigned, hereby certify that we are the owners of the real property shown and described hereon, that we hereby adopt this plan of subdivision, and by our own free consent dedicate all Rights of Ways to the Matanuska-Susitna Borough, and grant all easements to the use shown.

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

**CERTIFICATE OF PAYMENT OF TAXES**  
I hereby certify that all current taxes and special assessments, through \_\_\_\_\_ against the property included in the subdivision hereon, have been paid.

Borough Tax Collection Official: \_\_\_\_\_  
 Dated: \_\_\_\_\_

**NOTARY'S CERTIFICATE**  
Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 2015,  
 For: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_  
 Notary Public: \_\_\_\_\_

**PLANNING AND LAND USE DIRECTOR'S CERTIFICATE**  
I certify that this subdivision plat 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 Number: \_\_\_\_\_ Dated: \_\_\_\_\_

And that this plat 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 and Land Use Director \_\_\_\_\_ Dated: \_\_\_\_\_  
 Attest: Platting Clerk \_\_\_\_\_

**PRELIMINARY PLAT OF**  
**GARLEY SUBDIVISION**  
 A RE-SUBDIVISION OF LANDS DESCRIBED IN BK. 136 PG. 873, DOCUMENT # 2003-025029-1, AND LOTS 1 & 2 FAULKNER ESTATES PLAT #: 90-66.  
 Containing 6.89 Acres  
 WITHIN THE SE1/4 OF THE SE1/4 OF SECT. 9, T 17 N, R 2 E, SEWARD MERIDIAN  
 PALMER RECORDING DISTRICT, ALASKA  
 Date: 6-21-2016 Scale: 1"=50' Sheet: 1 of 1



4C

**STAFF REVIEW AND RECOMMENDATIONS  
PUBLIC HEARING  
AUGUST 4, 2015**

PRELIMINARY PLAT:     **SIDETRACK W/30' PUE AND 15' PED ESMT VACATION**  
LEGAL DESCRIPTION:    **SEC 17, T17N, R2W, SEWARD MERIDIAN, AK**  
PETITIONER:           **MICHAEL AND KRISTLE LOTZER**  
SURVEYOR:             **ALASKA RIM ENGINEERING**  
ACRES:        **17.38**        **PARCELS:    8**  
REVIEWED BY:         **PEGGY HORTON**            **CASE: 2016-075 & 076**

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**REQUEST**

The request is to divide Lot 2 & Lot 3, Block 11 and Tract A, Potter Place Add #2 (Plat #86-199) into 8 new lots to be known as Sidetrack Subdivision, containing 17.38 acres more or less. The petitioner is also requesting to vacate the 30 x 400-foot Public Use Easement (PUE) along the north side of proposed Lots 1 & 2 and the 15-foot wide pedestrian easement within proposed Lots 2, 3 & 4.

**EXHIBITS:**

Vicinity Map	<b>EXHIBIT A</b>
Aerial Photo	<b>EXHIBIT B</b>
As-Built email	<b>EXHIBIT C</b>
Vacation Petition	<b>EXHIBIT D</b>
NOA for Potter Place Add II	<b>EXHIBIT E</b>
Agenda Plat Potter Pl Add II	<b>EXHIBIT F</b>
Plat of Potter Place Ph III	<b>EXHIBIT G</b>
Wetlands Viewer	<b>EXHIBIT H</b>
Soils	<b>EXHIBIT I</b>
Site Visit Photos	<b>EXHIBIT J</b>

**COMMENTS:**

Dept of Public Works	<b>EXHIBIT K</b>
Cultural Resources	<b>EXHIBIT L</b>
Code Compliance	<b>EXHIBIT M</b>
Current Planner	<b>EXHIBIT N</b>
Land Management	<b>EXHIBIT O</b>
MEA	<b>EXHIBIT P</b>
MTA	<b>EXHIBIT Q</b>
Enstar	<b>EXHIBIT R</b>

## **DISCUSSION**

**Access:** S. Leora Dr provides access to all the lots within Sidetrack Subdivision. S. Leora Dr is classified as a residential road and is maintained by the borough. There is an existing driveway at the common lot line between Lots 2 & 3. There is also a driveway onto Lot 8. Both driveway permits have been applied for.

**Updated As-built:** The aerial photograph shows structures on the property (**Exhibit B**). When asked about the as-built, Ms. Cypra of Alaska Rim provided a statement indicating those structures have been removed (**Exhibit C**).

**Vacation of 15' wide Pedestrian Easement:** The petitioner requested the vacation of a 15' wide pedestrian easement which runs north/south from Leora Dr (**Exhibit D**). The pedestrian easement was created on the Potter Place Addition #2 plat to break up the block length, which is no longer necessary as Title 43 allows for a much longer block length. This easement is not constructed. MSB 43.15.035, *Vacations*, states the Platting Board shall ordinarily approve vacations of public rights-of-way if the right-of-way is not being used, a road is impossible or impractical to construct and alternative access has been provided. Staff notes the 15' wide pedestrian easement traverses a steep uphill grade of approximately 15% and alternative access provided is from Leora Dr to Jamie Kay Street and then to the 30' wide PUE along the north side of the parent parcel. Platting Staff and DPW do not object to the vacation of the pedestrian easement.

**Vacation of 30' wide Public Use Easement:** The petitioner requested the vacation of a 30' wide Public Use Easement (PUE) created on the plat of Potter Place Addition #2, Plat 86-199 (**Exhibit D**). This vacation runs along the north side of proposed Lots 1, 2, & a small portion of Lot 3. That portion of the 30' wide PUE within Lot 1, Block 11, Potter Place Addition II would remain. The petitioner's request is followed by Attachment A-1, stating their reasons and findings for vacating the right-of-way. The petitioner is expected to provide the noticing affidavits required by MSB 43.10.065, *Notice; Public Hearing* prior to the public hearing.

### **Petitioner's request:**

The Potter Place Addition No. II created a 30 foot Public Use Easement (PUE) along the north boundary of Lots 1, 2, and 3, Block 11. Tract A has a low wetland area which runs east west through the center of the parcel. This wetland are separated the northern portion of Tract a from the public ROW. The PUE gave access to the northern portion of tract A from the Jami Kay Street ROW. The northern portion of Tract A is being re-configured to have direct access to S. Leora Drive.

The vacation is part of a re-subdivision of land where the lots are being re-configured to give equal and better access by giving the parcels direct access to S. Leora Drive.

This PUE was only a half width ROW which gave access to the north side of Tract A. The parcel located directly to the north has rights-of-way extending to it by S. Jami Kay Street and S. Potter Dr.

The right-of-way was needed to access the northern portion of Tract A rather than construct through the wetland area. With the re-subdivision of Tract A an alternative access is being provided by giving the lots direct access to S. Leora Drive. This access is not being used and has never been developed.

Staff pulled the original file of Potter Place Addition II from the archives. The 30' wide PUE was placed on the plat of Potter Place Addition II when a variance was approved by the Platting Board on 12/19/1985 with findings (**Exhibit E**) stating "This request will allow for more orderly development north and west allowing eventual road connects in these directions" and "The topography in this area dictates a road along the north property line to access Tract A and lands to the north." Staff notes "lands to the north" indicate that there was a plan for future development of Tract A-2, Potter Place Phase III. The agenda plat of Potter Place Addition II is at **Exhibit F**.

Tract A2 is a large 53+ acre tract, labeled on the plat that created it (Potter Place Ph III) "for future development" (**Exhibit G**). Easements along the north boundary of Tract A-2 were vacated with that same plat, reducing the access to the large tract. The easements adjacent to the south side of this large tract should remain, in staff's opinion, for access to any future development. The topographic contours on the preliminary plat indicate that a road could be constructed within that area. The PUE provides an alternate access used as support for the vacation of the 15' wide pedestrian easement. The wetlands viewer map indicates that a large portion of Tract A-2 contains wetlands but the easement in question is in an area outside of the wetlands area (**Exhibit H**).

**MSB 43.15.035, Vacations:** MSB 43.15.035(B)(1)(a) states the Platting Board shall ordinarily approve vacations of public rights-of-way if the vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation; or (b) the surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed. Staff contends that equal or better access is not being provided and the surrounding area is not fully developed.

MSB 43.15.035(B)(2)(a) states the Platting Board shall not ordinarily approve vacations of public interests in land if the surrounding area in which the vacation is sought is undeveloped or is developing and equivalent or better access is not provided.

MSB 43.15.035(B)(4) states that the Platting Board shall not routinely approve any vacation of a public interest in land where objections to the vacation are made by any governmental agency or department which has a responsibility to the public which may be affected by the vacation, excepting if the beneficiary of an easement refuses to authorize a vacation, the Platting Board may approve the vacation if the following conditions are met: (a) 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; (b) if necessary a substitute easement is provided by document on the plat; and (c) findings of facts support granting the vacation. Staff notes there are no improvements within the easement being vacated, the petitioner is not offering a substitute easement, and staff contends that the findings of fact support retention of the easement.

**Soils:** A useable area report was provided by Alaska Rim Engineering (**Exhibit I**). The engineer, Norman Gutcher stated that each lot has 40,000 sq ft or greater of total area with a minimum of 10,000 sq ft of contiguous useable septic area and 10,000 sq ft of useable building area and meet the minimum lot size requirements of onsite wastewater disposal as required by MSB 43.20.281(A)(1). He also stated wetlands run east-west through the center of the parcel. Staff notes the soils information meets the requirements of MSB 43.20.281.

**Site Distance:** Mr. Gutcher's report also stated Lots 2 & 3 are proposed to use a common, private driveway off of S. Leora Dr. The road is gravel and has a posted speed limit of 25 MPH. Minimum

stopping sight distance is 150 ft. Actual sight distances are greater than 200 ft and have been shown on the attached preliminary plat.

**Site Visit Photos:** at **Exhibit J**.

**Comments:**

Dept of Public Works comments include objections to the vacations of the 30' wide PUE (**Exhibit K**). They also request a continuous 15' utility easement along Leora Dr and request that utility easements be provide for existing utilities which cross Lots 1, 2, 3, & 4 which appear to service Lot 3. Staff notes there is a blanket MEA easement on the property and that easement is noted on the plat. DPW has no objection to vacating the 15' wide pedestrian easement and they approve the sight distance of the existing driveways.

Cultural Resources have no objection and did not find any recorded sites on the property (**Exhibit L**). Code Compliance noted there are no code compliance open cases within the property boundary (**Exhibit M**). Planning has no comment (**Exhibit N**). Land and Resource Management stated no borough-owned land is being affected and they have no objection to the proposed subdivision or the vacations (**Exhibit O**).

MEA requests a continuous 15' utility easement along Leora Dr (**Exhibit P**). Staff notes the petitioner is in agreement with this request. MTA has no objections (**Exhibit Q**). Enstar has no comments, or objections (**Exhibit R**).

**CONCLUSION**

The preliminary plat for Sidetrack Subdivision is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.015 Preliminary Plat. A useable area report was provided which certifies each lot meets the requirement of MSB 43.20.281, *Area*. The site distance for the common access driveway serving Lots 2 & 3 was provided by the engineer and approved by DPW.

The vacation of a portion of the 30' wide PUE along the north side of the property is not supported by code or MSB staff as the vacation is not conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation; the surrounding area is not fully developed; all planned or needed rights-of-way and utilities are not constructed; and findings of fact do not support the vacation. Staff does not object to the vacation of the 15' wide pedestrian easement as MSB 43.15.035 which allows for vacations of right-of-ways if the right-of-way is not being used and a road is impossible or impractical to construct and alternate access exists.

**RECOMMENDATION for VACATION OF 30' WIDE PUE**

***Recommended motion: "I move to approve the vacation of the 30' wide Public Use Easement within the north side of proposed Lots 1, 2, and a portion of Lot 3, Sidetrack Subdivision."***

**FINDINGS for APPROVAL of the VACATION OF 30' WIDE PUE**

1. The petitioner submitted a petition to vacate the 30' wide PUE in accordance with MSB 43.15.035 Vacations.
2. Posting of the vacation was completed as required by MSB 43.10.065.
3. This access is not being used and has never been developed.

**FINDINGS for DENIAL of the VACATION OF 30' WIDE PUE**

1. The petitioner submitted a petition to vacate the 30' wide PUE in accordance with MSB 43.15.035 Vacations.
2. The PUE continues to provide access along an area approximately 30' by 400' on the south side of Tract A-2, in an area outside of the wetlands area depicted on the wetlands viewer aerial photo.
3. The PUE provides alternate access used as support for the vacation of the 15' wide pedestrian easement.
4. Per MSB 43.15.035(B)(3), the Platting Board shall review requested vacations on a case-by-case basis to determine whether the property is necessary or desirable for present or future use. Public rights-of-way in areas shall be assumed to have a public use unless proven otherwise.
5. The PUE is not constructed, but appears to be located in an area that is constructible, according to the topographic map and aerial photos.
6. The PUE vacation does not meet the requirements of MSB 43.15.035(B)(1)(a) or (b) as the vacation is not conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation and the surrounding area is not fully developed and all planned or needed rights-of-way and utilities are not constructed.
7. The PUE vacation does not meet the requirements of MSB 43.15.035(B)(4) which states that the Platting Board shall not routinely approve any vacation of a public interest in land where objections to the vacation are made by any governmental agency or department which has a responsibility to the public which may be affected by the vacation, excepting if the beneficiary of an easement refuses to authorize a vacation, the Platting Board may approve the vacation if the following conditions are met: (a) 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; (b) if necessary a substitute easement is provided by document on

the plat; and (c) findings of facts support granting the vacation. Staff notes DPW objects to the vacation; there are no improvements within the easement being vacated; the petitioner is not offering a substitute easement; and findings of fact support retention of the easement.

8. The 30' wide PUE was placed on the plat of Potter Place Addition II when a variance to double frontage was approved by the Platting Board with findings stating "This request will allow for more orderly development north and west allowing eventual road connects in these directions" and "The topography in this area dictates a road along the north property line to access Tract A (within Potter Place Addition II) and lands to the north."

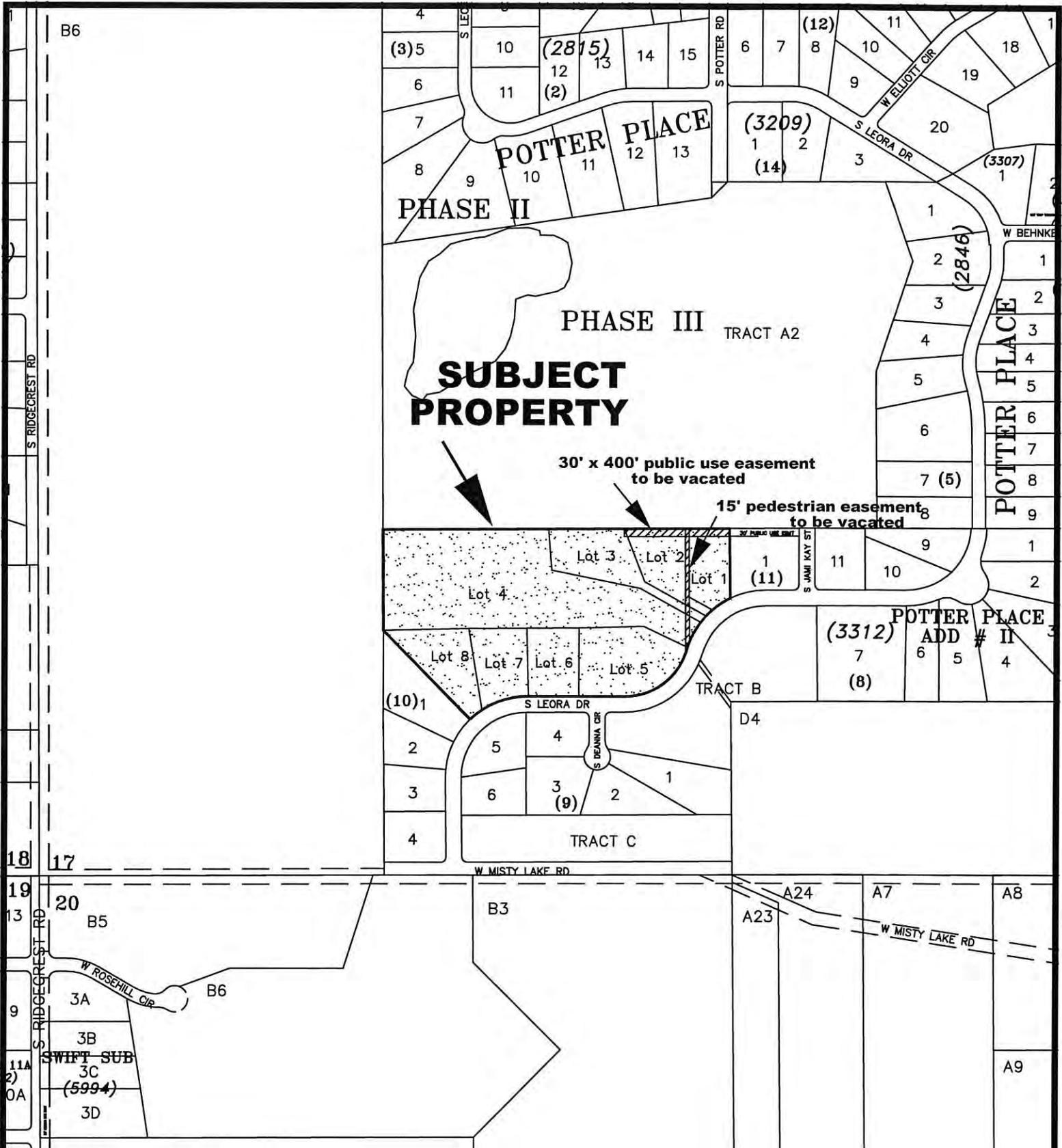
#### **RECOMMENDATIONS for PRELIMINARY PLAT AND VACATION OF 15' WIDE PEDESTRIAN EASEMENT**

- 1 Pay postage & advertising fee.
- 2 Obtain assembly approval of the vacation within 30 days of Platting Board's written Notification of Action.
- 3 Show the vacation of the 15' wide pedestrian easement on the final plat.
- 4 Grant a 15' wide utility easement along Leora Drive as requested by DPW and MEA.
- 5 Place a plat note indicating the common access point along Leora Drive for Lots 2 & 3.
- 6 Provide updated Certificate to Plat executed within 90 days, prior to recording per MSB 43.15.053(E). Obtain beneficiary affidavits from holders of legal and beneficial interest, if any, to be recorded with the final plat.
- 7 Provide final plat in full compliance with Title 43.
- 8 Submit recording fee, payable to State of Alaska, DNR.
- 9 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.

#### **FINDINGS for PRELIMINARY PLAT AND VACATION OF 15' WIDE PEDESTRIAN EASEMENT**

1. The plat of Sidetrack Subdivision is consistent with AS 29.40.070 Platting Regulations; and MSB 43.15.015 Preliminary Plat.
2. The petitioner submitted a petition to vacate the 15' wide pedestrian easement in accordance with MSB 43.15.035 Vacations.
3. The petitioner posted the vacation as required by MSB 43.10.065.

4. MSB 43.15.035 states a decision to grant a vacation is not effective unless approved by the assembly. The assembly has 30 days from the date of the Platting Board's written notice to either consent or veto the vacation.
5. The 15' wide pedestrian easement vacation meets the requirements of MSB 43.15.035(B)(1)(a), the right-of-way is not being used, a road is impossible or impractical to construct, and alternative access has been provided.
6. The 15' wide pedestrian easement was required by the Platting Board to break up the block length. That requirement is not in the current subdivision code, Title 43.
7. The 15' wide pedestrian easement traverses a steep grade of approximately 15% and alternative access provided is Leora Dr to Jamie Kay Street and the 30' wide PUE along the north side of the proposed Lots 1, 2 and a portion of Lot 3.
8. Leora Drive is maintained by the borough and is classified residential. Jami Kay St is not constructed.
9. Information provided by Alaska Rim stated the structures previously on the property have been removed.
10. MEA and MSB DPW requested 15' wide contiguous utility easements along Leora Drive. The petitioner stated he is in agreement with this request.
11. There is a blanket MEA easement within the parent parcel.
12. There is a stream flowing within the parent parcel, as shown on the preliminary plat. Waterbody setbacks are also shown.
13. There were 4 test holes used by the civil engineer to certify that each lot will contain 10,000 sq ft of contiguous useable septic area and 10,000 sq ft of useable building area.
14. The engineer stated wetlands run east-west through the center of the parcel and are depicted on the preliminary plat. This subdivision is not within a FEMA mapped Special Flood Hazard Area.
15. The engineer verified the site distances for the common driveway at Lots 2 & 3 as requested by DPW.
16. Lot 2 and 3 will share a common access onto Leora Drive. The petitioner requested a driveway permit in this location.
17. A driveway permit was applied for the existing driveway onto proposed Lot 8.
18. There were no public comments received as a result of the public noticing.



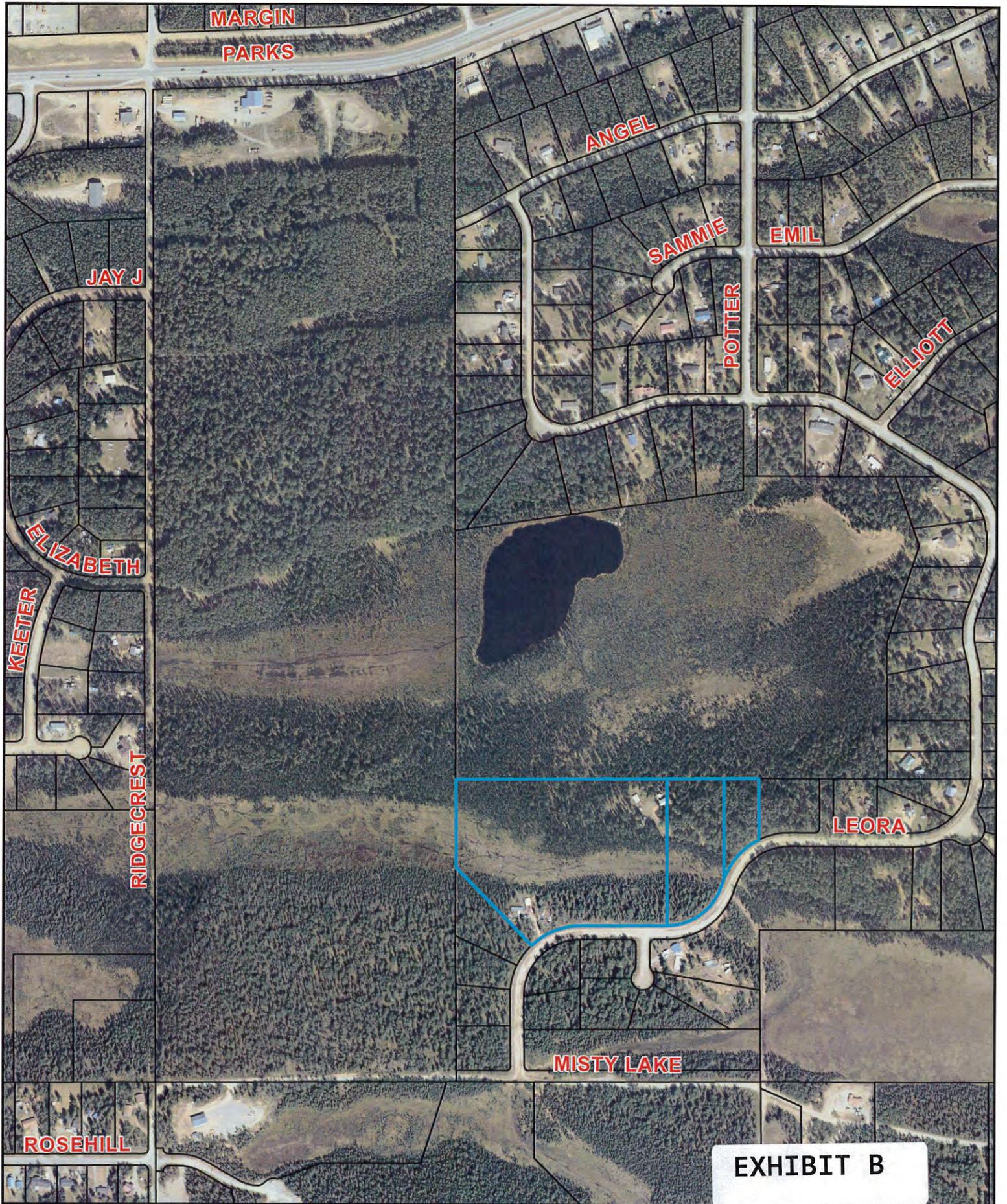
**VICINITY MAP**

FOR PROPOSED SIDETRACK SUBDIVISION  
 LOCATED WITHIN  
 SECTION 17, T17N, R2W  
 SEWARD MERIDIAN, ALASKA

HOUSTON 10 MAP

**EXHIBIT A**

MISTY LAKE

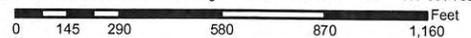


**EXHIBIT B**



Matanuska Susitna Borough  
 Platting Division  
 Date: 7/26/2016

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.



## Peggy Horton

---

**From:** Joy Cypra <joy@alaskarim.com>  
**Sent:** Thursday, June 09, 2016 4:18 PM  
**To:** Peggy Horton  
**Subject:** RE: Shifting Hearing date from July 21 to August 4

All of the structures that were there had been removed when we did our survey. Sounds like they were pretty old.

Joy

---

**From:** Peggy Horton [<mailto:Peggy.Horton@matsugov.us>]  
**Sent:** Thursday, June 09, 2016 4:05 PM  
**To:** Joy Cypra  
**Subject:** RE: Shifting Hearing date from July 21 to August 4

Joy,

I also don't see as-built information for the structures that show up in the aerial photograph, both on the west side, Lot 8, and on proposed Lot 3. Can't accept it without that.

Peggy

---

**From:** Joy Cypra [<mailto:joy@alaskarim.com>]  
**Sent:** Thursday, June 09, 2016 3:59 PM  
**To:** [mikethetileguy@mtaonline.net](mailto:mikethetileguy@mtaonline.net)  
**Cc:** Peggy Horton  
**Subject:** Shifting Hearing date from July 21 to August 4

Hi Mike

Peggy at the borough said this platting case would be the only case to be heard for the July 21<sup>st</sup> public hearing date and wanted to know if they could switch it to the August 4<sup>th</sup> hearing date? Would you let Peggy know at the borough. Her direct line is 861-7881.

Thanks,

 **ARE**  
*Alaska Rim Engineering, Inc.*  
9131 E. Frontage Road  
Palmer, Alaska 99645  
Joy Cypra,  
Platting Manager  
[joy@alaskarim.com](mailto:joy@alaskarim.com)  
(907)745-0222 Ext. 126  
(907)355-0628

**CONFIDENTIALITY NOTICE:** This email message including any attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, or disclosure is prohibited. Sender is to be held harmless for any liability resulting from information sent unintentionally.

RECEIVED

JUN 06 2016

350 East Dahlia Avenue  
Palmer, Alaska 99645-6488

Matanuska-Susitna Borough  
Telephone (907) 861-7874

### PETITION FOR VACATION OF RIGHT-OF-WAY

Comes now the undersigned, Michael Lotzer, and petitions the Matanuska-Susitna Borough to vacate the right-of-way lying within the following described property, to-wit:

1) 30' wide Public Use Easement located on the north boundary of Lots 2 and 3, Block 11 and 2) a 15' wide Pedestrian Access Easement located on the east side of Lot 3, Block 11, all within the Potter

Place Addition No. II Subdivision, Plat No. 86-199.

Said right-of-way being more fully described as: 1) An undeveloped 30' wide PUE that gave access to northern portion of Tract A from the S. Jami Kay St. ROW. 2) An undeveloped 15' wide Pedestrian Access Easement located between S. Leora Drive and runs to the north boundary of the Potter Place

Addn. II Subdivision.

*(ATTACH SUPPLEMENTAL SHEET IF APPLICABLE)*

Submitted herewith are the following:

1. A copy of the plat showing the right-of-way to be vacated; or
2. A recorded public easement creating the public right-of-way; and
3. **\$250.00** Right-of-Way Vacation Fee with Regular Plat; or
4. **\$500.00** for Stand Alone Vacation.

The action sought by this petition is for the following reason(s): *(ATTACH PAGES, IF NEEDED)*

(See Attached)

**APPLICANT**

Name: Micheal Lotzer ; KRIST LE LOTZER Email: Mikethetileguy@yandex.com *MTA ONLINE, NGT*

**OR**

Mailing Address: P.O. Box 298965 WASKIWA AK Zip: 99629

**OWNER**

Contact Person: Mike Lotzer Phone: 715-551-1718

**SURVEYOR**

Name (FIRM): Alaska Rim Eng., Inc. Email: Joy@alaskarim.com

Mailing Address: 9131 E. Frontage Road, Palmer Alaska Zip: 99645

Contact Person: Joy Cypra, Platting Manager Phone: 745-0222

**EXHIBIT D-1**

**SIGNATURES OF PETITIONER(S):**

*[Handwritten signature]*  
\_\_\_\_\_  
*[Handwritten signature]*  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE: In accordance with MSB 43.15.035(D), vacations of public rights-of-way are subject to consent of the City Council or Borough Assembly. The City Council or Borough Assembly has 30 days from the date of Platting Board written decision in which to veto the action.**



**THIS AREA TO BE COMPLETED BY THE MATANUSKA-SUSITNA BOROUGH**

THE APPLICATION HAS BEEN REVIEWED AND FOUND TO MEET SUBMITTAL STANDARDS AS NOTED ABOVE.

6/10/16  
DATE

*[Handwritten signature]*  
PLATTING DIVISION REPRESENTATIVE

SCHEDULED FOR PLATTING BOARD MEETING OF: 8/4/16

**EXHIBIT D-2**

PETITION FOR VACATION OF RIGHT-OF-WAY  
30' Public Use Easement located on  
the north boundary of Lots 2 and 3, Block 11,  
Potter Place, Addition No. II

Attachment A-1

43.15.035

(B). A dedication to the public use of land or interests in land may be vacated if the dedication is no longer necessary for present or future public use:

The Potter Place Addition No II created a 30 foot Public Use Easement (PUE) along the north boundary of Lots 1, 2 and 3, Block 11. Tract A has a low wetland area which runs east west through the center of the parcel. This wetland are separated the northern portion of Tract a from the public ROW. The PUE gave access to the northern portion of Tract A from the Jami Kay Street ROW. The northern portion of Tract A is being re-configured to have direct access to S. Leora Drive.

(B)(1) The platting board shall ordinarily approve vacations of public rights-of-way if:

- a) The vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation:  
This vacation is part of a re-subdivision of land where the lots are being re-configured to give equal and better access by giving the parcels direct access to S. Leora Drive.
- b) The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed:  
This PUE was only a half width ROW which gave access to the north side of Tract A. The parcel located directly to the north has rights-of-way extending to it by S. Jami Kay Street and S. Potter Dr.
- c) The right-of-way is not being used, a road is impractical to construct, and alternative access has been provided:  
The right-of-way was needed to access the northern portion of Tract A rather than construct through the wetland area. With the re-subdivison of Tract A an alternative access is being provided by giving the lots direct access to S. Leora Drive.  
This access is not being used and has never been developed

PETITION FOR VACATION OF RIGHT-OF-WAY  
15' Pedestrian Access Easement located on  
the west side of Lot 3, Block 11,  
Potter Place, Addition No. II

Attachment A-2

43.15.035(B)

A dedication to the public use of land or interests in land may be vacated if the dedication is no longer necessary for present or future public use:

The Potter Place Addition No II created a 15 foot Pedestrian Access Easement along the west boundary of Lot 3, Block 11. This Pedestrian Access was created on the original plat as a way to break up block length. This is no longer needed under title 43. The Pedestrian Access did not give access to a public entity.

The Pedestrian Access was never constructed and there are no existing improvements within the easement.

EXHIBIT D-4



# Matanuska-Susitna Borough

BOX B, PALMER, ALASKA 99645 • PHONE 745-4801

PLANNING DEPARTMENT

LAND MANAGEMENT      PLATTING      PLANNING

745-9652

745-9650

745-9661

DATE: Dec. 26, 1985

## NOTIFICATION OF PLATTING BOARD ACTION

TO: Financial Services Inc.  
2522 Arctic Blvd  
Anchorage, AK 99503

RE: Potter Place II  
Case # PKW 8

Consideration was given the above-mentioned at the Platting Board's meeting of Dec. 19, 1985. Action taken by the Board is as follows:

The **PRELIMINARY PLAT** was **APPROVED CONTINGENT**

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL OF A SUBDIVISION OR OF A WAIVER OF PLATTING REQUIREMENTS BY THE PLATTING BOARD SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS MSB 15.38. A PETITION WHICH IS TABLED BY THE BOARD SHALL BE DEEMED DENIED UNLESS THE APPLICANT BRINGS THE MATTER BACK BEFORE THE BOARD WITH ALL CONDITIONS MET WITHIN THE TIME ALLOWED BY THE BOARD OR BY LAW.

IF ROAD CONSTRUCTION IS REQUIRED PLEASE NOTE THE FOLLOWING CONDITIONS:

1. Notice of cost estimate to be submitted by an engineer or a copy of the construction contract or the contractor's proposal, to be approved by the Borough Engineering Department.
2. Payment of a 2% fee based on approved estimate submitted.
3. Notice to proceed must be issued prior to construction as no road inspection is authorized without this notice.

If this is in reference to a plat application recordation at the appropriate District Recorder's Office of the plat is required before any transfer of title can occur. Should you have any questions or require a copy of the minutes of the meeting, please feel free to contact this office.

**PLEASE SEE REVERSE SIDE FOR CONDITIONS AND/OR REASONS.**

Yours truly,

W. Ray Niemi, PLS  
Platting Officer

by:   
Darrell G. Bain, P.L.S.  
Assistant Platting Officer

cc: Ak. Development Consultants

EXHIBIT E-1

**CONDITIONS AND/OR REASONS**

- 1 Supply utility easements as requested. Submit final blueline signed by MEA, MTA & Enstar approving easements as indicated.
- 2 Comply with DEC comments. Submittal of any additional information requested by DEC to staff.
- 3 Comply with Coastal Management Consistency Review.
- 4 Comply with Corps of Engineers comments relating to wetlands. Submit Corps permits for construction in wetlands.
- 5 Indicate useable areas of the lots and Tract A on the final plat.
- 6 Rename Jami Circle to Jami Kay Circle.
- 7 Provide 20' radius corner rounding at the intersection of Leora Drive with Misty Lake Road.
- 8 Break up excessive block length of Blocks 8 & 9 by providing 15' pedestrian access easement. Locations of easement to be coordinated with staff.
- 9 Construct cul-de-sac and the eye brow to an 85' diameter.
- 10 Construct all internal roads to current residential standards. Install traffic and road name signs. Location and type of signs to be approved by MSB Road Service Areas and Engineering Divisions.
- 11 Construct the access road to 1981 collector standards from Section G as referenced on the asbuilts submitted by the petitioner's surveyor to the north subdivision boundary.
- 12 Recut the ditches to a 2' depth from Section C as referenced on the asbuilts submitted by the petitioner's surveyor to the north subdivision boundary.
- 13 Supply drainage calculations for the culvert located near Lot 4, Block 9.
- 15 Restrict Lot 1, Block 9 access to Jami Kay Circle by a plat note.
- 16 Submit any additional information required by Engineering to be routed through Platting Division.
- 17 Submit final plat in full compliance with Title 16.

**VARIANCES**

- 1 Approval of the variance to allow Lots 1 & 2, Block 9 to have double frontage.

Findings as submitted by Petitioner:

- A Public health, safety, etc. will not be effected in any way.
- B This request will allow for more orderly development north and west allowing eventual road connects in these directions.
- C The topography in this area dictates a road along the north property line to access Tract A and lands to the north.

Further findings to support the variance are topo restraints due to swamp in the vicinity of the area to the south and the petitioner trying to so design the subdivision for the orderly development of unsubdivided parcel to the north which the Board felt was adequate in granting the variance.

t05

AGENDA PLAN POTTER PLACE ADDITION  
12/19/1985

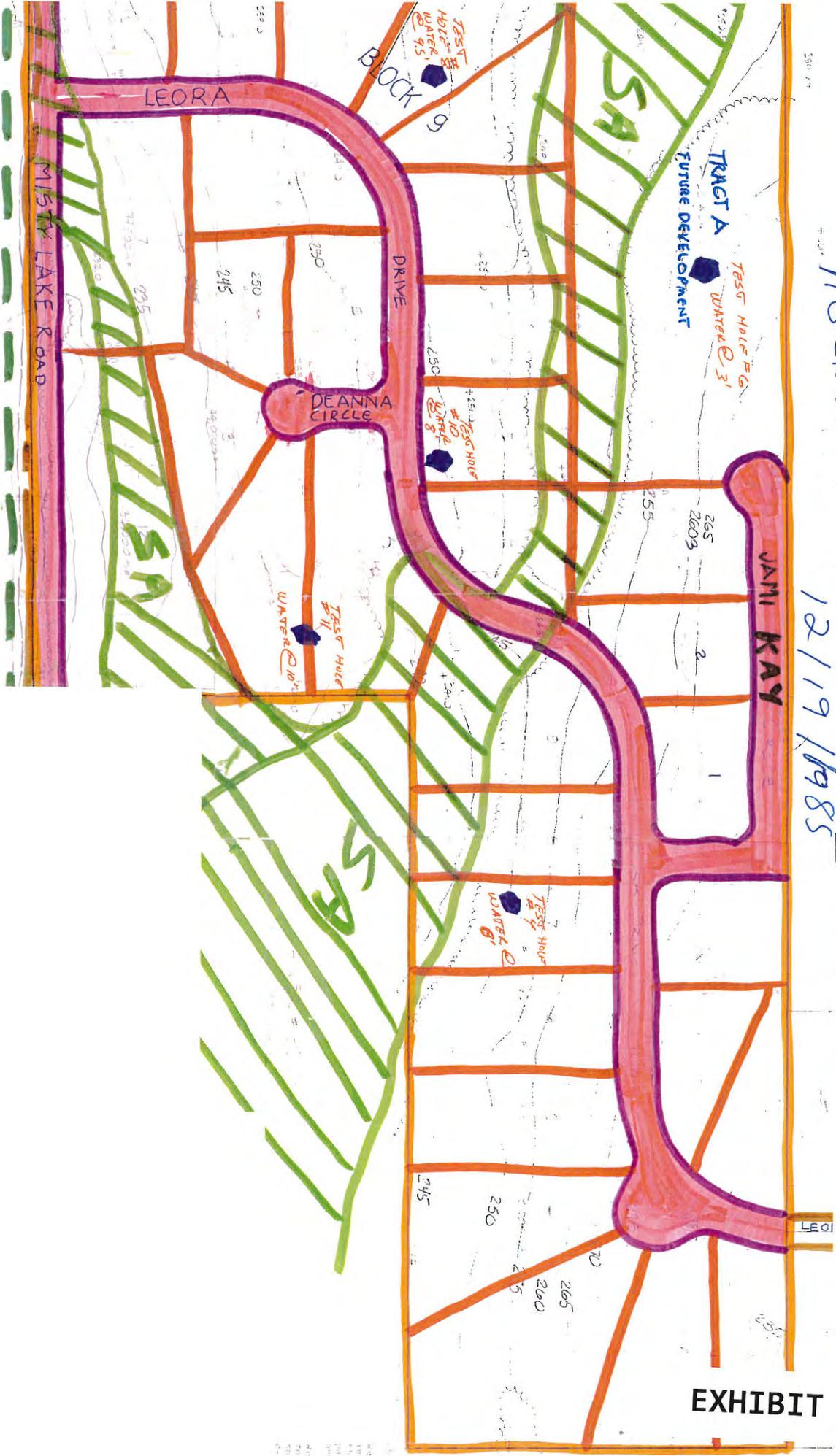


EXHIBIT F

UNSUBDIVIDED

NOT TO SCALE  
SEE PLANS FOR  
DIMENSIONS  
AND OTHER  
NOTES





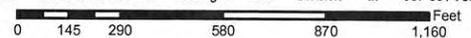
**EXHIBIT H**



Matanuska Susitna Borough  
 Platting Division

Date: 7/26/2016

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.





ALASKA RIM ENGINEERING, INC.  
ENGINEERS – PLANNERS – SURVEYORS  
9131 E. Frontage Road  
Palmer, AK 99645  
Telephone (907) 745-0222  
Fax (907) 746-0222  
Online at: [www.alaskarim.com](http://www.alaskarim.com)

June 1, 2016

Mr. Fred Wagner, PLS  
Matanuska-Susitna Borough  
Platting Department  
350 East Dahlia  
Palmer, Alaska 99645

RECEIVED  
JUN 06 2016  
PLATTING

RE: Proposed Sidetrack Subdivision, a subdivision of Potter Place Addition No. II, Tract A, and Lots 2 and 3, Block 11, located within the SE1/4SW1/4, Sec 17, T17N, R2W, SM., Alaska

Subject: Engineering Report for Usable Area

Dear Mr. Wagner:

The owner of Tract A, and Lots 2 and 3, Block 11, of the Potter Place Addition No. II Subdivision, containing 17.38 Acres, proposes to re-subdivide the existing parcels into 8 new lots, to be known as Sidetrack Subdivision (see attached, Preliminary Plat).

The property is currently developed with two existing driveways; one within the southwest portion of the original Tract A, giving direct access to S. Leora Drive, and a second driveway which ran across the original Lots 2 and 3 to give access to the northern portion of the original Tract A from S. Leora Drive. There is currently an undeveloped 30 foot wide public use easement (PUE) which crosses along the north boundary of Lots 1, 2 and 3, Block 11, of Potter Place Addition No. II. This PUE gave access from S. Jami Street to the northern portion of Tract A. Both S. Jami Kay Street and the 30 foot wide public access easement are undeveloped right-of-ways.

The northern lots within the proposed Sidetrack Subdivision have been configured to give direct access to S. Leora Drive. The 30 foot wide undeveloped public use easement is being vacated as part of this platting action. Proposed Lots 2 and 3 will have flag lot configurations and will share the existing constructed driveway from S. Leora Drive.

EXHIBIT I-1

## **USEABLE AREA**

The proposed lots will be 0.994 acres, 1.196 acres, 1.588 acres, 7.271 acres, 2.487 acres, 1.205 acres, 1.115 acres and 1.506 acres in size, respectively. All lots have 40,000 SF or greater of total area with a minimum of 10,000 SF of contiguous useable septic and 10,000 SF of useable building area and meet the minimum lot size requirements for onsite wastewater disposal as required by MSB Code 43.20.28(A)(1). The lots will be served by onsite wells and individual onsite wastewater disposal systems.

The preliminary plat shows the existing wastewater disposal system and test hole located on proposed Lot 3. We are submitting the soil information for the soils absorption system located on Lot 3, formerly known as Tract A, Potters Place Subdivision Addition II. The soils log was performed on May 19, 2001 by Howard C. Holtan. The test hole was dug to a depth of 13 ft. and no groundwater or impermeable layers were encountered. The soil consist of 0.0 – 2.0 feet of organics overlaying poorly graded silty gravel and sand mixture (GM) to the bottom of the test hole at 13 feet. The soils log includes a soil percolation test and was rated at 12 minutes per inch (see attached Soils Log and Soils Percolation Test document).

In addition to the existing data, a subsurface soils investigation was conducted by Alaska Rim Engineering to determine if the remainder of the onsite soils could support a wastewater disposal system. On May 17, 2016, four test holes were excavated on the parcel, and the locations are shown on the Preliminary Plat.

The test hole logs are being submitted to evaluate the subsurface soil conditions and the water table (see attached, Soil Logs). The soils information supplied is presented to satisfy the soils requirements of MSB Code 43.20.28. The soils generally consisted of a layer of surface organics over a 2-ft layer of silt, underlain by silty sands and gravel. Percolation tests were also conducted adjacent to the test holes per MSB 43.20.281(A)(1)(f)(iii) and have been shown to have a percolation rate of less than 60 minutes per inch (see the attached test results). No water table or impermeable layers were encountered within the test hole. These soils are suitable for onsite disposal of septic tank effluent.

## **TOPOGRAPHY**

This development is bounded on the south by S. Leora Drive. There is a large unsubdivided parcel located to the west and a large undeveloped tract located to the north. This proposed subdivision is located within the Potter Place Addition No. II Subdivision with existing subdivision lots located to the south and east.

June 1, 2016

Page 3

The terrain is relatively flat across the southern half of the parcel, with an 8% grade change along the eastern portion. There are wetlands that run east-west through the center of the parcel and are depicted on the Preliminary Plat. There are no slopes greater than 25%. The proposed subdivision does not alter the existing natural drainage patterns. The property is primarily vegetated with birch and spruce with some cleared areas.

### **SIGHT DISTANCE**

Lots 2 and 3 are proposed to use a common, private driveway off of S. Leora Dr. The road is gravel and has a posted speed limit of 25 MPH. Minimum stopping sight distance is 150-ft. This is based on Table V-2 (AASHTO Geometric Design Pg. 421, 1990 Edition.) Actual sight distances are greater than 200-ft and have been shown on the attached preliminary plat.

If there are any questions or additional information is required, please call us at the above phone numbers.

Sincerely,  
ALASKA RIM ENGINEERING, INC.



Norman K. Gutcher, P.E.  
Principal Engineer

#### Attachments:

- Preliminary Plat
- Soils Log and Percolation Test dated 5/19/01
- Soil Logs (4)

CC: Alaska Rim Engineering File No. 16-00011

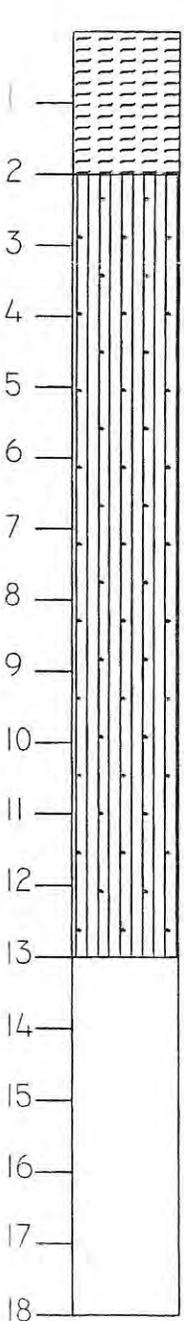
**EXHIBIT I-3**

STATE OF ALASKA  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SOILS LOG - PERCOLATION TEST

PERFORMED FOR: GOETZ TESSMER DATE PERFORMED: 5/19/01

LEGAL DESCRIPTION: TRACT A, POTTERS PLACE SUBDIVISION ADDITION II

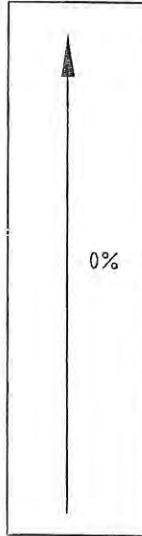


OL / PT

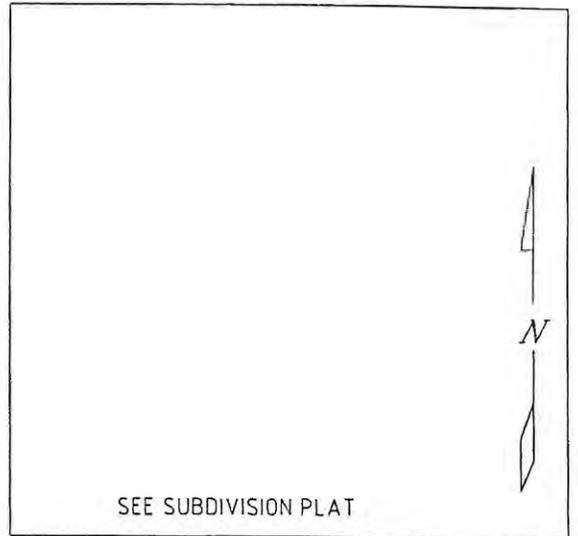
POORLY GRADED SILTY-GRAVEL-SAND MIXTURE - GM

TEST HOLE # 1

SLOPE



SITE PLAN



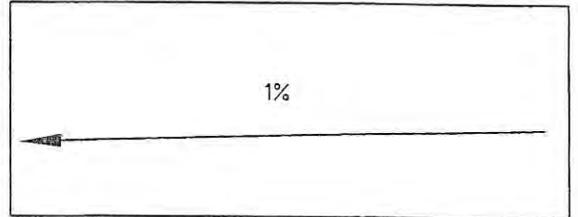
WAS GROUNDWATER ENCOUNTERED? NO

IF YES, WHAT DEPTH? \_\_\_\_\_

DEPTH TO WATER AFTER MONITORING: \_\_\_\_\_

DATE: \_\_\_\_\_

S  
L  
O  
P  
E



READING	DATE	GROSS TIME	NET TIME	DEPTH TO WATER	NET DROP
Start	5/19/01	10:30		6"	
1		11:00	30		2.75"
Recharge		11:01		6"	
2		11:31	30		2.5"
Recharge		11:32		6"	
3		12:02	30		2.5"



PERC RATE: 12 MIN./INCH PERC. HOLE DIAMETER: 6"  
TEST RUN BETWEEN 4.5 FT. AND 5.5 FT.

COMMENTS: NO IMPERMEABLES ENCOUNTERED / HOLE PRESOAKED PRIOR TO TEST  
ADEC METHOD DICTATES 188 SQ. FT. / BEDROOM SIZING OF SAS

**EXHIBIT I-4**

TEST PERFORMED BY: T. J. KIMBROUGH I, HOWARD C. HOLTAN, CERTIFY THAT THIS TEST WAS PERFORMED IN ACCORDANCE



# SOIL LOG

TEST HOLE 1

**ALASKA RIM ENGINEERING, INC.**

ENGINEERS – PLANNERS – SURVEYORS

9131 E. Frontage Road

Palmer, Alaska 99645

Telephone (907) 745-0222

Fax (907) 746-0222

Online at: [www.alaskarim.com](http://www.alaskarim.com)

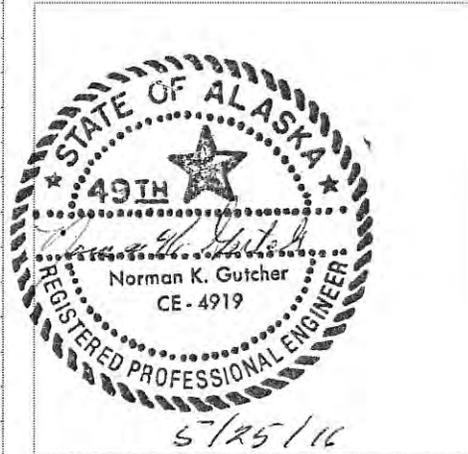
Project: Potter Place Add.#2 Tract A

AK Rim File No. 16-00011

Date: 5/17/16

Logged By: Tyler Perron

Depth (feet)	Description
	0-1'
1	Organics over Silty Sand Reddish Brown, Damp
2	
3	1-5.5'
4	Sand, Gravel, Cobbles (SP) Brown, Damp
5	5.5-12'
6	Silty Sand, Gravel, Cobbles (SM) Gray/Brown, Damp, Moderately Dense
7	7'
8	Perc Test Conducted
9	
10	
11	
12	12'
13	Bottom of Test Hole MT Installed
14	
15	
16	
17	
18	
19	
20	
Callout, Color, Density, Moisture Content, USC	



TEST HOLE LOCATION:

Within 25' of proposed SAS.

COMMENTS:

No water or impermeable layers were encountered.

4' of fill to be placed over septic field and tank

5/24/16 - Check MT - No water.

This soil log was prepared for the sole purpose of determining the feasibility of constructing an onsite wastewater disposal system at the location of the test hole. Soil type ratings are based on visual observation and have not been verified with laboratory analyses. These soils have not been analyzed for structural properties, structural stability, and seismic stability or for any purpose other than wastewater absorption field construction. Anyone relying on the information in this log for any use other than wastewater absorption field development shall do so at his or her own risk. Rev 12/14

**EXHIBIT I-5**

# PERCOLATION TEST

Project: Potter Place Add.#2 Tract A, Testhole 1	Test Hole Depth: 7'
Date: 5/17/16	Start Soak: 11:45AM
Inspector: <b>Tyler Perron</b>	End Soak: 12:45PM
AK Rim # <b>16-00011</b>	

## TEST NO. 1

Time	Water Level (inches)	Time	Water Level (inches)	Net Time (minutes)	Net Drop (inches)	Perk Rate (min. / inch)
11:45	10"	12:15	7-9/16"	30	2-7/16"	
12:15	10"	12:45	8-6/16"	30	1-10/16"	
12:47	6"	1:17	4-14/16"	30	1-2/16"	
1:17	6"	1:47	4-14/16"	30	1-2/16"	
1:47	6"	2:17	4-14/16"	30	1-2/16"	26.7

### ADEC SUGGESTED APPLICATION RATES

Perk Rate	Application Rate	Comments
Faster than 1	Not Suitable	Requires sand liner or additional treatment.
1 - 5	1.2	
6 - 15	0.8	
16 - 30	0.6	
31 - 60	0.45	
61 - 120	Not Suitable	Requires engineering plans and ADEC plan approval.

### COMMENTS:

The application rate per ADEC 18 AAC 72 regulations Table C, 'WASTEWATER APPLICATION RATES FROM PERCOLATION TEST RESULTS' is **0.6 gal/day/sq. ft.**



There are several methods of measuring soil percolation, technically called hydraulic conductivity. The soil percolation test method we performed was conducted in general conformance with the Falling Head Percolation Test Procedure from EPA's Design Manual for Onsite Wastewater Treatment and Disposal Systems dated October 1980. This method is the one most commonly used and can give an approximate measure of the soil's saturated hydraulic conductivity. However, normally the percolation of wastewater through the soil below the leach field occurs through unsaturated soils. The unsaturated hydraulic conductivity can vary greatly from the saturated hydraulic conductivity with changes in soil characteristics and moisture content. The results from this test method can be variable and may not measure the hydraulic conductivity accurately. These test results should only be used together with specific soil characteristic data and other site characteristics to design an appropriate soil absorption system.



# SOIL LOG

TEST HOLE 2

ALASKA RIM ENGINEERING, INC.

ENGINEERS - PLANNERS - SURVEYORS

9131 E. Frontage Road

Palmer, Alaska 99645

Telephone (907) 745-0222

Fax (907) 746-0222

Online at: [www.alaskarim.com](http://www.alaskarim.com)

Project: Potter Place Add.#2 Tract A

AK Rim File No. 16-00011

Date: 5/17/16

Logged By: Tyler Perron

Depth (feet)	Description
	0-1'
1	Organics over Silty Sand Reddish Brown, Damp
2	
3	1-3' Sand, Gravel (SP)
4	Brown, Damp
5	3-12' Silty Sand, Gravel, Cobbles (SM)
6	Gray/Brown, Damp, Moderately Dense
7	6.5' Perc Test Conducted
8	
9	
10	
11	
12	12' Bottom of Test Hole
13	MT Installed
14	
15	
16	
17	
18	
19	
20	
	Callout, Color, Density, Moisture Content, USC



**TEST HOLE LOCATION:**

Within 25' of proposed SAS.

**COMMENTS:**

No water or impermeable layers were encountered.

4' of fill to be placed over septic field and tank

5/24/16 - Check MT - No Water

This soil log was prepared for the sole purpose of determining the feasibility of constructing an onsite wastewater disposal system at the location of the test hole. Soil type ratings are based on visual observation and have not been verified with laboratory analyses. These soils have not been analyzed for structural properties, structural stability, and seismic stability or for any purpose other than wastewater absorption field construction. Anyone relying on the information in this log for any use other than wastewater absorption field development shall do so at his or her own risk. Rev 12/14

**EXHIBIT I-7**

# PERCOLATION TEST

Project:	Potter Place Add.#2 Tract A, Testhole 2	
Date:	5/18/16	Test Hole Depth: 6'
Inspector:	<b>Tyler Perron</b>	Start Soak: 11:12AM
AK Rim #	<b>16-00011</b>	End Soak: 12:12PM

## TEST NO. 1

Time	Water Level (inches)	Time	Water Level (inches)	Net Time (minutes)	Net Drop (inches)	Perk Rate (min. / inch)
11:12	10"	11:42	6-12/16"	30	3-4/16"	
11:42	10"	12:12	7-2/16"	30	2-14/16"	
12:13	6"	12:43	4-7/16"	30	1-9/16"	
12:43	6"	1:13	4-4/16"	30	1-12/16"	
1:13	6"	1:43	4-3/16"	30	1-13/16"	16.6

ADEC SUGGESTED APPLICATION RATES		
Perk Rate	Application Rate	Comments
Faster than 1	Not Suitable	Requires sand liner or additional treatment.
1 - 5	1.2	
6 - 15	0.8	
16 - 30	0.6	
31 - 60	- 0.45	
61 - 120	Not Suitable	Requires engineering plans and ADEC plan approval.

### COMMENTS:

The application rate per ADEC 18 AAC 72 regulations Table C, 'WASTEWATER APPLICATION RATES FROM PERCOLATION TEST RESULTS' is **0.6 gal/day/sq. ft.**



There are several methods of measuring soil percolation, technically called hydraulic conductivity. The soil percolation test method we performed was conducted in general conformance with the Falling Head Percolation Test Procedure from EPA's Design Manual for Onsite Wastewater Treatment and Disposal Systems dated October 1980. This method is the one most commonly used and can give an approximate measure of the soil's saturated hydraulic conductivity. However, normally the percolation of wastewater through the soil below the leach field occurs through unsaturated soils. The unsaturated hydraulic conductivity can vary greatly from the saturated hydraulic conductivity with changes in soil characteristics and moisture content. The results from this test method can be variable and may not measure the hydraulic conductivity accurately. These test results should only be used together with specific soil characteristic data and other site characteristics to design an appropriate soil absorption system.

**EXHIBIT I-8**



# SOIL LOG

TEST HOLE **3**

ALASKA RIM ENGINEERING, INC.  
ENGINEERS - PLANNERS - SURVEYORS  
9131 E. Frontage Road  
Palmer, Alaska 99645  
Telephone (907) 745-0222  
Fax (907) 746-0222  
Online at: [www.alaskarim.com](http://www.alaskarim.com)

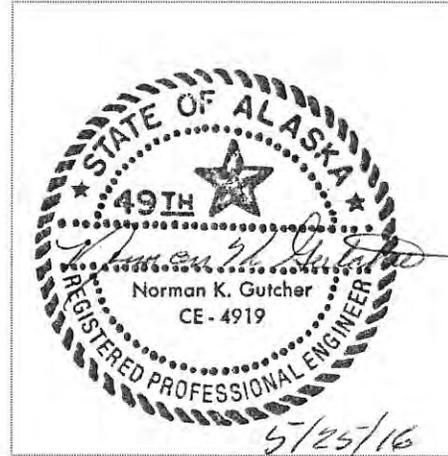
Project: Potter Place Add.#2 Tract A

AK Rim File No. 16-00011

Date: 5/17/16

Logged By: Tyler Perron

Depth (feet)	Description
	0-2'
1	Organics over Silty Sand Reddish Brown, Damp
2	
3	2-12'
4	Silty Sand, Gravel, Cobbles (SM) Gray/Brown, Damp, Moderately Dense
5	
6	6'
7	Perc Test Conducted
8	
9	
10	
11	
12	12'
	Bottom of Test Hole
13	MT Installed
14	
15	
16	
17	
18	
19	
20	
	Callout, Color, Density, Moisture Content, USC



**TEST HOLE LOCATION:**

Within 25' of proposed SAS.

**COMMENTS:**

No water or impermeable layers were encountered.  
4' of fill to be placed over septic field and tank  
5/24/16 - Check MT - No water

This soil log was prepared for the sole purpose of determining the feasibility of constructing an onsite wastewater disposal system at the location of the test hole. Soil type ratings are based on visual observation and have not been verified with laboratory analyses. These soils have not been analyzed for structural properties, structural stability, and seismic stability or for any purpose other than wastewater absorption field construction. Anyone relying on the information in this log for any use other than wastewater absorption field development shall do so at his or her own risk. Rev 12/14

# PERCOLATION TEST

Project: Potter Place Add.#2 Tract A, Testhole 3

Date: 5/18/16

Test Hole Depth: 6'

Inspector: **Tyler Perron**

Start Soak: 10:35AM

AK Rim # **16-00011**

End Soak: 11:35AM

## TEST NO. 1

Time	Water Level (inches)	Time	Water Level (inches)	Net Time (minutes)	Net Drop (inches)	Perk Rate (min. / inch)
10:35	10"	11:05	5-14/16"	30	4-2/16"	
11:05	10"	11:35	6-11/16"	30	3-5/16"	
11:36	6"	12:06	3-13/16"	30	2-3/16"	
12:06	6"	12:36	4-5/16"	30	1-11/16"	
12:36	6"	1:06	4-6/16"	30	1-10/16"	18.5

### ADEC SUGGESTED APPLICATION RATES

Perk Rate	Application Rate	Comments
Faster than 1	Not Suitable	Requires sand liner or additional treatment.
1 - 5	1.2	
6 - 15	0.8	
16 - 30	0.6	
31 - 60	0.45	
61 - 120	Not Suitable	Requires engineering plans and ADEC plan approval.

#### COMMENTS:

The application rate per ADEC 18 AAC 72 regulations Table C, 'WASTEWATER APPLICATION RATES FROM PERCOLATION TEST RESULTS' is 0.6 gal/day/sq. ft.



There are several methods of measuring soil percolation, technically called hydraulic conductivity. The soil percolation test method we performed was conducted in general conformance with the Falling Head Percolation Test Procedure from EPA's Design Manual for Onsite Wastewater Treatment and Disposal Systems dated October 1980. This method is the one most commonly used and can give an approximate measure of the soil's saturated hydraulic conductivity. However, normally the percolation of wastewater through the soil below the leach field occurs through unsaturated soils. The unsaturated hydraulic conductivity can vary greatly from the saturated hydraulic conductivity with changes in soil characteristics and moisture content. The results from this test method can be variable and may not measure the hydraulic conductivity accurately. These test results should only be used together with specific soil characteristic data and other site characteristics to design an appropriate soil absorption system.



# SOIL LOG

TEST HOLE 4

ALASKA RIM ENGINEERING, INC.

ENGINEERS - PLANNERS - SURVEYORS

9131 E. Frontage Road

Palmer, Alaska 99645

Telephone (907) 745-0222

Fax (907) 746-0222

Online at: [www.alaskarim.com](http://www.alaskarim.com)

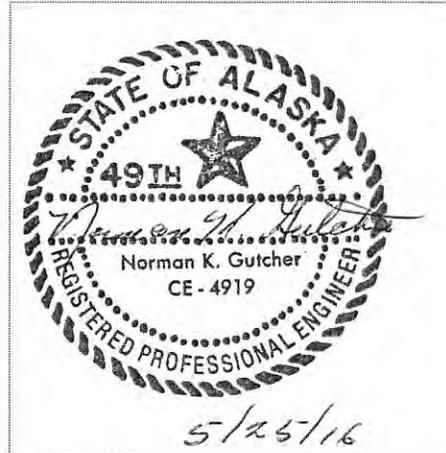
Project: Potter Place Add.#2 Tract A

AK Rim File No. 16-00011

Date: 5/17/16

Logged By: Tyler Perron

Depth (feet)	Description
	0-2'
1	Organics over Silty Sand Reddish Brown, Damp
2	
3	2-12'
4	Silty Sand, Gravel, Cobbles (SM) Gray/Brown, Damp, Moderately Dense
5	
6	6'
	Perc Test Conducted
7	
8	
9	
10	
11	
12	12'
	Bottom of Test Hole
13	MT Installed
14	
15	
16	
17	
18	
19	
20	
	Callout, Color, Density, Moisture Content, USC



**TEST HOLE LOCATION:**

Within 25' of proposed SAS.

**COMMENTS:**

No water or impermeable layers were encountered.

4' of fill to be placed over septic field and tank

5/24/16 - Chek MT - No water

This soil log was prepared for the sole purpose of determining the feasibility of constructing an onsite wastewater disposal system at the location of the test hole. Soil type ratings are based on visual observation and have not been verified with laboratory analyses. These soils have not been analyzed for structural properties, structural stability, and seismic stability or for any purpose other than wastewater absorption field construction. Anyone relying on the information in this log for any use other than wastewater absorption field development shall do so at his or her own risk. Rev 12/14

**EXHIBIT I-11**

# PERCOLATION TEST

Project: Potter Place Add.#2 Tract A, Testhole 4	
Date: 5/18/16	Test Hole Depth: 6'
Inspector: <b>Tyler Perron</b>	Start Soak: 1:20PM
AK Rim # <b>16-00011</b>	End Soak: 2:20PM

## TEST NO. 1

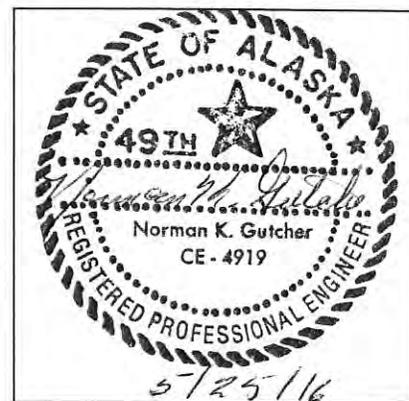
Time	Water Level (inches)	Time	Water Level (inches)	Net Time (minutes)	Net Drop (inches)	Perk Rate (min. / inch)
1:20	10"	1:50	2-10/16"	30	7-6/16"	
1:50	10"	2:20	3-9/16"	30	6-7/16"	
2:20	6"	2:30	4-3/16"	10	1-13/16"	
2:30	6"	2:40	4-5/16"	10	1-11/16"	
2:40	6"	2:50	4-5/16"	10	1-11/16"	6

### ADEC SUGGESTED APPLICATION RATES

Perk Rate	Application Rate	Comments
Faster than 1	Not Suitable	Requires sand liner or additional treatment.
1 - 5	1.2	
6 - 15	0.8	
16 - 30	0.6	
31 - 60	0.45	
61 - 120	Not Suitable	Requires engineering plans and ADEC plan approval.

#### COMMENTS:

The application rate per ADEC 18 AAC 72 regulations Table C, 'WASTEWATER APPLICATION RATES FROM PERCOLATION TEST RESULTS' is 0.8 gal/day/sq. ft.



There are several methods of measuring soil percolation, technically called hydraulic conductivity. The soil percolation test method we performed was conducted in general conformance with the Falling Head Percolation Test Procedure from EPA's Design Manual for Onsite Wastewater Treatment and Disposal Systems dated October 1980. This method is the one most commonly used and can give an approximate measure of the soil's saturated hydraulic conductivity. However, normally the percolation of wastewater through the soil below the leach field occurs through unsaturated soils. The unsaturated hydraulic conductivity can vary greatly from the saturated hydraulic conductivity with changes in soil characteristics and moisture content. The results from this test method can be variable and may not measure the hydraulic conductivity accurately. These test results should only be used together with specific soil characteristic data and other site characteristics to design an appropriate soil absorption system.



Looking west on Leora Dr at 90 before Jami Kay ROW



Looking into the driveway at Lots 2 & 3



Looking southwest on Leora Dr at driveway in front of Lots 2 & 3



Looking northeast on Leora Dr at the driveway at Lots 2 & 3



Looking into the driveway on Lot 8

## Peggy Horton

---

**From:** Jamie Taylor  
**Sent:** Tuesday, July 05, 2016 3:03 PM  
**To:** Platting  
**Cc:** Peggy Horton  
**Subject:** RE: Request for Comments for Sidetrack Subdivision & Vacation Case #2016-075 & 076  
Tech: PH

My comments from the pre-app still apply with clarifications in parentheses:

- Provide continuous 15' utility easement along Leora Dr
- Provide utility easements for existing utilities or relocate existing utilities (referring to the asbuilt OHU that crosses Lots 1, 2, 3 & 4 which appears to service Lot 3)
- OK with DPW O&M to vacate 15' pedestrian easement
- DPW O&M objects to vacating 30' public use easement to provide future connectivity (and development of Tract A2)
- Check sight distance for driveways (looks fine – thank you)

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](mailto:jamie.taylor@matsugov.us)  
<http://www.matsugov.us/>

---

**From:** Peggy Horton **On Behalf Of** Platting  
**Sent:** Monday, June 13, 2016 11:32 AM  
**To:** [holly.zafian@alaska.gov](mailto:holly.zafian@alaska.gov); [mark.fink@alaska.gov](mailto:mark.fink@alaska.gov); [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil); [brian.young@usps.gov](mailto:brian.young@usps.gov); [tim.swezey@mlccak.org](mailto:tim.swezey@mlccak.org); [browne@mtaonline.net](mailto:browne@mtaonline.net); Steve Edwards ([iana@mtaonline.net](mailto:iana@mtaonline.net)); John Aschenbrenner; Richard Boothby; 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; Randall Kowalke  
**Cc:** Jay Van Diest ([jay@valleymarket.com](mailto:jay@valleymarket.com)); LaMarr Anderson ([lamarra05@gmail.com](mailto:lamarra05@gmail.com)); Stan Gillespie ([stan.gillespie@gmail.com](mailto:stan.gillespie@gmail.com)); [jordan@alaskaplans.com](mailto:jordan@alaskaplans.com); Tait Zimmerman ([tait@zimmermanteamak.com](mailto:tait@zimmermanteamak.com)); Patrick Johnson ([patrickjhnsn@hotmail.com](mailto:patrickjhnsn@hotmail.com)); Amy Hansen ([amyhansenhomes@gmail.com](mailto:amyhansenhomes@gmail.com)); Marty Van Diest - Valley Market Real Estate ([marty@valleymarket.com](mailto:marty@valleymarket.com)); Gregory Pugh ([winforhim@aol.com](mailto:winforhim@aol.com))  
**Subject:** Request for Comments for Sidetrack Subdivision & Vacation Case #2016-075 & 076 Tech: PH

Good Morning,

Attached is a request for comments for an 8-lot subdivision plat with vacations of public rights-of-way south of Mile 51 Parks Hwy and adjoining S. Leora Drive. Please review and respond with any comments by July 22, 2016. Let me know if you have any questions.



## 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:** Sidetrack  
**LEGAL:** Section 17, T17N, R02W, SM  
**TAX MAP:**

#### 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**

**Peggy Horton**

---

**From:** Theresa Taranto  
**Sent:** Wednesday, July 20, 2016 1:50 PM  
**To:** Platting  
**Subject:** Lotzer-Sidetrack

No cases

**EXHIBIT M**

## Peggy Horton

---

**From:** Susan Lee  
**Sent:** Monday, June 13, 2016 1:49 PM  
**To:** Platting  
**Subject:** RE: Request for Comments for Sidetrack Subdivision & Vacation Case #2016-075 & 076  
Tech: PH

No comment.

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:** Monday, June 13, 2016 11:32 AM  
**To:** [holly.zafian@alaska.gov](mailto:holly.zafian@alaska.gov); [mark.fink@alaska.gov](mailto:mark.fink@alaska.gov); [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil); [brian.young@usps.gov](mailto:brian.young@usps.gov); [tim.swezey@mlccak.org](mailto:tim.swezey@mlccak.org); [browne@mtaonline.net](mailto:browne@mtaonline.net); Steve Edwards ([iana@mtaonline.net](mailto:iana@mtaonline.net)); John Aschenbrenner; Richard Boothby; 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; Randall Kowalke  
**Cc:** Jay Van Diest ([jay@valleymarket.com](mailto:jay@valleymarket.com)); LaMarr Anderson ([lamarra05@gmail.com](mailto:lamarra05@gmail.com)); Stan Gillespie ([stan.gillespie@gmail.com](mailto:stan.gillespie@gmail.com)); [jordan@alaskaplans.com](mailto:jordan@alaskaplans.com); Tait Zimmerman ([tait@zimmermanteamak.com](mailto:tait@zimmermanteamak.com)); Patrick Johnson ([patrickjhnsn@hotmail.com](mailto:patrickjhnsn@hotmail.com)); Amy Hansen ([amyhansenhomes@gmail.com](mailto:amyhansenhomes@gmail.com)); Marty Van Diest - Valley Market Real Estate ([marty@valleymarket.com](mailto:marty@valleymarket.com)); Gregory Pugh ([winforhim@aol.com](mailto:winforhim@aol.com))  
**Subject:** Request for Comments for Sidetrack Subdivision & Vacation Case #2016-075 & 076 Tech: PH

Good Morning,

Attached is a request for comments for an 8-lot subdivision plat with vacations of public rights-of-way south of Mile 51 Parks Hwy and adjoining S. Leora Drive. Please review and respond with any comments by July 22, 2016. Let me know if you have any questions.

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

**EXHIBIT N**



## 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 *MSA*  
SUBJECT: Preliminary Plat Comments / Case #2016-075 & 076

---

RECEIVED  
JUN 14 2016  
PLATTING

Platting Tech: Peggy Horton  
Public Hearing: August 4, 2016  
Applicant / Petitioner: Lotzer  
TRS: 17N02W17  
Tax ID: 3312B11L002, L003 & T/A  
Subd: Sidetrack  
Tax Map: HO 10

#### Comments:

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

**EXHIBIT O**



## Peggy Horton

---

**From:** Joy Cypra <joy@alaskarim.com>  
**Sent:** Wednesday, July 27, 2016 9:51 AM  
**To:** Peggy Horton  
**Cc:** mikethetileguy@mtaonline.net  
**Subject:** RE: Request for Comments for Sidetrack Subdivision & Vacation Case #2016-075 & 076  
Tech: PH

Peggy

The owners of the Sidetrack Subdivision are in agreement with the 15 foot utility easement to fill in the gap in the easement along the ROW.

Thanks,  
Joy

---

**From:** Mike Lotzer [mailto:mikethetileguy@mtaonline.net]  
**Sent:** Wednesday, July 27, 2016 8:03 AM  
**To:** Joy Cypra  
**Subject:** Re: Request for Comments for Sidetrack Subdivision & Vacation Case #2016-075 & 076 Tech: PH

That is fine and in fact needed to get power to the other lots.

Sent from my iPhone

On Jul 26, 2016, at 10:34 AM, Joy Cypra <joy@alaskarim.com> wrote:

Hi Mike

MEA is asking that we dedicate the 15 foot utility easement as shown on the attached sketch. This would make it a contiguous easement. I don't see any issues with do this. Please let me know if this is ok with you.

Joy

---

**From:** Tammy L. Simmons [mailto:Tammy.Simmons@mea.coop]  
**Sent:** Tuesday, July 26, 2016 10:04 AM  
**To:** Peggy Horton  
**Cc:** Joy Cypra (joy@alaskarim.com)  
**Subject:** RE: Request for Comments for Sidetrack Subdivision & Vacation Case #2016-075 & 076 Tech: PH

Hello,

Please see attached comments.

Thank you,

Tammy Simmons, RWP  
Right of Way Technician  
Matanuska Electric Association, Inc.

## Peggy Horton

---

**From:** Becky Glenn <rglenn@mta-telco.com>  
**Sent:** Tuesday, July 26, 2016 8:36 AM  
**To:** Peggy Horton  
**Cc:** Kelly Hall; Jessica Thompson  
**Subject:** RE: Request for Comments for Sidetrack Subdivision & Vacation Case #2016-075 & 076  
Tech: PH

Peggy,

MTA has reviewed the preliminary plat for Sidetrack Subdivision.

MTA has no objections.

Thank you for the opportunity to review and comment.

Becky Glenn  
MTA

**From:** Peggy Horton [<mailto:Peggy.Horton@matsugov.us>]  
**Sent:** Tuesday, July 26, 2016 8:20 AM  
**To:** [mearow@matanuska.com](mailto:mearow@matanuska.com); Becky Glenn <rglenn@mta-telco.com>; Jessica Thompson <jthompson@mta-telco.com>;  
[row@enstarnaturalgas.com](mailto:row@enstarnaturalgas.com); [dblehem@gci.com](mailto:dblehem@gci.com); 'ospdesign@gci.com' ([ospdesign@gci.com](mailto:ospdesign@gci.com)) <[ospdesign@gci.com](mailto:ospdesign@gci.com)>  
**Subject:** FW: Request for Comments for Sidetrack Subdivision & Vacation Case #2016-075 & 076 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 Morning,

I have noticed, because I hadn't received any comments from you, that I neglected to send this preliminary plat to you folks.

Please review and respond as soon as possible. Please forgive my mistake.

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

---

**From:** Peggy Horton **On Behalf Of** Platting  
**Sent:** Monday, June 13, 2016 11:32 AM



**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

July 26, 2016

RECEIVED  
JUL 26 2016  
PLATTING

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

Subject: Preliminary Plat Request for Comments – **Sidetrack Subdivision**  
(Case No. 2016-075 & 076)

Dear Ms. Horton:

ENSTAR Natural Gas Company has reviewed the subject 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](mailto:cassie.wohlgemuth@enstarnaturalgas.com).

Sincerely,

A handwritten signature in cursive script that reads "Cassie Wohlgemuth".

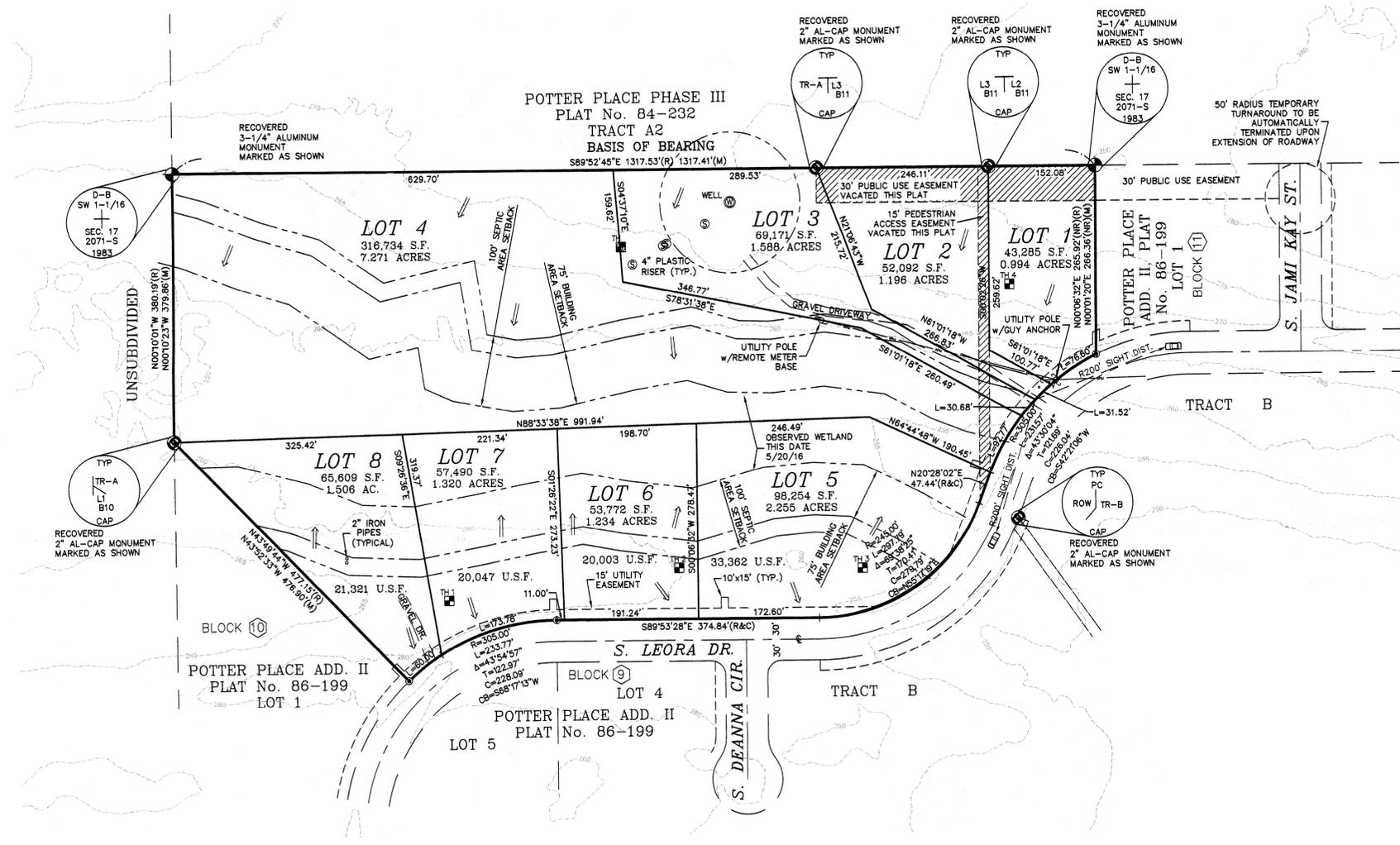
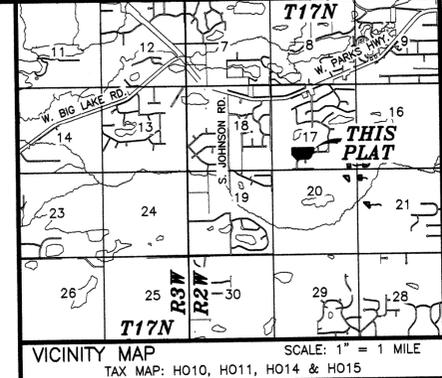
Cassie Wohlgemuth  
Right-of-Way and Compliance Technician  
ENSTAR Natural Gas Company

**EXHIBIT R**

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

I CERTIFY THAT THIS SUBDIVISION PLAT 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 \_\_\_\_\_ 2011 AND THAT THIS PLAT 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 AND LAND USE DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_  
 ATTEST: PLATTING CLERK \_\_\_\_\_



**CERTIFICATE OF OWNERSHIP**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED IN THIS PLAN AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION BY OUR FREE CONSENT.

MICHAEL D. LOTZER \_\_\_\_\_ DATE \_\_\_\_\_  
 P.O. BOX 298965  
 WASILLA, AK 99629

KRISTLE A. LOTZER \_\_\_\_\_ DATE \_\_\_\_\_  
 P.O. BOX 298965  
 WASILLA, AK 99629

**NOTARY'S ACKNOWLEDGEMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ FOR \_\_\_\_\_

NOTARY FOR THE STATE OF ALASKA  
 MY COMMISSION EXPIRES \_\_\_\_\_

**TOPOGRAPHY NOTE**

1. TOPOGRAPHY DERIVED FROM MAT-SU BOROUGH LIDAR TOPOGRAPHY MAP CA\_019\_SE AND CA\_019\_SW DATED 2011. HORIZONTAL DATUM IS BASED ON NAD83.

2. CONTOURS ARE IN 1 FOOT INTERVALS AND ARE BASED ON NAVD 88 GEOID 09 VERTICAL DATUM.



**NOTES**

- THERE MAY BE FEDERAL, STATE AND LOCAL REQUIREMENTS GOVERNING LAND USE. THE INDIVIDUAL PARCEL OWNER SHALL OBTAIN A DETERMINATION WHETHER THESE REQUIREMENTS APPLY TO THE DEVELOPMENT OF PARCELS SHOWN ON THIS PLAT.
- NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS THE SYSTEM IS LOCATED, CONSTRUCTED AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
- NO PART OF A SUBSURFACE SEWAGE DISPOSAL SYSTEM SHALL BE CLOSER THAN 100' FROM ANY BODY OF WATER OR WATERCOURSE.
- MEA BLANKET EASEMENT RECORDED AUGUST 12, 1999 IN BOOK 1029 AT PAGE 506.

- LEGEND**
- RECOVERED 3-1/4" ALUMINUM MONUMENT
  - ⊙ RECOVERED 2" AL-CAP
  - ⊙ RECOVERED 5/8" REBAR
  - SET 5/8"x24" REBAR
  - w/PLASTIC CAP MARKED AK RIM 10615-S
  - (C) CALCULATED DATA
  - (M) MEASURED DATA
  - (R) RECORD DATA DERIVED FROM PLAT No. 86-199
  - (NR) NOT RADIAL
  - U.S.F. USABLE SQUARE FEET
  - ⇒ DRAINAGE ARROW
  - TH TEST HOLE
  - (TYP.) TYPICAL

**CERTIFICATE OF PAYMENT OF TAXES**

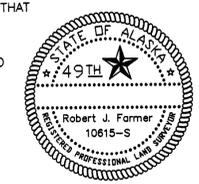
I HEREBY CERTIFY THAT ALL CURRENT TAXES AND SPECIAL ASSESSMENTS THROUGH \_\_\_\_\_ 2011 AGAINST THE PROPERTY, INCLUDED IN THIS SUBDIVISION OR RESUBDIVISION, HEREON HAVE BEEN PAID.

TAX COLLECTION OFFICIAL, MAT-SU BOROUGH \_\_\_\_\_ DATE \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I 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.

DATE \_\_\_\_\_



PLATTING  
 JUN 06 2016

**PRELIMINARY**

A PLAT OF  
**SIDETRACK SUBDIVISION**  
 A SUBDIVISION OF  
**POTTER PLACE ADDITION No. II, LOTS 2 & 3, BLOCK 11, AND TRACT A**

PLAT No. 86-199 PALMER RECORDING DISTRICT  
 LOCATED WITHIN THE SE1/4SW1/4, SECTION 17, T17N, R2W, S.M., AK.  
 CONTAINING 17.38± ACRES

**ALASKA RIM ENGINEERING, INC.**  
 9131 E. FRONTAGE ROAD, SUITE 1  
 PALMER, AK 99645  
 PH: (907)745-0222 : FAX: (907)746-0222  
 EMAIL: akrim@alaskarim.com : WEB: www.alaskarim.com

W.O. 1600011 DATE: JUNE 2016  
 DRAWN BY: JRG SCALE: 1" = 100'  
 ENGINEERS: PLANNERS: SURVEYORS FILE: 1600011PL SHEET 1 OF 1

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.

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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, in regards to the first item on Platting Staff's March 1, 2013 memo, the Platting Board does not agree to incorporate Title 11, 15 or 17 into 43.05.015, Purpose and Scope, because 43.10.060(C) gives the Platting Board authority to consider other titles in making their decisions, therefore there is no need to incorporate the suggested titles in this

section; and

WHEREAS, in regards to the second item on Platting Staff's March 1, 2013 memo, the Platting Board does not agree to incorporate a requirement that the location of existing and visible sewage systems within 100 feet of the parent parcel be provided as part of the preliminary plat submittal because the petitioner's civil engineer takes the location of nearby sewage systems into account when providing certification of useable area on the proposed lots; and

WHEREAS, in regards to the sixth item on Platting Staff's March 1, 2013 memo, the Platting Board recommends removing the requirement for issuance of all necessary federal, state, and local permits and approvals when going through a platting action, although they agree that the permits and approvals need to be identified, the requirement for issuance of those permits and approvals are already added as a Platting Staff's recommendation for conditions of approval; there may be permits necessary that Platting Staff is unaware of; and the developer should be responsible to obtain those permits; and

WHEREAS, in regard to the eleventh item on Platting staff's March 1, 2013 memo, the Platting Board prefers not making it a requirement to connect up to adjoining stub roads as they would like to see less specific and more flexible code language; most developers generally do a good job and rules should be made for

those that do not think about the public benefit; and the strict requirement may limit the marketability of the subdivision lots; and

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

WHEREAS, the Platting Board heard testimony for or against the requests and discussed the contents at length; and

WHEREAS, the Platting Board, with the assistance of staff and the public, crafted language to address amendments to Title 43; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Platting Board hereby recommends planning commission approval of amendments to address substantial changes within Title 43 and forward to the Assembly for adoption.

ADOPTED by the Matanuska-Susitna Borough Platting Board this 4th day of August, 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.

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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 8. 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 9. 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 10. 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 11. 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 12. 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.

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Tax Collection Official (City)

Section 13. 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 14. 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 15. 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.

(5) A variance to legal access is not required to subdivide existing lots created within subdivisions recorded with platted private roads as the legal and physical access.

[(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 16. Amendment of section. MSB 43.20.140, Physical Access, is hereby amended as follows:

(A) Roads used for access [OR] and internal circulation shall:

(1) conform to the existing requirements of the Subdivision Construction Manual; and [BE LOCATED ENTIRELY WITHIN DEDICATED OR LEGAL RIGHTS-OF-WAY]

(2) be located entirely within dedicated or legal rights-of-way [CONFORM TO EXISTING REQUIREMENTS OF THE SUBDIVISION CONSTRUCTION MANUAL.]; and

(a) Prior to recordation, a surveyor's sealed drawing shall be submitted showing traveled ways 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 streets exceeding 6 percent grade.

Section 17. 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 18. 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.