MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD
AGENDA

REGULAR MEETING 1:00 P.M. AUGUST 18, 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 18, 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. August 4, 2016

3. UNFINISHED BUSINESS

4. PUBLIC HEARINGS
A. **N & S INVESTMENTS AND TODD & DOREEN KITTER (**owner/petitioner): The request is to divide Tract A, Block 1, Meridian Park I, Plat 2009-93, and Parcel D12 into a 3-lot subdivision to be known as **KITTER ACRES**, containing 13.64 acres +/-. The Proposed Tract 2 will be a utility lot to contain the new well site for the Country Field Water Company community water system. Proposed Lot 1 will remain on its own well and septic. Petitioners are requesting variances from Legal and Physical Access, and Lot and Block Design, to allow access to the utility lot by private access easement and to allow Lot 1 to exceed the width to depth ration of 4:1. Located within SW ¼ S ½ Sec 01, T17N, R01W, S.M. AK, lying northwest of the Seward Meridian Parkway and Palmer-Wasilla Highway Intersection, adjoining E. Cottle Loop and E. Meridian Park Loop. Community Council: N/A (City of Wasilla), Assembly District: #4: Steve Colligan

B. **JOHN NYSTROM & KIEFFER VIEW RENTAL LLC (**owners/petitioners): The request is to divide S½ SE¼ NE¼, E½ SE¼ Section 25, T16N, R3E, and portions of Gov't Lots 3 & 4, Section 30, T16N, R4E into 9 lots and 2 Tracts to be known as **HOMESTEADER HILLS**, containing 159.96 acres. A proposed 10' X 60' Public Use Easement extending Nystrom Way through Tract A, The Cedars, and dedication of a turnaround will allow for access to 4 of the lots. A 60' wide right-of-way will be dedicated over the existing driveway off of Knik River Road to provide access to the remaining lots. The petitioners are requesting a variance to allow only private access to adjoining parcels,

instead of public access. This case was continued from the June 21, 2016 public hearing. Located within S ½ SE ¼ NE ¼, E ½ SE ¼ Sec 25, T16N, R03E and Sec 30, T16N, R04E, S.M. AK, lying adjacent and west of E. Knik River Road. Community Council: South Knik River, Assembly District: #1: Jim Sykes

C. **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 September 1, 2016 Platting Board Hearing (*Informational Only – Subject to change*)

- Old Knik Road Sub & UE, Case # 2016-091, 093, 094

9. BOARD COMMENTS

10. ADJOURNMENT

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

STAFF REVIEW AND RECOMMENDATIONS
PUBLIC HEARING
AUGUST 18, 2015

PRELIMINARY PLAT:	**KITTER ACRES**
LEGAL DESCRIPTION:	**SEC 1, T17N, R1W, SEWARD MERIDIAN, AK**
PETITIONER:	**N&S INVESTMENTS and TODD & DOREEN KITTER**
SURVEYOR/ENGINEER:	**BESSE ENGINEERING**
ACRES: 13.64	PARCELS: 3
REVIEWED BY:	PEGGY HORTON CASE: 2016-088

REQUEST

The request is to divide Tract A, Block 1, Meridian Park I, Plat 2009-93, and Parcel 17N01W01D012 into a 3-lot subdivision to be known as Kitter Acres, containing 13.64 acres more or less. Proposed Tract 2 will be a utility lot to contain the new well site for the Country Field Water Company community water system. Proposed Lot 1 will remain on its own well and septic. Petitioners are requesting variances from Legal and Physical Access, and Lot and Block Design, to allow access to the utility lot by private access easement and to allow Lot 1 to exceed the width to depth ratio of 4:1.

EXHIBITS:

Vicinity Maps	**EXHIBIT A**
Aerial Map	**EXHIBIT B**
Engineer's Report	**EXHIBIT C**
Variance to access	**EXHIBIT D**
Variance to 4:1	**EXHIBIT E**

COMMENTS:

Public Works	**EXHIBIT F**
Land Management	**EXHIBIT G**
Planning	**EXHIBIT H**
DES & Central Mat-Su FSA	**EXHIBIT I**
SOA DNR	**EXHIBIT J**

DISCUSSION:

Location: This subdivision is located on the northwest of the Seward Meridian, Parkway and Palmer-Wasilla Highway Intersection, adjoining E. Cottle Loop and E. Meridian Park Loop **(Exhibit A)**.

A portion of Tract 1 is within a FEMA mapped Special Flood Hazard Area **(Exhibit B)**. This will need to be shown on the final plat per MSB 43.15.052(B) and MSB 17.29.160, General Standards for flood hazard reduction **(See Recommendation #2)**.

Useable Area: The engineer's report provided by Besse Engineering states proposed Tract 1 and Lot 1, Kitter Acres have at least 10,000 sq ft of useable building area and 10,000 sq ft of contiguous useable septic area per 43.20.281 **(Exhibit C)**. He based the useable building area upon the topographic map. He based the useable septic area upon the test hole information that was dug for this project.

The remaining Tract 2 is planned as a utility lot, which is allowed per MSB 43.20.281(D) with no on-lot sewer and staff recommends those restrictions, requirements, designations be noted on the plat as required **(See Recommendation #3)**.

Utilities: Staff notes utilities are provided to Lot 1 via a line running on the opposite side of E. Cottle Loop. Utilities are provided to Tract 1 via lines running along E. Meridian Park Loop. Staff recommends utility easement be provided to Tract 2 **(See Recommendation #4)**.

Access: Access to Lot 1 will remain as it is currently, off of E. Cottle Loop. Access to Tract 1 will remain as it is currently, off of E. Meridian Park Loop.

The petitioner is planning on constructing a road to allow for maintenance of the wells and well house on Tract 2, and to allow emergency vehicle access to the tract. Access to the tract by private roads is allowed, but to be approved, the petitioner would have to construct the road to residential standards and that is not what he intends to do, therefore he requests a variance.

Staff notes a driveway permit will be required for access from E. Meridian Park Loop and E. Cottle Loop **(See Recommendation #8 & 9)**.

Variance: The petitioner applied for a variance to MSB 43.20.120 & 140 to allow access to a utility lot by a private ingress and egress easement **(Exhibit D)**. The petitioner stated the road constructed in the ingress and egress easement will be constructed to carry large emergency vehicles.

A. *The granting of the variance shall not be detrimental to the public health, safety, welfare or to adjacent property because:*
   The wells and wellhouse are an important part of the public water supply for the customers of Country Field Water Company. The public health, safety and welfare is increased by the limited access to the wells and wellhouse to maintenance personnel and emergency vehicles.

B. *The conditions upon which the variance application is based do not apply generally to properties for which the variance is sought because:*
   Limited access usually does not apply to commercial property with public access to the constructed buildings. The wells need to be protected from any surface contaminants that may percolate into the soils near the wells.

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 a part of the property through condemnation or because of surrounding development conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property.*
There are so many constraints to developing a good reliable source water. This site is very protected from development which may encroach in the future. Development of a water supply at a distance further from the site would result in a substantial hardship to Country Field Water Company.

Staff notes private easements cannot be accepted by the Platting Board, therefore the private ingress & egress easement will need to be created by recorded document and then shown on the final plat **(See Recommendation #6)**. Staff also notes the petitioner stated a road will be constructed to provide access to Tract 2 that will allow emergency vehicle access **(See Recommendation #7)**.

Variance: The petitioner applied for a variance to MSB 43.20.300 to allow Lot 1 to exceed the width to depth requirement **(Exhibit E)**. The petitioner stated the creation of the well site and the increase in the size of Tract 1 has reduced the length to width ratio from 7.18:1 to 5.02:1.

A. *The granting of the variance shall not be detrimental to the public health, safety, welfare or to adjacent property because:*
The action that we are proposing improves the status of the length to width ratio. The length of D12 is reduced by over 450'

B. *The conditions upon which the variance application is based do not apply generally to properties for which the variance is sought because:*
Most properties created by deeds are more rectangular. This parcel would almost impossible to reconfigure to make it conform to the length to width ratio as required by 43.20.300.

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 a part of the property through condemnation or because of surrounding development conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property.*
It would be virtually impossible to reconfigure this property along with several neighboring properties to conform with the length to width ratio. This would create a major hardship to the land owner.

COMMENTS:

Borough: Public Works has no comments **(Exhibit F)**.

Land and Management said Parcel D14 to the south is MSB property where Cottonwood creek Elementary and Public Safety Building 65 are located **(Exhibit G)**. Water rights are reserved

under DNR file LAS 13601 which may or may not affect the petitioner's request. There is continuing discussion with AKDOT&PF regarding future expansion of Seward Meridian and egress/ingress pattern for the school and emergency response vehicles beginning in front of the school and to the north which should not impact the petitioner; however LRM wishes to note this for the record. They have no objection to the subdivision or variance.

Planning Department stated existing structures should be in compliance with setback requirements **(Exhibit H)**. Central Mat-Su FSA and DES have no objections as long as the private road meets the requirements of the adopted code, 2009, IFC, for emergency vehicle access **(Exhibit I)**.

State: State of Alaska, DNR, DML&W Survey Section has no comment **(Exhibit J)**.

There were no objections received from borough departments, outside agencies, or the public.

CONCLUSION

The preliminary plat for Kitter Acres is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plat with the approval of a variance to legal and physical access and a variance to lot design. This plat will create 3 lots, one of which will be a utility lot used for a well and well house for a local water company. A portion of Tract 1 is within a Special Flood Hazard Area.

A professional engineer stated the Lot 1 and Tract 1 have 10,000 sq ft of useable septic area and 10,000 sq ft of useable building area. Two variances were requested, one to lot and block design and one to legal and physical access. The petitioner plans on constructing a road to Tract 2 that will allow for emergency and maintenance vehicle access. There were no objections to the variances or the plat from any borough department, outside agency or the public.

RECOMMENDATIONS for PRELIMINARY PLAT and VARIANCES

Recommended motion: **"I move to approve the preliminary plat of Kitter Acres and variance from MSB 43.20.120 & 140, Legal and Physical Access and from MSB 43.20.300, Lot and Block Design, located within Section 1, Township 17 North, Range 1 West, Seward Meridian, Alaska contingent on the following staff recommendations:"**

1. Submit the mailing and advertising fee.

2. Identify the Flood Hazard Area as required by MSB 43.15.052(B) and MSB 17.29.160.

3. Provide a plat note as required in MSB 43.20.281(D) for a utility lot.

4. Provide utility easement to Tract 2.

5. Note all easements of record on final plat as required by MSB 43.20.051(P).

6. Provide recorded private ingress and egress access easement document and graphically show on final plat.

7. Construct the ingress and egress access to Tract 2 as stated on the variance application. Provide engineer's final inspection report.

8. Apply for driveway permit for the existing driveway onto E. Cottle Loop.

9. Apply for a driveway permit for the private easement access onto E. Meridian Park Loop.

10. Provide updated Certificate to Plat executed within 90 days, prior to recording the plat per MSB 43.15.053(E).

11. Submit an affidavit from any holders of beneficial interest, if any, to be recorded with the plat.

12. Submit recording fee, payable to the State of Alaska, DNR.

13. Taxes and special assessments must be current prior to recording the plat, per MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.

14. Submit final plat in full compliance with Title 43.

FINDINGS for PRELIMINARY PLAT and VARIANCES

1. The plat of Kitter Acres is consistent with AS 29.40.070 Platting Regulations; and MSB 43.15.016 Preliminary Plat.

2. A portion of Tract 1 is within a FEMA mapped Special Flood Hazard Area and this will need to be shown on the final plat.

3. A variance to MSB 43.20.120 & 140, Legal and Physical Access, was requested and presented to the Platting Board to allow access to a utility lot by private ingress and egress easement. The petitioner stated access will be constructed to allow emergency and maintenance vehicles access to Tract 2.

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

   The wells and wellhouse are an important part of the public water supply for the customers of Country Field Water Company. The public health, safety and welfare is increased by the limited access to the wells and wellhouse to maintenance personnel and emergency vehicles.

   B. *The conditions upon which the variance application is based do not apply generally to properties for which the variance is sought because:*

Limited access usually does not apply to commercial property with public access to the constructed buildings. The wells need to be protected from any surface contaminants that may percolate into the soils near the wells.

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 a part of the property through condemnation or because of surrounding development conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property.*

There are so many constraints to developing a good reliable source water. This site is very protected from development which may encroach in the future. Development of a water supply at a distance further from the site would result in a substantial hardship to Country Field Water Company.

4. Private easements cannot be accepted by the Platting Board, therefore the private ingress & egress easement will need to be created by recorded document and then shown on the final plat.

5. Access to the tract by private roads is allowed, but to be approved, construction would be to residential standards and that is not the intent of the petitioner, therefore he requested a variance.

6. A variance to MSB 43.20.300, Lot and Block Design, was requested and presented to the Platting Board to allow Lot 1 to exceed the width to depth requirement.

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

The action that we are proposing improves the status of the length to width ratio. The length of D12 is reduced by over 450'

B. *The conditions upon which the variance application is based do not apply generally to properties for which the variance is sought because:*

Most properties created by deeds are more rectangular. This parcel would almost impossible to reconfigure to make it conform to the length to width ratio as required by 43.20.300.

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 a part of the property through condemnation or because of surrounding development conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property.*

It would be virtually impossible to reconfigure this property along with several neighboring properties to conform with the length to width ratio. This would create a major hardship to the land owner.

7. Parcel D12 was created by deed, not through an MSB platting action.

8. The depth to width ratio for Lot 1 is being reduced from 7:1 to 5:1, reducing the substandard quality of the lot.

9. Water rights for Parcel D14, MSB land to the west of Tract 2, are reserved under DNR file LAS 13601.

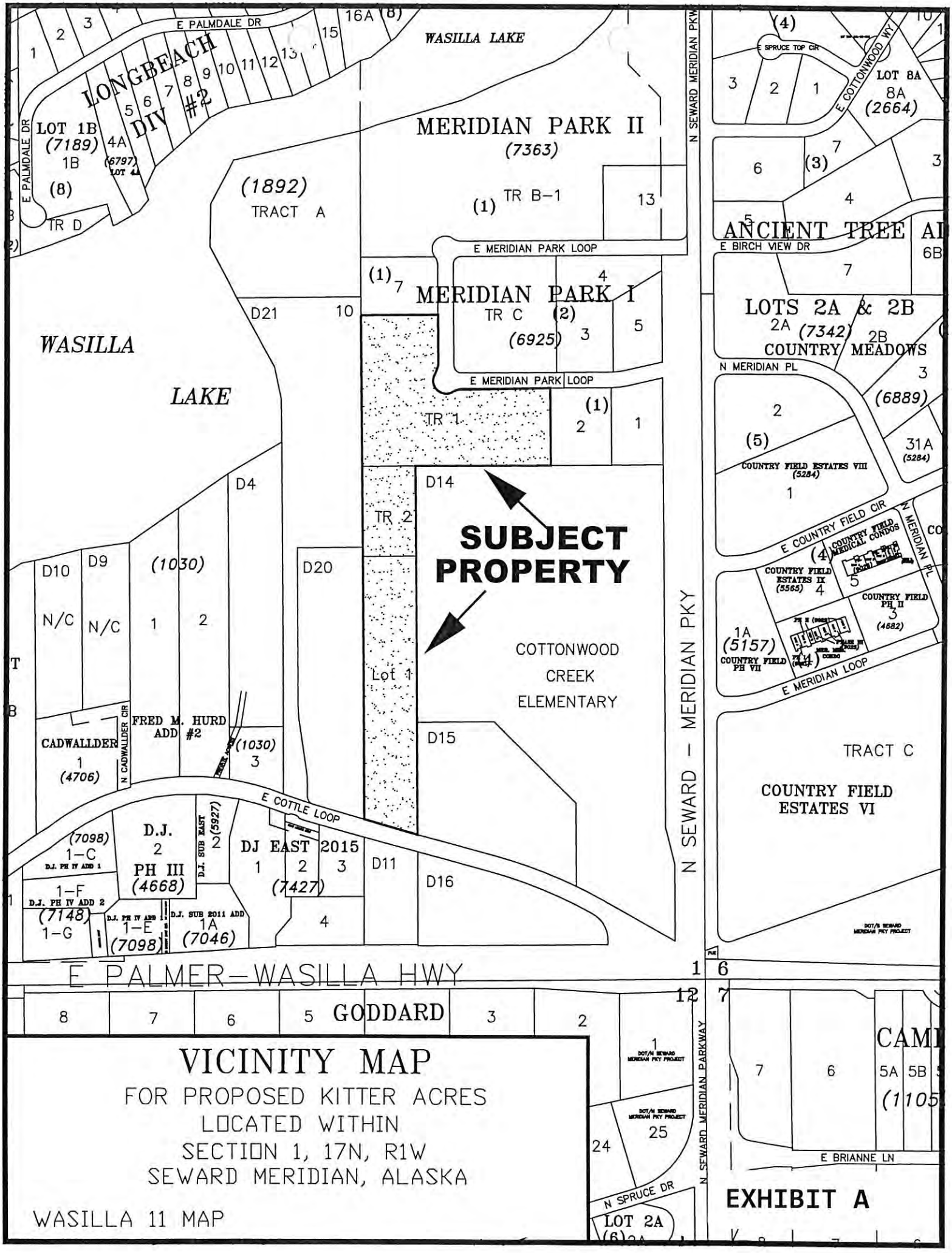
10. There is no provision for providing utilities to Tract 2 shown on the preliminary plat. Staff recommends all proposed lots have platted access to utilities.

11. A professional engineer stated the required useable building area and useable septic area is available for Lot 1 and Tract 1 in compliance with MSB 43.20.281.

12. The design of Tract 1 and Lot 1 lot are consistent MSB 43.20.300(A), *Lot and Block Design.*

13. There is continuing discussion with AKDOT&PF regarding future expansion of Seward Meridian and egress/ingress pattern for the school and emergency response vehicles beginning in front of the school and to the north which should not impact the petitioner.

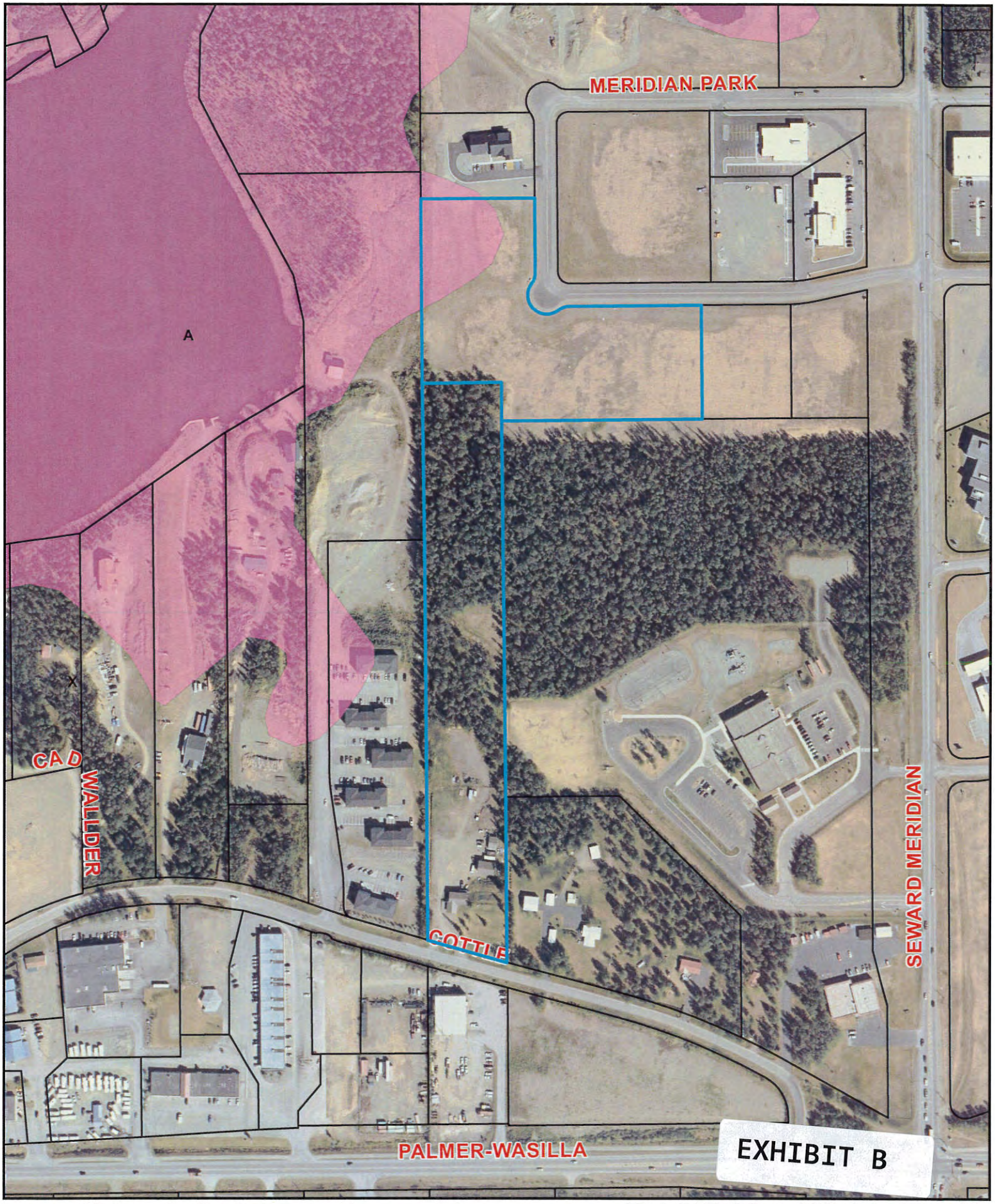
14. There are no objections from borough departments, outside agencies, or the public.



VICINITY MAP

FOR PROPOSED KITTER ACRES
LOCATED WITHIN
SECTION 1, 17N, R1W
SEWARD MERIDIAN, ALASKA

WASILLA 11 MAP



Matanuska Susitna Borough
Platting Division
Date: 8/10/2016

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.

0 87.5 175 350 525 700 Feet

N

BESSE ENGINEERING
1890 Jaime Marie Circle
Wasilla, Alaska 99654
907-357-4257
besse@mtaonline.net

RECEIVED
JUL - 6 2016
PLATTING

June 16, 2016

Mat Su Borough
Ms. Peggy Fowler
Platting Division
350 E. Dahlia
Palmer, AK 99645

Re: Proposed Kitter Acres

Dear Ms. Fowler,

Proposed Tract 1 and Lot 1, Kitter Acres have at least 10,000 sq. ft. of useable building area and 10,000 sq. ft. of contiguous useable septic area as per 43.20.281 of the Borough Code. I have based the useable building area upon the topographic map which has been submitted to you. I have based the useable septic area upon the test hole information that was dug for this project. Copies of the test hole locations and test hole logs are attached.

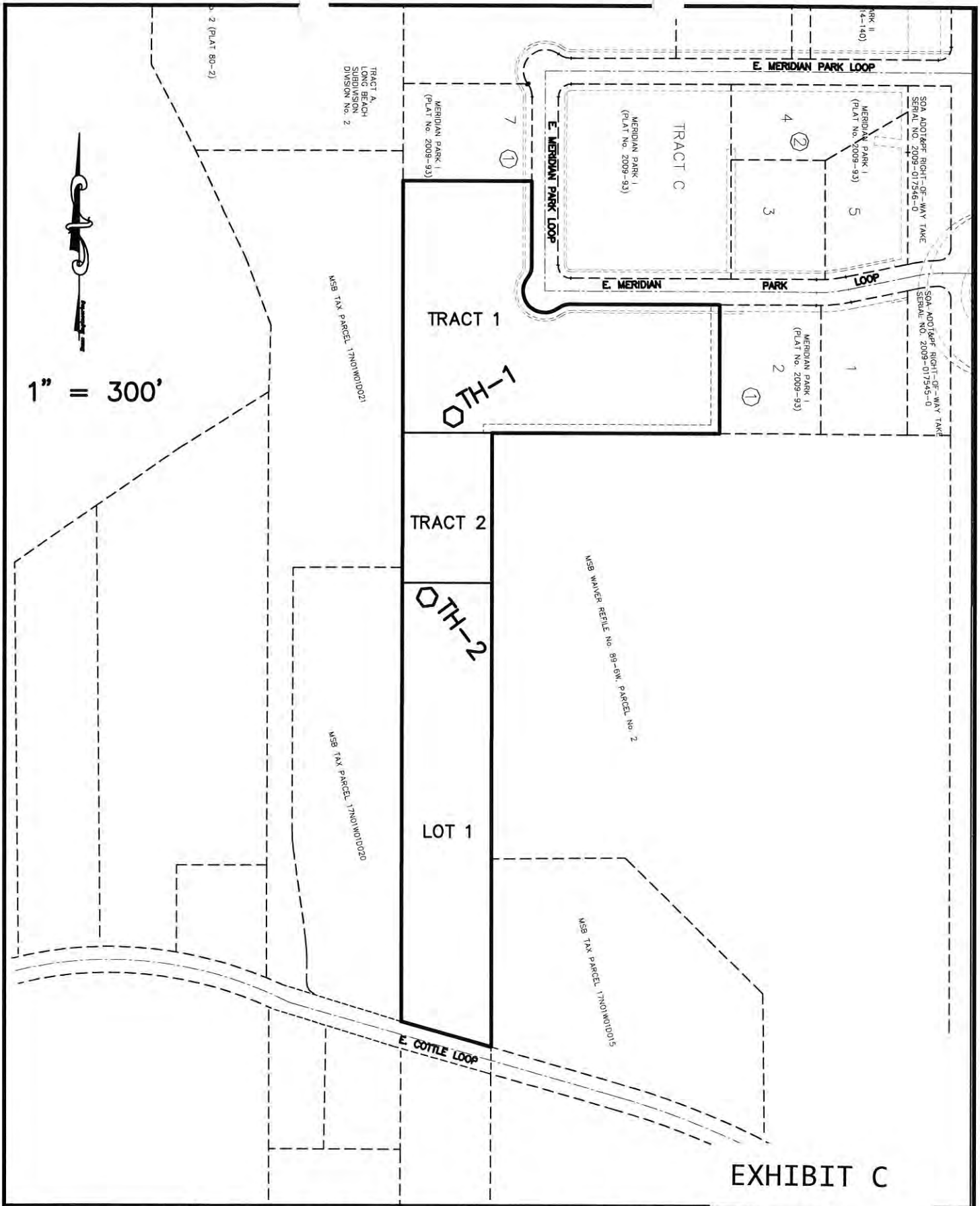
Feel free to call me if you have any questions.

Sincerely,
BESSE ENGINEERING

Richard L. Besse P.E.

Cc: Mr. Howard Nugent

EXHIBIT C



BESSE ENGINEERING 1890 Jaime Marie Circle WASILLA, AK. 99654 907-357-4257	TEST BORING LOCATION MAP	**PROPOSED KITTER ACRES** LOCATED WITHIN THE SE1/4, SECTION 1, T 17 N, R 1 W, SEWARD MERIDIAN, PALMER RECORDING DISTRICT, ALASKA.

Phone (907) 357-4257
Fax (907) 357-9641
Cell (907) 354-8074

FIELD LOG

BESSE ENGINEERING
Civil Engineering & Surveying
1890 JAIME MARIE CIR.
WASILLA, AK 99654

TEST PIT NO. 1
PROJECT MERIDIAN PARK
CLIENT Howdie, Inc
LOGGED BY Rick Besse
TIME START 9:10 FINISH 9:20
EQUIPMENT

W.O. B16-04
DATE 6/16/16
WATER LEVEL None
EXCAVATOR Kennerson Excavating
SLOPE
ORIENTATION

PVC

GRAB SAMPLE / SAMPLE DEPTH	FROST	DEPTH FEET	HORIZONTAL EXTENT (FT.)
		1	Organics
		2	
		3	
		4	
		5	Well graded gravel GP
		6	
		7	
		8	
		9	
		10	
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		17	
		18	
		19	
		20	

COMMENTS:

EXHIBIT C

Phone (907) 357-4257
Fax (907) 357-9641
Cell (907) 354-8074

FIELD LOG

BESSE ENGINEERI
Civil Engineering & Surveying
1890 JAIME MARIE CIR.
WASILLA, AK 99654

TEST PIT NO. 2
PROJECT Meridian PARK
CLIENT Hawdie Inc
LOGGED BY Rick Besse
TIME START 9:25 FINISH. 9:40
EQUIPMENT

W.O. B16-04
DATE 6/16/16
WATER LEVEL None
EXCAVATOR Kennerson Excavating
SLOPE
ORIENTATION

PVC

GRAB SAMPLE / SAMPLE DEPTH	FROST	DEPTH FEET	HORIZONTAL EXTENT (FT.)
		1	organic
		2	
		3	
		4	
		5	gravel GP
		6	
		7	
		8	
		9	
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		20	

COMMENTS:

EXHIBIT C

Matanuska-Susitna Borough
Telephone (907) 745-9874

350 East Dahlia Avenue
Palmer, Alaska 99645-6488

RECEIVED
JUL - 6 2016
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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: Tract 1 and 2 and Lot 1, Kitter Acres

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

1. The preliminary plat to which the variance pertains or a copy of the plat or record if it has previously been approved and recorded;

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, Howard Nugent Todd & Doreen Kitter the owner (or owner's representative) of the above described property apply for a variance from Section 43.20.120 & 140 of the Borough Code in order to allow: access to a Utility lot by a private ingress and egress easement. The road constructed in the ingress and egress easement will be constructed to carry large emergency vehicles.

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

APPLICANT OR OWNER
Name: Nand Schwestmatts Todd and Doreen Kitter Email: howard@howdieinc.com
Mailing Address: 4237 E. Meridian Loop, Wasilla AK Zip: 99654
Signature: _____ Phone: 376-4711

SURVEYOR
Name (FIRM): Besse Engineering Email: besse@mtaonline.net
Mailing Address: 1890 W. Jaime Marie Cir., Wasilla, AK Zip: 99654
Contact Person: Rick Besse Phone: 354-8074

EXHIBIT D

Matanuska-Susitna Borough
Telephone (907) 745-9874

350 East Dahlia Avenue
Palmer, Alaska 99645-6488

The special circumstances for the variance are as follows: (Refer to Section 27.15.210)

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

The wells and wellhouse are an important part of the public water supply for the customers of Country Field Water Company. The Public Health, Safety and Welfare is increased by the limited access to the wells and wellhouse to maintenance personnel and emergency vehicles.

B. The conditions upon which the variance application is based do not apply generally to properties other than the property for which the variance is sought because:

Limited access usually does not apply to commercial property with public access to the constructed buildings. The wells need to be protected from any surface contaminants that may percolate into the soil near the wells.

C. Due to unusual physical surroundings, shape, or topographical conditions of the property for which the variance is sought or because of surrounding development or conditions, the strict application to the property of the requirements of MSB 27.20 will result in undue substantial hardship to the owner of the property because:

there are so many constraints to developing a good reliable source water. This site is very protected from development which may encroach in the future. Development of a water supply at a distance from the site would result in a substantial hardship to Country Field Water Co.

7-5-2016
DATE

APPLICANTS SIGNATURE

X

X

EXHIBIT D

Matanuska-Susitna Borough
Telephone (907) 745-9874

RECEIVED
JUL - 6 2016
PLATTING

350 East Dahlia Avenue
Palmer, Alaska 99645-6488

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: Tract 1 and 2 and Lot 1, Kitler Acres

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

1. The preliminary plat to which the variance pertains or a copy of the plat or record if it has previously been approved and recorded;

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, Howard Nugent Todd and Doreen Kitler the owner (or owner's representative) of the above described property apply for a variance from Section 43.20. 300 of the Borough Code in order to allow: Lot 1 to exceed the width to depth requirement. The creation of the well site and the increase in the size of Tract 1 has reduced the length to width ratio from 7.18:1 to 5.02:1

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

APPLICANT OR OWNER
Name: Todd and Doreen Kitler (Howard's Investments) Email: howard@howdieinc.com
Mailing Address: 4237 E Meridian Loop, Wasilla, AK Zip: 99654
Signature: _____ Phone: 376-4711

SURVEYOR
Name (FIRM): Besse Engineering Email: besse@mtaonline.net
Mailing Address: 1890 W. Taimo Maria Cir., Wasilla, AK Zip: 99654
Contact Person: Rick Besse Phone: 354-8074

EXHIBIT E

Matanuska-Susitna Borough
Telephone (907) 745-9874

350 East Dahlia Avenue
Palmer, Alaska 99645-6488

The special circumstances for the variance are as follows: (Refer to Section 27.15.210)

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

the action that we are proposing improves the status of the length to width ratio. The length of D12 is reduced 2% over 450'.

B. The conditions upon which the variance application is based do not apply generally to properties other than the property for which the variance is sought because:

most properties created by Deeds are more rectangular. This parcel would almost impossible to reconfigure to make it conform to the length to width ratio as required by 43.20.300

C. Due to unusual physical surroundings, shape, or topographical conditions of the property for which the variance is sought or because of surrounding development or conditions, the strict application to the property of the requirements of MSB 27.20 will result in undue substantial hardship to the owner of the property because:

it would be virtually impossible to reconfigure this property along with several neighboring properties to conform with the length to width ratio. This would create a major hardship to the land owner.

7-5-2016
DATE

APPLICANTS SIGNATURE

X Todd

X

EXHIBIT E

Peggy Horton

From: Jamie Taylor
Sent: Monday, July 18, 2016 3:36 PM
To: Platting
Cc: Peggy Horton
Subject: RE: Request for Comments for Kitter Acres Case #2016-088 Tach: PH

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
http://www.matsugov.us/

From: Peggy Horton **On Behalf Of** Platting
Sent: Monday, July 11, 2016 10:07 AM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; mearow@matanuska.com; Becky Glenn (rglenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com; Richard Boothby; Elizabeth Weiant; Eric Phillips; regpagemaster@usace.army.mil; 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; John Aschenbrenner; stevecolligan@mtaonline.net; ken@slauson.us; hessmer@mtaonline.net
Cc: Jay Van Diest (jay@valleymarket.com); LaMarr Anderson (lamarra05@gmail.com); Brown, Stanley C (DNR); jordan@alaskaplans.com; Tait Zimmerman (tait@zimmermanteamak.com); Patrick Johnson (patrickjhnsn@hotmail.com); Amy Hansen (amyhansenhomes@gmail.com); Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com); Gregory Pugh (winforhim@aol.com)
Subject: Request for Comments for Kitter Acres Case #2016-088 Tach: PH

Good Morning,

Attached is a Request for Comments for Kitter Acres, a 3-lot subdivision with 2 variances near the intersection of Palmer-Wasilla Hwy and Seward Meridian Parkway. Please review and provide your comments by August 5, 2016.

Thank you,

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

EXHIBIT F

MATANUSKA-SUSITNA BOROUGH
Community Development
Land & Resource Management
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7869 • Fax (907) 861-8635

RECEIVED
JUL 12 2016
PLATTING

MEMORANDUM

DATE: June 8, 2016

TO: Fred Wagner, Platting Officer

FROM: Land & Resource Management MSC

SUBJECT: Preliminary Plat Comments / Case #2016-088

Platting Tech:	Peggy Horton
Applicant / Petitioner:	Kitter
TRS:	17N01W01
Tax ID :	17N01W01D012 & 6925B01T00A
Subd:	Meridian Park I
Tax Map :	WA 11

Comments:

- Parcel D014 to the south is MSB property where Cottonwood Creek Elem and Public Safety Bld 65 are located. Water rights are reserved under DNR file LAS13601 which may or may not affect the petitioner's request.
- There is continuing discussion with AKDOT/PF regarding future expansion of Seward Meridian and egress/ingress pattern for the school and emergency response vehicles beginning in front of the school and to the north which should not impact the petitioner; however, LRM wishes to note this for the record.
- No objection to subdivision or variance.

EXHIBIT G

Peggy Horton

From: Susan Lee
Sent: Tuesday, July 12, 2016 2:34 PM
To: Platting
Subject: RE: Request for Comments for Kitter Acres Case #2016-088 Tach: PH

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)

From: Peggy Horton **On Behalf Of** Platting
Sent: Monday, July 11, 2016 10:07 AM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; mearow@matanuska.com; Becky Glenn (rglenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com; Richard Boothby; Elizabeth Weiant; Eric Phillips; regpagemaster@usace.army.mil; 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; John Aschenbrenner; stevecolligan@mtaonline.net; ken@slauson.us; hessmer@mtaonline.net
Cc: Jay Van Diest (jay@valleymarket.com); LaMarr Anderson (lamarra05@gmail.com); Brown, Stanley C (DNR); jordan@alaskaplans.com; Tait Zimmerman (tait@zimmermanteamak.com); Patrick Johnson (patrickjhnsn@hotmail.com); Amy Hansen (amyhansenhomes@gmail.com); Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com); Gregory Pugh (winforhim@aol.com)
Subject: Request for Comments for Kitter Acres Case #2016-088 Tach: PH

Good Morning,

Attached is a Request for Comments for Kitter Acres, a 3-lot subdivision with 2 variances near the intersection of Palmer-Wasilla Hwy and Seward Meridian Parkway. Please review and provide your comments by August 5, 2016.

Thank you,

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

EXHIBIT H

Peggy Horton

From: Richard Boothby
Sent: Monday, July 11, 2016 10:32 AM
To: Platting
Cc: James Steele; Bill Gamble
Subject: RE: Request for Comments for Kitter Acres Case #2016-088 Tach: PH

The Central Mat-Su FSA and DES has no objections as long as the private road meets the requirements of the adopted code, 2009 IFC, for emergency vehicle access. I have included the code site for your review.

IFC®

INTERNATIONAL FIRE CODE®

CHAPTER 5
FIRE SERVICE FEATURES

SECTION 502
DEFINITIONS

502.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as *fire lane*, public street, private street, parking lot lane and access roadway.

SECTION 503
FIRE APPARATUS ACCESS ROADS

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

Exception: The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm)where:

1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.

503.1.2 Additional access. The *fire code official* is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.1.3 High-piled storage. Fire department vehicle access to buildings used for *high-piled combustible storage* shall comply with the applicable provisions of Chapter 23.

EXHIBIT I

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.
503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).
503.2.2 Authority. The *fire code official* shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.
503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.
503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the *fire code official*.
503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an *approved* area for turning around fire apparatus.
503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the *fire code official*. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, *approved* barriers, *approved* signs or both shall be installed and maintained when required by the *fire code official*.
503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the *fire code official* based on the fire department's apparatus.
503.2.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the *fire code official* based on the fire department's apparatus.
503.3 Marking. Where required by the *fire code official*, *approved* signs or other *approved* notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which *fire lanes* are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.
503.5 Required gates or barricades. The *fire code official* is authorized to require the installation and maintenance of gates or other *approved* barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.
503.5.1 Secured gates and barricades. When required, gates and barricades shall be secured in an *approved* manner. Roads, trails and other access ways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the *owner* and the *fire code official*.
Exception: The restriction on use shall not apply to public officers acting within the scope of duty.
503.6 Security gates. The installation of security gates across a fire apparatus access road shall be *approved* by the fire chief. Where security gates are installed, they shall have an *approved* means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

From: Peggy Horton **On Behalf Of** Platting
Sent: Monday, July 11, 2016 10:07 AM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; mearow@matanuska.com; Becky Glenn (rglenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com; Richard Boothby; Elizabeth Weiant; Eric Phillips; regpagemaster@usace.army.mil; 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; John Aschenbrenner; stevecolligan@mtaonline.net; ken@slauson.us; hessmer@mtaonline.net
Cc: Jay Van Diest (jay@valleymarket.com); LaMarr Anderson (lamarra05@gmail.com); Brown, Stanley C (DNR);

EXHIBIT I

Peggy Horton

From: Horton, George C (DNR) <george.horton@alaska.gov>
Sent: Wednesday, July 20, 2016 11:11 AM
To: Peggy Horton
Subject: FW: Request for Comments for Kitter Acres Case #2016-088 Tach: PH
Attachments: RFC and Map.pdf; Variances.pdf; Soils.pdf; Kitter Acres plat.PDF

Hi Peggy,

The DNR, DML&W Survey Section has no comment on the plat of Kitter Acres dated 29JUN16. Thank you for the opportunity to comment.

George

George Horton, PLS, CFedS
Land Surveyor I
(907) 269-8610
george.horton@alaska.gov
http://dnr.alaska.gov/mlw/survey/index.htm

"Do not go where the path may lead: go instead where there is no path and leave a trail." (Ralph Waldo Emerson)

From: Brown, Stanley C (DNR)
Sent: Monday, July 11, 2016 12:12 PM
To: Horton, George C (DNR) <george.horton@alaska.gov>; Hall, Mark J (DNR) <mark.hall@alaska.gov>
Subject: FW: Request for Comments for Kitter Acres Case #2016-088 Tach: PH

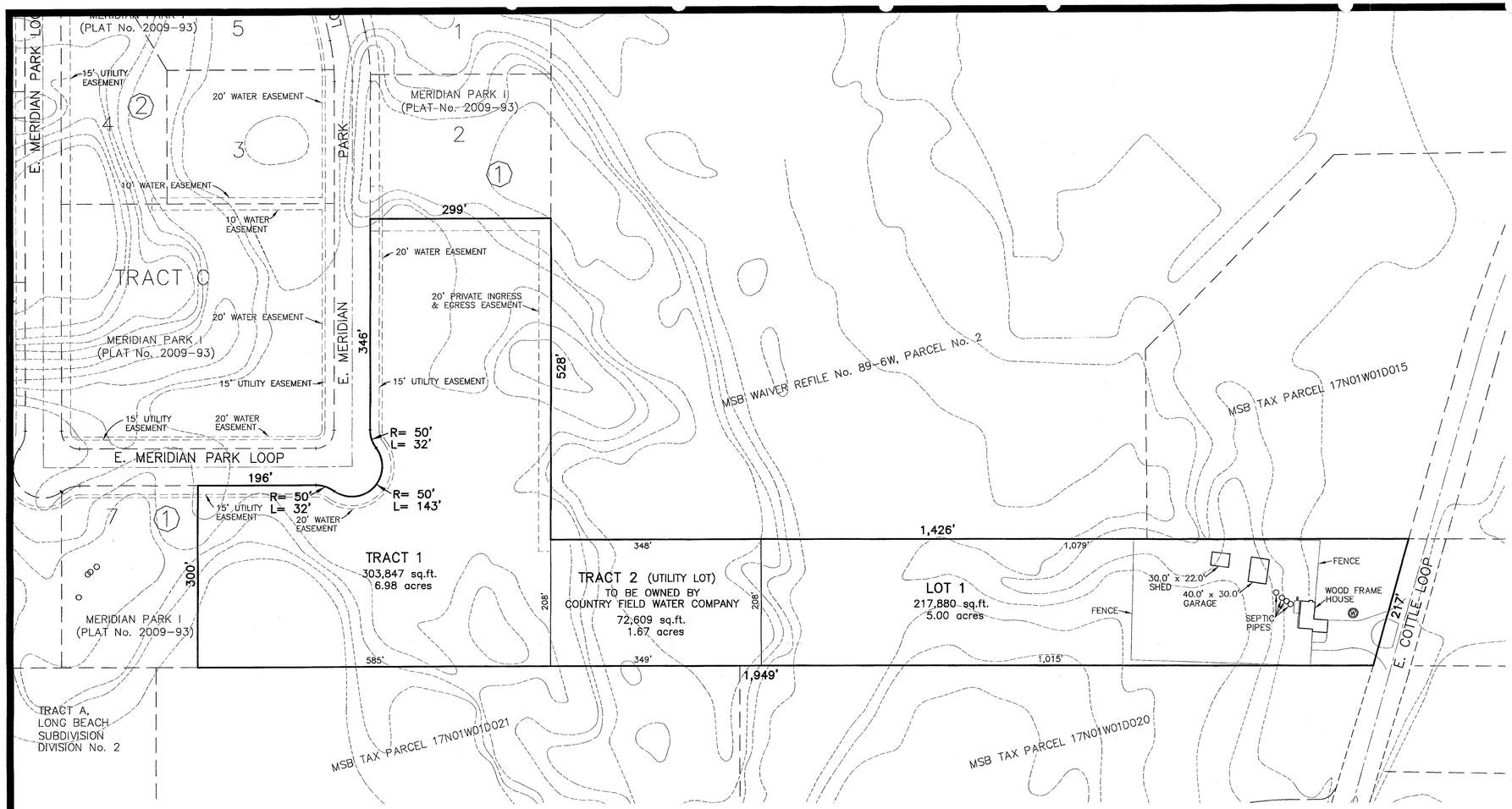
From: Peggy Horton [mailto:Peggy.Horton@matsugov.us] **On Behalf Of** Platting
Sent: Monday, July 11, 2016 10:07 AM
To: Zafian, Holly K (DFG); Fink, Mark J (DFG); mearow@matanuska.com; Becky Glenn (rglenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com; Richard Boothby; Elizabeth Weiant; Eric Phillips; regpagemaster@usace.army.mil; Michael Weller; O'Donnell-Armstrong, Sheila (DNR sponsored); McDaniel, Tracy (DNR sponsored); Terry Dolan; Jim Jenson; Jamie Taylor; Wilkins, Nicole (DNR sponsored); Theresa Taranto; susan.lee@matsugov.us; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; John Aschenbrenner; stevecolligan@mtaonline.net; ken@slauson.us; hessmer@mtaonline.net
Cc: Jay Van Diest (jay@valleymarket.com); LaMarr Anderson (lamarra05@gmail.com); Brown, Stanley C (DNR); jordan@alaskaplans.com; Tait Zimmerman (tait@zimmermanteamak.com); Patrick Johnson (patrickjhnsn@hotmail.com); Amy Hansen (amyhansenhomes@gmail.com); Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com); Gregory Pugh (winforhim@aol.com)
Subject: Request for Comments for Kitter Acres Case #2016-088 Tach: PH

Good Morning,

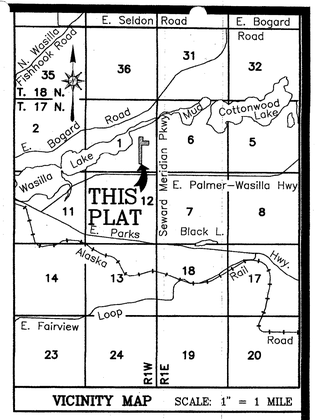
Attached is a Request for Comments for Kitter Acres, a 3-lot subdivision with 2 variances near the intersection of Palmer-Wasilla Hwy and Seward Meridian Parkway. Please review and provide your comments by August 5, 2016.

Thank you,

EXHIBIT J



1" = 100'



LEGEND

- FOUND 3-1/4" ALUMINUM MONUMENT FLUSH WITH GROUND, AS DESCRIBED
- FOUND 5/8" REBAR
- (M) MEASURED
- (R) MERIDIAN PARK I (PLAT 2009-93)
- (1) BLOCK NUMBER
- BESSE ENG 4094-S — TYPICAL MARKING ON 1" PLASTIC CAP ON PROPERTY CORNERS

NOTES

1. ALL LINES ARE NON-RADIAL EXCEPT WHERE NOTED OTHERWISE.
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 PARCELS SHOWN HEREON.
3. NO INDIVIDUAL SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH A SYSTEM IS LOCATED, CONSTRUCTED AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION WHICH GOVERN THESE SYSTEMS.
4. 5/8" X 30" REBAR WITH PLASTIC SELF IDENTIFYING SURVEY CAP SET AT ALL LOT CORNERS, PC'S, PT'S AND ANGLE POINTS.

CERTIFICATE OF OWNERSHIP

We certify that we are the owners of the property shown and described in this plan and that we adopt this plan of subdivision by our free consent.

OWNER OF TRACT A, BLOCK 1, MERIDIAN PARK I

N & S INVESTMENTS
4237 E. Meridian Loop
Wasilla, Alaska 99654

By: Howard Nugent Title: Manager Date

NOTARY ACKNOWLEDGMENT

THIS IS TO CERTIFY THAT ON THIS _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared

_____

known to me and to me known to be the individual__ named in and who executed the foregoing instrument and acknowledged to me that _____ signed and sealed the same as _____ voluntary act and deed for the uses and purposes therein mentioned.

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

_____
Notary Public in and for Alaska.

My commission expires: _____

OWNERS OF MSB TAX PARCEL 17N01W01D012

Todd M. Kitter & Doreen L. Kitter
E. Cottle Loop
Wasilla, Alaska 99654

_____ _____
Todd M. Kitter Date

_____ _____
Doreen L. Kitter Date

NOTARY ACKNOWLEDGMENT

THIS IS TO CERTIFY THAT ON THIS _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared

_____

known to me and to me known to be the individual__ named in and who executed the foregoing instrument and acknowledged to me that _____ signed and sealed the same as _____ voluntary act and deed for the uses and purposes therein mentioned.

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

_____
Notary Public in and for Alaska.

My commission expires: _____

CERTIFICATE OF APPROVAL BY THE PLANNING & LAND USE DIRECTOR

I hereby certify that the subdivision plat shown hereon has been found to comply with the land subdivision regulations of the Matanuska-Susitna Borough, and that the plat has been approved by the Platting Authority by Plat Resolution No. _____, dated _____, _____, and that the plat shown hereon has has been approved for recording in the office of the recorder in the Palmer Recording District, Third Judicial District, Alaska.

Date: _____

_____ Attest: _____
Planning & Land Use Director Platting Clerk

CERTIFICATE OF PAYMENT OF TAXES

I hereby certify that all taxes and special assessments through _____, _____ against the property included in the subdivision or resubdivision shown hereon have been paid.

_____ _____
Tax Collection Official
Matanuska-Susitna Borough Date

GRAPHIC SCALE 1"=100'
0 100 200 300

SURVEYOR'S CERTIFICATE

I, Richard L. Besse, No. 4094-S, 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 have been set, and that all dimensional and other details are true and correct to the best of my knowledge.

STATE OF ALASKA 49TH Richard L. Besse 4094-S REGISTERED PROFESSIONAL SURVEYOR

RECEIVED
JUL - 6 2016
PLATTING

Agenda Copy Topo Only

PRELIMINARY PLAT & TOPOGRAPHIC MAP OF

KITTER ACRES

A REPLAT OF TRACT A, BLOCK 1, MERIDIAN PARK I (PLAT 2009-93), AND M.S.B. TAX PARCEL No. 17N01W01D012

LOCATED WITHIN SECTION 1, T17N, R1W, SEWARD MERIDIAN, PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, ALASKA

Containing 13.64 acres more or less

Agenda Copy Besse Engineering

BESSE ENGINEERING
1890 Jaime Marie Circle
Wasilla, Alaska 99654
907-357-4257

Field Books: B09-05, B16-04	Scale: 1" = 100'	Date: 29JUN16	Dw'g. MeridianSeniorPlat.DWG
Contour Interval: 5'	Drawn: MLK	W.O. No. B09-05	Sheet 1 of 1

STAFF REVIEW AND RECOMMENDATIONS
PUBLIC HEARING
AUGUST 18, 2016

PRELIMINARY PLAT:	**HOMESTEAD HILLS & NYSTROM WAY PUE**
LEGAL DESCRIPTION:	**SEC 25, T16N, R3E & SEC 30, T16N, R4E, S.M, AK**
PETITIONER:	**JOHN & JULIE NYSTROM & KIEFFER VIEW RENTAL, LLC**
SURVEYOR/ENGINEER:	ALL POINTS NORTH
ACRES: **159.96**	PARCELS: **11**
REVIEWED BY:	PEGGY HORTON CASE: 2016-059 & 60

REQUEST

The request is to divide S½ SE¼ NE¼ and E½ SE¼ Section 25, T16N, R3E, and portions of Gov't Lots 3 & 4, Section 30, T16N, R4E into 9 lots and 2 remainder Tracts to be known as Homesteader Hills, containing 159.96 acres. A proposed 10' X 60' Public Use Easement extending Nystrom Way through Tract A, The Cedars, and dedication of a turnaround will allow for access to 4 of the lots. A 60' wide right-of-way will be dedicated over the existing driveway off of Knik River Road to provide access to the remaining lots. The petitioners are requesting a variance to allow only private access to adjoining parcels, instead of public access. This case was continued from the June 21, 2016 public hearing.

EXHIBITS:

Vicinity Map	**Exhibit A**
The Cedars plat	**Exhibit B**
Petitioner's email	**Exhibit C**
Site Visit Photos	**Exhibit D**
Variance	**Exhibit E**
Soils	**Exhibit F**
Drainage Plan	**Exhibit G**
Road Plan & Profiles	**Exhibit H**

COMMENTS:

DPW Engineer	**Exhibit I**
Land Management	**Exhibit J**
Current Planner	**Exhibit K**
DES & Butte FSA	**Exhibit L**
ADOT&PF	**Exhibit M**
ADF&G	**Exhibit N**
MTA	**Exhibit O**

Enstar	**Exhibit P**
GCI	**Exhibit Q**
MEA	**Exhibit R**

DISCUSSION

Property: This property is Located within Section 25, Township 16 North, Range 3 East, and Section 30, Township 16 North, Range 4 East, Seward Meridian, Alaska. Lying adjacent to and west of E. Knik River Road.

Access: To provide for a continuous 60' wide right-of-way off of S. Nystrom Way, the owner of Tract A, The Cedars is providing a 10' x 60' extension of S. Nystrom Way and cul-de-sac by easement **(Exhibit B) (See Recommendation #1)**. Petitioner is dedicating a right-of-way on their property at the end of S. Nystrom Way to provide for legal access to lots 6-9. To provide for driveway installation in accordance with Subdivision Construction Manual (SCM) A15.1, which requires driveways be located not less than 40 feet from a curve return, staff is recommending an additional right-of-way be dedicated within the flag portion of Lot 6 up to the existing driveway for Lot 7 **(See Recommendation #2)**. Also, staff recommends Lots 8 & 9 share a common driveway **(See Recommendation #3)**.

At the end of proposed Back Home Drive, there is a shop and woodshed that will be too close to the proposed right-of-way. The petitioners are happy to remove these encroachments within 25 feet of the new right-of-way **(See Recommendation #4)**. The petitioners have agreed to the recommendations above **(Exhibit C)**.

There are gates at the property boundaries at both Nystom Way and Back Home Drive. These will need to be removed or the petitioner will need to obtain encroachment permits for these gates **(See Recommendation #5)**. Site visit photos are at **Exhibit D**.

Variance: MSB 43.20.060(C) requires that roads shall be dedicated for access to all lots within the subdivision and parcels of land adjacent to the subdivision except that access to adjoining lands does not have to be provided where legal and constructible alternative access is available. The petitioners have requested a variance from providing public access to the adjoining land that does not have alternative access **(Exhibit E)**. Instead, they intend to provide private access easement over the existing driveway **(See Recommendation #6)**.

A. *The granting of the variance shall not be detrimental to the public health, safety, welfare or to adjacent property because:*
The granting of the variance will not be injurious to the pubic because the Leggett land will not become "Land locked" by the granting of the variance. All lots within the subdivision boundary will have legal public access. Leggett land will can be served by a private access easement.
Conversely, since grave, cattle ranching, and construction activities are conducted on Tract A, the requirement of creating a public Right of Way over tract A would expose the public to risk of conflicts with those activities.

B. *The conditions upon which the variance application is based do not apply generally to properties for which the variance is sought because:*
The purpose of the sections of MSB code that apply this case have the general intent of not leaving any adjoiners "land locked" and not having legal access. The second intent is for responsible planning of future development.
The Leggetts have accessed their parcel infrequently for years, by the generous permissive use by the Nystroms. A private easement can be created to allow the legal access to the parcel.
Neither the Leggetts nor the Nystroms wish to further subdivide. Thus a Public Right of Way is not necessary to serve immediate nor future lots.

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 a part of the property through condemnation or because of surrounding development conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property.*
The gravel road shown in red is steep. In places in exceeds the 15% required for MSB Mountain Access standards. The road would require expensive upgrade to ever become accepted and safe for the public.
Furthermore, given the easy access to property from Knik River Road, The owners already deal with many trespassers, including countless hunters in the fall season, and have also experienced thievery. Creating a public access right of way would only increase this trespassing, and require the owners to further police their private lands. The Leggett family also request the land remain private, as they are infrequently able to monitor their cabin. See Photos and Leggett letter on the following pages. Please let us know should you have any further questions on this matter.

Soils: A soils investigation report was provided by Max Schillinger, P.E. **(Exhibit F)**. This investigation chose five cut slopes of over 12 foot high. Samples were taken approximately at 10 foot depth, however digging other locations in the cutbanks yielded substantially similar soil by visual analysis. All soils samples were suitable for septic fields, deep and shallow trench systems. The most common soil has the two letter Unified Soil Classification System code of SP, which is poorly graded gravely sand, meeting the requirements of MSB 43.20.281(A)(1)(f)(i). Mr. Schillinger stated that each of the proposed lots will contain over 10,000 sq ft of contiguous useable septic area and 10,000 sq ft of useable building area. A short topographic narrative was provided for the parent parcels. The sample locations are shown on the preliminary drainage plan.

Drainage: A drainage plan provided by Mr. Schillinger and meets the standards of the Subdivision Construction Manual **(Exhibit G)**. Additionally, drainage will be addressed during road construction.

Road Construction: Mr. Schillinger provided road plans for the right-of-way at the end of S. Nystrom Way and Back Home Drive and a typical cross section for the roads **(Exhibit H)**. The Subdivision Construction Manual requires residential subcollector construction for Back Home Drive as it is longer than 1000 feet **(See Recommendation #8)**. The DPW Engineer reviewed the plans and stated for horizontal and vertical curves the road should be designed to residential

subcollector standards and for vertical grades, it should be designed to meet Mountain Access standards, which is allowed for terrain in excess of 10%. The petitioner's engineer and DPW have met several times on-site to agree on the road construction standards. The Subdivision Construction Manual Section A08.1 allows the Platting Board to approve grades up to 15% provided it finds a) public safety is not impaired; b) Increased maintenance costs are not unduly excessive; c) Drainage and erosion control measures are adequately provided; d) School bus access is considered as school bus routes require all grades less than 10%; and e) average terrain of access is over 25%. Staff notes the section of the road which has a 12% grade is at the end of the route to Tract A, so lots 1 through 5 will have access on that part of the road that 5% or less. The existing road has been used for several years. This area is not within a Road Service Area so maintenance costs to the public are not involved. Drainage and ditches will be constructed within the right-of-way. School bus does not currently travel this road. The terrain of the entire parcel slopes upward to the northeast with several areas exceeding 25% slope as shown on the drainage map **(Exhibit H-3)**.

Comments: DPW Engineer has worked closely with the engineer for the requirements of road construction and stated her concerns have all been addressed. She has no objection to the variance **(Exhibit I)**. Those concerns were the road construction standards to be used, access within a constructible alignment to the lots. Land Management stated no MSB land is affected and they have no objection to the subdivision or variance **(Exhibit J)**. The Current Planner has no comment **(Exhibit K)**. Dept of Emergency Services and Butte Fire Service Area state they have no objections to the subdivide as long as all roads and turnarounds meet the minimum requirements of the International Fire Code for fire apparatus access roads and they attached the code sites for your review **(Exhibit L)**.

ADOT & PF had no comments **(Exhibit M)**. ADF&G notes the subject property is within Game Management Unit 14C and the public lands near the property are important for hunting and hunter access **(Exhibit N)**. Drawing permit hunts are offered for moose and sheep and there are general season hunt opportunities for moose, brown bear, and black bear. From 2011 to 015, 3 to 8 moose were harvested from this area each year. ADF&G recommends that access to adjoining public lands be made legal for the public. Staff notes the public lands adjoining the Nystrom's land have alternate access by Knik River Road and the Nystrom's have submitted a variance request from MSB 43.20.060, *Dedication to Public*.

MTA has no objections **(Exhibit O)**. Enstar has no comment **(Exhibit P)**. GCI approves the plat as shown **(Exhibit Q)**. MEA requests a 20 foot wide utility easement along the common lot lines of Lot 7 & 8 and a 20' wide utility easement continuing to Lot 9 **(Exhibit R)**. Staff notes the petitioner agrees with MEA's request **(See Recommendation #11)**.

CONCLUSION

The preliminary plat for Homestead Hills is consistent with AS 29.40.070, *Platting Regulations*, MSB 43.15.015, *Preliminary Plat* and MSB 43.15.021, *Public Use Easement Acceptance Procedure* with a variance request to MSB 43.20.060, *Dedication to Public,* to allow for private access to an adjoining parcel which has no other legal access. This plat is showing 9 lots and 2 remainder tracts to be created out of a160-acre parcel. A public use easement will be granted

within Tract A, The Cedars, to provide continuous 60' wide access to the extension of S. Nystrom Way. Gate and structural encroachments will need to be resolved.

A professional engineer stated the lots contain over 10,000 square feet of useable septic area and 10,000 sq ft of useable building area. DPW and the petitioner's engineer have worked together and agreed the roads will be constructed to mountain access standard and are designed to residential or residential subcollector. A drainage plan was submitted which meets the Subdivision Construction Manual standards.

RECOMMENDATIONS for PRELIMINARY PLAT, VARIANCE AND PUBLIC USE EASEMENT,

***Recommended motion:* "I move to approve the preliminary plat of Homestead Hills, Variance to MSB 43.20.060, and Public Use Easement, located within Section 25, Township 16 North, Range 3 East and Section 30, Township 16 North, Ranch 4 East, Seward Meridian, Alaska contingent on staff recommendations:"**

1. For the 10' x 60' extension of S. Nystrom Way with a cul-de-sac, submit final Public Use Easement document with attached drawing from a land surveyor formatted to State Recorder's Office standards and or grant the easement on final plat in full compliance with Title 43. Either option requires signatures by those having legal and equitable interest.

2. Extend the right-of-way within the flag pole of Lot 6 up to the existing driveway for Lot 7.

3. Provide a plat note indicating Lots 8 & 9 shall share a common access point onto the right-of-way.

4. Provide evidence from a land surveyor that the encroachments into the setbacks to the proposed right-of-way have been removed.

5. Remove the gates with proposed public rights-of-way or obtain encroachment permits prior to plat recordation.

6. Provide a recorded private access easement along a constructible alignment to the privately owned parcel C3, and show on final plat.

7. Submit construction cost estimate, schedule pre-construction meeting with Capital Project's Engineer, pay inspection fee, and obtain Notice to Proceed in compliance with SCM, Section E.

8. Design and Construct Back Home Drive to minimum residential subcollector standards for horizontal and vertical curvatures and Mountain Access standard for vertical grades ending in an off-set tee within Tract A; provide engineer's final inspection report following the No Engineer Left Behind format and obtain DPW Engineer's road signoff.

9. Construct the extension John's View Circle to borough standards per MSB 43.20.140, *Physical Access.*

10. Provide verification from a surveyor that the constructed roadways are located within the proposed right-of-ways per MSB 43.20.140(A)(1).

11. Provide 20' utility easement between lots 7 & 8 and provide a 20' wide utility easement to the flag portion of Lot 9 as requested by MEA.

12. Submit the mailing and advertising fee.

13. Show or list all easements of record on the final plat per MSB 43.15.051(P).

14. Obtain driveway permits for existing driveways onto proposed rights-of-way.

15. Provide updated Certificate to Plat executed within 90 days, prior to recording the plat per MSB 43.15.053(E). Obtain affidavits from any holders of legal or beneficial interest, if any, to be recorded with the plat.

16. Submit recording fee, payable to the State of Alaska, DNR.

17. Taxes and special assessments must be current prior to recording the plat, per MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.

18. Submit final plat in full compliance with Title 43.

FINDINGS for PRELIMINARY PLAT, VARIANCE AND PUBLIC USE EASEMENT.

1. The plat of Homestead Hills is consistent with AS 29.40.070, *Platting Regulations*; and MSB 43.15.015, *Preliminary Plat.*

2. The request for public use easement was consistent with MSB 43.15.021, *Public Use Easement Acceptance Procedure.*

3. MSB 43.20.060(C) requires that roads shall be dedicated for access to all lots within the subdivision and all parcels of land adjacent to the subdivision except that access to adjoining lands does not have to be provided where legal and constructible alternative access is available. Tax Parcel C3 appears to be land locked and physical access appears to be from an existing driveway through Tract A. A variance to MSB 43.20.060, *Dedication to Public,* was requested and presented to the Platting Board to allow access to the adjoining parcel be private instead of public
   A. *The granting of the variance shall not be detrimental to the public health, safety, welfare or to adjacent property because:*
   The granting of the variance will not be injurious to the pubic because the Leggett land will not become "Land locked" by the granting of the variance. All lots within

the subdivision boundary will have legal public access. Leggett land will can be served by a private access easement.
Conversely, since grave, cattle ranching, and construction activities are conducted on Tract A, the requirement of creating a public Right of Way over tract A would expose the public to risk of conflicts with those activities.

B. The conditions upon which the variance application is based do not apply generally to properties for which the variance is sought because:

The purpose of the sections of MSB code that apply this case have the general intent of not leaving any adjoiners "land locked" and not having legal access. The second intent is for responsible planning of future development.
The Leggetts have accessed their parcel infrequently for years, by the generous permissive use by the Nystroms. A private easement can be created to allow the legal access to the parcel.
Neither the Leggetts nor the Nystroms wish to further subdivide. Thus a Public Right of Way is not necessary to serve immediate nor future lots.

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 a part of the property through condemnation or because of surrounding development conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property.

The gravel road shown in red is steep. In places in exceeds the 15% required for MSB Mountain Access standards. The road would require expensive upgrade to ever become accepted and safe for the public.
Furthermore, given the easy access to property from Knik River Road, The owners already deal with many trespassers, including countless hunters in the fall season, and have also experienced thievery. Creating a public access right of way would only increase this trespassing, and require the owners to further police their private lands. The Leggett family also request the land remain private, as they are infrequently able to monitor their cabin. See Photos and Leggett letter on the following pages. Please let us know should you have any further questions on this matter.

4. Adjoining parcels other than parcel C3 have access from E. Knik River Road.

5. ADF&G recommended access to adjoining public lands be made legal for the public. Staff notes the adjoining lands have access from Knik River Road.

6. Subdivision Construction Manual (SCM) A15.1 requires driveways be located not less than 40 feet from a curve return, staff recommends an additional right-of-way be dedicated within the flag portion of Lot 6 up to the existing driveway for Lot 7 and the petitioner agreed.

7. Lots 8 & 9 are recommended to have common driveway onto the proposed right-of-way and the petitioner agreed.

8. Two structures on the property will be in violation of setback encroachments when the public right-of-way is dedicated. The petitioners have agreed to modify those structures so they are not in violation.

9. There are gates at the property boundaries at both Nystom Way and Back Home Drive which are not allowed without encroachment permits per MSB 11.10.020.

10. The drainage plan provided meets the standards of the Subdivision Construction Manual.

11. The Subdivision Construction Manual Section A08.1 allows the Platting Board to approve grades up to 15% provided it finds a) public safety is not impaired; b) Increased maintenance costs are not unduly excessive; c) Drainage and erosion control measures are adequately provided; d) School bus access is considered as school bus routes require all grades less than 10%; and e) average terrain of access is over 25%.

12. The section of the road which has a 12% grade is at the end of the route to Tract A, so lots 1 through 5 will have access on that part of the road that 5% or less. The existing road has been used for several years. This area is not within a Road Service Area so maintenance costs to the public are not involved. Drainage and ditches will be constructed within the right-of-way. School bus does not currently travel this road. The terrain of the entire parcel slopes upward to the northeast with several areas exceeding 25% slope as shown on the drainage map.

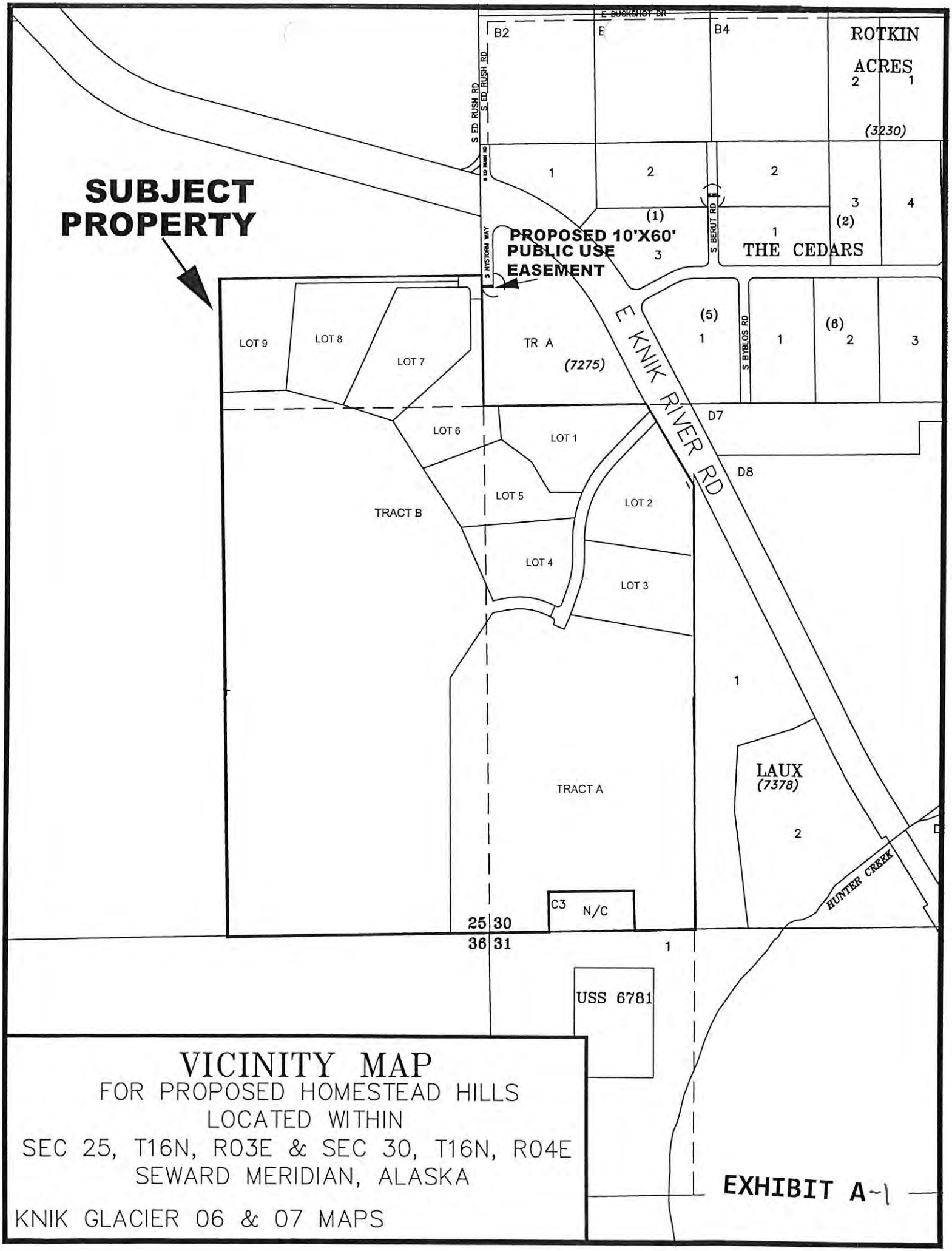
13. MEA requested additional utility easements and the petitioners agreed.

14. Max Schillinger P.E. stated the lots being created contain 10,000 sq ft of useable septic area and 10,000 sq ft of useable building area in compliance with MSB 43.20.281 and lot sizes are consistent with MSB 43.20.281(A)(1).

15. There were no objections from borough departments, outside agencies or the public.

16. This property is outside of any Road Service Area.

17. There were no objections from any borough department or the public.

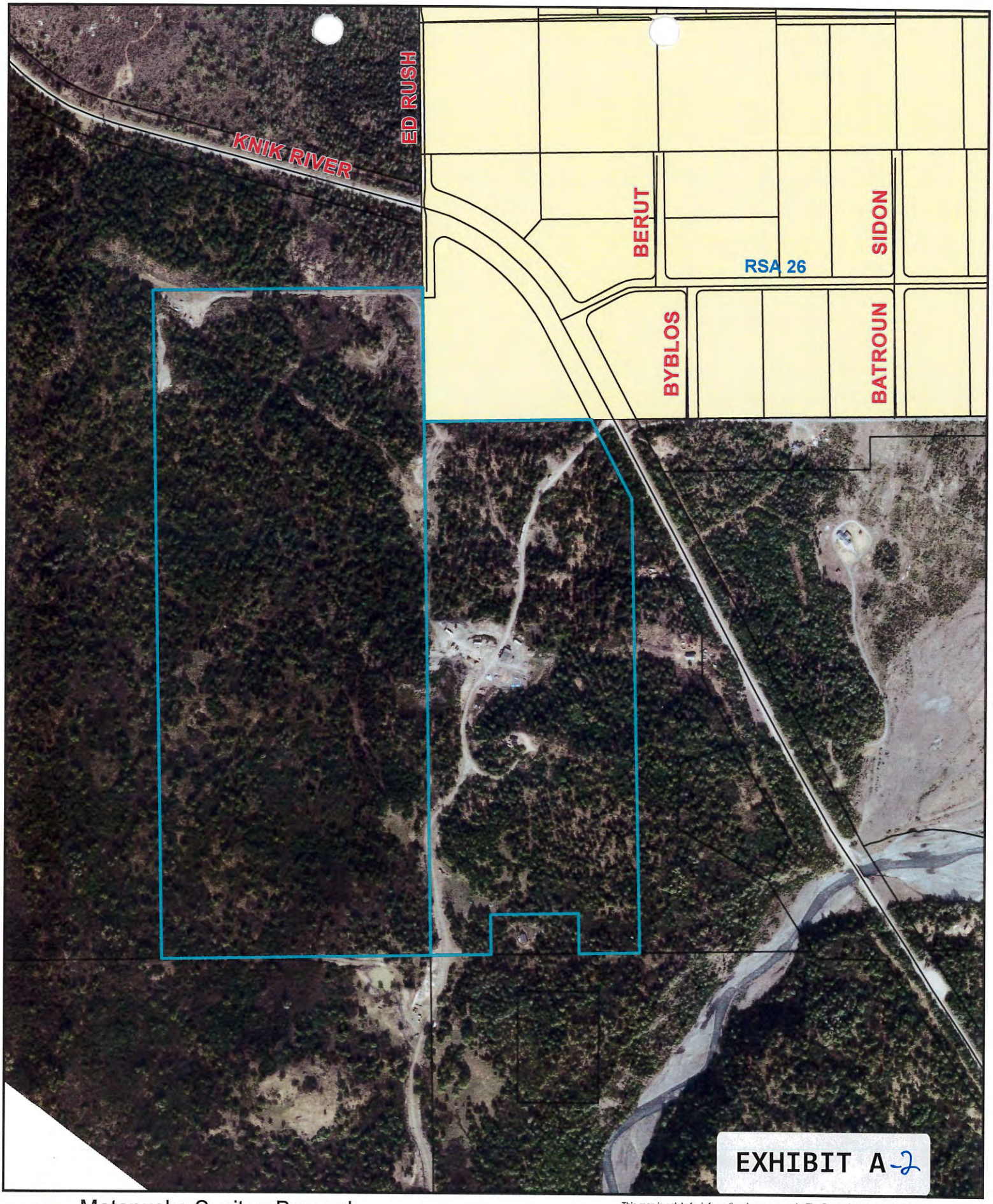


VICINITY MAP

FOR PROPOSED HOMESTEAD HILLS
LOCATED WITHIN
SEC 25, T16N, R03E & SEC 30, T16N, R04E
SEWARD MERIDIAN, ALASKA

KNIK GLACIER 06 & 07 MAPS

EXHIBIT A-1



Matanuska Susitna Borough
Platting Division
Date: 9/25/2015

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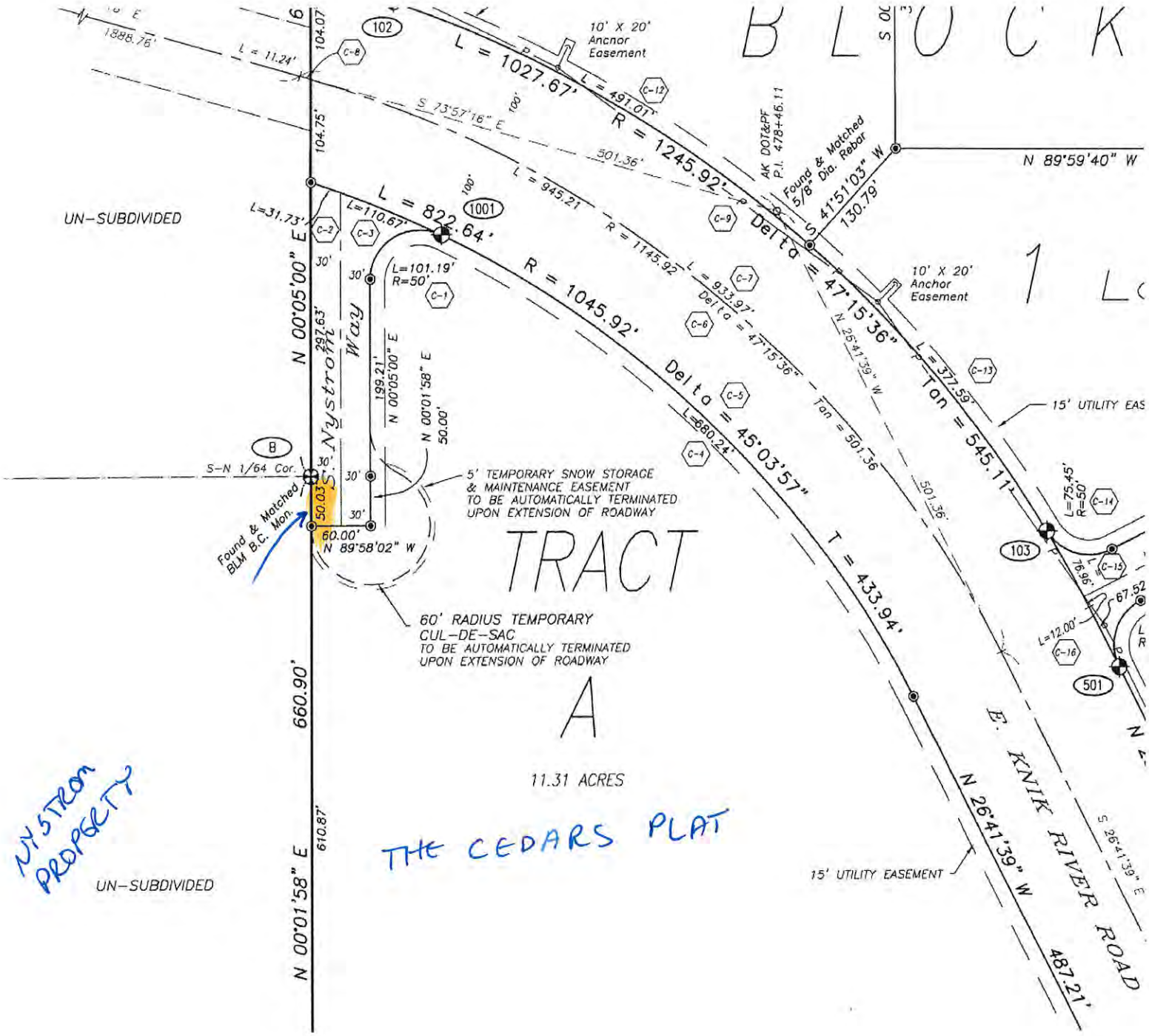


EXHIBIT B

Saturday, Jun 04, 2016 08:57 AM

Peggy Horton

From: Max Schillinger <max@allpointsnorth.us>
Sent: Tuesday, August 02, 2016 3:51 PM
To: Peggy Horton
Cc: Jamie Taylor; julie nystrom
Subject: RE: Homestead Hills
Attachments: 25 foot right of way setback.JPG; road is upgraded to Lot 7 existing driveway.jpg; T turnaround is constructed.jpg

Hi Peggy and Jamie
We talked with the Nystroms, visited the site, and Im happy to report that I believe we have the solution to all the issues you brought up. See attached photos.

- Regarding 25 foot setback to shop and shed, Julie said they are happy to remove any encroachments within 25 feet. Please simply add that as a condition of approval.
- Regarding the extension of ROW near the Nystrom Cul de Sac for lot 7, no problem granting the additional required ROW. It appears the contractor overachieved and improved up to the existing Lot 7 driveway anyway

Let me know if there are any more concerns and I will promptly respond. Also Jamie, Im meeting the contractor onsite at 7:30 am tomorrow onsite, you would be welcome to join and add your input while the contractor and equipment is onsite.

Thanks for your help with this project!
Max Schillinger

From: Peggy Horton [mailto:Peggy.Horton@matsugov.us]
Sent: Tuesday, August 02, 2016 12:13 PM
To: Max Schillinger (max@allpointsnorth.us) <max@allpointsnorth.us>
Cc: julie nystrom (riverhouse99645@gmail.com) <riverhouse99645@gmail.com>
Subject: Homestead Hills

Max,

The borough's engineer is not that keen on your redesign of the right-of-way adjacent to Nystrom Way. She liked your other design, but Amy explained the drainage problem you were facing. The issue is that to install a driveway, it has to be at least 40 feet from a curve return. So Lot 7 would not have enough area to have a driveway. We talked about it for quite a while and didn't come up with anything other than……extend the right-of-way to the south along the flag pole portion of Lot 6 and possibly bring the edge of the other 90 degree east a bit, or not. See what you can come up with please? The two flag poles of Lots 8 & 9 would need to share a driveway.

The other issue is that the 10' extension of Nystorm Way creates an extension of the right-of-way so that means the temporary 60' cul-de-sac would automatically go away. When that happens, there won't be any place for snow maintenance vehicles to turn around inside of a public right-of-way and within the Road Service Area (which stops at the Nystom's property line). We need the round cul-de-sac to remain in place to allow for the maintenance vehicle turnaround. One way to do this is to make that cul-de-sac a permanent public cul-de-sac. Would Mr. Farah be willing?

Also, the shop and woodshed will be in violation of the structural setback to the proposed right-of-way serving Tract A. Structures are required to be 25 feet from public rights-of-way. I'm checking with our code compliance personnel to

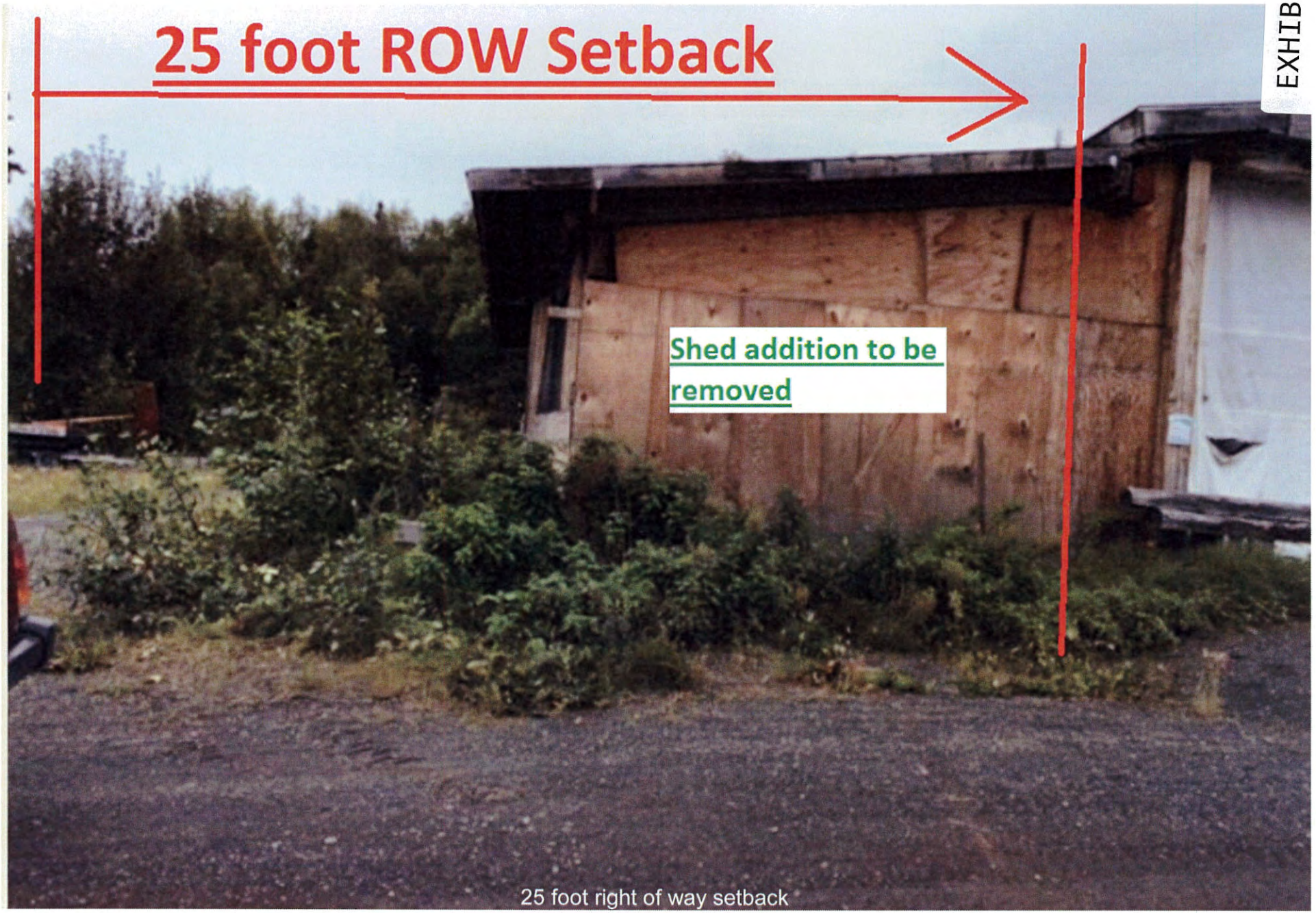
EXHIBIT C-1

see if the structures would be eligible for a legal nonconforming due to the fact that they are okay now, but will be in violation when the right-of-way is dedicated by plat. You may need to adjust the location of the right-of-way. Otherwise, those structures would need to be removed from the setback area.

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

EXHIBIT C-2

EXHIBIT C-3


25 foot ROW Setback
Shed addition to be removed
25 foot right of way setback

road is upgraded to Lot 7 existing driveway

EXHIBIT C-4

EXHIBIT C-5

BACK HOME DRIVE
11.04.2015
E. KNIK RIVER ROAD

PRIVATE PROPERTY
KEEP OUT
S. NYSTROM WAY
EXHIBIT D
11.04.2015

Matanuska-Susitna Borough
Telephone (907) 861-7874

350 East Dahlia Avenue
Palmer, Alaska 99645-6488

RECEIVED
JUN 17 2016
PLATTING
RECEIVED
JUL 26 2016
PLATTING

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: Homestead Hills Subdivision

S 1/2 SE 1/4 NE 1/4 of Section 25, T 16 N, R 3 E and portions of Government lots 3 & 4, Sec 30, T 16 N, R 4 E, SM, Alaska

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.*

We, John W & Julie L Nystrom, the owners of the above described property apply for a variance from Section 43.20.060(C) of the Borough Code in order to allow:
The remaining two thirds of our 50 year old Homestead to remain private. A public ROW through the middle of the Homestead would result in undue substantial hardship to us the owners of the property, as shall be stated.

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

EXHIBIT E-1

APPLICANT Name:John W & Julie L Nystrom Email: riverhouse99645@gmail.com

OR Mailing Address:3450 Hilltop Dr, Palmer, AK 99645

OWNER Signature: John W Nystrom Julie L Nystrom Phone:907 746-1744

SURVEYOR Name (FIRM): All Points North Email: max@allpointsnorth.us

Mailing Address: PO Box 4207, Palmer, AK 99645

Contact Person: Max Schillinger Phone: 907 746-4185

EXHIBIT E-2

ALL POINTS NORTH
LAND SURVEYING & CIVIL ENGINEERING
P: 907-746-4185 | F: 907-746-4186

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

Date: 7/25/2016

Job: **15-10 NYSTROM**

Subject: **M.S.B. Variance Application, HOMESTEAD HILLS SUBDIVISION**

MEMORANDUM

Introduction

John and Julie Nystrom are the owners of an over 160 acre homestead located at 27638 East Knik River Road. The M.S.B. Tax Identification Numbers are 16N04E30C002 and 16N03E25D001. The geographic location is approximately latitude N61°26'40", longitude W148°49'06".

See map on the following page. They wish to subdivide their land into 9 Lots, Tract A, and Tract B. They wish to keep Tract A for themselves, as it includes their shop and gravel operations. There is an existing recreational cabin and 200x435 lot at the far south end Tract A, owned by Rande Leggett (document number #2004-075428-0). This parcel has been accessed for years by the Leggett Family by the permissive use of an existing gravel road on Nystrom land. Both the Leggetts and the Nystroms wish for this existing gravel road to remain private.

The items required by Title 43 pertaining to variances are on the following pages. Please let me know if you have any further questions pertaining to this matter.

Max Schillinger

Max Schillinger, P.E., P.L.S.

EXHIBIT E-3

Matanuska Susitna Borough
Platting Division
Date: 9/25/2015

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EXHIBIT E-4

ALL POINTS NORTH
LAND SURVEYING & CIVIL ENGINEERING
P: 907-746-4185 | F: 907-746-4186

Requirement #1: Preliminary Plat pertaining to the variance:

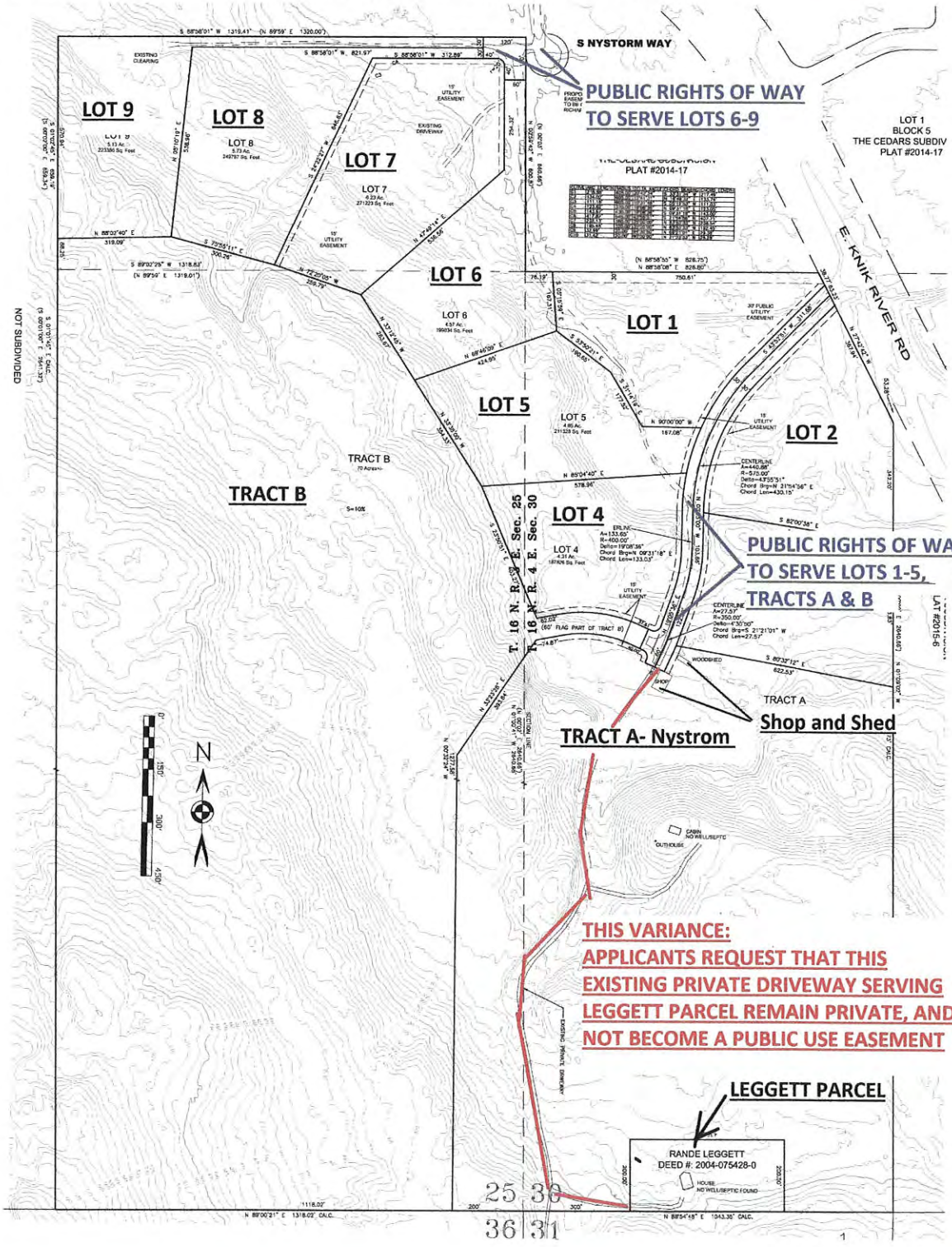


EXHIBIT E-5

Requirement #2: Description of the variance requested and code reference

MSB 43.20.060(C) and MSB 43.20.100(D) require access to adjoining property. These codes are shown below. The variance requested is to require the applicant to grant a private easement to Leggett parcel, rather than a Public. The reasons for this request will be demonstrated on the following pages.

43.20.060 DEDICATION TO PUBLIC. SHARE

(C) Roads shall be dedicated for access to all lots within the subdivision and parcels of land adjacent to the subdivision except that access to adjoining lands does not have to be provided where legal and constructible alternative access is available. Dedications shall be a minimum of 60-foot-wide and sufficient to carry all traffic generated by the subdivision and to provide residential rights-of-way for projected traffic through the subdivision. Sixty-foot radius rights-of-way shall be dedicated at temporary and permanent cul-de-sacs.

43.20.100 ACCESS REQUIRED. SHARE

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

(1) legal access shall be provided along a constructible alignment;

(a) geometrical alignment shall meet a minimum of subcollector standards unless the applicant demonstrates that it is not necessary;

(b) provided that constructing physical access to said adjoiners shall not be a condition of plat approval;

EXHIBIT E-6

ALL POINTS NORTH
LAND SURVEYING & CIVIL ENGINEERING
P: 907-746-4185 | F: 907-746-4186

SPECIAL CIRCUMSTANCES FOR THE VARIANCE

Requirement #3A: explain how the variance shall not be detrimental to the public health, safety, and welfare, nor injurious to the adjacent property.

The granting of the variance will not be injurious to the pubic because the Leggett land will not become "Land locked" by the granting of the variance. All lots within the subdivision boundary will have legal public access. Leggett land will can be served by a private access easement.
Conversely, since gravel, cattle ranching, and construction activities are conducted on Tract A, the requirement of creating a public Right of Way over tract A would expose the public to risk of conflicts with those activities.

Requirement #3B: explain how the conditions upon the variance application is based do not apply generally to the properties to which the variance is sought:

The purpose of the sections of MSB code that apply this case have the general intent of not leaving any adjoiners "land locked" and not having legal access. The second intent is for responsible planning of future development.
The Leggetts have accessed their parcel infrequently for years, by the generous permissive use by the Nystroms. A private easement can be created to allow the legal access to the parcel.
Neither the Leggetts nor the Nystoms wish to further subdivide. Thus a Public Right of Way is not necessary to serve immediate nor future lots.

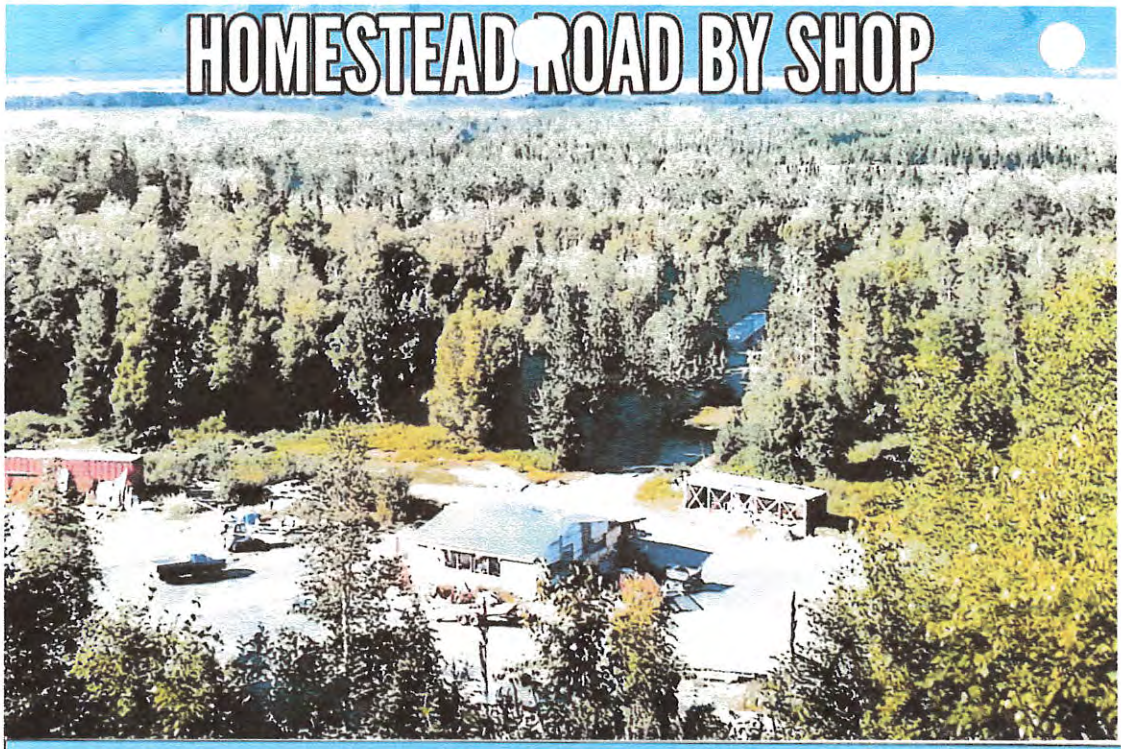
Requirement #3C: because of unusual topographical conditions or circumstances, the strict application of MSB Code would result in undue substantial hardship to the owner:

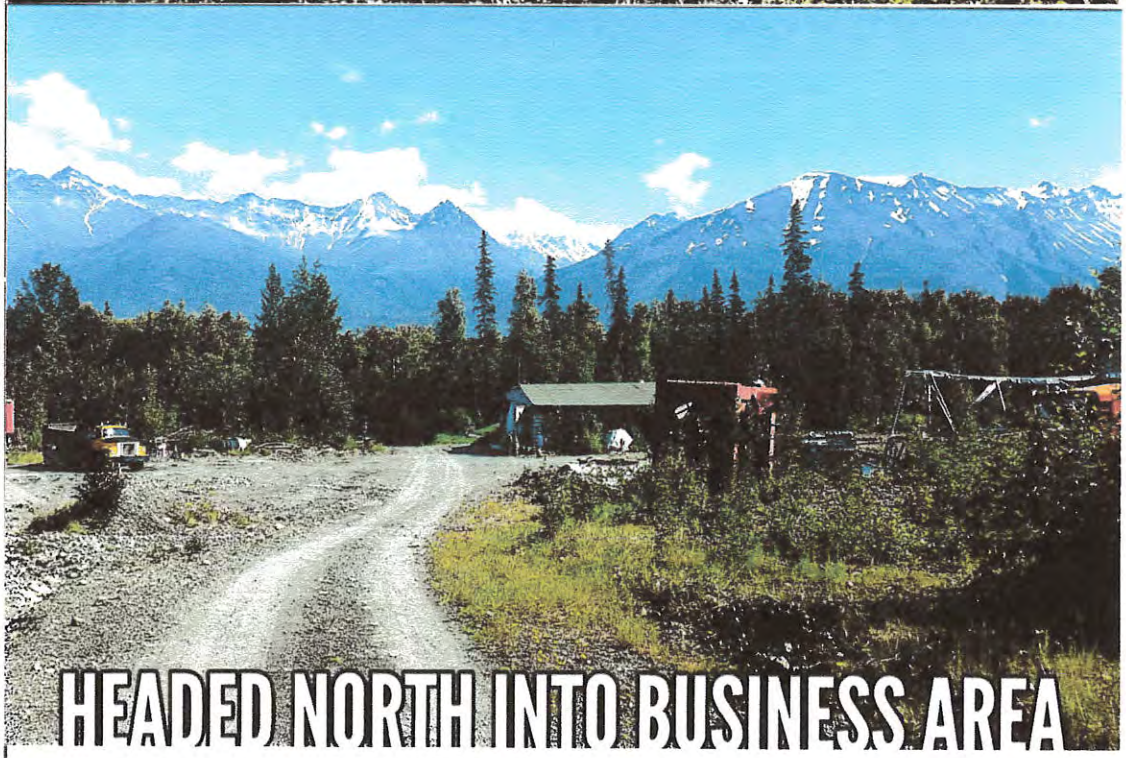
The gravel road shown in red is steep. In places in exceeds the 15% required for MSB Mountain Access standards. The road would require expensive upgrade to ever become accepted and safe for the public.
Furthermore, given the easy access to property from Knik River Road, The owners already deal with many trespassers, including countless hunters in the fall season, and have also experienced thievery. Creating a public access right of way would only increase this trespassing, and require the owners to further police their private lands. The Leggett family also request the land remain private, as they are infrequently able to monitor their cabin. See Photos and Leggett letter on the following pages. Please let us know should you have any further questions on this matter:

Written: Max A. Schillinger, Surveyor Approved: John and Julie Nystrom, Owners

EXHIBIT E-7

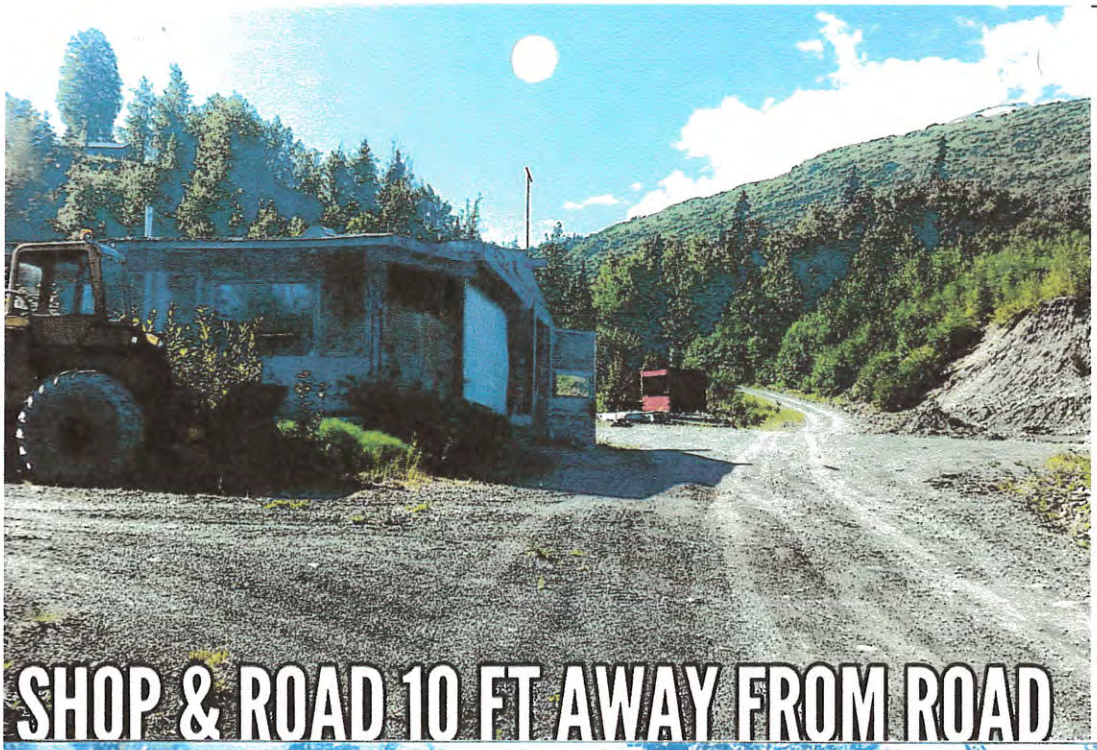
HOMESTEAD ROAD BY SHOP



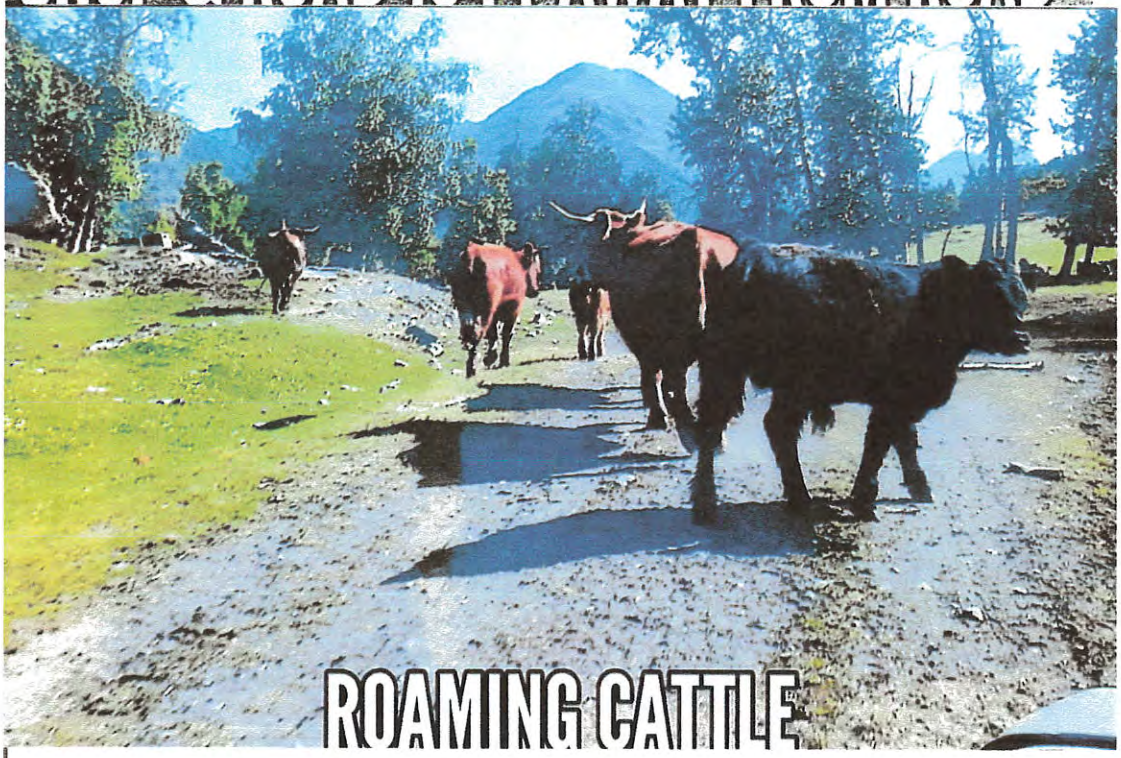


HEADED NORTH INTO BUSINESS AREA

EXHIBIT E-8



SHOP & ROAD 10 FT AWAY FROM ROAD



ROAMING CATTLE

EXHIBIT E-9

EADED SOUTH BY SHOP THROUGH GRAVEL
EQUIPMENT AREA

SAWMILL & EQUIPMENT CLOSE TO ROAD

EXHIBIT E-10

From: Rande Leggett
P.O. Box 176
Unalaska, AK 99685

To: Matanuska-Susitna Borough, Attn: Peggy Horton, Platting Department.

Regarding: Homestead Hills Subdivision, owned by John and Julie Nystrom

To whom it may concern,

Our recreational property at Township 16N Range 4E, Section 30, Lot C3 has been accessed for years by the generous permissive use of a gravel road owned by John and Julie Nystrom. We wish the access to at most become a Private Right of Way, instead of a Public Right of Way, for the following reasons:

- Making a Public Right of Way would increase the already nuisance amount of trespassing hunters and others.
- As recreational property, we are only irregularly onsite to monitor and protect our cabin and personal property inside.
- We are not planning on subdividing thus will not need a Public Right of Way in the future.

Thank you for your consideration,

Rande Leggett

Rande Leggett

EXHIBIT E-11

ALL POINTS NORTH
LAND SURVEYING & CIVIL ENGINEERING
P: 907-746-4185 | F: 907-746-4186

RECEIVED
JUL 26 2016
PLATTING

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

Date: **3/23/2016 revised 7/25**

Job: **15-10 NYSTROM**

Subject: **M.S.B. Title 43 Geotechnical Investigation, HOMESTEAD HILLS SUBDIVISION updated**

INTRODUCTION

Project Location

At the request of the Matanuska Susitna Borough Platting Division, we have performed a soils and usable area investigation for the Homestead Hills Subdivision. The subject parcels are located at 27638 East Knik River Road. The M.S.B. Tax Identification Numbers are 16N04E30C002 and 16N03E25D001. The geographic location is approximately latitude N61°26'40", longitude W148°49'06".

Project Description and Overview Map

Homestead Hills Subdivision is a division of two parcels totaling 160 acres into nine approximately 5-6 acre lots and two large tracts (41 and 70 acres). The site currently has two permanent residences. See image below for existing parcels, See attached drainage and soil map for proposed development.

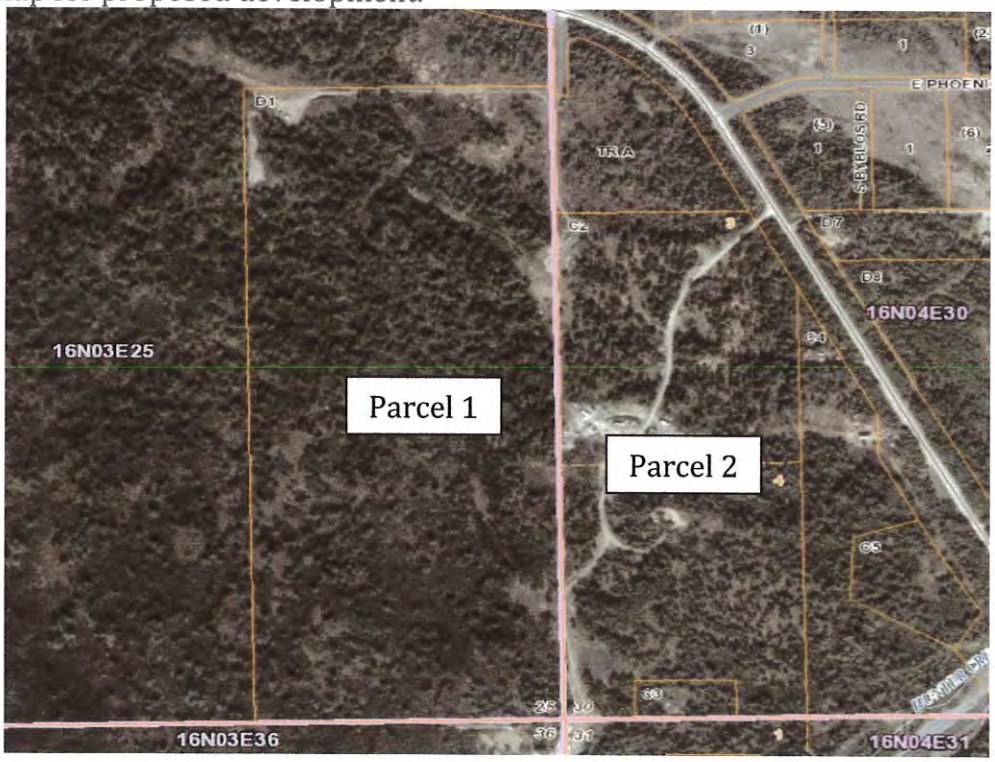


EXHIBIT F-1

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 five cut slopes to investigate the usable area of the site, see map attachment.

EXHIBIT F-2

RESULTS

Vegetation, Topography, and Bedrock
The project site includes mostly birch and spruce, and has a gentle to moderate northeasterly slope. Neither signs of permanent standing water nor bedrock was noted.

Soil Investigation
Five cut slopes of height greater than 12 feet were evaluated. Samples were taken at typically 10' depth to be representative of the zone of percolation of a standard deep trench septic field. Soil types in all layers were sandy gravel and gravelly sands, with little fines. No groundwater seepages were encountered. Samples yielded similar soil grain size distributions, as noted on the test logs below. The majority of the soil was comprised of sand and gravel, with little silt and clay, as shown in the photo's 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:

S.S. 4

Results
Passed no.4 40% Course sand with traces of silt/clay.
Retained no.4 60% Well graded rounded gravel.
Total sample weight: 1.53kg
Unified two letter code: GW, well graded sandy gravel

EXHIBIT F-3

S.S. 3

Results

Passed no.4	45% Course sand mixed with silt/clay.
Retained no.4	55% Well graded rounded gravel.

Total sample weight: 1.98kg

Unified two letter code: GW, well graded sandy gravel

EXHIBIT F-4

S.S. 2

Results

Passed no.4 65% Course sand with traces of silt/clay.
Retained no.4 35% Mainly 1.5" rounded gravel.
Total sample weight: 2.27kg
Unified two letter code: SP, Poorly Graded gravely sand

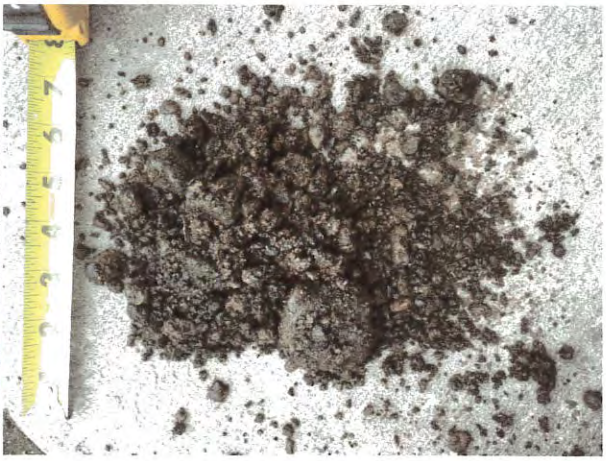
EXHIBIT F-5

S.S. 1

Results

Passed no.4 61% Course sand with traces of silt/clay.
Retained no.4 39% Mainly 1" rounded gravel.
Total sample weight: 1.80kg
Unified two letter code: SP, Poorly Graded gravely sand

S.S. 5



Results

Passed no.4 60% Course sand with traces of silt/clay.
Retained no.4 40% Well graded rounded gravel.
Total sample weight: 2.75kg
Unified two letter code: SP, Poorly Graded gravely sand

EXHIBIT F-6

ALL POINTS NORTH
LAND SURVEYING & CIVIL ENGINEERING
P: 907-746-4185 | F: 907-746-4186

CONCLUSIONS

The proposed Homestead Hills 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.

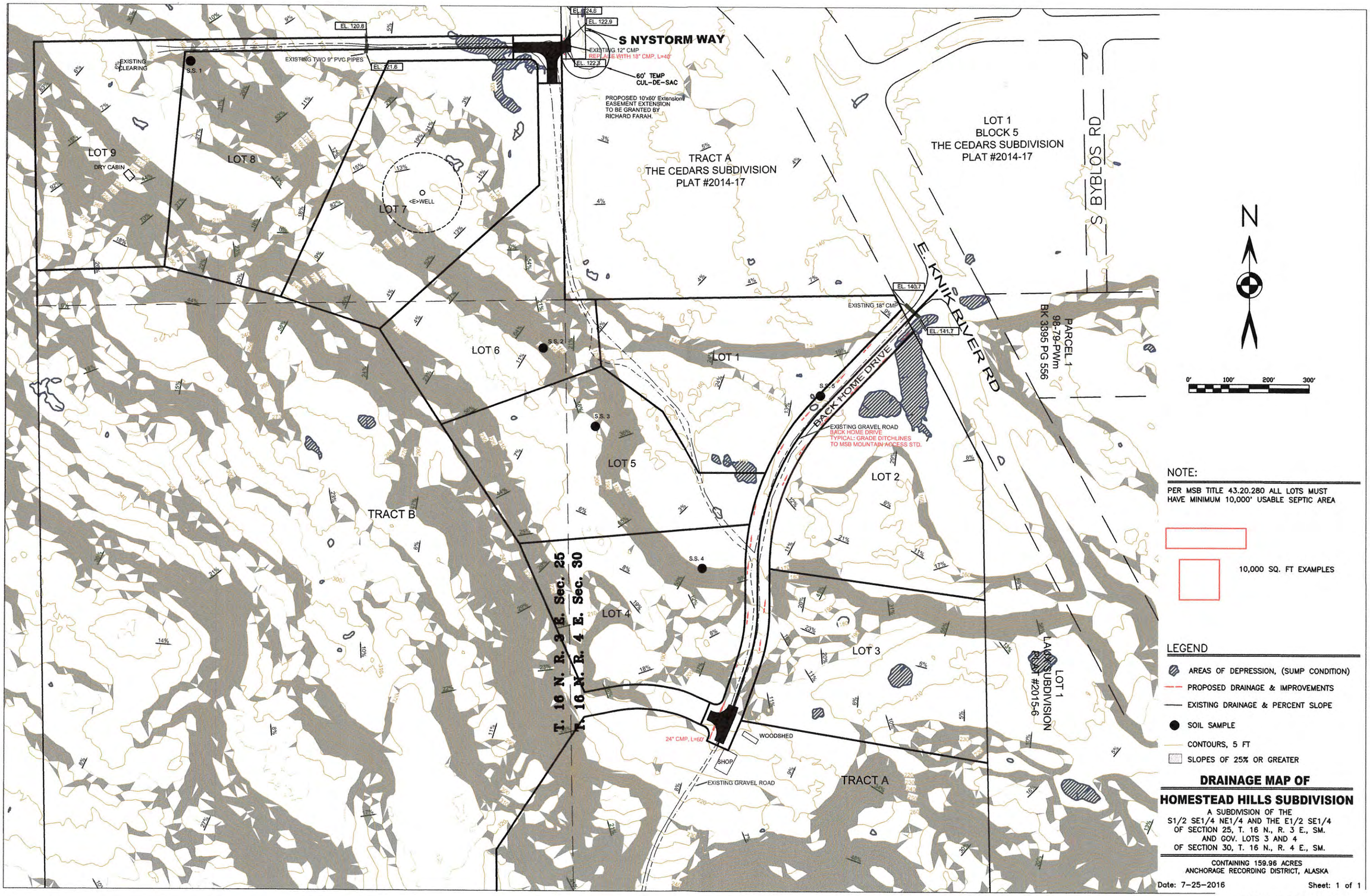
Max Schillinger, P.E.

STATE OF ALASKA
49TH
MAX A. SCHILLINGER
No. 12956
REGISTERED PROFESSIONAL ENGINEER

July 25, 2016

EXHIBIT F-7

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



NOTE:

PER MSB TITLE 43.20.280 ALL LOTS MUST HAVE MINIMUM 10,000' USABLE SEPTIC AREA

10,000 SQ. FT EXAMPLES

LEGEND

- AREAS OF DEPRESSION, (SUMP CONDITION)
- PROPOSED DRAINAGE & IMPROVEMENTS
- EXISTING DRAINAGE & PERCENT SLOPE
- SOIL SAMPLE
- CONTOURS, 5 FT
- SLOPES OF 25% OR GREATER

DRAINAGE MAP OF

HOMESTEAD HILLS SUBDIVISION

A SUBDIVISION OF THE
S1/2 SE1/4 NE1/4 AND THE E1/2 SE1/4
OF SECTION 25, T. 16 N., R. 3 E., SM.
AND GOV. LOTS 3 AND 4
OF SECTION 30, T. 16 N., R. 4 E., SM.

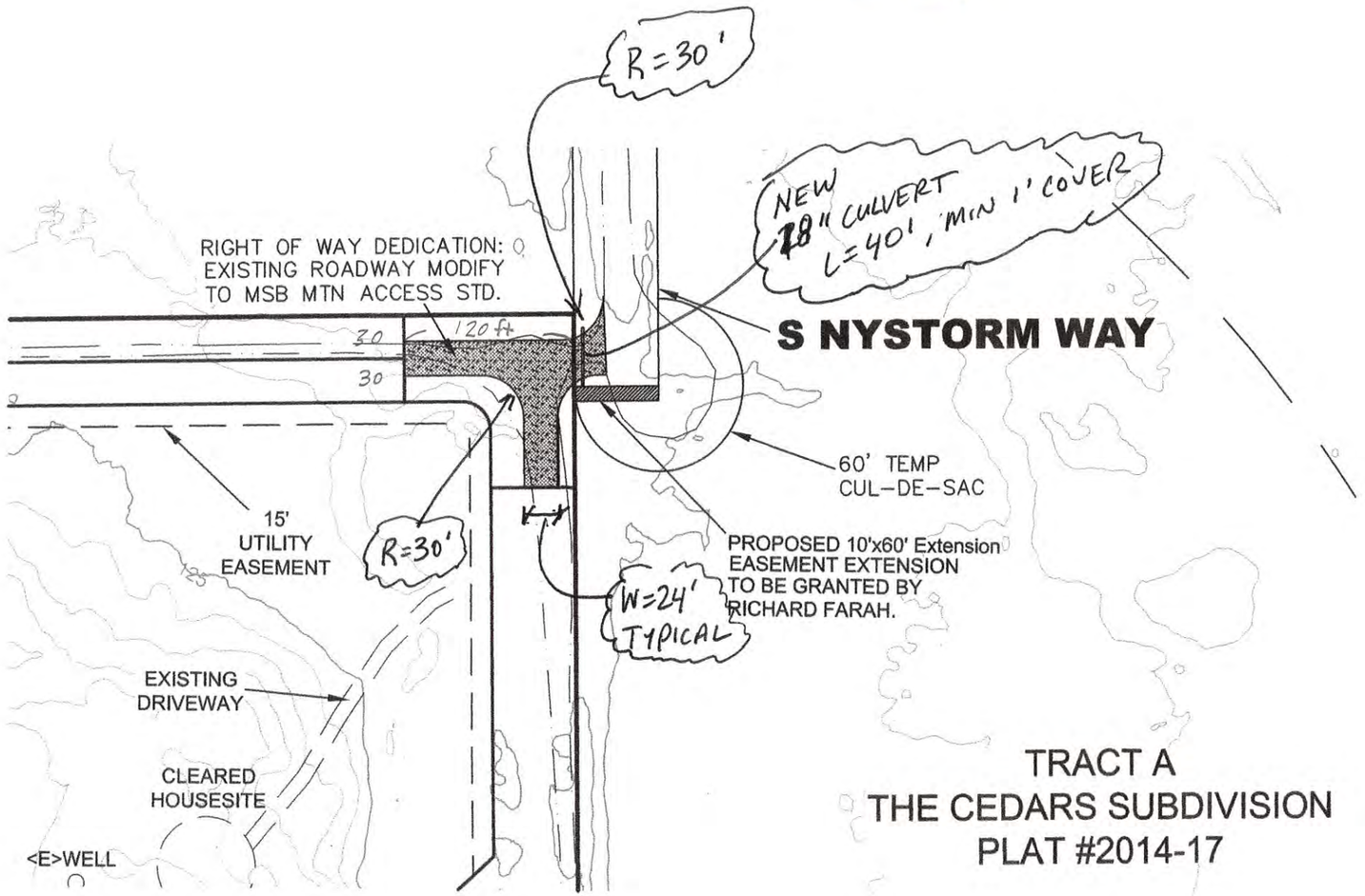
CONTAINING 159.96 ACRES
ANCHORAGE RECORDING DISTRICT, ALASKA

Date: 7-25-2016 Sheet: 1 of 1

EXHIBIT G

REVISED PROPOSED
IMPROVEMENTS 7/25/2016
M.S.

RECEIVED
JUL 26 2016
PLATTING



1"=100'

EXHIBIT H-1

RECEIVED
JUL 26 2016
PLATTING

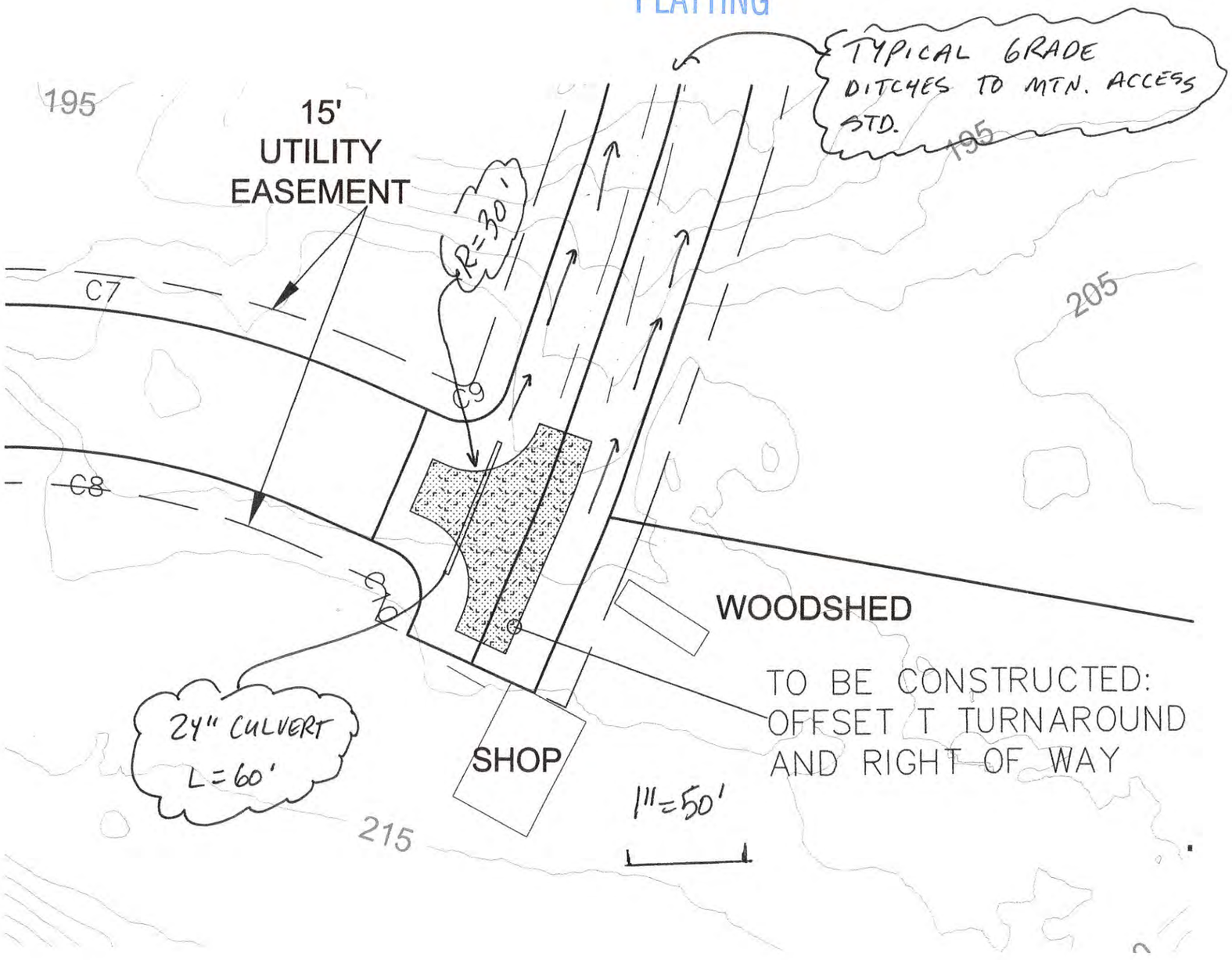
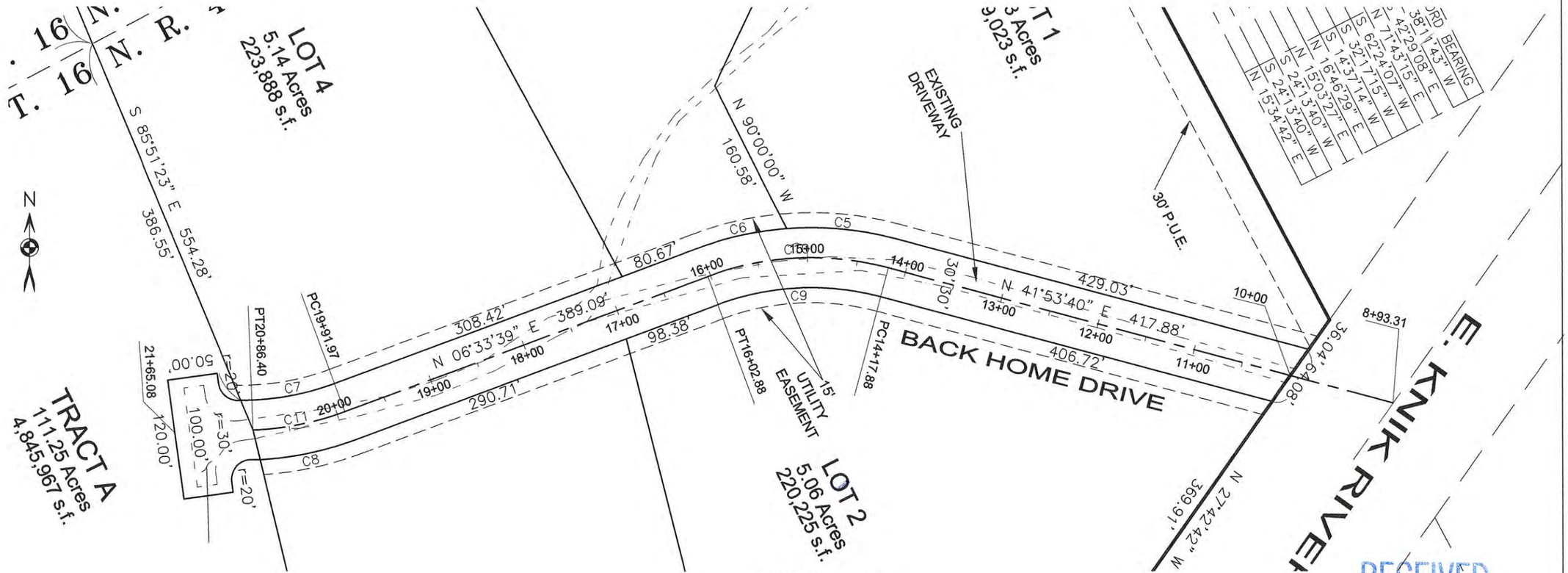
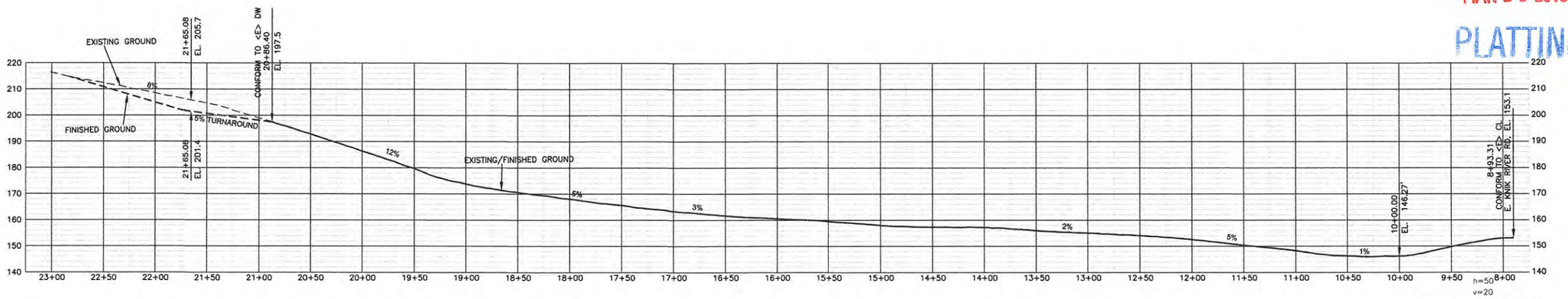


EXHIBIT H-2



PLAN, 1" = 50' H



PROFILE, 1" = 50' H, 1"=10' V

RECEIVED
MAR 2 9 2016
PLATTING

OWNER/REPRESENTATIVE
JOHN WEBSTER NYSTROM
27638 E. KNIK RIVER RD
PALMER, AK 99645, (907) 746-1744

PRELIMINARY PLAN AND PROFILES OF

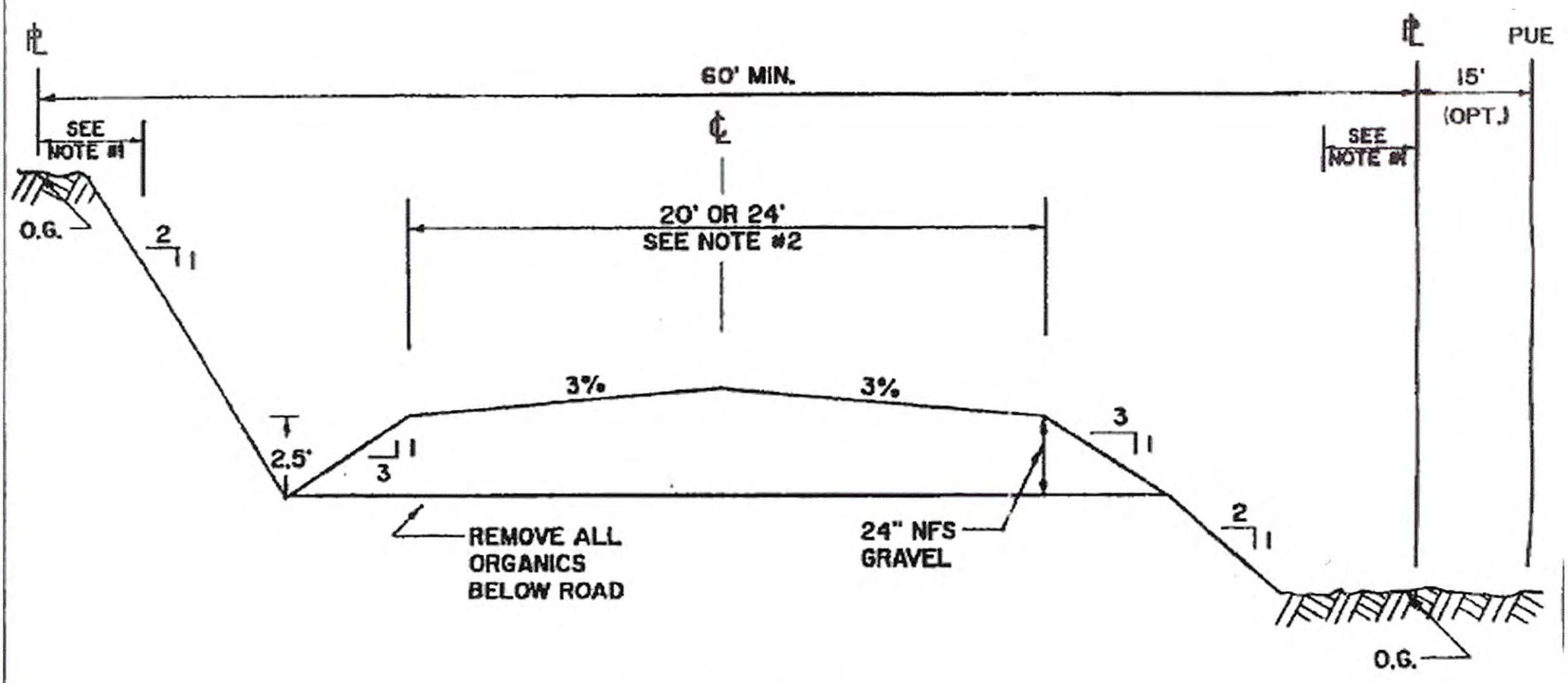
HOMESTEAD HILLS SUBDIVISION

A SUBDIVISION OF THE
S1/2 SE1/4 NE1/4 AND THE E1/2 SE1/4
OF SECTION 25, T. 16 N., R. 3 E., SM.
AND GOV. LOTS 3 AND 4
OF SECTION 30, T. 16 N., R. 4 E., SM.

CONTAINING 159.96 ACRES
ANCHORAGE RECORDING DISTRICT, ALASKA

Date: 12-14-2015 Scale: 1"=50' Sheet: 1 of 1

EXHIBIT H-3



MOUNTAIN ACCESS

NTS

EXHIBIT H-4

NOTES: #1. ROW OR SLOPE EASEMENT TO CONTAIN ALL CONSTRUCTION +5'.

#2. 20' WIDE < 7% ℄ GRADE
24' WIDE > 7% ℄ GRADE

MATANUSKA-SUSITNA BOROUGH
PUBLIC WORKS DEPARTMENT
APRIL 15, 1991

Peggy Horton

From: Jamie Taylor
Sent: Friday, August 05, 2016 8:08 AM
To: Platting
Cc: Peggy Horton
Subject: RE: Request for Comments for Homestead Hills and PUE w/Variance Case #2016-059 & 060 Tech: PH

I believe my concerns have been addressed. I have no objection to the variance.

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

From: Peggy Horton **On Behalf Of** Platting
Sent: Wednesday, July 27, 2016 2:40 PM
To: Kemplen, Allen (DOT); Kevin Vakalis (kevin.vakalis@alaska.gov); Tucker Hurn (tucker.hurn@alaska.gov); Melanie Nichols (melanie.nichols@alaska.gov); Steven Banse - ADOT&PF (steven.banse@alaska.gov); Holly Zafian - ADF&G (holly.zafian@alaska.gov); Mark Fink (mark.fink@alaska.gov); regpagemaster@usace.army.mil; brian.young@usps.gov; skrcc.sec@gmail.com; John Aschenbrenner; Richard Boothby; Elizabeth Weiant; Eric Phillips; 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; Jim Sykes (jimsykesdistrict1@gmail.com); mearow@matanuska.com; Becky Glenn (rglenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com
Cc: Jay Van Diest (jay@valleymarket.com); LaMarr Anderson (lamarra05@gmail.com); Stan Gillespie (stan.gillespie@gmail.com); Jordan Rausa (jordan@alaskaplans.com); Tait Zimmerman (tait@zimmermanteamak.com); Patrick Johnson (patrickjhnsn@hotmail.com); Amy Hansen (amyhansenhomes@gmail.com); Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com); Gregory Pugh (winforhim@aol.com)
Subject: Request for Comments for Homestead Hills and PUE w/Variance Case #2016-059 & 060 Tech: PH

Good Afternoon,

Attached is a request for comments for an 11 lot subdivision on Knik River Road. The property is outside of any road service area. They have asked for a variance from legal access to adjoining parcels. Please review and provide any comments by August 5, 2016.

Thank you,

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

EXHIBIT I

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: August 5, 2016

TO: Fred Wagner, Platting Officer

FROM: Land & Resource Management MSC

SUBJECT: Preliminary Plat Comments / Case #2016-059 & 060

Platting Tech:	Peggy Horton
Public Hearing:	August 18, 2016
Applicant / Petitioner:	Nystrom
TRS:	16N04E25/30
Tax ID:	16N04E25D001, 16N04E30C002, 7275000T00A
Subd:	Homestead Hills
Tax Map:	KG 06/07

Comments:

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

EXHIBIT J

Peggy Horton

From: Susan Lee
Sent: Wednesday, July 27, 2016 3:34 PM
To: Platting
Subject: RE: Request for Comments for Homestead Hills and PUE w/Variance Case #2016-059 & 060 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: Wednesday, July 27, 2016 2:40 PM
To: Kemplen, Allen (DOT); Kevin Vakalis (kevin.vakalis@alaska.gov); Tucker Hurn (tucker.hurn@alaska.gov); Melanie Nichols (melanie.nichols@alaska.gov); Steven Banse - ADOT&PF (steven.banse@alaska.gov); Holly Zafian - ADF&G (holly.zafian@alaska.gov); Mark Fink (mark.fink@alaska.gov); regpagemaster@usace.army.mil; brian.young@usps.gov; skrcc.sec@gmail.com; John Aschenbrenner; Richard Boothby; Elizabeth Weiant; Eric Phillips; 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; Jim Sykes (jimsykesdistrict1@gmail.com); mearow@matanuska.com; Becky Glenn (rglenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com
Cc: Jay Van Diest (jay@valleymarket.com); LaMarr Anderson (lamarra05@gmail.com); Stan Gillespie (stan.gillespie@gmail.com); Jordan Rausa (jordan@alaskaplans.com); Tait Zimmerman (tait@zimmermanteamak.com); Patrick Johnson (patrickjhnsn@hotmail.com); Amy Hansen (amyhansenhomes@gmail.com); Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com); Gregory Pugh (winforhim@aol.com)
Subject: Request for Comments for Homestead Hills and PUE w/Variance Case #2016-059 & 060 Tech: PH

Good Afternoon,

Attached is a request for comments for an 11 lot subdivision on Knik River Road. The property is outside of any road service area. They have asked for a variance from legal access to adjoining parcels. Please review and provide any comments by August 5, 2016.

Thank you,

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

EXHIBIT K

Peggy Horton

From: Richard Boothby
Sent: Wednesday, May 04, 2016 1:37 PM
To: Platting
Cc: Eric C. Van Dusen; Jason Edmison; James Steele; Ken Barkley; Bill Gamble
Subject: RE: Request for comments for Homestead Hills Case #2016-059 & 060 Tech: PH

The butte FSA and DES has no objections to this subdivide as long as all roads and turnarounds meet the minimum requirements of the International Fire Code for fire apparatus access roads. I have attached the code sites for your review.

IFC®

INTERNATIONAL FIRE CODE®

CHAPTER 5
FIRE SERVICE FEATURES

SECTION 502
DEFINITIONS

502.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.
FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as *fire lane*, public street, private street, parking lot lane and access roadway.

SECTION 503
FIRE APPARATUS ACCESS ROADS

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.
503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility.
Exception: The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm)where:
1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.
503.1.2 Additional access. The *fire code official* is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

EXHIBIT L-(

503.1.3 High-piled storage. Fire department vehicle access to buildings used for *high-piled combustible storage* shall comply with the applicable provisions of Chapter 23.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.2 Authority. The *fire code official* shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the *fire code official.*

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an *approved* area for turning around fire apparatus.

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the *fire code official.* Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, *approved* barriers, *approved* signs or both shall be installed and maintained when required by the *fire code official.*

503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the *fire code official* based on the fire department's apparatus.

503.2.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the *fire code official* based on the fire department's apparatus.

503.3 Marking. Where required by the *fire code official*, *approved* signs or other *approved* notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which *fire lanes* are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

503.5 Required gates or barricades. The *fire code official* is authorized to require the installation and maintenance of gates or other *approved* barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

503.5.1 Secured gates and barricades. When required, gates and barricades shall be secured in an *approved* manner. Roads, trails and other access ways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the *owner* and the *fire code official.*

Exception: The restriction on use shall not apply to public officers acting within the scope of duty.

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be *approved* by the fire chief. Where security gates are installed, they shall have an *approved* means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

APPENDIX D
FIRE APPARATUS ACCESS ROADS
SECTION D101
GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code.*

SECTION D102
REQUIRED ACCESS

EXHIBIT L-2

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103
MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.

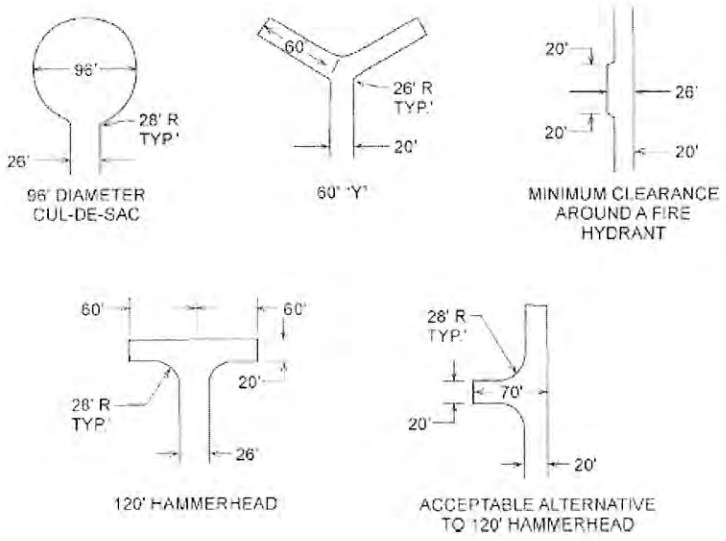
D103.3 Turning radius. The minimum turning radius shall be determined by the *fire code official*.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

TABLE D103.4
REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0–150	20	None required
151–500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
501–750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.



For SI: 1 foot = 304.8 mm.

FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one *person*.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be *approved* by the *fire code official*.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.

EXHIBIT L-3

7. Locking device specifications shall be submitted for approval by the *fire code official.*
8. Electric gate operators, where provided, shall be *listed* in accordance with UL 325.
9. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

D103.6 Signs. Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure
D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

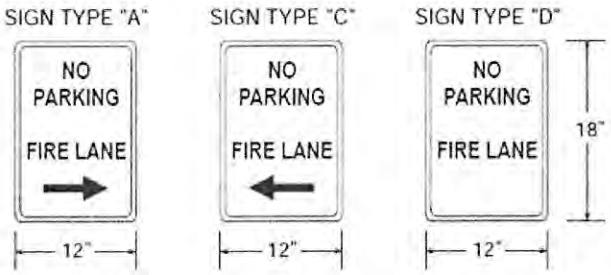


FIGURE D103.6
FIRE LANE SIGNS

D103.6.1 Roads 20 to 26 feet in width. Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a *fire lane*.

D103.6.2 Roads more than 26 feet in width. Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a *fire lane*.

SECTION D104
COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross *building area* of more than 62,000 square feet (5760 m2) shall be provided with two separate and *approved* fire apparatus access roads.

Exception: Projects having a gross *building area* of up to 124,000 square feet (11 520m2) that have a single *approved* fire apparatus access road when all buildings are equipped throughout with *approved automatic sprinkler systems.*

D104.3 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

SECTION D105
AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with *approved* fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

D105.2Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

SECTION D106
MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

Exception: Projects having up to 200 *dwelling units* may have a single *approved* fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

EXHIBIT L-4

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system.*

SECTION D107
ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family *dwellings* where the number of *dwelling units* exceeds 30 shall be provided with separate and *approved* fire apparatus access roads and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the *International Fire Code*, access from two directions shall not be required.
2. The number of *dwelling units* on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the *fire code official.*

D108
REFERENCED STANDARDS

ASTM F 2200-05 Standard Specification for Automated Vehicular Gate Construction D103.5
ICC IFC-09 International Fire Code D101.5,D107.1
UL 325-02 Door, Drapery, Gate, Louver, and Window Operators and Systems, with revisions through February 2006 D103.5

From: Peggy Horton **On Behalf Of** Platting
Sent: Monday, May 02, 2016 10:42 AM
To: Kemplen, Allen (DOT); kevin.vakalis@alaska.gov; Tucker Hurn (tucker.hurn@alaska.gov); melanie.nichols@alaska.gov; steven.banse@alaska.gov; holly.zafian@alaska.gov; mark.fink@alaska.gov; mearow@matanuska.com; Becky Glenn (rglenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com; Richard Boothby; Elizabeth Weiant; Eric Phillips; Sandra Cook; regpagemaster@usace.army.mil; 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; John Aschenbrenner; Jim Sykes (jimsykesdistrict1@gmail.com); brian.young@usps.gov; skrcc.sec@gmail.com
Cc: Jay Van Diest (jay@valleymarket.com); LaMarr Anderson (lamarra05@gmail.com); Stan Gillespie (stan.gillespie@gmail.com); jordan@alaskaplans.com; Tait Zimmerman (tait@zimmermanteamak.com); Patrick Johnson (patrickjhnsn@hotmail.com); Amy Hansen (amyhansenhomes@gmail.com); Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com); Gregory Pugh (winforhim@aol.com)
Subject: Request for comments for Homestead Hills Case #2016-059 & 060 Tech: PH

Good Morning,

Attached is a request for comments for preliminary plat approval of a 10-lot subdivision in the Knik River Road area. Please review and provide your comments by June 3, 2016.

Thank you,

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

EXHIBIT L-5

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

RECEIVED
MAY 17 2016
PLATTING

May 12, 2016

Eileen Probasco, Acting Platting Officer
Matanuska-Susitna Borough
350 East Dahlia Avenue
Palmer, Alaska 99645

Re: Plat Review

Dear Ms. Probasco:

The Alaska Department of Transportation and Public Facilities (ADOT&PF) has reviewed the following plat and has no comments:

- **Homestead Hills**
- **Big Lake Ranchettes**

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

- **Tax Map WA11 Sec 13, T17N, R01W**
  - No new access will be granted to Lot 1 to Fairview Loop. No direct access will be granted for Lot 2.
  - We recommend that the owners establish a public use easement for all four lots to either Teague Trail Circle or Bearing Tree Lane. It will provide future alternative access to all the lots.
- **Tax Map WA02 Sec 17, T18N, R01E**
  - We object to Design #1.
  - Design #2 is acceptable. However, we would recommend that the cul-de-sac be turned into an access road, connecting through the north to Tex Al Drive (preferably the most northeast corner to allow for a better distance from the Tex Al Drive & Wasilla Fishhook intersection. The subdivision would then have two points of access.

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

EXHIBIT M – 1

Sincerely,

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

EXHIBIT M-2

Peggy Horton

From: Zafian, Holly K (DFG) <holly.zafian@alaska.gov>
Sent: Friday, August 05, 2016 1:03 PM
To: Peggy Horton
Subject: FW: Request for Comments for Homestead Hills and PUE w/Variance Case #2016-059 & 060 Tech: PH

Hi Peggy,

Hopefully the email goes through this time—the attachments have been too large.

Holly

From: Zafian, Holly K (DFG)
Sent: Friday, August 05, 2016 12:33 PM
To: Horton, Peggy (DNR sponsored)
Cc: Carter, Marla M (DFG); Stantorf, Cory J (DFG); Cheney, Jason L (DFG); Marie, Megan E (DFG); Battle, David C (DFG)
Subject: FW: Request for Comments for Homestead Hills and PUE w/Variance Case #2016-059 & 060 Tech: PH

Good morning,

The Alaska Department of Fish and Game (ADF&G) reviewed and provided comments to the Matanuska-Susitna Borough regarding the proposed Homestead Hills subdivision (Case 2016-059 and 060) on June 2, 2016 (attachment). The applicants have modified their request which now proposes to subdivide the S1/2 SE1/4 NE1/4 E1/2 SE1/4 of Section 25, T. 16 N., R. 3 E. and portions of Government Lots 3 and 4, Sec. 30, T. 16 N., R. 4 E., S.M., Alaska in order to create 9 new lots and 2 tracts to be known as Homestead Hills and includes a request for a variance from providing legal access to adjoining parcels.

The subject property is located with Game Management Unit 14C. The public lands near the subject property are important for hunting and hunter access. Drawing permit hunts are offered for moose and sheep and there are general season hunt opportunities for moose, brown bear, and black bear. From 2011 to 2015, 3 to 8 moose were harvested from this area each year.

ADF&G recommends that access to adjoining public lands be made legal for the public. Thank you for the opportunity to review and comment on this amended application. If you have any questions or would like to discuss our comments, please feel free to contact me.

Holly Zafian
Habitat Biologist
Access Defense Program
Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99518
Phone 907-267-2292
Fax 907-267-2859
Email holly.zafian@alaska.gov

EXHIBIT N

Peggy Horton

From: Becky Glenn <rglenn@mta-telco.com>
Sent: Thursday, July 28, 2016 1:38 PM
To: Platting
Cc: Jessica Thompson
Subject: RE: Request for Comments for Homestead Hills and PUE w/Variance Case #2016-059 & 060 Tech: PH

Peggy,

MTA has reviewed the plat for Homestead Hills and PUE w/variance. MTA has no objections.

Thank you for the opportunity to review and comment.
Becky Glenn
MTA

From: Peggy Horton [mailto:Peggy.Horton@matsugov.us] **On Behalf Of** Platting
Sent: Wednesday, July 27, 2016 2:40 PM
To: Kemplen, Allen (DOT) <allen.kemplen@alaska.gov>; Kevin Vakalis (kevin.vakalis@alaska.gov) <kevin.vakalis@alaska.gov>; Tucker Hurn (tucker.hurn@alaska.gov) <tucker.hurn@alaska.gov>; Melanie Nichols (melanie.nichols@alaska.gov) <melanie.nichols@alaska.gov>; Steven Banse - ADOT&PF (steven.banse@alaska.gov) <steven.banse@alaska.gov>; Holly Zafian - ADF&G (holly.zafian@alaska.gov) <holly.zafian@alaska.gov>; Mark Fink (mark.fink@alaska.gov) <mark.fink@alaska.gov>; regpagemaster@usace.army.mil; brian.young@usps.gov; skrcc.sec@gmail.com; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; Richard Boothby <Richard.Boothby@matsugov.us>; Elizabeth Weiant <Elizabeth.Weiant@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; Michael Weller <Michael.Weller@matsugov.us>; Sheila Armstrong <Sheila.Armstrong@matsugov.us>; Tracy McDaniel <Tracy.McDaniel@matsugov.us>; Terry Dolan <Terry.Dolan@matsugov.us>; Jim Jenson <James.Jenson@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Nicole Wilkins <Nicole.Wilkins@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Susan Lee <Susan.Lee@matsugov.us>; Eileen Probasco <Eileen.Probasco@matsugov.us>; Jessica Smith <Jessica.Smith@matsugov.us>; Frankie Barker <Frankie.Barker@matsugov.us>; Permit Center <PermitCenter@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; Jim Sykes (jimsykesdistrict1@gmail.com) <jimsykesdistrict1@gmail.com>; mearow@matanuska.com; Becky Glenn <rglenn@mta-telco.com>; Jessica Thompson <jthompson@mta-telco.com>; row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com) <ospdesign@gci.com>; dblehm@gci.com
Cc: Jay Van Diest (jay@valleymarket.com) <jay@valleymarket.com>; LaMarr Anderson (lamarra05@gmail.com) <lamarra05@gmail.com>; Stan Gillespie (stan.gillespie@gmail.com) <stan.gillespie@gmail.com>; Jordan Rausa (jordan@alaskaplans.com) <jordan@alaskaplans.com>; Tait Zimmerman (tait@zimmermanteamak.com) <tait@zimmermanteamak.com>; Patrick Johnson (patrickjhnsn@hotmail.com) <patrickjhnsn@hotmail.com>; Amy Hansen (amyhansenhomes@gmail.com) <amyhansenhomes@gmail.com>; Marty Van Diest - Valley Market Real Estate (marty@valleymarket.com) <marty@valleymarket.com>; Gregory Pugh (winforhim@aol.com) <winforhim@aol.com>
Subject: Request for Comments for Homestead Hills and PUE w/Variance Case #2016-059 & 060 Tech: PH

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

Good Afternoon,

EXHIBIT O

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

August 3, 2016

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

Subject: **Preliminary Plat w/ Variance Request for Comments – Homestead Hills (Case No. 2016-059 & 060)**

Dear Ms. Horton:

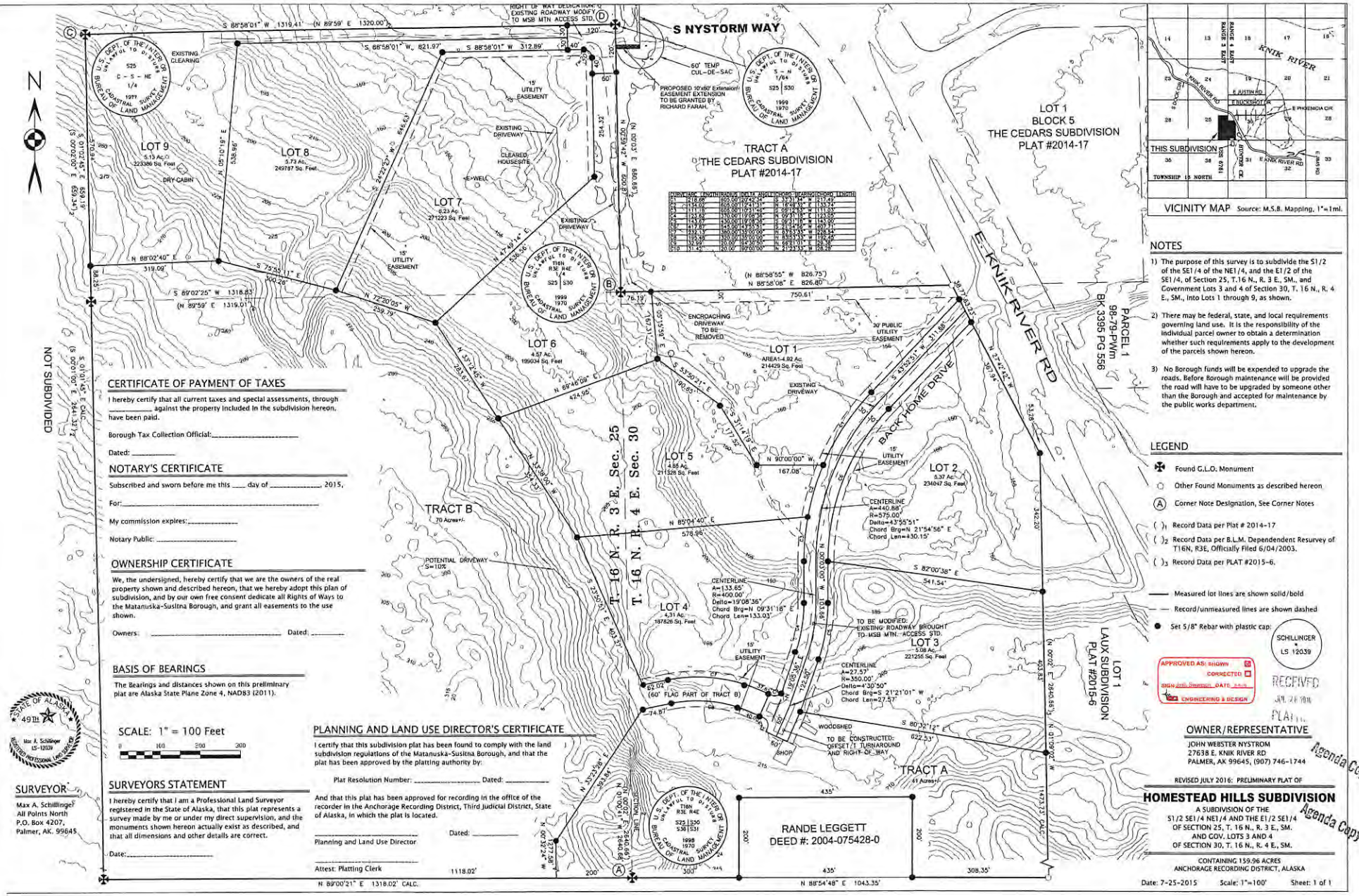
ENSTAR Natural Gas Company has reviewed the subject Preliminary Plat with Variance and has no comments, recommendations, or objections.

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

Sincerely,

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

EXHIBIT P



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: _____

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: _____

BASIS OF BEARINGS

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

SURVEYOR

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

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: _____

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 Anchorage Recording District, Third Judicial District, State of Alaska, in which the plat is located.

_____ Dated: _____
Planning and Land Use Director

_____
Attest: Platting Clerk

NOTES

1) The purpose of this survey is to subdivide the S1/2 of the SE1/4 of the NE1/4, and the E1/2 of the SE1/4, of Section 25, T.16 N., R. 3 E., SM., and Government Lots 3 and 4 of Section 30, T. 16 N., R. 4 E., SM., into Lots 1 through 9, as shown.

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.

3) No Borough funds will be expended to upgrade the roads. Before Borough maintenance will be provided the road will have to be upgraded by someone other than the Borough and accepted for maintenance by the public works department.

LEGEND

- Found G.L.O. Monument
- Other Found Monuments as described hereon
- (A) Corner Note Designation, See Corner Notes
- ( )1 Record Data per Plat # 2014-17
- ( )2 Record Data per B.L.M. Dependendent Resurvey of T16N, R3E, Officially Filed 6/04/2003.
- ( )3 Record Data per PLAT #2015-6.
- Measured lot lines are shown solid/bold
- Record/unmeasured lines are shown dashed
- Set 5/8" Rebar with plastic cap: SCHILLINGER LS 12039

APPROVED AS: SHOWN ☐ CORRECTED ☐
SIGN and Seamon DATE 8-4-15
ENGINEERING & DESIGN

RECEIVED
JUL 28 2015
PLATTING

Agenda Copy
Agenda Copy

OWNER/REPRESENTATIVE

JOHN WEBSTER NYSTROM
27638 E. KNIK RIVER RD
PALMER, AK 99645, (907) 746-1744

REVISED JULY 2016: PRELIMINARY PLAT OF

HOMESTEAD HILLS SUBDIVISION

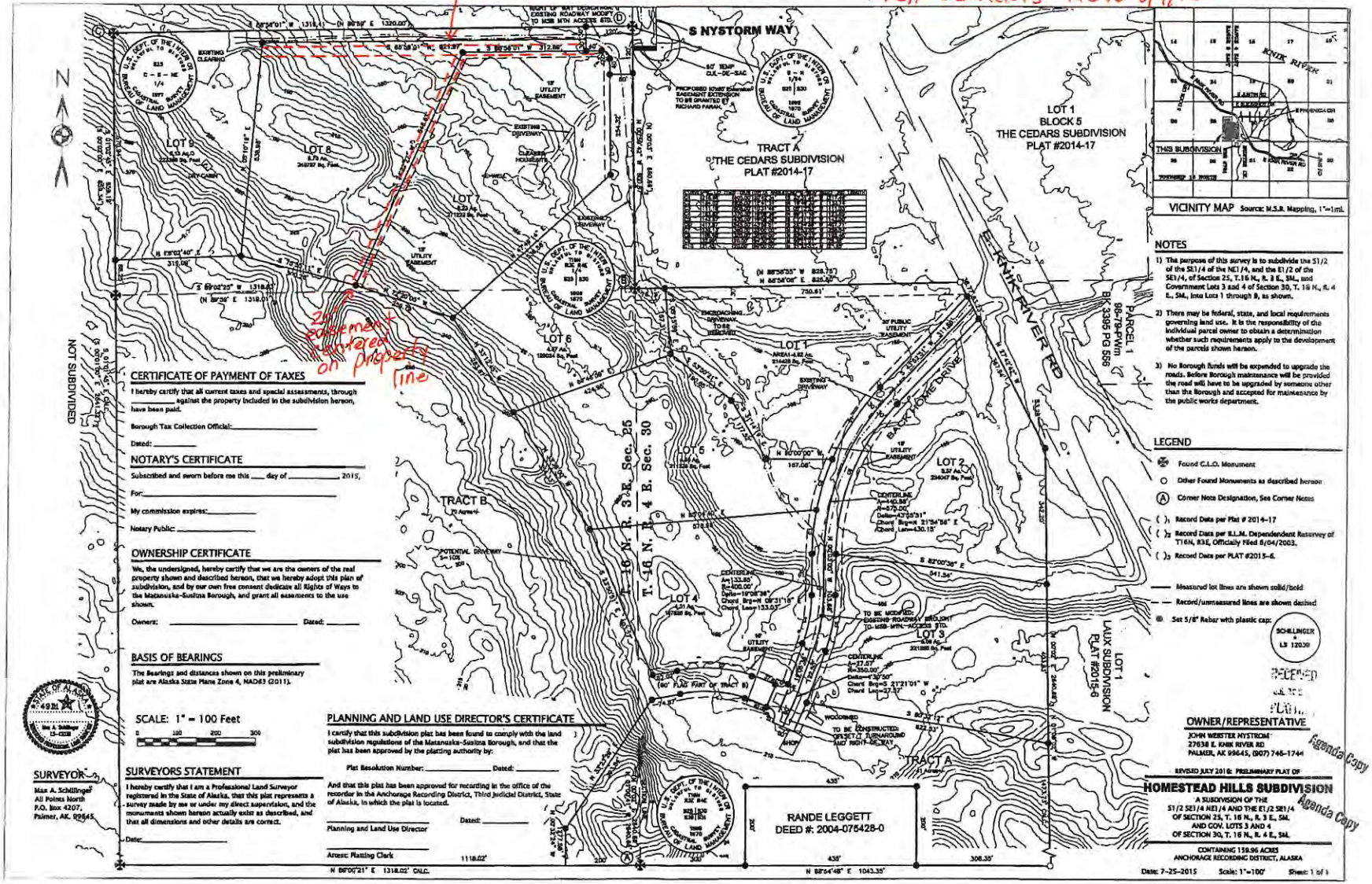
A SUBDIVISION OF THE
S1/2 SE1/4 NE1/4 AND THE E1/2 SE1/4
OF SECTION 25, T. 16 N., R. 3 E., SM.
AND GOV. LOTS 3 AND 4
OF SECTION 30, T. 16 N., R. 4 E., SM.

CONTAINING 159.96 ACRES
ANCHORAGE RECORDING DISTRICT, ALASKA

Date: 7-25-2015 Scale: 1"=100' Sheet: 1 of 1

20' easement centered on property line and continue to Lot 9

MEA COMMENTS RCVD 8/4/16



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- Record/unmeasured lines are shown dashed
- Set 5/8" Rebar with plastic cap: SCHILLINGER LS 12030

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: _____

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: _____

BASIS OF BEARINGS

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

SCALE: 1" = 100 Feet

0 100 200 300

SURVEYOR

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

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: _____

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And that this plat has been approved for recording in the office of the recorder in the Anchorage Recording District, Third Judicial District, State of Alaska, in which the plat is located.

Planning and Land Use Director Dated: _____

Attest: Platting Clerk

OWNER/REPRESENTATIVE

JOHN WEBSTER NYSTROM
27638 E. KNIK RIVER RD
PALMER, AK 99645, (907) 746-1744

Agenda Copy

REVISED JULY 2016 PRELIMINARY PLAT OF

HOMESTEAD HILLS SUBDIVISION

A SUBDIVISION OF THE
S1/2 SE1/4 NE1/4 AND THE E1/2 SE1/4
OF SECTION 25, T. 16 N., R. 3 E., SM.
AND GOV. LOTS 3 AND 4
OF SECTION 30, T. 16 N., R. 4 E., SM.

CONTAINING 159.96 ACRES
ANCHORAGE RECORDING DISTRICT, ALASKA

Date: 7-25-2015 Scale: 1"=100' Sheet: 1 of 1

Agenda Copy

EXHIBIT R – 1

Peggy Horton

From: max@allpointsnorth.us
Sent: Thursday, August 04, 2016 8:58 AM
To: Peggy Horton; julie nystrom (riverhouse99645@gmail.com)
Subject: Re: MEA comments for Homesteader Hills

Looks fine peggy, please proceed. Max

Sent from my Verizon 4G LTE Smartphone

------ Original message------
From: Peggy Horton
Date: Thu, Aug 4, 2016 8:31 AM
To: Max Schillinger (max@allpointsnorth.us);julie nystrom (riverhouse99645@gmail.com);
Cc:
Subject:FW: MEA comments for Homesteader Hills

Please see attached and let me know if you agree to this. If not, please consult with MEA and let me know the result.

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

From: Tammy L. Simmons [mailto:Tammy.Simmons@mea.coop]
Sent: Thursday, August 04, 2016 8:29 AM
To: Peggy Horton
Subject: comments for Homesteader Hills

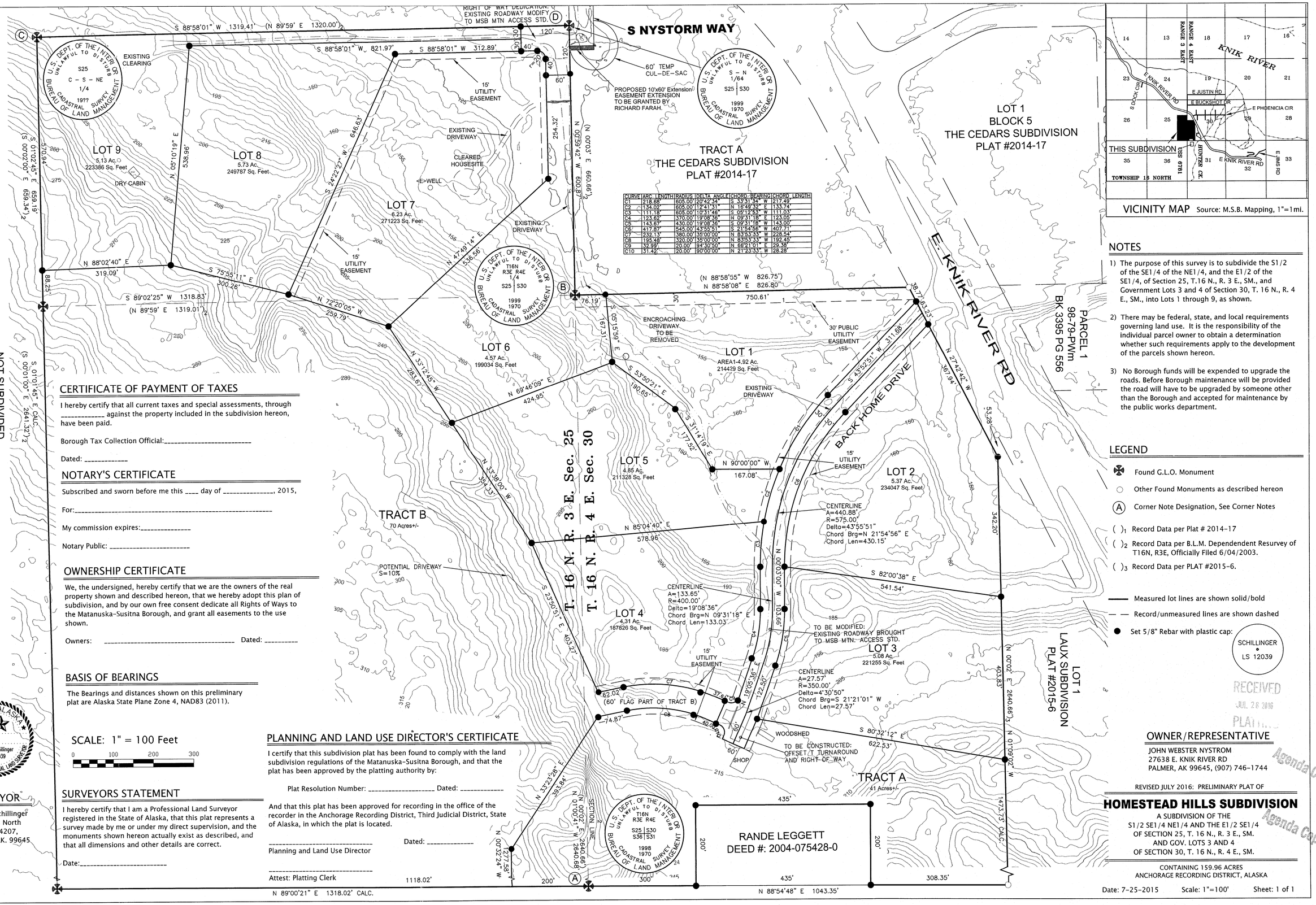
Hello,

Attached are MEA's comments for Homesteader Hills.

Thank you,

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

EXHIBIT R-2



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	218.68'	605.00'	20°42'34"	S 33°31'34" W	217.49'
C2	134.02'	605.00'	12°41'31"	N 16°49'32" E	133.74'
C3	111.18'	605.00'	10°31'46"	S 05°12'53" W	111.03'
C4	123.62'	370.00'	19°08'36"	N 09°31'18" E	123.05'
C5	143.67'	430.00'	19°08'36"	S 09°31'18" W	143.00'
C6	417.87'	545.00'	43°55'51"	S 21°54'56" W	407.71'
C7	232.13'	380.00'	35°00'00"	N 83°53'33" W	228.54'
C8	195.48'	320.00'	35°00'00"	N 83°53'33" W	192.45'
C9	32.99'	20.00'	94°30'50"	N 66°21'01" E	29.38'
C10	31.42'	20.00'	90°00'00"	N 21°23'33" W	28.28'

NOTES

1) The purpose of this survey is to subdivide the S1/2 of the SE1/4 of the NE1/4, and the E1/2 of the SE1/4, of Section 25, T.16 N., R. 3 E., SM., and Government Lots 3 and 4 of Section 30, T. 16 N., R. 4 E., SM., into Lots 1 through 9, as shown.

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.

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LEGEND

- Found G.L.O. Monument
- Other Found Monuments as described hereon
- (A) Corner Note Designation, See Corner Notes
- ( )1 Record Data per Plat # 2014-17
- ( )2 Record Data per B.L.M. Dependendent Resurvey of T16N, R3E, Officially Filed 6/04/2003.
- ( )3 Record Data per PLAT #2015-6.
- Measured lot lines are shown solid/bold
- Record/unmeasured lines are shown dashed
- Set 5/8" Rebar with plastic cap: SCHILLINGER LS 12039

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: _____

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: _____

BASIS OF BEARINGS

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

SCALE: 1" = 100 Feet

0 100 200 300

STATE OF ALASKA 49TH Max A. Schillinger LS-12039 REGISTERED PROFESSIONAL LAND SURVEYOR

SURVEYOR

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

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:_____

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 Anchorage Recording District, Third Judicial District, State of Alaska, in which the plat is located.

_____ Dated: _____
Planning and Land Use Director

_____
Attest: Platting Clerk

RECEIVED JUL 26 2016 PLATTING

Agenda Copy

Agenda Copy

OWNER/REPRESENTATIVE

JOHN WEBSTER NYSTROM
27638 E. KNIK RIVER RD
PALMER, AK 99645, (907) 746-1744

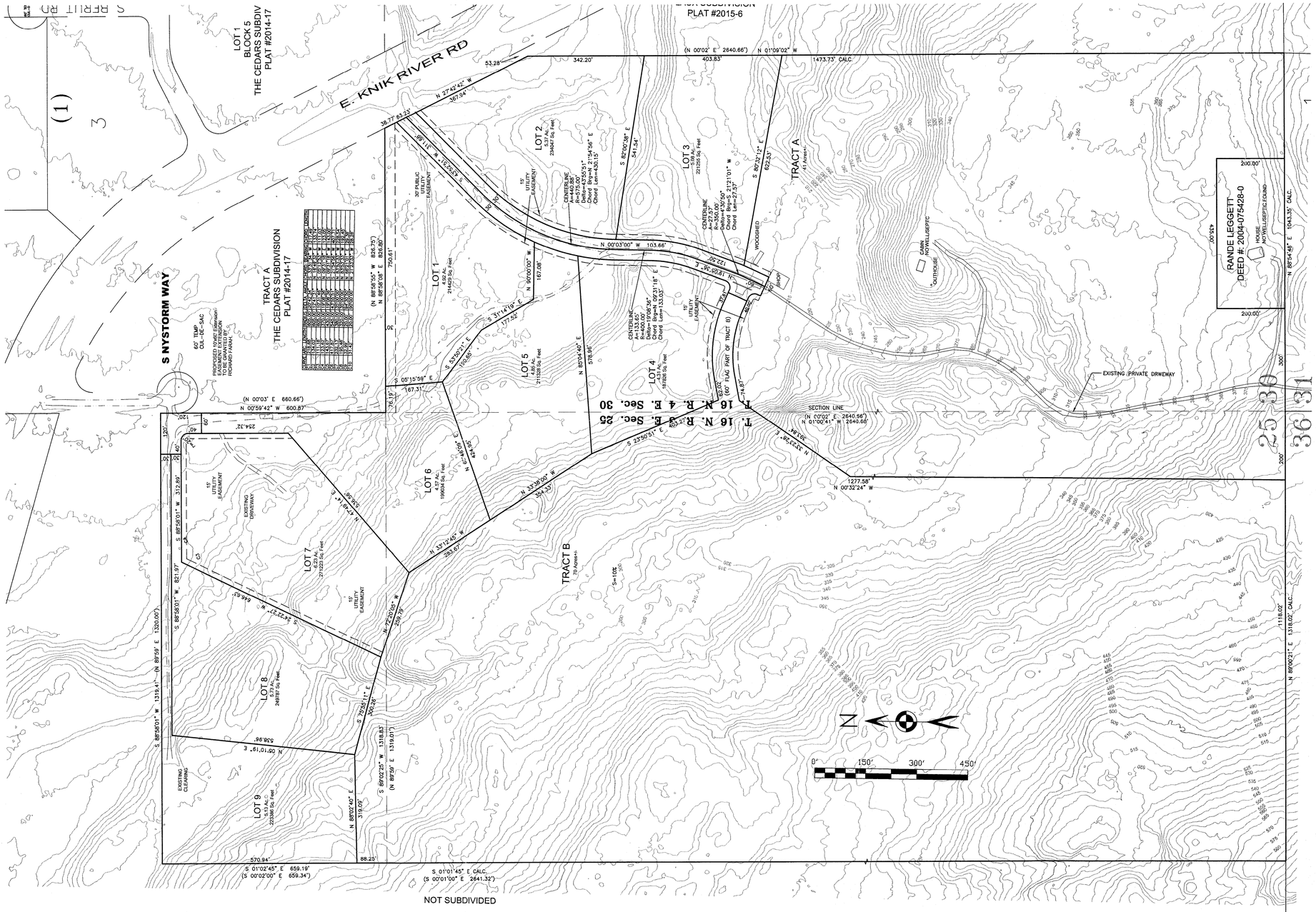
REVISED JULY 2016: PRELIMINARY PLAT OF

HOMESTEAD HILLS SUBDIVISION

A SUBDIVISION OF THE
S1/2 SE1/4 NE1/4 AND THE E1/2 SE1/4
OF SECTION 25, T. 16 N., R. 3 E., SM.
AND GOV. LOTS 3 AND 4
OF SECTION 30, T. 16 N., R. 4 E., SM.

CONTAINING 159.96 ACRES
ANCHORAGE RECORDING DISTRICT, ALASKA

Date: 7-25-2015 Scale: 1"=100' Sheet: 1 of 1



RECEIVED
JUL 26 2016
PLATTING

STATE OF ALASKA
49TH
Max A. Schillinger
LS-12039
REGISTERED PROFESSIONAL LAND SURVEYOR
7/25/2016

A TOPOGRAPHIC MAP OF

HOMESTEAD HILLS SUBDIVISION

Date: 7-25-2016

TOPO

MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Platting Division

350 East Dahlia Avenue • Palmer AK 99645

Phone (907) 745-9853 • Fax (907) 745-9876

DATE: March 1, 2013

TO: Eileen Probasco, Planning and Land Use Director

FROM: Paul Hulbert, Platting Officer

RE: TITLE 43 10-month review

Title 43 was adopted by Ordinance 12-072 on April 17, 2012. At that time the Assembly requested staff work with the code for awhile and bring back some changes based on what they found as they worked with the code.

A. **Housekeeping items**: *routine tasks that must be done in order for a system to function efficiently.*

1. Definitions to be added, such as days, dedication, flag lot, open space, parcel, public use easement, public improvements, snow storage easement, etc.
2. Remove duplications in several areas of the code.
3. Replacing the words Platting Board with Platting Authority in several places within the code as not all plats are approved by the Platting Board.
4. Rewording to clarify what types of platting actions are heard by the Platting Board and what types are heard by the Platting Officer (PO).
5. Allow assembly or city approval of vacation of section line easements. Vacations are a legislative issue and must be heard by the local governing body.
6. Move items within the code to create a greater ease of use for the general public. This action would not remove any language but rather shift the location to another section where the public can more easily find it, such as:
    a. elimination of common lot lines under Abbreviated Plat
    b. requirements for plat submittal under one location
    c. useable area requirements all under one location
7. Reword areas within the code to include all incorporated cities and all publicly maintained roads instead of specifying the city or state individually.
8. Reword 40-acre exemption to clarify access by trail allowance. No physical access required.
9. Reword the definition for an abbreviated plat to allow the PO to approve all plats that are creating 4 lots or less, as long as they meet the other requirements. Current code does not specify that the PO can approve plats creating 4 lots or less from multiple parcels/lots.
10. Clarify that the Platting Board holds public hearings on right-of-way (ROW) vacations and clarify the conditions allowed for vacating ROWs. Code is written as if the assembly is the

only entity hearing ROW vacations when in fact, the Platting Board issues the preliminary decision, and the assembly or city councils have the ability to veto.

11. Reword the section line easement research techniques to current adopted practices.
12. Reword the public improvements acceptance section for clarity.
13. Streamline and clarify useable septic area requirements for minor lot line adjustments, replats of Remote Recreational Parcels, and large lot plats, including removal of conflicting language.
14. Remove unnecessary sections of code dealing with existing plats of record and severability, a recommendation of the Borough Attorney to reflect the legal changes approved in Title 27.

B. **Procedural**: *relating to the administration of the code by Platting Staff*;

1. Adjust the public noticing requirements, including:
    a. Change the public hearing noticing from a minimum of 15 days to 21 days. Reason: To allow more public response time, especially Community Councils, and to conform to current practice based on community input.
    b. Change the public hearing noticing to owners of property within 600' instead of 1200' and eliminate the necessity of noticing entire subdivisions. Reason: The postage necessary to notice all subdivision lot owners can run into the hundreds of dollars. If the proposed platting action needs expanded noticing, then "c." below is appropriate.
    c. Authorize the Planning Director to approve expanded public noticing. Currently a public hearing is required for the Platting Board to approve expanded noticing; inefficient and wasteful use of the public and subdivider's time, energy, and money.
    d. Currently, a public hearing is required for the Platting Board to approval additional noticing,
2. Changing the Platting Board compensation to a rate set by the assembly, in case the amount changes in the future.
3. Allow the Platting Board to authorize a representative to sign the Notification of Action (NOA). NOAs are time sensitive and getting the Platting Chairperson to review the minutes and sign the NOA takes up time; it's not efficient.
4. Reword the pre-application conference section to conform to current procedures. There is no need for a full preliminary plat at the pre-app stage and the code does not allow enough time (7 calendar days) for comments to come back.
5. Clarify eligibility for 40-acre exemption process, the document format, who pays the fees, and who records the document. This will be consistent with the current streamlined process.
6. Specify that proof of ownership, topography, as-built info, and useable area is needed for waivers. This would create clarity and provide consistency with other types of subdivisions.
7. Streamline the preliminary plat submittal and plat approval sections for clarity, current process, and to remove duplications and overreaching requirements.
8. Clarify the monumentation requirements for ROW Acquisition plats.
9. Reword final plat requirements for readability, intent, Recorder's Office needs, and current practices such as plat scaling, and easement, covenant, and flood hazard area presentation.
10. Add surveyor's certificate for elimination of common lot line plats using record information. This would replace the surveyor's certificate allowing for the placement of lot corners after recordation via a subdivision agreement.
11. Eliminate the excessive requirement of providing primary boundary monuments for replats, when they have been previously set, reducing surveying costs for the subdivider.

12. Remove the section necessitating the surveyor tie into a photo geometric control monuments set in 1986, as it is outdated in light of LIDAR availability.
13. Reword the width to depth lot ratio requirements to conform to the assembly's intent and add requirements for lots greater than 10 acres.
14. Reword the variance criteria for clarity. Our customers have trouble understanding the wording as it is now.
15. Clarify which platting authority can approve Subdivision Agreement extensions.

C. **Inconsistencies**: *cleaning up contradictory elements or those that lack compatibility with other sections of the code.*

1. Change tax payment wording in areas of the code; taxes have to be current, not paid in full.
2. Clarify the public noticing requirements for easement vacations and/or modifications and add easements commonly addressed to the list. Current code does not specify public notice and does not contain several types of easements commonly found.
3. Add posting requirements for all types of public ROW vacations. Currently only vacations of Section Line Easements and RS2477s require notices be posted in the area.
4. Allow minor changes to final ROW acquisition plats such as allowed for other types of plats.
5. Clarify that existing ROWs need to be 50' and new ROWs need to be 60' wide.
6. Correct an inconsistency concerning the need to provide access to adjoining parcels.
7. Add Railroad access to list of available alternate accesses for subdividing as it is allowed in another section of code.
8. Clarify that flag lots do not have the same frontage requirements of other lots.
9. Correct inconsistencies and delete duplications in code concerning appeals to decisions.

D. **Substantial**: *these items are substantial changes which the Assembly may want to discuss or have more input on.*

1. Incorporate Title 15 and Title 17 into the requirements as they deal with Planning, Zoning, Setbacks, Special Land Use Districts, Flood Hazard, BOAA, Streets and Highways map, etc.
2. Remove the paragraph about PO determining whether utility easements are reasonable. The PO is not the entity to accept or deny easements or provide final approval of the adequacy of easements; that is the Platting Board's responsibility.
3. Add that 40-acre exemptions can be done to combine large parcels. This would allow not only the separation of large parcels into 40-acre parcels, but also the combination of 40-acre parcels into larger ones. Also add a requirement to provide as-built information along parcel lines so setback or encroachment issues are not created and add survey and monumentation on metes and bounds descriptions.
4. Require public use easements be surveyed and monumented and that evidence be provided that a road can be constructed within it to comply with the Subdivision Construction Manual standards. Reason: To insure the limits or boundary of the ROW would be known, whether it is constructed now or in the future. Information provided allows Public Works to review the adequacy of the public use easement for health/safety issues related to future road construction. Also the ability to locate the building area in regards to setbacks is severely hampered without monumentation of the easement.
5. Require septics and wells be shown within 100' of a proposed subdivision boundary. This will allow the Platting Authority to see if useable septic area will be impacted by existing development on adjoining property.

6. Relocate the section requiring the petitioner obtain all necessary federal, state, and local permits and approvals needed from the Public Use Easement area to the Final Plat; General Provisions area. Federal, state, and local agencies have oversight requirements according to their particular expertise. Permits and approvals from those agencies allow them to fulfill their role in the process. Wetlands, drainage, construction, and encroachments in ROW, and community water and/or sewage systems are a few of the types of permits or approvals that may be required when going through the platting process.
7. Remove the ability to move or alter the ROWs on a final plat up to 100 feet. Portions of this section are not applicable to movements of ROWs on a plat. The movement of ROWs up to 100 feet does not fall under the concept of minor plat alterations as there would be significant lot and drainage adjustments.
8. Allow the Platting Board to hear vacations and/or modifications of non public ROW easements and remove the requirement that those types of platting actions obtain assembly approval. These cases are: eliminations or modifications of utility, snow storage, screening, drainage, etc. easements and do not meet the level of importance to be brought before the assembly for legislative action. This would streamline the process, saving time and money for all parties involved.
9. Remove allowance for setting lot corners after plat recordation. The Borough has no control over the setting of lot corners after the plat has recorded. If by some reason the lot corners are not set as specified, the lot owner's ability to understand the boundaries of those lots is in jeopardy. Title 16 rewrite committee was concerned that the borough may be placed in the position of installing monumentation if these are not installed prior to recording. If the corners are set by someone other than the original surveyor, owners will never have original corners.
10. Require a title report dated within 14 days prior to recordation. This will verify any new easements and/or lien/mortgage holders are properly noted with the recordation.
11. Add requirement that legal access to adjoining stub roads be dedicated and physical access be constructed when found appropriate by the Platting Board. To provide for interconnectivity. Providing stub roads to break up block length or provide alternate access to adjoining parcels is meaningless unless there are requirements for the adjoining subdivision to connect to them.
12. Reword the private ROW or gated road provisions for functionality. Current code does not take into account the maintenance of private roads, nor does it restrict the use of private roads when there is a need for public access beyond the subdivision.
13. Require an as-built for those roads constructed as part of a platting process. To ensure the constructed road is within the ROW and to assist future road upgrade projects.
14. Include a requirement that 20,000 + sq ft lots have useable septic area if not connected to a community wastewater system. This provides clarity that all lots less than 40,000 sq ft created need to have useable septic area unless connected to a community or municipal septic system.
15. Reword the Subdivision Agreement section to limit defaults from occurring and to protect the borough's taxpayers. Code currently does not provide adequate monetary guarantee for the borough to complete those improvements agreed upon if the subdivider defaults.
16. Allow for partial releases of Subdivision Agreement guarantees for those instances where the subdivider has constructed portions of the roads guaranteed under the agreement.
17. For those subdividers who default on the subdivision agreement, allow for the use of proceeds to be appropriated to a road service area budget or to the general fund, instead of having to return them to the defaulted subdivider.

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

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

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

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

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

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

WHEREAS, 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 fifth 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, 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.

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 appear to create impediments to road design meeting Subdivision Construction Manual Standards.**

(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 appear to create impediments to road design meeting Subdivision Construction Manual Standards.**

(D) If road construction is proposed, **all permits and approvals required from federal, state, or other municipal regulatory agencies applicable to the construction of the road shall be submitted to platting staff prior to final approval.** [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.

(H) Prior to final plat approval, all permits and approvals required from federal, state, or municipal regulatory agencies necessary for the platting action shall be submitted to platting staff.

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.

_____

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 section. MSB 43.20.060, 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.

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

(C) Roads shall be dedicated for access to all lots within the subdivision and parcels of land adjacent to the subdivision except that access to adjoining lands does not have to be provided where

legal and constructible alternative access is available. Dedications shall be a minimum of 60-foot-wide and sufficient to carry all traffic generated by the subdivision and to provide residential rights-of-way for projected traffic through the subdivision. Sixty-foot radius rights-of-way shall be dedicated at temporary and permanent cul-de-sacs.

(D) Where appropriate, subdivisions shall provide through connecting rights-of-way of residential collector standard minimum (as defined in the MSB Subdivision Construction Manual) to all adjoining stub rights-of-way and unsubdivided parcels, where feasible, to improve interconnectivity and public safety. If it is shown by the applicant to be unnecessary for future development and is unnecessary for public safety, then a reduction to a lesser road right-of-way standard or an elimination of the requirement to provide access shall be applied to all of (or a portion of) the right-of-way that is being considered for a reduced standard.

[(D)] **(E)** The platting board may require the dedication or improvement, or dedication and improvement of rights-of-way, tracts, or easements no

narrower than ten feet in width to accommodate the construction of walkways up to eight feet in width in any of the following circumstances:

(1) if a walkway is indicated as appropriate in the borough's comprehensive plan or other ordinance, i.e., special land use district (SPUD);

(2) if the walkway is reasonably necessary to provide safe and efficient pedestrian access to a school, playground, park, shopping center, public cemetery, transportation, or other community facility; or

(3) if the walkway is reasonably necessary to provide connectivity to a dedicated right-of-way in an adjoining subdivided or unsubdivided parcel.

(4) The above requirements for dedication of additional right-of-way for a walkway shall apply only where a walkway cannot be contained within the legal right-of-way reserved for a street;

(a) plats or master plans of 20 lots or less shall be exempt from requirements to construct a walkway, unless evidence is presented supporting the need for pedestrian safety or the walkway will provide connectivity to other pedestrian facilities.

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) Existing lots created within subdivisions recorded with platted private roads may

be subdivided using the 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.