

AGENDA

**MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD
AGENDA**

REGULAR MEETING

1:00 P.M.

NOVEMBER 3, 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
Stan Gillespie
LaMarr Anderson
Jordan Rausa
Patrick Johnson
Vacant Seat
Vacant Seat
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*

**NOVEMBER 3, 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. October 20, 2016

3. UNFINISHED BUSINESS

4. PUBLIC HEARINGS

- A. **NATHAN A. BOWER & MARANDA E. WILLIAMSON** (owners/petitioners):
The request is to create two lots from Parcel 1, 40-Acre Exemption 2011-47, to be known as **BUTTON-BOWER SUBDIVISION**, containing 39.94 acres +/- . The lots will have access from E. Hermann Avenue which will require the road and a turnaround to be constructed to borough standards. Located within NE ¼ NW ¼ Sec 07, T18N, R02E, S.M. AK, lying directly south of Hermann Avenue and northwest of E. Soapstone Road. Community Council: Buffalo Mine/Soapstone, Assembly District: #1: Jim Sykes

- B. **NORMAN & DEBRA NEWBURY** (owners/petitioners): The request is to vacate the 50' wide public use easement within tax parcels C8 & C9 and replace it with a 60' wide public use easement just south of the existing easement to alleviate a structural setback encroachment, to be known as **E. VALLEY CREST DRIVE**, containing 1.96 acres +/- . A 20' wide slope & maintenance easement is also being added to the northwest side of the new public use easement. Located within SW ¼

Sec 07, T17N, R02E, S.M. AK, lying northwest of the Glenn Highway and Cienna Avenue. Community Council: N/A, Assembly District: #2: Matthew Beck

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

5. ITEMS OF BUSINESS & MISCELLANEOUS

A. 2017 Meeting Schedule

6. RECONSIDERATIONS/APPEALS

- Dewys Garden #5, Case 2016-2016-102/103

7. PLATTING STAFF & OFFICER COMMENTS

A. Introduction for the November 17, 2016 Platting Board Hearing (*Informational Only – Subject to change*)

- **Meeting to be held at the Mat-Su Animal Shelter starting at 2:00 p.m.**
- Echo Lake Woods Master Plan, Case 2010-025
- Denaina, Case 2016-140
- Silverleaf 2016, Case 2016-141
- Poustina N. MSP/PUE Vac, Case 2016-123/124
- CP Estates, Case 2016-128
- Freeman Anthony, Case # 2016-032/033

8. BOARD COMMENTS

9. ADJOURNMENT

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

MINUTES

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on October 20, 2016, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 1:00 P.M. by the Chairman, Mr. Jay Van Diest.

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

Platting Board members present and establishing a quorum:

Mr. Jay Van Diest, District #1 (Chairman)

Mr. LaMarr Anderson, District #2

Mr. Stan Gillespie, District #3

Mr. Jordan Rausa, District #4

Vacant, District #5

Mr. Patrick Johnson, District #6

Vacant, District #7

Mr. Marty Van Diest, Alternate 1

Mr. Gregory Pugh, Alternate 2

Staff in attendance:

Ms. Sloan Von Gunten, Administrative Specialist

Mr. Fred Wagner, Platting Officer

Ms. Peggy Horton, Platting Technician

Ms. Cheryl Scott, Platting Technician

B. THE PLEDGE OF ALLEGIANCE

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

C. APPROVAL OF THE AGENDA

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

GENERAL CONSENT: The agenda was approved with the changes with no objections.

2. APPROVAL OF MINUTES

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

GENERAL CONSENT: The minutes for October 6, 2016 were approved without objection.

3. UNFINISHED BUSINESS**4. PUBLIC HEARINGS**

A. CP ESTATES

Sloan Von Gunten (Administrative Specialist)

- Stated that 53 public hearing notices were mailed out on September 29, 2016, to this date there have been no returns, no objections, no non-objections, and no concerns.

Cheryl Scott (Platting Technician)

- Petitioner would like to continue the case to November 17, 2016, to address utility easements and concerns on the plat design.

Jay Van Diest (Chairman)

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

MOTION:

- Mr. Gillespie moved to continue the preliminary plat for CP Estates to November 17, 2016, seconded by Mr. Johnson.

VOTE:

- The motion passed with general consent.

TIME: 1:05 P.M.

CD: 0:04:22

B. US SURVEY 3494 SLEV

Sloan Von Gunten (Administrative Specialist)

- Stated that 12 public hearing notices were mailed out on September 29, 2016, to this date there have been no returns, no objections, no non-objections, and no concerns.

Peggy Horton (Platting Technician)

- Gave an overview of the case.

Jay Van Diest (Chairman)

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

Dan Beutel, State of Alaska DNR (Petitioner)

- Agrees with all the recommendations.
- Trails have been relocated in the area.

MOTION:

- Mr. Johnson moved to approve the vacation of Section Line Easements within Lots 1, 2, and 20 for US Survey 3494 with replacement public access and utility easements as shown on the preliminary section line easement vacation plat, seconded by Mr. Pugh.

VOTE:

- The motion passed with all in favor. There are 13 findings.

TIME: 1:16 P.M.

CD: 0:15:22

C. PRAIRIE HOME ASLS 2016-05

Sloan Von Gunten (Administrative Specialist)

- Stated that 20 public hearing notices were mailed out on September 29, 2016, to this date there have been no returns, no objections, no non-objections, and no concerns.

Peggy Horton (Platting Technician)

- Gave an overview of the case.

Jay Van Diest (Chairman)

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

Jon Guffey (Petitioner's Representative)

- Agrees with all the recommendations.

MOTION:

- Mr. Johnson moved to approve the preliminary plat for Prairie Home ASLS 2016-05, seconded by Mr. Anderson.

DISCUSSION:

- Discussion on finding #3.

VOTE:

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

TIME: 1:30 P.M.

CD: 0:29:20

D. PARADISE DREAMS MASTER PLAN

Sloan Von Gunten (Administrative Specialist)

- Stated that 32 public hearing notices were mailed out on September 29, 2016, to this date there have been no returns, 1 objection, no non-objections, and no concerns.

Fred Wagner (Platting Officer)

- Gave an overview of the case.
- The property is not located in an active Community Council area.

Jay Van Diest (Chairman)

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

Gary LoRusso (Petitioner's Representative)

- Agrees with the board in adding another condition for test holes for the soil.
- Would like to take out the wording on recommendation #8 "in phase 3".
- Agrees with the changes to the recommendations and findings.

MOTION:

- Mr. Rausa moved to approve the master plan for Paradise Dreams and the modification of the 10' wide utility easement, seconded by Mr. Johnson. Modify recommendation #8 and Add #12, and Add Findings #13 and #14.

RECOMMENDATIONS:

- Modify #8: Grant the 20' wide utility easement centered on the common lot line of Lot 11 and Lot 12 when phase 3 is created, as request by MEA.
- Add #12: Provide an updated soils report showing test holes dug to 12 feet as required by MSB 43.20.281.

FINDINGS:

- Add #13: Test holes provided in the engineer's report were not all dug to 12' as required by MSB 43.20.281.
- Add #14: The intersection of Wasilla-Fishhook and Olga has poor site distance.

VOTE:

- The motion passed with all in favor. There are 14 Findings.

TIME: 1:53 P.M.

CD: 0:51:29

E. POUSTINIA N. MASTER PLAN

Sloan Von Gunten (Administrative Specialist)

- Stated that 29 public hearing notices were mailed out on September 29, 2016, to this date there have been 3 returns, no objections, no non-objections, and 1 concern.

Fred Wagner (Platting Officer)

- The Petitioner would like to continue the case to November 17, 2016.

Jay Van Diest (Chairman)

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

Gary LoRusso (Petitioner's Representative)

- Would like to continue to November 17, 2016, to address concerns on easements and the plat design.

MOTION:

- Mr. Johnson moved to continue the master plan for Poustinia N. to November 17, 2016, seconded by Mr. Gillespie.

VOTE:

- The motion passed with all in favor.

TIME: 1:57 P.M.

CD: 0:56:06

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

5. MISCELLANEOUS

6. RECONSIDERATIONS/APPEALS

7. PLATTING STAFF & OFFICER COMMENTS

- There will be 2 cases to be heard at the next platting board meeting.
- Will bring to the board a reconsideration at the next meeting.
- The APA Conference is being held November 13th to the 15th.

8. BOARD COMMENTS

- Mr. Gillespie will not be at the next 3 meetings, as he will be out of state.
- Mr. Marty Van Diest would like to see a better procedure in doing a Variance.
- Mr. Pugh asked when the next joint meeting will be with the Planning Commission.
- The Clerk will find out from Planning on the next joint meeting date and when Title 43 is being reviewed by the Planning Commission.
- Mr. Jay Van Diest commented on flag lots. Asks staff to not write in the case file description unless it is a problem for the case.

9. ADJOURNMENT

Adjourned: 02:06 P.M.

CD: 01:05:43

Jay Van Diest, Chairman

Sloan Von Gunten
Administrative Specialist

4A

**STAFF REVIEW AND RECOMMENDATIONS
PUBLIC HEARING
November 3, 2016**

PRELIMINARY PLAT: **B's FAMILY ACRES**
LEGAL DESCRIPTION: **SEC 07, T18N, R2E, S.M., AK**
PETITIONER: **NATHAN BOWER / LOWELL BUTTON**
SURVEYOR/ENGINEER: **HANSON SURVEYING / HOLLER ENGINEERING**
ACRES: 39.94 **PARCELS: 2**
REVIEWED BY: CHERYL SCOTT **CASE: 2016-133**

REQUEST:

The request is to divide NE1/4 NW1/4, Section 7, Township 18 North, Range 2 East, Seward Meridian, Alaska (also known as Parcel 1, 40-Acre Exemption 2011-47) into 2 lots to be known as B's Family Acres, containing 39.94 acres more or less. Access is from E. Hermann Ave, currently being constructed to pioneer standards under a General Construction Permit. The parcel lies directly south of E. Hermann Avenue, west of E. Norman Avenue and north of E. Soapstone Road.

EXHIBITS:

Vicinity Map	EXHIBIT A 1 pg
Aerial Map	EXHIBIT B 1 pg
Project Overview/As-Built/Contours Maps	EXHIBIT C 3 pgs
Road Plans & Profile	EXHIBIT D 7 pgs
Site Visit Photos	EXHIBIT E 2 pgs

COMMENTS:

MSB Planning	EXHIBIT F 1 pg
MSB Land Management	EXHIBIT G 1 pg
MSB Department of Public Works	EXHIBIT H 1 pg
Enstar	EXHIBIT I 1 pg
GCI	EXHIBIT J 1 pg
MTA	EXHIBIT K 1 pg

DISCUSSION: The subdivision is being renamed from Button-Bower Subdivision to B's Family Acres. **(Recommendations #4)**

Access: Access to the lots is from E. Hermann Ave, currently being constructed along with a turnaround to pioneer standards under a General Construction Permit. E. Hermann Avenue and the turnaround will need to be certified to pioneer standards prior to final plat approval.

(Recommendation #2) E. Hermann Avenue has 66' and 83' wide Section Line Easements and contains an electrical line along the south side of the easement as shown on the topographic map **(Exhibit C)**. The petitioner is dedicating a 27.6' x 66' area for a temporary turnaround.

Subdivisions of lots using pioneer access roads require plat notes stating "To further subdivide any of the lots or parcels, the road must be constructed to residential standards" and "until accepted by the borough, no borough maintenance will be provided nor any borough funds shall be spent on upgrades." **(Recommendation #3)**

Lot Design: The lots have the required amount of frontage on E. Hermann Ave, which complies with MSB 43.20.300(D), *Lot and Block Design* and MSB 43.20.320, *Frontage*.

Soils: Each lot exceeds 400,000 sq. ft., therefore a useable area report is not required and topographic contours were provided in lieu of a topographic narrative, meeting the standards of MSB 43.20.281.

Road Plans & Profile: There are two areas of the road which exceed 6% grade. Pursuant to the subdivision construction manual E01.1, "The preliminary plat submittal is to be accompanied by a topographic map (per Section D Drainage). Centerline profiles to be provided if grades exceed 6% and/or cut/fills exceed 5' at the ditch line." **(Exhibit D-1 & D-2)** The 24' diameter culvert location and drainage arrows are also shown. The Norman and Hermann Avenue intersection angle is 70 degrees which meets the minimum intersection angle required under SCM A13.4. **(Exhibit D-1)** The surface diagram shows a 12" gravel subgrade which is required under SCM A09-1. **(Exhibit D-7)**

Site Visit Photos: (Exhibit E)

COMMENTS:

MSB Planning has no comment. **(Exhibit F)** MSB Land Management has no objections and stated no MSB land is affected **(Exhibit G)** MSB Department of Public Works has no comment. **(Exhibit H)** Enstar has no comments, recommendations or objections. **(Exhibit I)** GCI stated they had no objections. **(Exhibit J)** MTA has no objections. **(Exhibit K)**

No further comments were received from any borough departments, outside agencies or members of the public.

CONCLUSION:

The plat of B's Family Acres is consistent with AS 29.40.070 *Platting Regulations* and MSB 43.15.016 *Preliminary Plats*. The proposed lots have the required minimum frontage on a public road. E. Hermann Avenue will need to be certified to pioneer access standards prior to final plat

approval. A temporary turnaround is being dedicated to comply with SCM A05.6. There are no objections from any borough department, outside agency, or the public.

RECOMMENDATIONS:

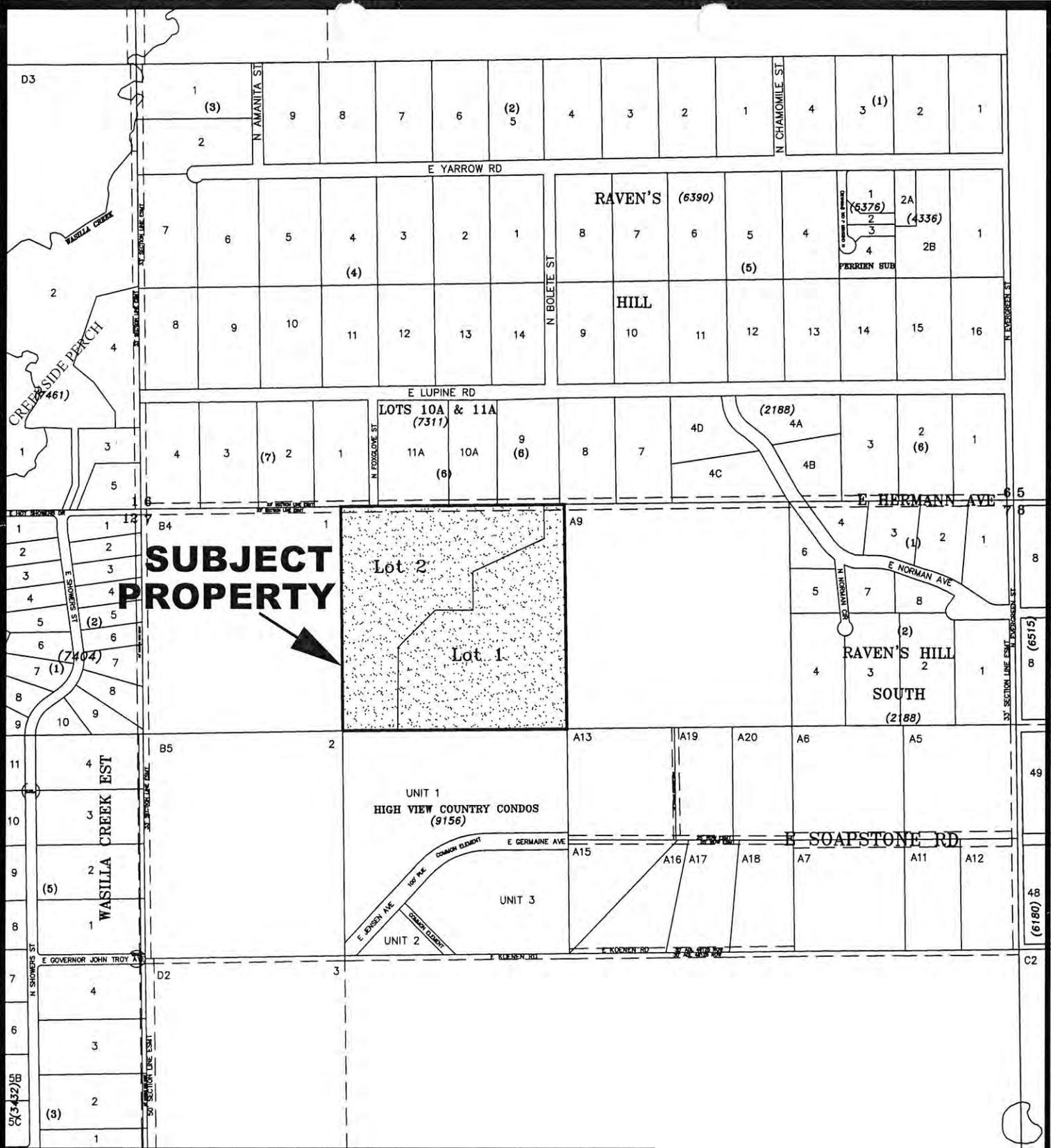
Suggested motion: “I move to approve the preliminary plat of B’s Family Acres, Section 07, Township 18 North, Range 2 East, Seward Meridian, Alaska, contingent on staff recommendations.”

1. Pay postage and advertising fees.
2. E. Hermann Ave must be certified to pioneer standards minimum prior to final plat approval.
3. Place plat notes “To further subdivide any of the lots or parcels, the road must be constructed to residential standards” and “until accepted by the borough, no borough maintenance will be provided, nor any borough funds shall be spent on upgrades.”
4. Rename subdivision to B’s Family Acres on final plat.
5. Provide updated Certificate to Plat executed within 90 days, prior to recording the plat per MSB 43.15.053(E).
6. Submit an affidavit from any holders of beneficial interest, if any, to be recorded with the plat.
7. Taxes and special assessments must be current prior to recording, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
8. Submit recording fee payable to State of Alaska, Dept. of Natural Resources.
9. Submit final plat in full compliance with Title 43.

FINDINGS:

1. The preliminary plat for B’s Family Acres is consistent with AS 29.40.070 and MSB 43.15.016.
2. There were no objections from any borough department, outside agencies or the general public.
3. The proposed lots have the minimum frontage onto a public road required by MSB 43.20.300, *Lot and Block Design* and MSB 43.20.320, *Frontage*.
4. The lots are over 400,000 sq. ft.; a useable area report is not required as the surveyor submitted topographic information per MSB 43.20.281.

5. E. Hermann Ave is a 66' and 83' wide right-of-way meeting MSB 43.20.120, Legal Access with the addition of the temporary turnaround dedicated this plat.
6. MSB 43.20.140, *Physical Access*, requires that the access conform to existing requirements of the Subdivision Construction Manual. E. Hermann Ave is currently being constructed under a General Construction Permit to pioneer standards. Certification that it meets those standards will be required prior to final plat approval.
7. Road Plans & Profile were submitted due to grades being over 6% per SCM E01-1.



SUBJECT PROPERTY



Lot 2

Lot 1

UNIT 1
HIGH VIEW COUNTRY CONDOS
(9156)

UNIT 3

UNIT 2

RAVEN'S HILL
SOUTH
(2188)

VICINITY MAP
FOR PROPOSED BUTTON-BOWER
SUBDIVISION
LOCATED WITHIN
SECTION 05, T17N, R2E, SEWARD MERIDIAN,
ALASKA
PALMER 04 MAP

EXHIBIT A

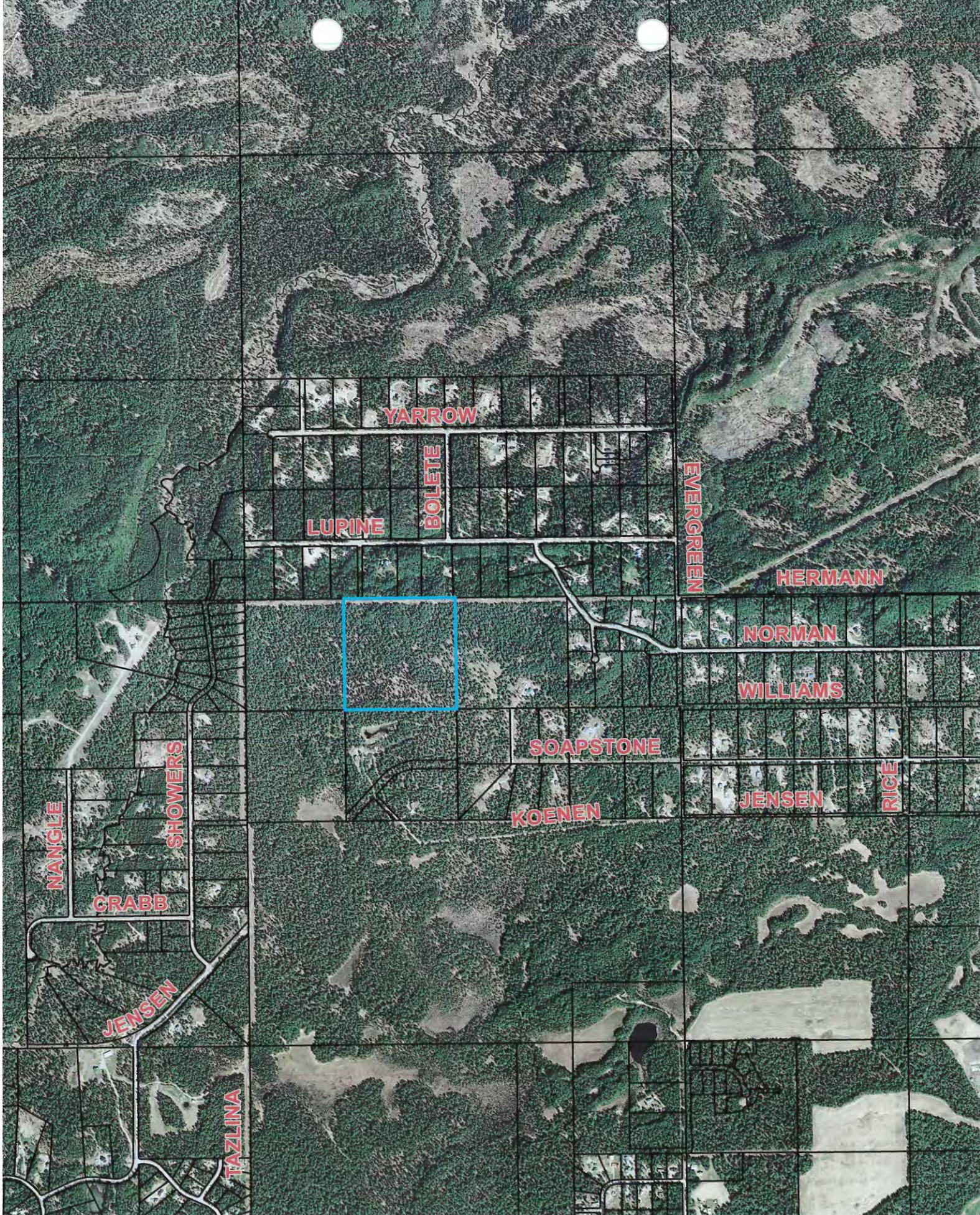
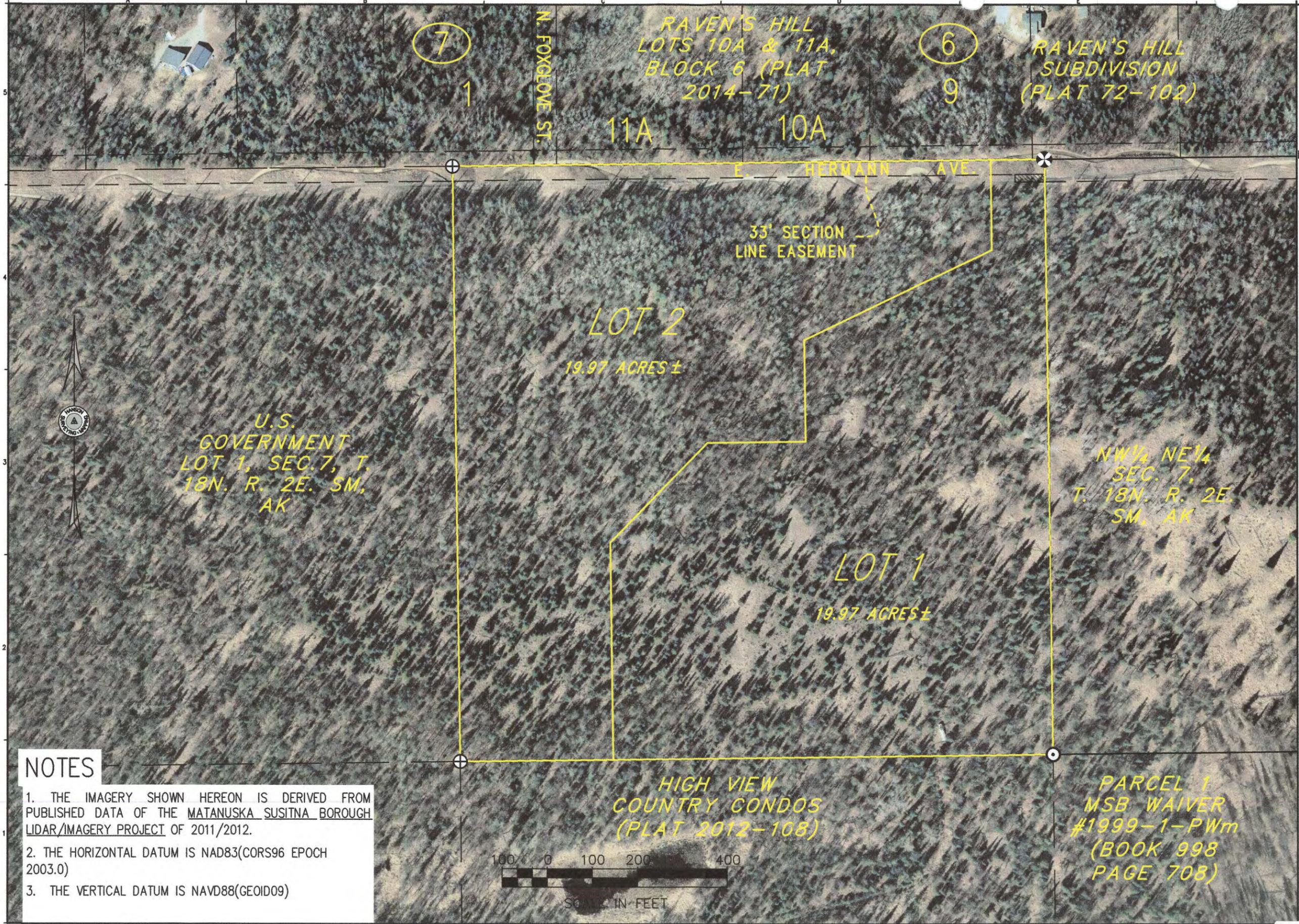


EXHIBIT B



HANSON SURVEYING & MAPPING LLC
 305 E. FIRENEED AVE.
 PALMER, ALASKA 99645
 (907)746-7738



RECEIVED

SEP 13 2016

PLATTING

PALMER, ALASKA
 BUTTON-BOWER
 SUBDIVISION
 PROJECT OVERVIEW

FILE: 16-139
 DESIGN: CEH
 DRAWN BY: SDN
 CHECKED: CEH
 DWG.#: 16-139CS
 DATE: 08-03-16
 SCALE: 1:200
 LOCATION:
 T.18N.R.2E.S.7 SM

SHEET 1 OF 3

NOTES

1. THE IMAGERY SHOWN HEREON IS DERIVED FROM PUBLISHED DATA OF THE MATANUSKA SUSITNA BOROUGH LIDAR/IMAGERY PROJECT OF 2011/2012.
2. THE HORIZONTAL DATUM IS NAD83(CORS96 EPOCH 2003.0)
3. THE VERTICAL DATUM IS NAVD88(GEIOD09)



HANSON SURVEYING & MAPPING LLC
305 E. FIREWEED AVE
PALMER, ALASKA 99645
(907)746-7738



RECEIVED

SEP 13 2016

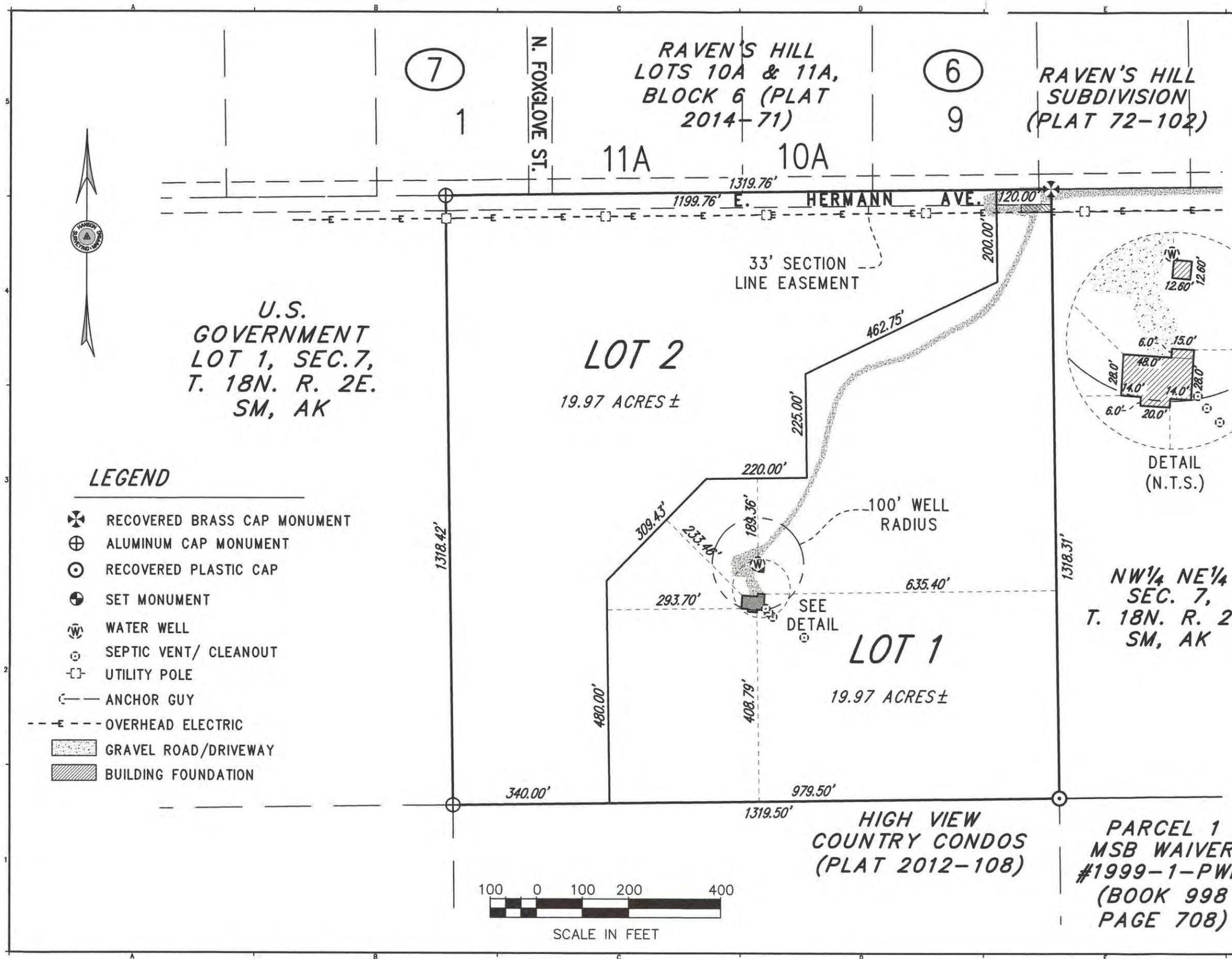
PLATTING

PALMER, ALASKA
BUTTON-BOWER
SUBDIVISION
AS-BUILT

FILE: 16-139
DESIGN: CEH
DRAWN BY: SDN
CHECKED: CEH
DWG.#: 16-139CS
DATE: 08-03-16
SCALE: 1:200
LOCATION:
T.18N.R.2E.S.7 SM

SHEET 2 OF 3

EXHIBIT C-2



U.S. GOVERNMENT LOT 1, SEC. 7, T. 18N. R. 2E. SM, AK

LOT 2
19.97 ACRES ±

LOT 1
19.97 ACRES ±

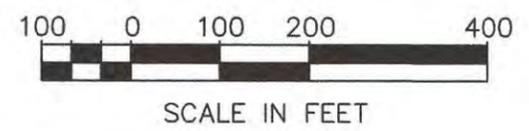
NW 1/4 NE 1/4 SEC. 7, T. 18N. R. 2E. SM, AK

HIGH VIEW COUNTRY CONDOS (PLAT 2012-108)

PARCEL 1 MSB WAIVER #1999-1-PWm (BOOK 998 PAGE 708)

LEGEND

- RECOVERED BRASS CAP MONUMENT
- ALUMINUM CAP MONUMENT
- RECOVERED PLASTIC CAP
- SET MONUMENT
- WATER WELL
- SEPTIC VENT/ CLEANOUT
- UTILITY POLE
- ANCHOR GUY
- OVERHEAD ELECTRIC
- GRAVEL ROAD/DRIVEWAY
- BUILDING FOUNDATION

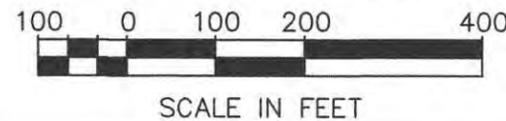
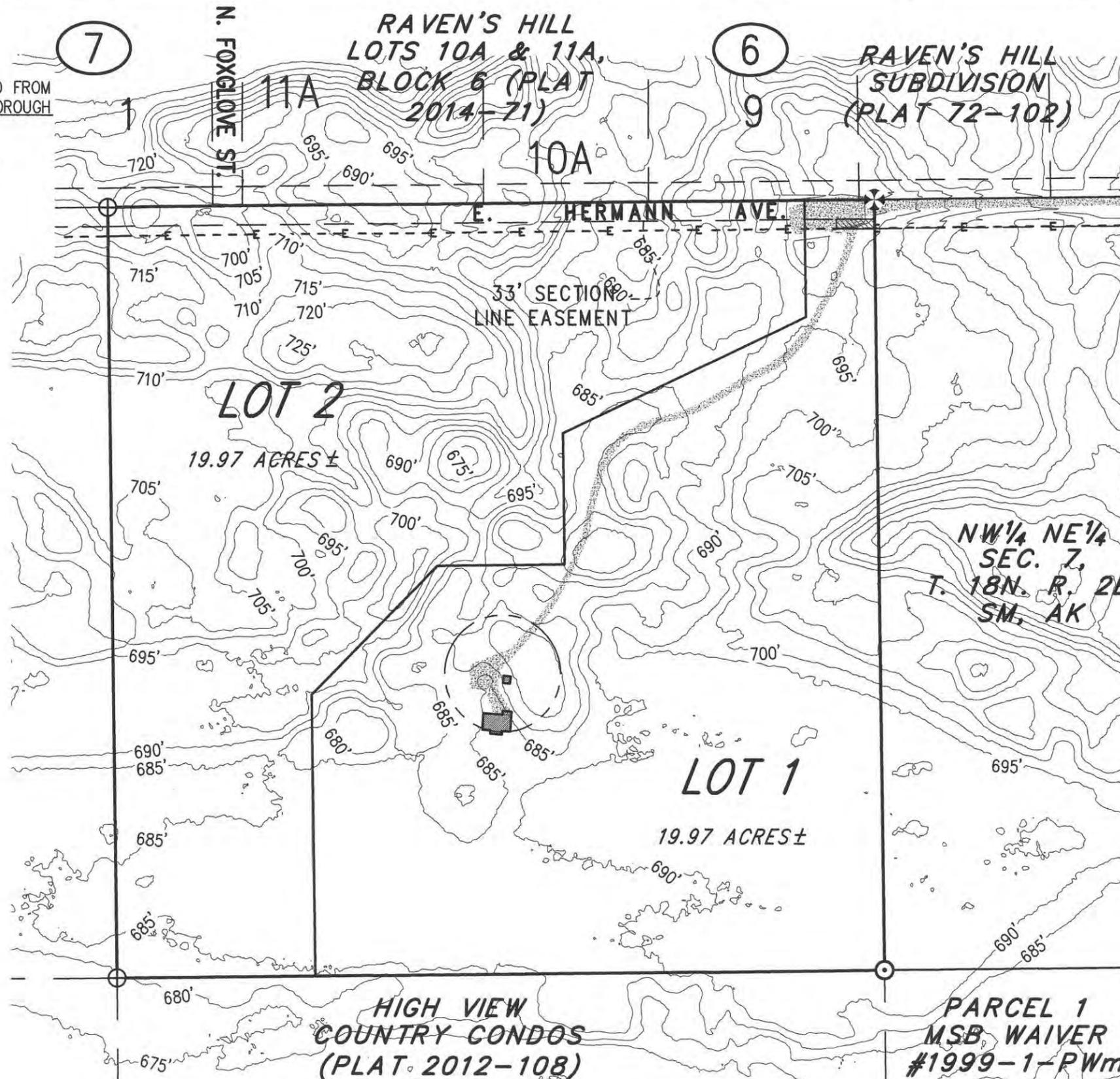


NOTES

1. THE 5' CONTOURS SHOWN HEREON WERE DERIVED FROM PUBLISHED DATA OF THE MATANUSKA SUSITNA BOROUGH LIDAR/IMAGERY PROJECT OF 2011/2012.
2. THE HORIZONTAL DATUM IS NAD83(CORS96 EPOCH 2003.0)
3. THE VERTICAL DATUM IS NAVD88(GEIOD09)



U.S.
GOVERNMENT
LOT 1, SEC. 7, T.
18N. R. 2E. SM,
AK



HANSON SURVEYING & MAPPING LLC
305 E. FIREWEED AVE.
PALMER, ALASKA 99645
(907)746-7738

STATE OF ALASKA
49TH
Craig E. Hanson
CRAIG E. HANSON
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 12312

RECEIVED

SEP 13 2016

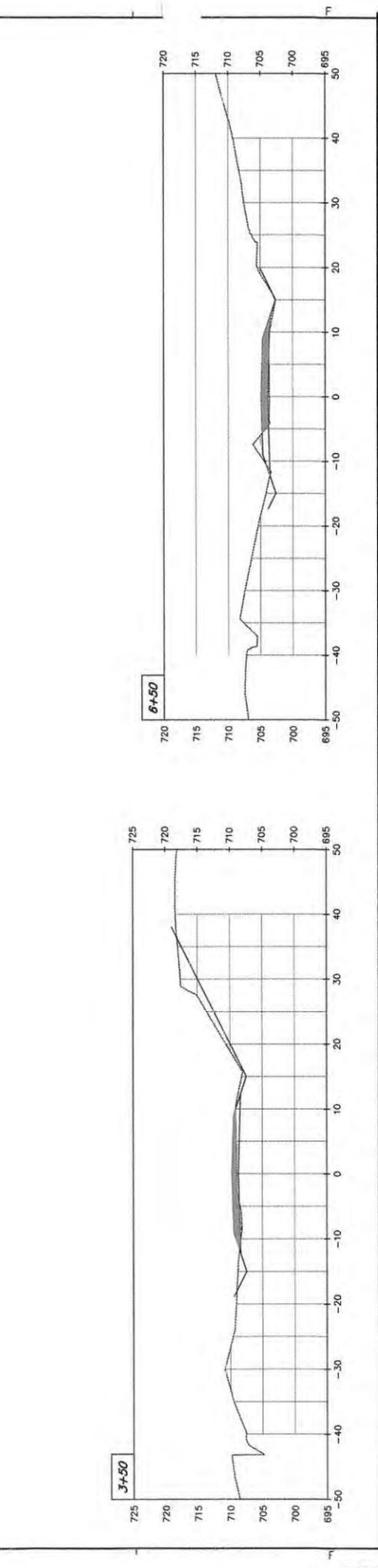
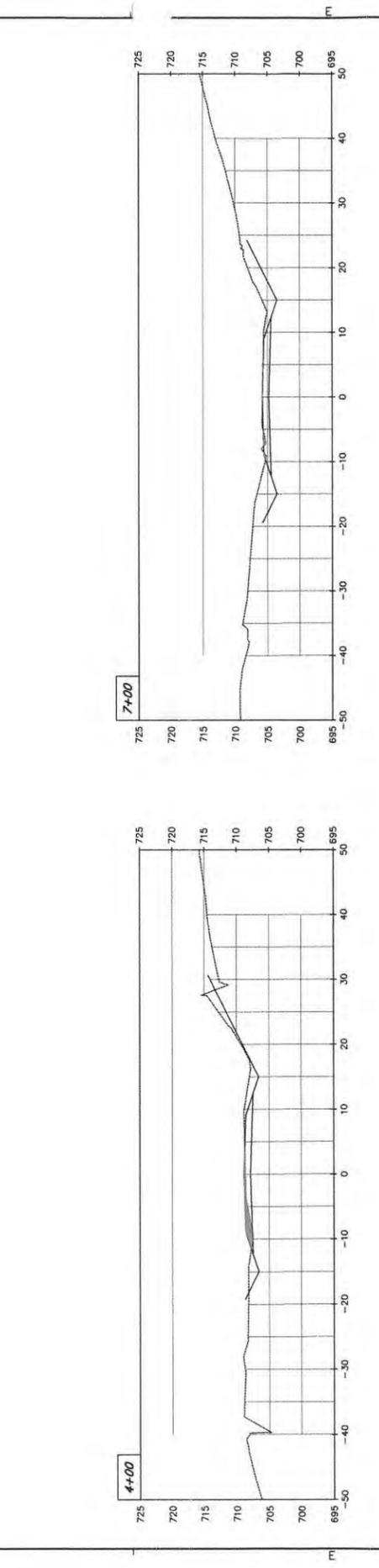
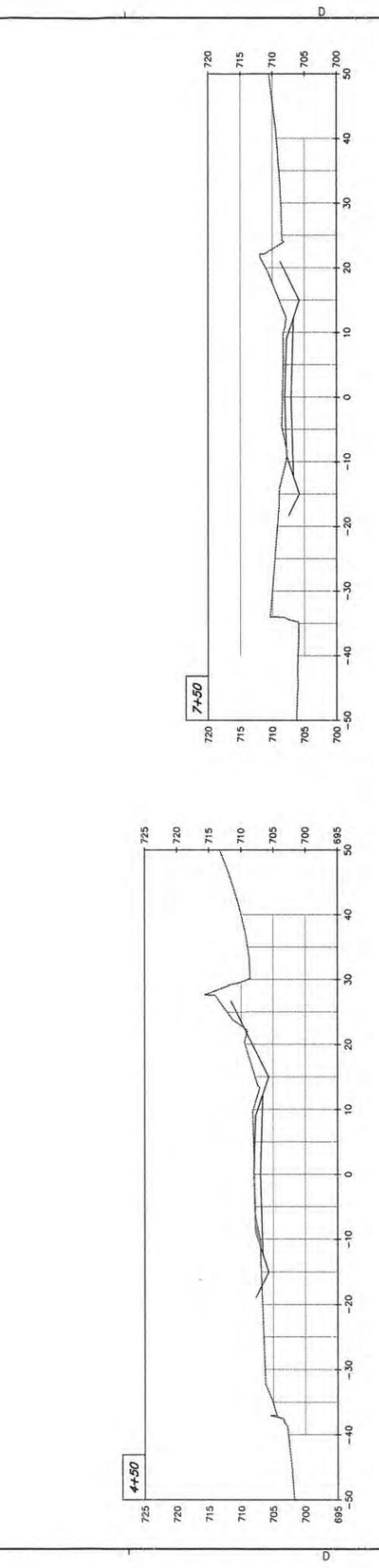
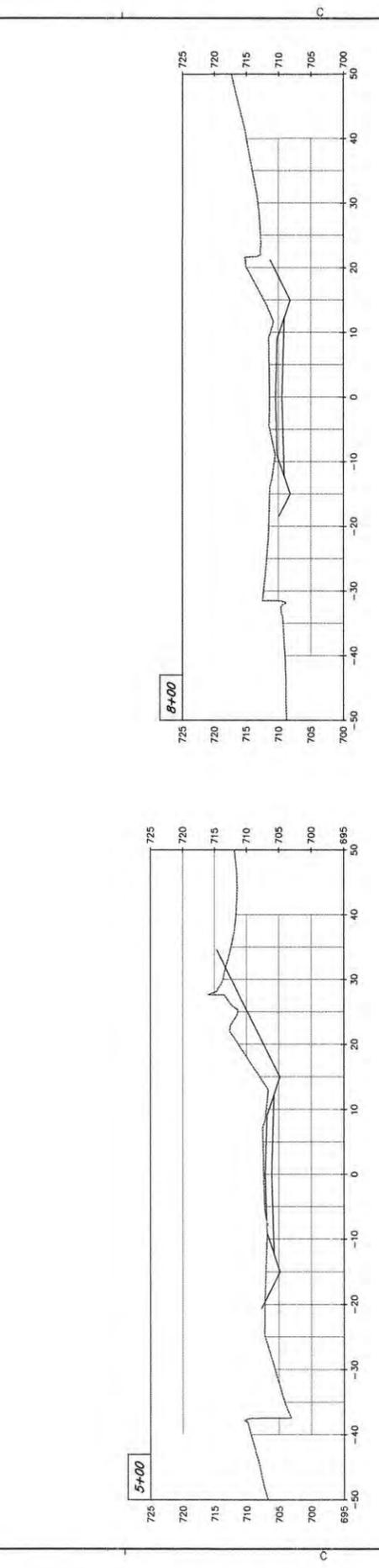
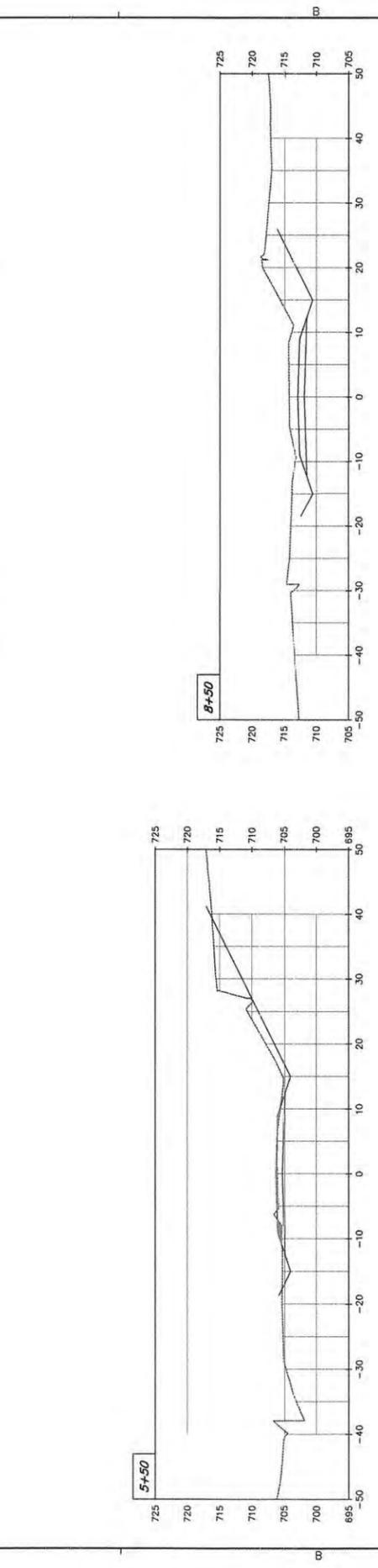
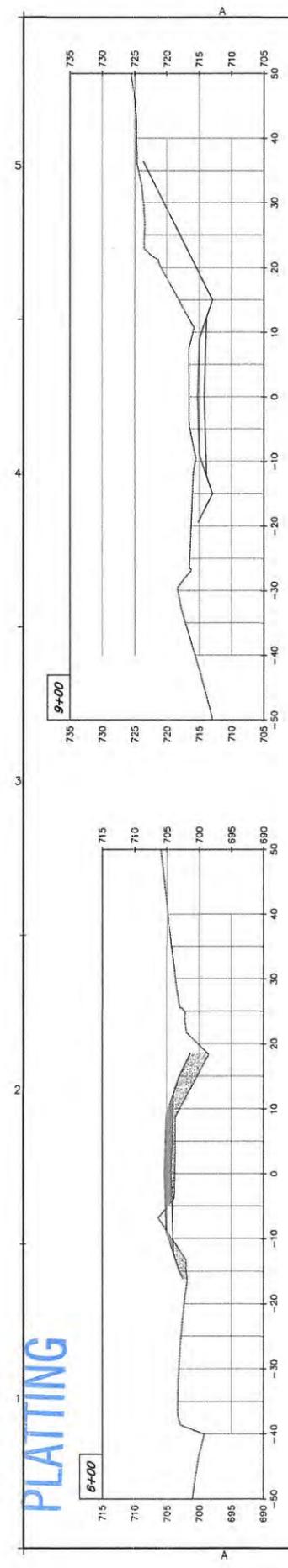
PLATTING

PALMER, ALASKA
BUTTON-BOWER
SUBDIVISION
CONTOURS

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SHEET 3 OF 3

RECEIVED
 AUG 05 2016
 PLATTING



HANSON SURVEYING & MAPPING
 305 E. FIREWEED AVE.
 PALMER, ALASKA 99645
 (907)746-7738



FIELD BOOKS:
 DESIGN: 16-139A
 STAKING:
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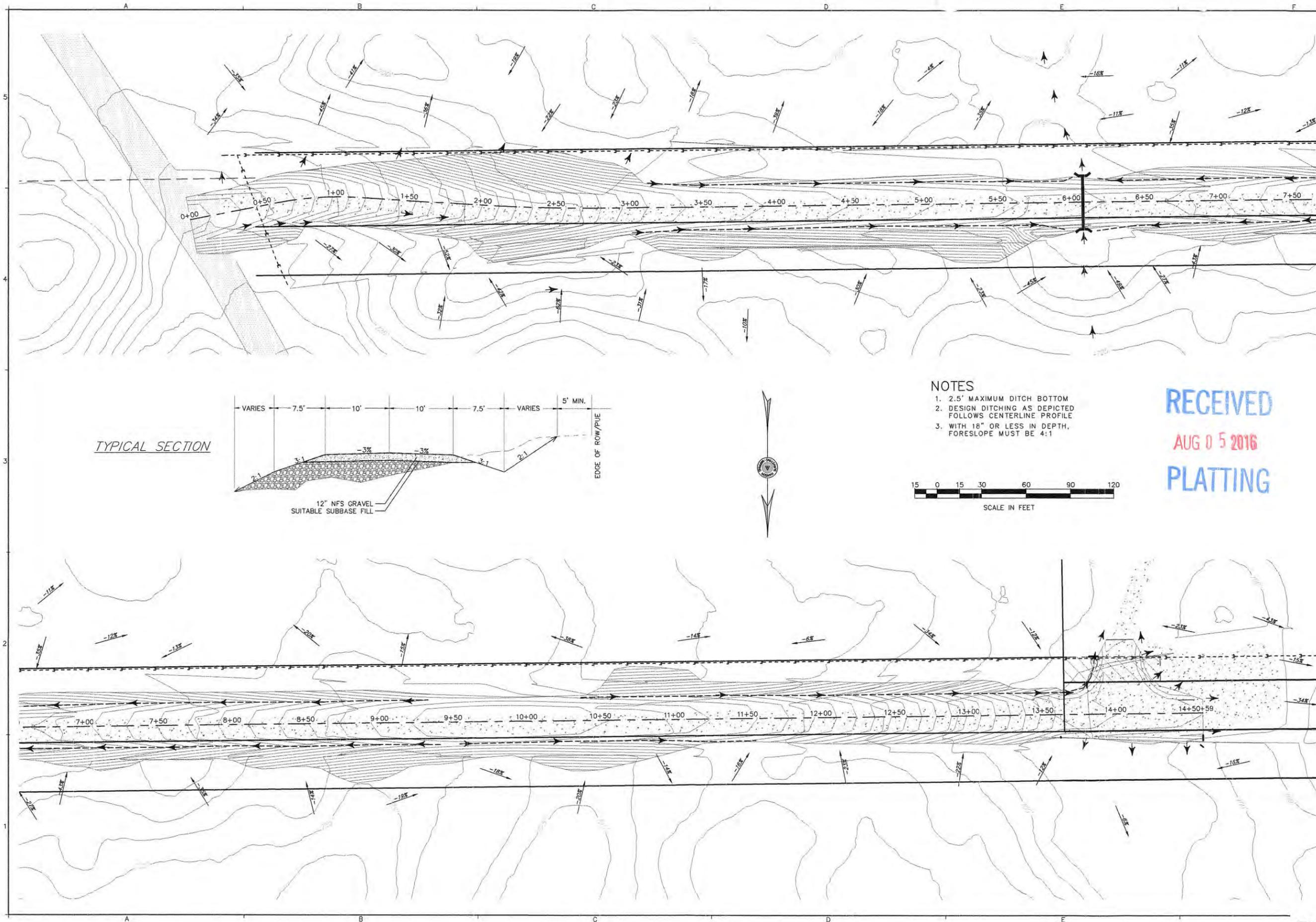
SCALE:
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 VERTICAL AS NOTED
 VERT. DATUM:
 NAVD88
 LOCATION:
 T.18N. R.2E. S.7 SM

Rev.	Revision	Date	By

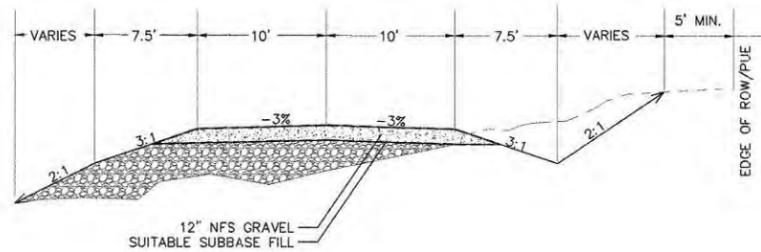
PALMER, ALASKA
 BUTTON-BOWER SUBDIVISION
 CROSS-SECTIONS
 E HERMANNE AV E. DESIGN

FILE: 16-139
 DESIGN:
 DRAWN BY: SDN
 CHECKED BY: CEH
 DWG.#: 16-139P/P
 DATE: 7/26/16

Reference Number:
 X-2
 Sheet 4 of 7

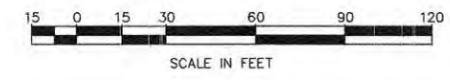


TYPICAL SECTION



NOTES

1. 2.5' MAXIMUM DITCH BOTTOM
2. DESIGN DITCHING AS DEPICTED FOLLOWS CENTERLINE PROFILE
3. WITH 18" OR LESS IN DEPTH, FORESLOPE MUST BE 4:1



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AUG 05 2016
PLATTING



HANSON SURVEYING & MAPPING
305 E. FIREWEED AVE.
PALMER, ALASKA 99645
(907)746-7738



FIELD BOOKS:
DESIGN: 16-139A
STAKING:
AS-BUILT:

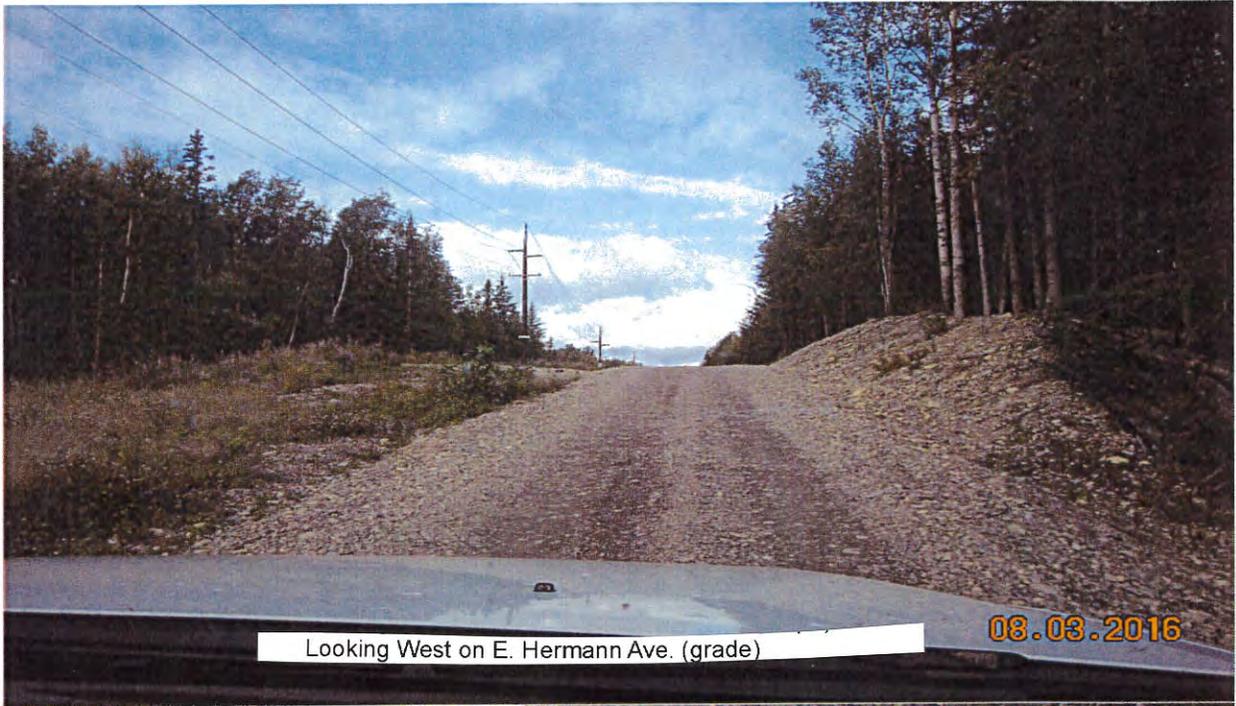
SCALE:
HOR. AS NOTED
VERTICAL: AS NOTED
VERT. DATUM:
NAVD88
LOCATION:
T.18N. R.2E. S.7 SW

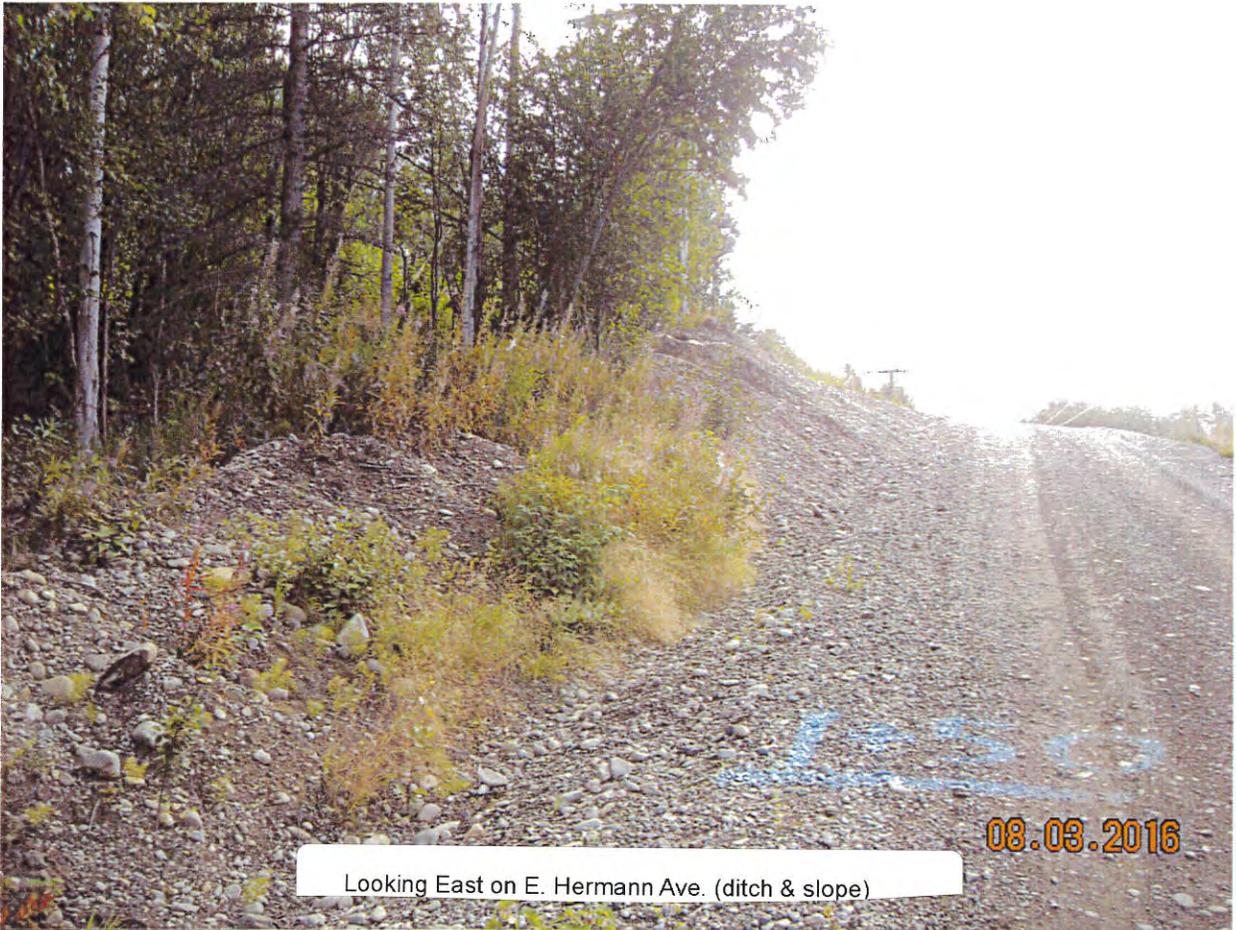
Rev.	By	Date

PALMER, ALASKA
BUTTON-BOWER SUBDIVISION
DRAINAGE PLAN
E. HERMANNE AV E. DESIGN

FILE: 16-139
DESIGN:
DRAWN BY: SDN
CHECKED BY: CEH
DWG.#: 16-139P/P
DATE: 7/26/16

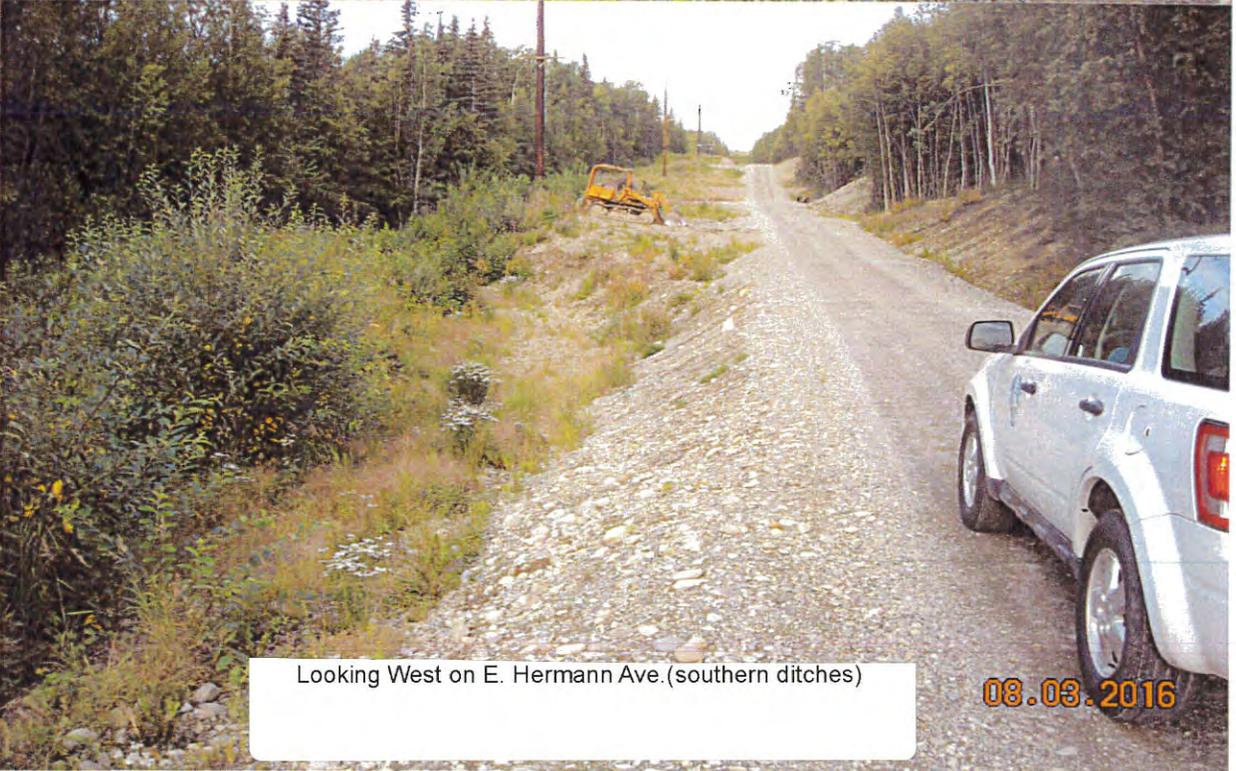
Reference Number:
F-2
Sheet 7 of 7





08.03.2016

Looking East on E. Hermann Ave. (ditch & slope)



08.03.2016

Looking West on E. Hermann Ave. (southern ditches)

Cheryl Scott

From: Susan Lee
Sent: Tuesday, September 20, 2016 7:29 AM
To: Cheryl Scott
Subject: RE: RFC Button-Bower (CS)

No comment.

Susan

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

From: Cheryl Scott
Sent: Monday, September 19, 2016 12:46 PM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; Corps of Engineers; brian.young@usps.gov; stevejenner@gmail.com; retirees@mtaonline.net; bgerard@mtaonline.net; John Aschenbrenner; Richard Boothby; jmcnut@palmerak.org; Elizabeth Derbonne; Eric Phillips; Michael Weller; Sheila Armstrong; Tracy McDaniel; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; mearow@matanuska.com; rglenn@mta-telco.com; jthompson@mta-telco.com; jennifer.diederich@enstarnaturalgas.com; robin.leighy@enstarnaturalgas.com; row@enstarnaturalgas.com; ospdesign@gci.com; dblehm@gci.com; jimsykesdistrict1@gmail.com; Theresa Taranto
Cc: jay@valleymarket.com; lamarra05@gmail.com; stan.gillespie@gmail.com; jordan@alaskaplans.com; patrickjhnsn@hotmail.com; marty@valleymarket.com; winforhim@aol.com
Subject: RFC Button-Bower (CS)

All ~

Attached is a Request for Comments for Button-Bower Subdivision, MSB Case 2016-133, Tech CS. Also, attached is the vicinity map, owner's statements, project overview map, topo map, As-Built map, road plan & profile and the preliminary plat. Comments are due by October 21, 2016.

Please contact me if you have any questions.

Cheryl Scott
Platting Technician
Matanuska-Susitna Borough
350 E. Dahlia Ave.
Palmer, AK 99645
(907) 861-8692 ph
(907) 861-8407 fax
cheryl.scott@matsugov.us



MATANUSKA-SUSITNA BOROUGH

Community Development

Land & Resource Management

350 East Dahlia Avenue • Palmer, AK 99645

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

RECEIVED

SEP 21 2016

PLATTING

MEMORANDUM

DATE: September 21, 2016
TO: Fred Wagner, Platting Officer
FROM: Land & Resource Management *NSC*
SUBJECT: Preliminary Plat Comments / Case #2016-133

Platting Tech: Cheryl Scott
Public Hearing: November 3, 2016
Applicant / Petitioner: Bower/Williamson
TRS: 18N02E07
Tax ID: 18N02E307B002
Subd: Button-Bower Subdivision
Tax Map: PA 04

Comments:

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

Cheryl Scott

From: Jamie Taylor
Sent: Monday, October 17, 2016 12:26 PM
To: Platting
Cc: Cheryl Scott
Subject: RE: RFC Button-Bower (CS)

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: Cheryl Scott
Sent: Monday, September 19, 2016 12:46 PM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; Corps of Engineers; brian.young@usps.gov; stevejenner@gmail.com; retirees@mtaonline.net; bgerard@mtaonline.net; John Aschenbrenner; Richard Boothby; jmcnut@palmerak.org; Elizabeth Derbonne; Eric Phillips; Michael Weller; Sheila Armstrong; Tracy McDaniel; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; mearow@matanuska.com; rglenn@mta-telco.com; jthompson@mta-telco.com; jennifer.diederich@enstarnaturalgas.com; robin.leighty@enstarnaturalgas.com; row@enstarnaturalgas.com; ospdesign@gci.com; dblehm@gci.com; jimsykesdistrict1@gmail.com; Theresa Taranto
Cc: jay@valleymarket.com; lamarra05@gmail.com; stan.gillespie@gmail.com; jordan@alaskaplans.com; patrickjhnsn@hotmail.com; marty@valleymarket.com; winforhim@aol.com
Subject: RFC Button-Bower (CS)

All ~

Attached is a Request for Comments for Button-Bower Subdivision, MSB Case 2016-133, Tech CS. Also, attached is the vicinity map, owner's statements, project overview map, topo map, As-Built map, road plan & profile and the preliminary plat. Comments are due by October 21, 2016.

Please contact me if you have any questions.

Cheryl Scott
Platting Technician
Matanuska-Susitna Borough
350 E. Dahlia Ave.
Palmer, AK 99645
(907) 861-8692 ph
(907) 861-8407 fax
cheryl.scott@matsugov.us



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

September 24, 2016

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

Subject: Preliminary Plat Request for Comments – **Button-Bower Subdivision**
(Case No. 2016-133)

Dear Ms. Scott:

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

If you have any questions, please feel free to contact me at 907-334-7944 or by email at cassie.wohlgemuth@enstarnaturalgas.com.

Sincerely,

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

Cassie Wohlgemuth
Right-of-Way and Compliance Technician

Sent via e-mail to MSB platting division

EXHIBIT I

Cheryl Scott

From: OSP Design Group <ospdesign@gci.com>
Sent: Tuesday, September 20, 2016 3:21 PM
To: Cheryl Scott
Subject: RE: RFC Button-Bower (CS)
Attachments: [Button-Bower.PDF](#)

Follow Up Flag: Follow up
Flag Status: Completed

Hello, no objections for this one.

Thanks,

Joshua Swanson | Technician I, GIS Mapping | **GCI**

From: Cheryl Scott [<mailto:Cheryl.Scott@matsugov.us>]
Sent: Monday, September 19, 2016 12:46 PM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; Corps of Engineers <regpagemaster@usace.army.mil>; brian.young@usps.gov; steveirenner@gmail.com; retirees@mtaonline.net; bgerard@mtaonline.net; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; Richard Boothby <Richard.Boothby@matsugov.us>; jmcnuttt@palmerak.org; Elizabeth Derbonne <elizabeth.derbonne@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>; Susan Lee <Susan.Lee@matsugov.us>; Eileen Probasco <Eileen.Probasco@matsugov.us>; Jessica Smith <Jessica.Smith@matsugov.us>; Frankie Barker <Frankie.Barker@matsugov.us>; Permit Center <PermitCenter@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; mearow@matanuska.com; rglenn@mta-telco.com; jthompson@mta-telco.com; jennifer.diederich@enstarnaturalgas.com; robin.leighty@enstarnaturalgas.com; row@enstarnaturalgas.com; OSP Design Group <ospdesign@gci.com>; David Blehm <dblehm@gci.com>; jimsykesdistrict1@gmail.com; Theresa Taranto <Theresa.Taranto@matsugov.us>
Cc: jay@valleymarket.com; lamarra05@gmail.com; stan.gillespie@gmail.com; jordan@alaskaplans.com; patrickjhnsn@hotmail.com; marty@valleymarket.com; winforhim@aol.com
Subject: RFC Button-Bower (CS)

[External Email]

All ~

Attached is a Request for Comments for Button-Bower Subdivision, MSB Case 2016-133, Tech CS. Also, attached is the vicinity map, owner's statements, project overview map, topo map, As-Built map, road plan & profile and the preliminary plat. Comments are due by October 21, 2016.

Please contact me if you have any questions.

Cheryl Scott
Platting Technician
Matanuska-Susitna Borough
350 E. Dahlia Ave.

Cheryl Scott

From: Becky Glenn <rglenn@mta-telco.com>
Sent: Monday, September 19, 2016 1:33 PM
To: Cheryl Scott
Subject: RE: RFC Button-Bower (CS)

Cheryl,

MTA has reviewed the short plat for Button-Bower. MTA has no objections.

Thank you for the opportunity to review and comment.

Becky Glenn
MTA

From: Cheryl Scott [<mailto:Cheryl.Scott@matsugov.us>]
Sent: Monday, September 19, 2016 12:46 PM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; Corps of Engineers <regpagemaster@usace.army.mil>; brian.young@usps.gov; stevejenner@gmail.com; retirees@mtaonline.net; bgerard@mtaonline.net; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; Richard Boothby <Richard.Boothby@matsugov.us>; jmcnutt@palmerak.org; Elizabeth Derbonne <elizabeth.derbonne@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>; Susan Lee <Susan.Lee@matsugov.us>; Eileen Probasco <Eileen.Probasco@matsugov.us>; Jessica Smith <Jessica.Smith@matsugov.us>; Frankie Barker <Frankie.Barker@matsugov.us>; Permit Center <PermitCenter@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; mearow@matanuska.com; Becky Glenn <rglenn@mta-telco.com>; Jessica Thompson <jthompson@mta-telco.com>; jennifer.diederich@enstarnaturalgas.com; robin.leighty@enstarnaturalgas.com; row@enstarnaturalgas.com; ospdesign@gci.com; dblehm@gci.com; iimsykesdistrict1@gmail.com; Theresa Taranto <Theresa.Taranto@matsugov.us>
Cc: jay@valleymarket.com; lamarra05@gmail.com; stan.gillespie@gmail.com; jordan@alaskaplans.com; patrickjhnsn@hotmail.com; marty@valleymarket.com; winforhim@aol.com
Subject: RFC Button-Bower (CS)

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.

All ~

Attached is a Request for Comments for Button-Bower Subdivision, MSB Case 2016-133, Tech CS. Also, attached is the vicinity map, owner's statements, project overview map, topo map, As-Built map, road plan & profile and the preliminary plat. Comments are due by October 21, 2016.

Please contact me if you have any questions.

PLANNING & LAND USE DIRECTOR'S CERTIFICATE

I CERTIFY THAT THIS SUBDIVISION PLAT HAS BEEN FOUND TO COMPLY WITH THE LAND SUBDIVISION REGULATIONS OF THE MATANUSKA-SUSITNA BOROUGH, AND THAT THE PLAT HAS BEEN APPROVED BY THE PLATTING AUTHORITY BY PLAT RESOLUTION NUMBER _____ DATED _____, 201____, AND THAT THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE RECORDER IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, IN WHICH THE PLAT IS LOCATED.

PLANNING AND LAND USE DIRECTOR _____ DATE _____

ATTEST: _____
(PLATTING CLERK)



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

REGISTERED LAND SURVEYOR

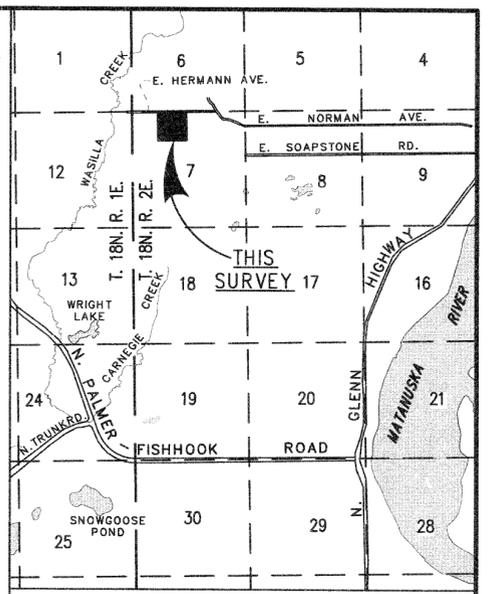
CERTIFICATE OF PAYMENT OF TAXES

I HEREBY CERTIFY THAT ALL CURRENT TAXES AND SPECIAL ASSESSMENTS, THROUGH _____, 201____, AGAINST THE PROPERTY, INCLUDED IN THE SUBDIVISION OR RESUBDIVISION, HEREON HAVE BEEN PAID.

TAX COLLECTION OFFICIAL _____ DATE _____
(MATANUSKA-SUSITNA BOROUGH)

LEGEND

- ⊕ RECOVERED BRASS CAP MONUMENT
- ⊕ ALUMINUM CAP MONUMENT
- ⊕ SET MONUMENT
- ⊕ RECOVERED PLASTIC CAP ON REBAR
- ⊕ MEASURED DATA
- ⊕ RECORD PER RECTANGULAR PLAT (1916)
- ⊕ RECORD PER RECORD OF SURVEY (2011-53)



MSB TAX MAP PA00, WA00 1"=5280'

CERTIFICATE OF OWNERSHIP

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

NATHAN A. BOWER _____ DATE _____
P.O. BOX 3844
PALMER, AK 99645

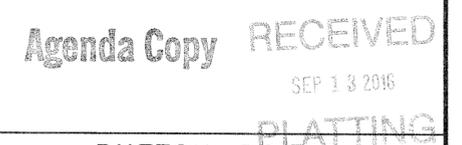
MARANDA E. WILLIAMSON _____ DATE _____
P.O. BOX 3844
PALMER, AK 99645

NOTARY ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 201____

FOR _____

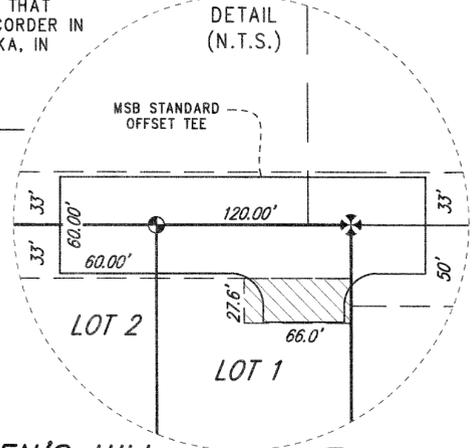
NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES: _____



BUTTON-BOWER SUBDIVISION

A SUBDIVISION OF
NE 1/4 NW 1/4 SEC. 7,
T. 18N. R. 2E. SM, AK
PALMER RECORDING DISTRICT
STATE OF ALASKA
LOCATED WITHIN
NW 1/4 SEC. 7, T. 18N. R. 2E. SM, AK
CONTAINING 39.94 ACRES MORE OR LESS

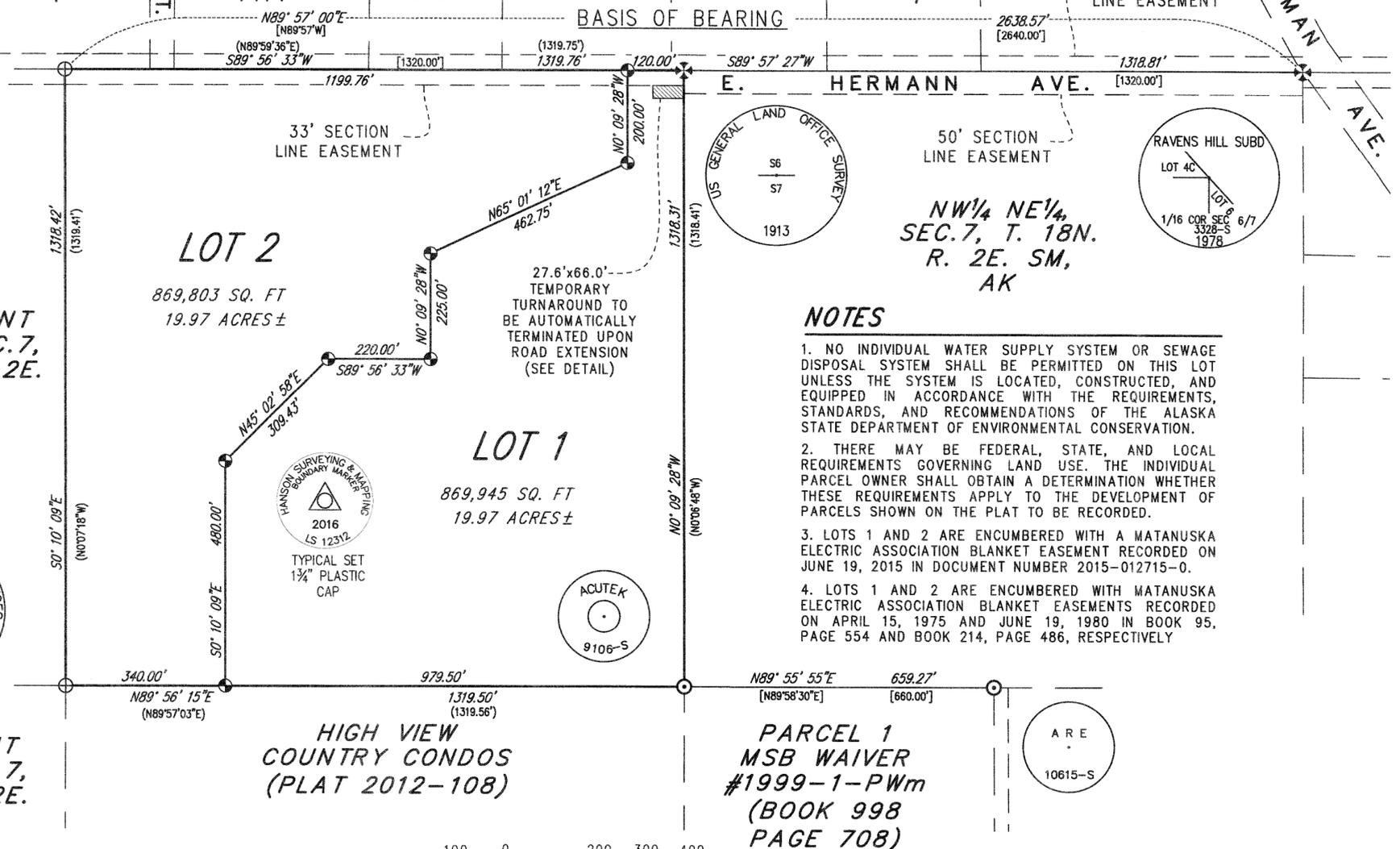
HANSON SURVEYING & MAPPING
305 EAST FIREWEED AVENUE
PALMER, ALASKA, 99645
(907) 746-7738



RAVEN'S HILL SUBDIVISION (PLAT 72-102)

RAVEN'S HILL LOTS 10A & 11A, BLOCK 6 (PLAT 2014-71)

RAVEN'S HILL SUBDIVISION (PLAT 72-102)



U.S. GOVERNMENT LOT 1, SEC. 7, T. 18N. R. 2E. SM, AK

LOT 2
869,803 SQ. FT
19.97 ACRES ±

LOT 1
869,945 SQ. FT
19.97 ACRES ±



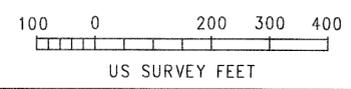
NW 1/4 NE 1/4, SEC. 7, T. 18N. R. 2E. SM, AK



NOTES

1. NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON THIS LOT UNLESS THE SYSTEM IS LOCATED, CONSTRUCTED, AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS, AND RECOMMENDATIONS OF THE ALASKA STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
2. THERE MAY BE FEDERAL, STATE, AND LOCAL REQUIREMENTS GOVERNING LAND USE. THE INDIVIDUAL PARCEL OWNER SHALL OBTAIN A DETERMINATION WHETHER THESE REQUIREMENTS APPLY TO THE DEVELOPMENT OF PARCELS SHOWN ON THE PLAT TO BE RECORDED.
3. LOTS 1 AND 2 ARE ENCUMBERED WITH A MATANUSKA ELECTRIC ASSOCIATION BLANKET EASEMENT RECORDED ON JUNE 19, 2015 IN DOCUMENT NUMBER 2015-012715-0.
4. LOTS 1 AND 2 ARE ENCUMBERED WITH MATANUSKA ELECTRIC ASSOCIATION BLANKET EASEMENTS RECORDED ON APRIL 15, 1975 AND JUNE 19, 1980 IN BOOK 95, PAGE 554 AND BOOK 214, PAGE 486, RESPECTIVELY.

PARCEL 1 MSB WAIVER #1999-1-PWm (BOOK 998 PAGE 708)



4B

**STAFF REVIEW AND RECOMMENDATIONS
PUBLIC HEARING
November 3, 2016**

PROJECT NAME: **E. VALLEY CREST DRIVE VACATION &
REPLACEMENT PUBLIC USE EASEMENT**

LEGAL DESCRIPTION: **SECTION 07, T17N, R2E S.M., AK**

PETITIONER: **NORMAN & DEBRA NEWBURY**

SURVEYOR: **HANSON SURVEYING & MAPPING**

REVIEWED BY: CHERYL SCOTT

CASE #: 2016-139 & 2016-157

REQUEST

The request is to vacate the 50' wide public use easement within Parcels 1-A & 1-B, MSB Waiver No. 78-78 and replace it with a 60' wide public use easement just south of the existing easement to alleviate a structural setback encroachment. A 20' wide slope & maintenance easement is also being added to the northwest side of the new public use easement. Located within Section 7, Township 17 North, Range 2 East, Seward Meridian, Alaska.

EXHIBITS

Vicinity Map	EXHIBIT A	1 pg
Aerial Map	EXHIBIT B	1 pg
Project Overview/As-Built/Proposed Vacation & PUE	EXHIBIT C	4 pgs
Maps showing constructability	EXHIBIT D	5 pgs
Petition to Vacate	EXHIBIT E	2 pgs

AGENCY COMMENTS

MSB Planning	EXHIBIT F	1 pg
MSB Department of Public Works	EXHIBIT G	1 pg
MSB Land & Resource Management	EXHIBIT H	1 pg
GCI	EXHIBIT I	1 pg
Public	EXHIBIT J	1 pg

DISCUSSION

Vacation and Public Use Easement: The as-built shows the encroachment of the barn into the public use easement (**Exhibit C-2**). The petitioner submitted a petition to vacate the easement through the borough as required by AS 29.40.120 (**Exhibit E**). A sign notifying the public of the date, time, and place of the public hearing was placed where the proposed vacated area lies. The surveyor shall provide an affidavit stating the vacation was posted as required by MSB 43.10.065(G).

MSB 43.10.060(E) states the platting board shall not approve an application where it finds that the property that is the subject of the application currently is in violation of this title, any condition of approval of a variance, subdivision plat or other land use entitlement granted under this title, or the terms of any other agreement with the borough, unless conditions of approval resolve the violation, excepting that where multiple violations exist and the platting action is remedying one or more of these violations. Staff notes that the vacation will resolve the encroachment of the barn into the public use easement.

MSB 43.15.035, *Vacations*; the platting board shall ordinarily approve vacations of public right-of-way if the vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation. Staff notes that this means there needs to be legal and physical access that is equal or better than what is being vacated. The petitioner is vacating the entire public use easement within these parcels and replacing it with a 60' wide public use easement in a constructible location.

Currently, there is a traveled way to the petitioner's home and to the property to the west but it does not lie entirely within the existing 50' wide easement. Right-of-way construction will be required where the traveled way diverts from the new public use easement to equal or better standards than what exists. There is no requirement to construct any other portion of the traveled way. **(Exhibit C-4) (Recommendation 2)** The replacement 60' wide public use easement is shown in **Exhibit C-1 & C-4**. MSB 43.15.021(C) states the offerer shall prove that the public use easement is in a practical location where construction is feasible. Documentation provided shows construction is feasible. **(Exhibit D)** Also, the petitioner is providing a 20' wide slope & maintenance easement on the northwest side of the new public use easement. This would encompass any excessive slopes that may be required due to terrain. According to Exhibit D, the slope limits, in places, exceed the proposed right-of-way and slope and maintenance easement. Staff is recommending all cut and fill need to be included within a slope construction and maintenance easement. **(Recommendation 4)**

COMMENTS

MSB Planning had no comment. **(Exhibit F)**

MSB Land & Resource Management has no objections and stated no MSB land is affected. **(Exhibit G)**

MSB Department of Public Works stated in regards to the constructability plans; the horizontal curvature is good, length of vertical curves need to be redesigned, cut and fill extends beyond the right-of-way or slope easements and right-of-way should match into the easement on adjoining parcels. Staff notes, the petitioner will adjust the design to address the length of the vertical curves **(Recommendation 5)** and cut and fill will be included within a slope construction and maintenance easement. Staff and MSB engineer agree that the location of the public use easement to adjoining properties is located in the most feasible area for construction.

GCI has no objections. **(Exhibit I)**

Traeger Machetanz, owner of Parcel D2, commented that he has no objection to the petitioner's request to vacate the 50' wide public use easement and replace it with a 60' wide easement. He had one condition to his non-objection, that being, he be afforded a substantially equivalent or better easement as required by MSB Code 43.15.035(2)(a) where the land is undeveloped or developing such as is the case in this application. Mr. Machetanz stated: "I believe the Newbury's need to accept the obligation of developing the proposed new easement to the same level as the existing easement at least to the same location to where I would have needed to start to develop a Pioneer road under the existing easement." Staff notes MSB Code 43.15.035(A)(2)(a) states: The platting board shall not ordinarily approve vacations of public interests in land if; (a) the surrounding area in which the vacation is sought is undeveloped or is developing and equivalent or better access is not provided. Staff notes, the petitioner is providing better access with a replacement 60' public use easement and a constructed traveled way to replace the portion affected by the vacation.

No other departments, outside agencies or members of the public had any comments.

CONCLUSION

The vacation is pursuant to AS 29.40.120 and MSB 43.15.035, *Vacations*. A 60' wide public use easement is being dedicated to replace the easement being vacated within these parcels and a replacement traveled way will be constructed to provide equal or better access. The vacation will resolve a structural encroachment into the public use easement. The public use easement is in a practical location where construction is feasible per MSB 43.15.021(C).

RECOMMENDATIONS:

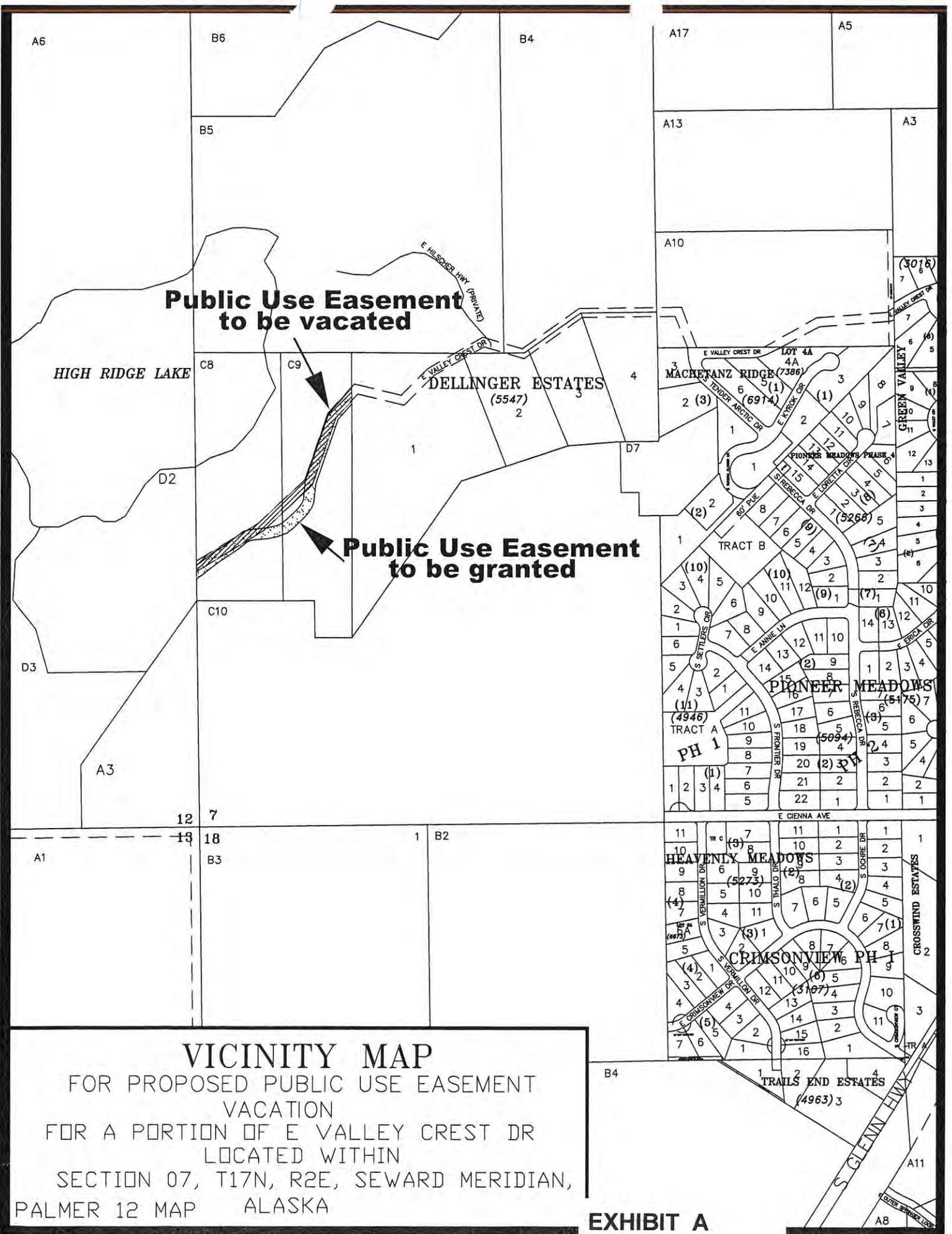
"I move to approve the vacation of a 50' wide public use easement recorded in Book 182 Page 44 and replace it with a 60' wide public use easement lying entirely within Parcels 1-A & 1-B, MSB Waiver No. 78-78 , Section 07, Township 17 North, Range 2 East, Seward Meridian, Alaska" contingent upon the staff recommendations and findings:"

1. Obtain the Borough Assembly approval of the vacation within 30 days of Platting Board's written Notification of Action. MSB Assembly has 30 days from the date of the Platting Board decision to deny the request.
2. Provide documentation that an equal or better replacement traveled way has been constructed in the areas affected by the vacation.
3. Adjust boundary on western portion of public use easement to include existing traveled way as shown on Exhibit C-4.
4. All cut & fill areas will be included within the right-of-way or a slope construction and maintenance easement.

5. Provide vertical curves with a minimum K value of 12 as required by the Department of Public Works Engineer.
6. Provide updated Certificate to Plat executed within 90 days prior to recording and provide beneficiary affidavits from holders of legal and equitable interest, if any.
7. Submit recording fee payable to State of Alaska, Dept. of Natural Resources.

FINDINGS:

1. The vacation is pursuant to AS 29.40.120 and MSB 43.15.035 *Vacations*. The vacation is consistent with MSB 43.15.035(B)(1)(a) as the vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation.
2. The vacation consists of a 50' wide public use easement recorded in Book 182, Page 44 that lies within Parcels 1-A & 1-B, MSB Waiver 78-78.
3. Construction of the traveled way in areas affected by the vacation will provide for equal or better access.
4. The surveyor proved that the replacement public use easement is in an area where construction of the physical road is feasible within the public use easement as required by MSB 43.15.021(C) with modifications as required by the Department of Public Works Engineer.
5. The existing traveled way will be included within the boundary of the proposed public use easement as shown in Exhibit C-4.
6. The Subdivision Construction Manual (A14.2) requires all cut and fill to be within the right-of-way. Staff notes DPW also accepts slope construction & maintenance easements.
7. Design to be adjusted to change length of vertical curve per Subdivision Construction Manual A04.4.
8. There are no objections from borough departments or outside agencies.
9. There is one public comment from Traeger Machetanz, the owner of Parcel D2 to the west of the subject property. Mr. Machetanz does not object to the vacation and dedication of the replacement public use easement but has one condition that the petitioner develops the proposed new easement to the same level as the existing easement at least to the same location to where he would have needed to start to develop a pioneer road under the existing easement. Staff notes that the petitioner is being required to provide equal or better replacement traveled way in the areas affected by the vacation.



VICINITY MAP
 FOR PROPOSED PUBLIC USE EASEMENT
 VACATION
 FOR A PORTION OF E VALLEY CREST DR
 LOCATED WITHIN
 SECTION 07, T17N, R2E, SEWARD MERIDIAN,
 PALMER 12 MAP ALASKA

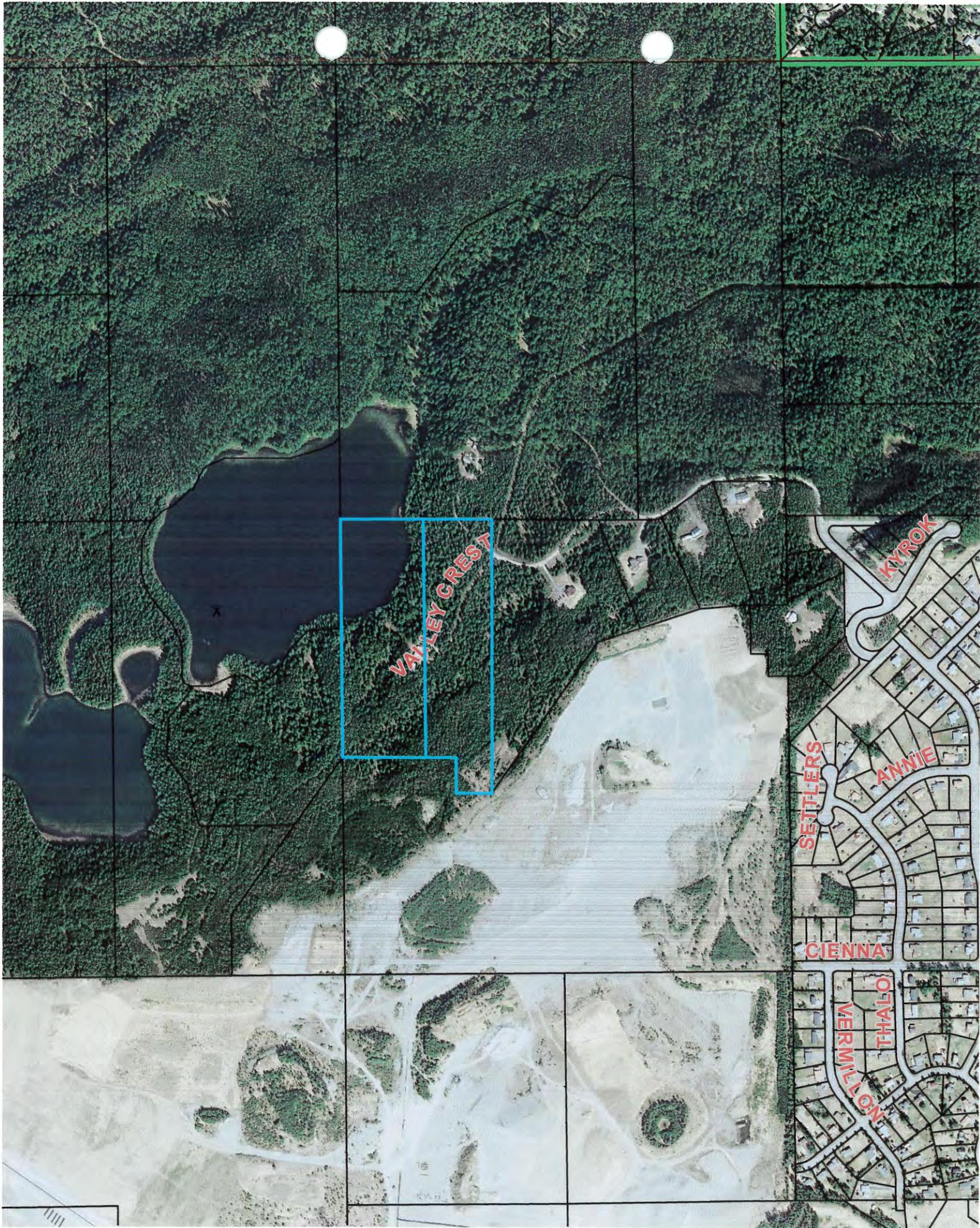


EXHIBIT B



HANSON SURVEYING & MAPPING LLC
 305 E. FIREWEED AVE.
 PALMER, ALASKA 99645
 (907)746-7738

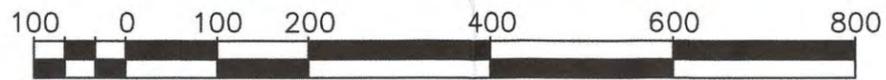


PALMER, ALASKA
 E. VALLEY CREST DRIVE

PROJECT OVERVIEW

NOTES

1. THE IMAGERY SHOWN HEREON IS DERIVED FROM PUBLISHED DATA OF THE MATANUSKA SUSITNA BOROUGH LIDAR/IMAGERY PROJECT OF 2011/2012.
2. THE HORIZONTAL DATUM IS NAD83(CORS96 EPOCH 2003.0)
3. THE VERTICAL DATUM IS NAVD88(GEIOD09)



SCALE IN FEET

RECEIVED

SEP 19 2016

PLATTING

FILE: 16-147
 DESIGN: CEH
 DRAWN BY: SDN
 CHECKED: CEH
 DWG.#: 16-147CS
 DATE: 09-19-16
 SCALE: 1:200
 LOCATION: 7.17N.R.2E.S.7 SM

SHEET 1 OF 4

EXHIBIT C-1

DELLINGER ESTATES
SUBDIVISION (PLAT 2004-84)

1



HANSON SURVEYING & MAPPING LLC
305 E. FIREWEED AVE.
PALMER, ALASKA 99645
(907)746-7738



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PLATTING

PARCEL 1-B

EXISTING GRAVEL
DRIVEWAY



MSB WAIVER
78-78
(78-199W)

PORTION OF R.O.W. EASEMENT AS
DEFINED ON BOOK 182, PAGES
44-52, RECORDED ON DECEMBER
19, 1978.

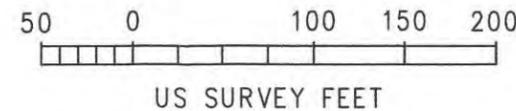
HOUSE

BARN

PARCEL 1-A

10' WIDE
TRAIL

HIGH RIDGE
LAKE



UNSUBDIVIDED

LEGEND

- RECOVERED BLM BRASS CAP
- RECOVERED ALUMINUM CAP
- RECOVERED PLASTIC CAP ON REBAR
- RECOVERED 3/8" REBAR
- ELECTRIC METER
- ANCHOR GUY
- UTILITY POLE
- OVERHEAD ELECTRIC
- (C)* COMPUTED DATA
- S0°01'51"W* MEASURED DATA
- S0°02'56"E 205.24'* RECORD DATA (BK. 182 P. 44-52)

PALMER, ALASKA
E. VALLEY CREST DRIVE
AS-BUILT
EXISTING EASEMENT LOCATION

FILE: 16-147
DESIGN: CEH
DRAWN BY: SDN
CHECKED: CEH
DWG.#: 16-147CS
DATE: 09-19-16
SCALE: 1:100
LOCATION:
T.17N.R.2E.S.7 SM

SHEET 2 OF 4

DELLINGER ESTATES
SUBDIVISION (PLAT 2004-84)

1

PARCEL 1-B

PARCEL 1-A

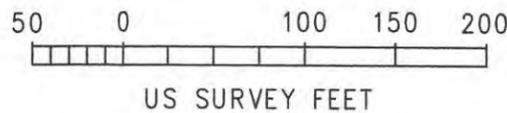
UNSUBDIVIDED

MSB WAIVER
78-78
(78-199W)

HIGH RIDGE
LAKE

LEGEND

 SECTION OF RIGHT OF WAY TO BE VACATED



RECEIVED
SEP 19 2016
PLATTING



PORTION OF R.O.W. EASEMENT AS
DEFINED ON BOOK 182, PAGES
44-52, RECORDED ON DECEMBER
19, 1978.



HANSON SURVEYING & MAPPING LLC
305 E. FIREWEED AVE.
PALMER, ALASKA 99645
(907)746-7738



PALMER, ALASKA
VALLEY CREST DRIVE
PROPOSED R.O.W. VACATION

FILE: 16-147
DESIGN: CEH
DRAWN BY: SDN
CHECKED: CEH
DWG.#: 16-147CS
DATE: 09-19-16
SCALE: 1:100
LOCATION:
T.17N.R.2E.S.7 SW

SHEET 3 OF 4

DELLINGER ESTATES
SUBDIVISION (PLAT 2004-84)

PARCEL 1-B

PARCEL 1-A

MSB WAIVER
78-78
(78-199W)

LEGAL DESCRIPTION

A STRIP OF LAND 60 FEET WIDE, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS: COMMENCING AT A PLASTIC CAP ON REBAR, THE NORTHEAST CORNER OF PARCEL B-1 OF MSB WAIVER #78-78, RECORDED AS 78-199W, THENCE S0°03'53"W 248.44' TO A POINT WHICH BEARS N0°03'53"E 1337.55' FROM THE SOUTHEAST CORNER OF SAID PARCEL 1-B, AND IS THE TRUE POINT OF BEGINNING. THENCE S43°24'29"W 116.31', THENCE SOUTHWESTERLY 97.60' ALONG A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 225.00', THENCE S18°33'15"W 147.24', THENCE SOUTHWESTERLY 66.72' ALONG A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 225.00', THENCE S1°33'49"W 102.04'. THENCE SOUTHWESTERLY 232.94' ALONG A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 225.00', THENCE S60°52'54"W 101.04', THENCE SOUTHWESTERLY 63.64' ALONG A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 225.00', THENCE S77°05'13"W 100.59', THENCE SOUTHWESTERLY 107.06' ALONG A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 225.00', THENCE S49°49'31"W 74.45', THENCE S55°19'18"W 113.50', THENCE SOUTHWESTERLY 94.43' ALONG A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 225.00' TO THE POINT OF ENDING, A POINT WHICH BEARS N0°01'51"E 122.98' FROM A 5/8" REBAR, THE SOUTHWEST CORNER OF PARCEL 1-A, AND S0°01'51"W 685.70' FROM A BRASS CAP THAT IS THE WITNESS CORNER TO THE WESTERLY MEANDER CORNER OF HIGH RIDGE LAKE.

HIGH RIDGE
LAKE

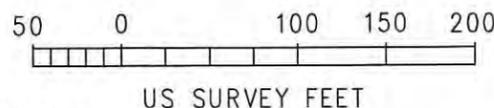
UNSUBDIVIDED

LEGEND

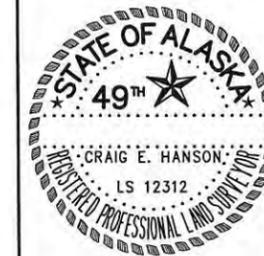
 NEW RIGHT OF WAY AREA 85,290 SQ. FT.

ADJUST
BOUNDARY TO
INCLUDE
EXISTING TRAIL

20' WIDE SLOPE
MAINTENANCE
EASEMENT



HANSON SURVEYING & MAPPING LLC
305 E. FIREWEED AVE.
PALMER, ALASKA 99645
(907)746-7738



PALMER, ALASKA
VALLEY CREST DRIVE

PROPOSED NEW RIGHT OF WAY

FILE: 16-147
DESIGN: CEH
DRAWN BY: SDN
CHECKED: CEH
DWG.#: 16-147CS
DATE: 10-26-16
SCALE: 1:100
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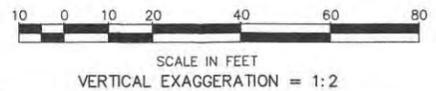
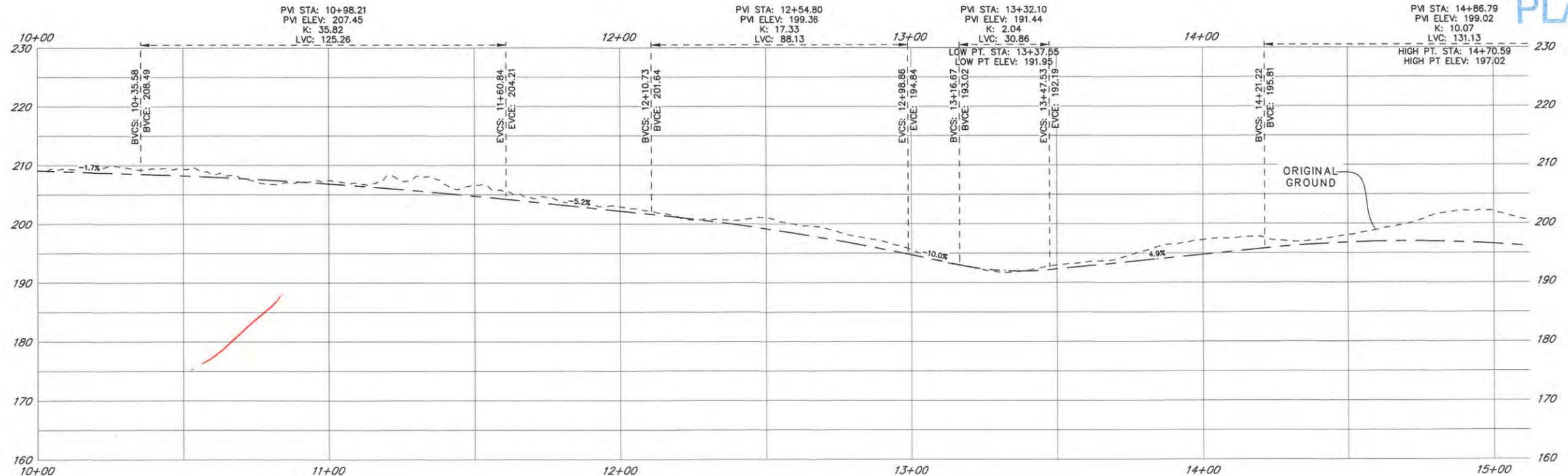
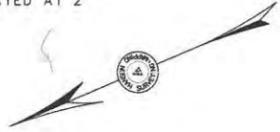
SHEET 4 OF 4

DELLINGER
ESTATES
SUBDIVISION
(PLAT 2004-84)

PARCEL 1-B
MSB WAIVER
#78-78
(78-199W)

NOTES

1. THE 2' ORIGINAL GROUND CONTOURS SHOWN HEREON ARE DERIVED FROM PUBLISHED DATA OF THE MATANUSKA SUSITNA BOROUGH LIDAR/IMAGERY PROJECT OF 2011/2012.
2. DESIGN EXCAVATION/CONSTRUCTION CONTOURS ARE DISPLAYED AT 2' CONTOUR INTERVAL



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OCT 13 2016
PLATTING



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DESIGN: 16-147A
STAKING:
AS-BUILT:

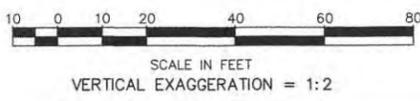
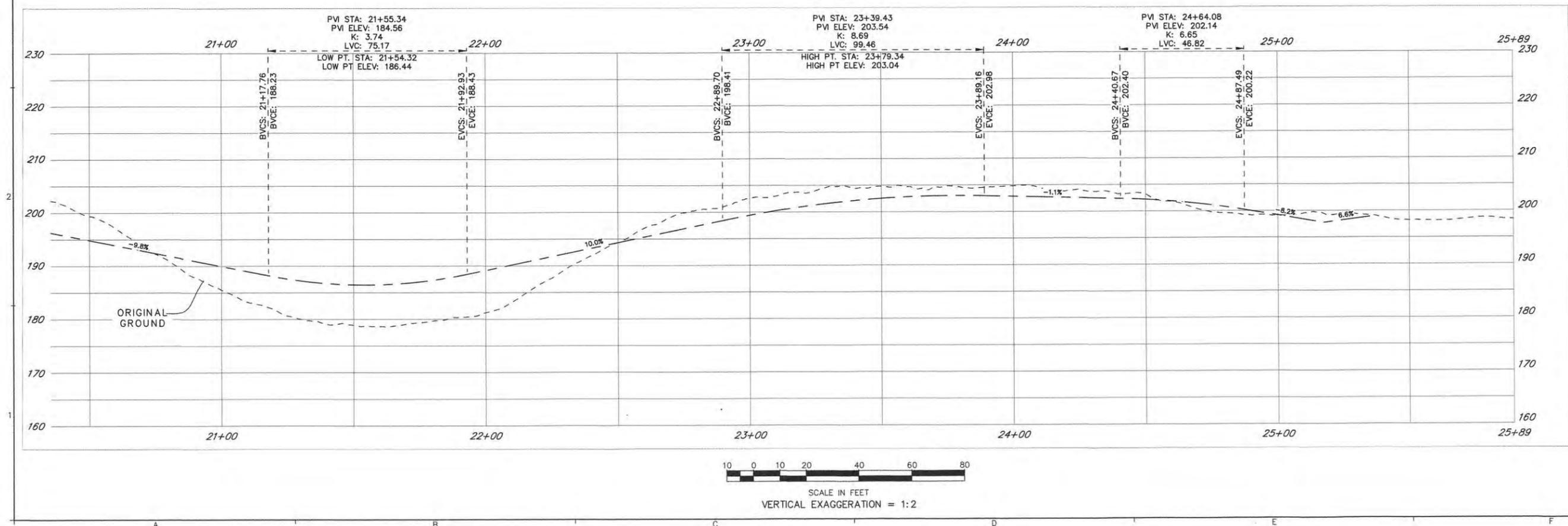
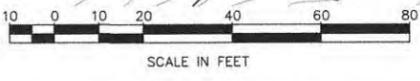
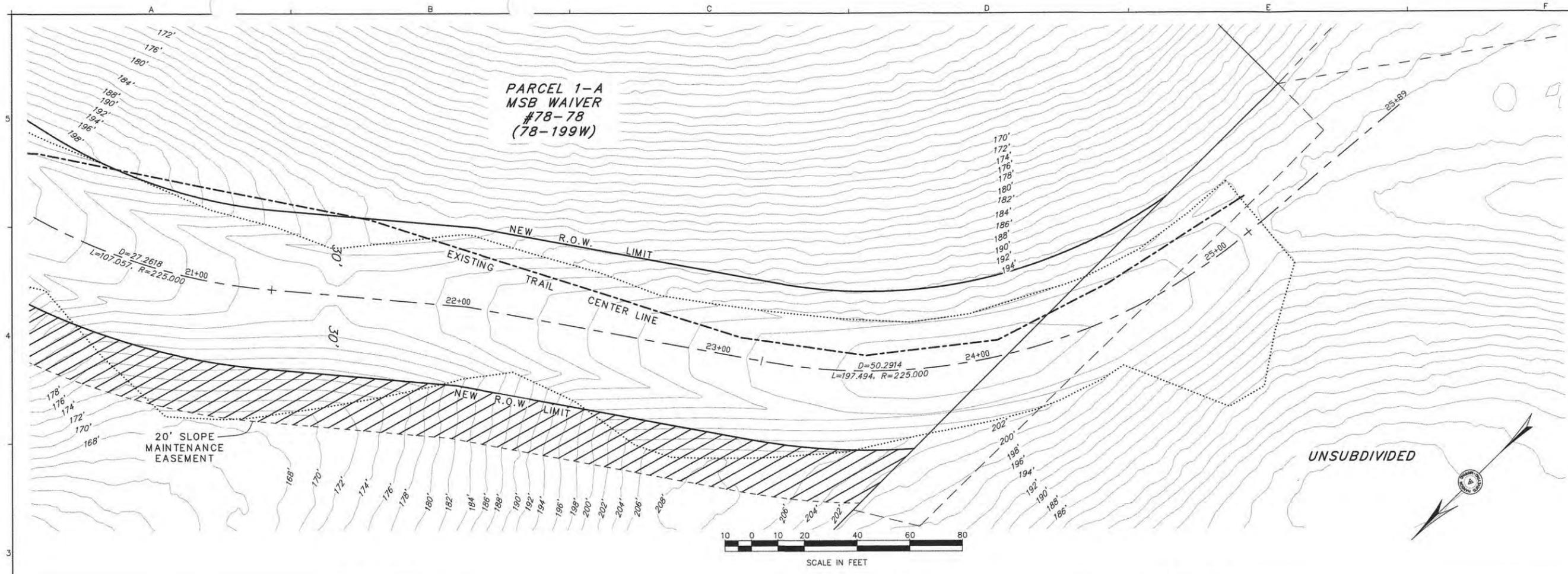
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HOR. AS NOTED
VERTICAL: AS NOTED
VERT. DATUM:
NAVD88
LOCATION:
T.17N. R.2E. S.7 SM

Rev.	Revision	Date	By

PALMER, ALASKA
RE-ROUTED PORTION OF E. VALLEY CREST DR.
WITHIN LOTS 1-A AND 1-B, MSB WAIVER 78-78
ESTIMATED CONSTRUCTION LIMITS,
SLOPES, AND CURVES USING MSB
RESIDENTIAL STANDARD ROAD DESIGN

FILE: 16-147
DESIGN:
DRAWN BY: SDN
CHECKED BY: CEH
DWG.#: 16-147P/P
DATE: 10/13/16

Reference
Number:
F-1
Sheet 1 of 3



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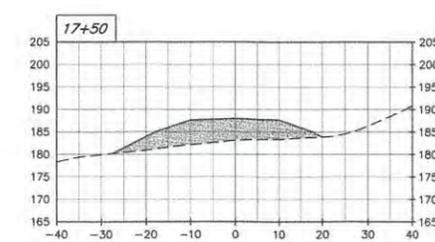
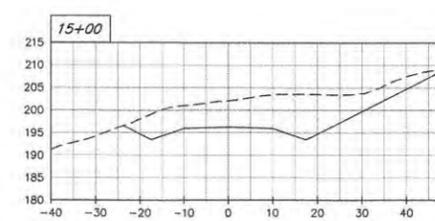
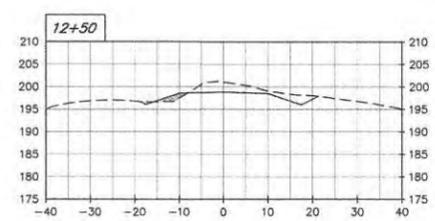
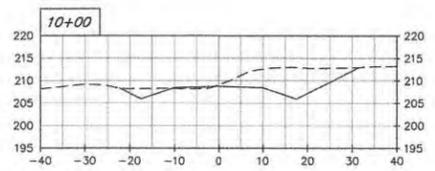
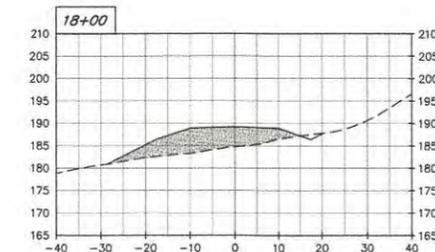
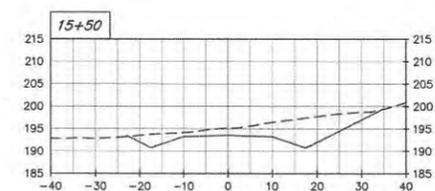
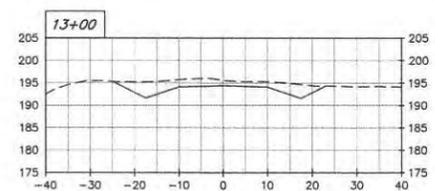
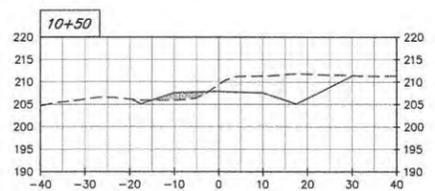
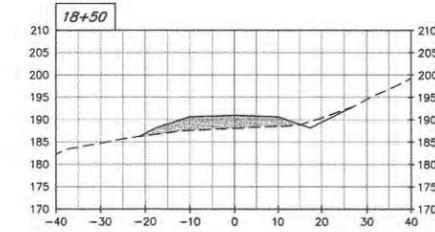
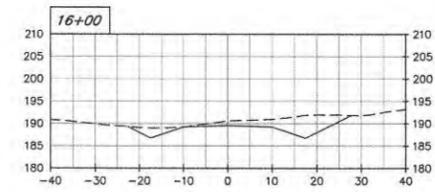
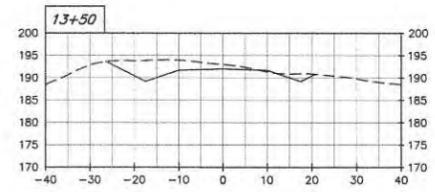
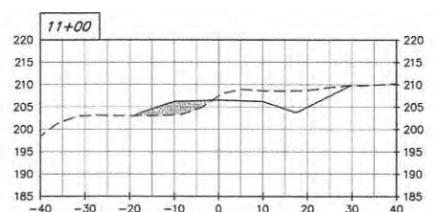
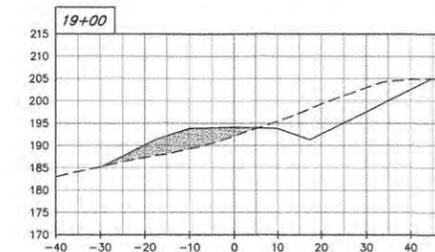
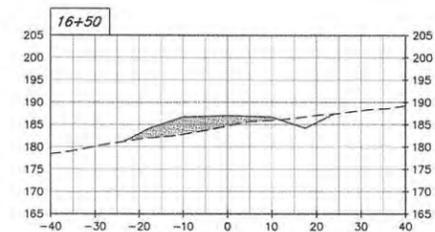
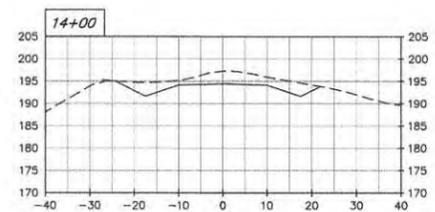
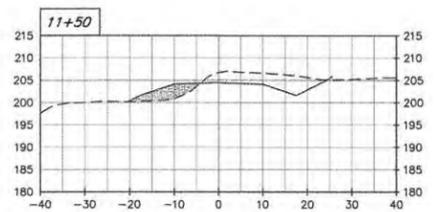
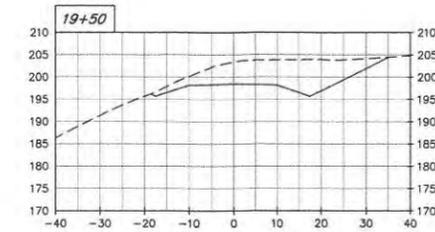
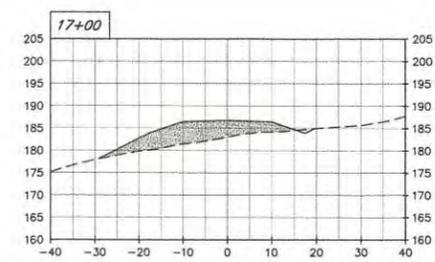
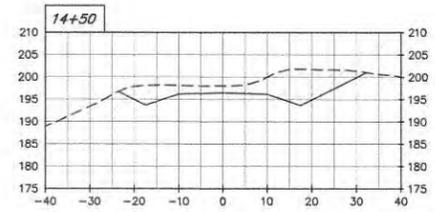
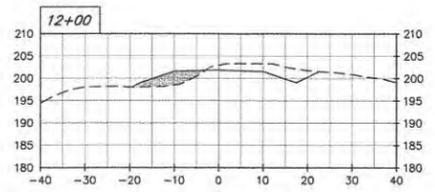
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 HOR. AS NOTED
 VERTICAL: AS NOTED
 VERT. DATUM: NAVD83
 LOCATION: T.17N. R.2E. S.7 SM

Rev.	Date	By

PALMER, ALASKA
 RE-ROUTED PORTION OF E. VALLEY CREST DR.
 WITHIN LOTS 1-A AND 1-B, MSB WAIVER 78-78
 ESTIMATED CONSTRUCTION LIMITS
 SLOPES AND CURVES USING MSB
 RESIDENTIAL STANDARD ROAD DESIGN

FILE: 16-147
 DESIGN:
 DRAWN BY: SDN
 CHECKED BY: CEH
 DWG.#: 16-147P/P
 DATE: 10/13/16

Reference Number:
 F-3
 Sheet 3 of 3



HANSON SURVEYING & MAPPING
305 E. FIREWEED AVE.
PALMER, ALASKA 99645
(907)746-7738



FIELD BOOKS:
DESIGN: 16-147A
STAKING:
AS-BUILT:

SCALE:
HOR: AS NOTED
VERTICAL: AS NOTED
VERT. DATUM:
NAVD88
LOCATION:
T.17N. R.2E. S.7 SM

Rev.	Date	By

PALMER, ALASKA
LOT 1-A AND 1-B
MSB WAIVER 78-78
CROSS-SECTIONS
E VALLEY CREST DR. DESIGN

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FILE: 16-147
DESIGN:
DRAWN BY: SDN
CHECKED BY: CEH
DWG.#: 16-147P/P
DATE: 10/12/16

Reference Number:
X-1
Sheet 1 of 3

Matanuska-Susitna Borough
Telephone (907) 861-7874

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350 East Dahlia Avenue
Palmer, Alaska 99645-6488

PETITION FOR VACATION OF RIGHT-OF-WAY PLATTING

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

Said right-of-way being more fully described as: a portion of East Valley Crest Dr.

(ATTACH SUPPLEMENTAL SHEET IF APPLICABLE)

Submitted herewith are the following:

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

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

To move the ROW away from a long-standing home + barn in case a road is ever actually built

APPLICANT Name: Norman & Debra Newbury Email: _____

OR Mailing Address: 9693 E Valley Crest Dr. Zip: 99645

OWNER Contact Person: _____ Phone: 745-3842

SURVEYOR Name (FIRM): Hanson Surveying & Mapping Email: ceh@hansonssurveying.com

Mailing Address: 305 E FIREWEED AVE, Palmer Zip: 99645

Contact Person: Craig Hanson Phone: 746-7738

SIGNATURES OF PETITIONER(S):

Craig Hanson

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



THIS AREA TO BE COMPLETED BY THE MATANUSKA-SUSITNA BOROUGH

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

9/30/2016

DATE

Cheryl Scott

PLATTING DIVISION REPRESENTATIVE

SCHEDULED FOR PLATTING BOARD MEETING OF: 11-3-2016

Cheryl Scott

From: Susan Lee
Sent: Tuesday, October 04, 2016 3:21 PM
To: Cheryl Scott
Subject: RE: RFC Newbury PUE Vacation (CS)

No comment.

Susan

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

From: Cheryl Scott
Sent: Tuesday, October 04, 2016 11:02 AM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; Corps of Engineers; brian.young@usps.gov; retirees@mtaonline.net; edstrabelak@gmail.com; John Aschenbrenner; Richard Boothby; jmcnuttt@palmerak.org; Elizabeth Derbonne; 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; mearow@matanuska.com; rglenn@mta-telco.com; jthompson@mta-telco.com; jennifer.diederich@enstarnaturalgas.com; robin.leighty@enstarnaturalgas.com; row@enstarnaturalgas.com; ospdesign@gci.com; dblehm@gci.com; Matthew Beck; Permit Center; Andy Dean
Subject: RFC Newbury PUE Vacation (CS)

All ~

Attached is a Request for Comments for a Public Use Easement Vacation for a portion of E. Valley Crest Drive. Also, attached is the vicinity map, owner's statements, application for PUE acceptance, petition for vacation, project overview map, PUE vacation map, new PUE map and As-Built.

Cheryl Scott
Platting Technician
Matanuska-Susitna Borough
350 E. Dahlia Ave.
Palmer, AK 99645
(907) 861-8692 ph
(907) 861-8407 fax
cheryl.scott@matsugov.us

Cheryl Scott

From: Jamie Taylor
Sent: Wednesday, October 26, 2016 2:04 PM
To: Cheryl Scott
Subject: RE: Newbury

The ROW and slope easements should contain all cuts and fills + 5' for a road designed per the Subdivision Construction Manual and vertical curve standards in the AASHTO Greenbook.

- Horizontal curvature looks good
- Vertical curves needs to be designed with minimum K = 12 (for 25 mph)
- Cut and fills extend beyond the ROW or slope easement
- Road design and ROW should match into the easement on adjoining parcels.

Let me know if you need anything else.

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/>

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

From: Cheryl Scott
Sent: Wednesday, October 26, 2016 12:01 PM
To: Jamie Taylor
Subject: FW: Newbury

Hi Jamie -

I know you commented on this RFC for the Newbury PUE vacation but I have drawings that the surveyor provided showing constructability. Can you glance at these and tell me if you think it's feasible. They are not constructing but I need to know if it is feasible, the surveyor is saying it is but I wouldn't know any different.

Thanks,

Cheryl



MATANUSKA-SUSITNA BOROUGH
Community Development

Land & Resource Management

350 East Dahlia Avenue • Palmer, AK 99645

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

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OCT 14 2016

PLATTING

MEMORANDUM

DATE: October 14, 2016
TO: Fred Wagner, Platting Officer
FROM: Land & Resource Management *fw*
SUBJECT: Preliminary Plat Comments / Case #2016-139

Platting Tech: Cheryl Scott
Public Hearing: November 3, 2016
Applicant / Petitioner: Newbury
TRS: 17N02E07
Tax ID: 17N02E07C008 & C009
Subd: Portion of E. Valley Crest Dr. PUE Vacation
Tax Map: PA 12

Comments:

- No MSB land affected.
- No objection to proposed vacation and replacement PUE.

Cheryl Scott

From: OSP Design Group <ospdesign@gci.com>
Sent: Thursday, October 06, 2016 3:10 PM
To: Cheryl Scott
Subject: RE: RFC Newbury PUE Vacation (CS)

Hi Cheryl, no objections from us for this one.

Thanks,

Joshua Swanson | Technician I, GIS Mapping | **GCI**

From: Cheryl Scott [<mailto:Cheryl.Scott@matsugov.us>]
Sent: Tuesday, October 04, 2016 11:02 AM
To: holly.zafian@alaska.gov; mark.fink@alaska.gov; Corps of Engineers <regpagemaster@usace.army.mil>; brian.young@usps.gov; retirees@mtaonline.net; edstrabelak@gmail.com; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; Richard Boothby <Richard.Boothby@matsugov.us>; jmcnut@palmerak.org; Elizabeth Derbonne <elizabeth.derbonne@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>; mearow@matanuska.com; rglenn@mta-telco.com; jthompson@mta-telco.com; jennifer.diederich@enstarnaturalgas.com; robin.leighty@enstarnaturalgas.com; row@enstarnaturalgas.com; OSP Design Group <ospdesign@gci.com>; dblehm@gci.com; Matthew Beck <Matthew.Beck@matsugov.us>; Permit Center <PermitCenter@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>
Subject: RFC Newbury PUE Vacation (CS)

[External Email]

All ~

Attached is a Request for Comments for a Public Use Easement Vacation for a portion of E. Valley Crest Drive. Also, attached is the vicinity map, owner's statements, application for PUE acceptance, petition for vacation, project overview map, PUE vacation map, new PUE map and As-Built.

Cheryl Scott
Platting Technician
Matanuska-Susitna Borough
350 E. Dahlia Ave.
Palmer, AK 99645
(907) 861-8692 ph
(907) 861-8407 fax
cheryl.scott@matsugov.us

Comments of Traeger Machetanz, 4110 W. Barrett, Seattle, WA.

The following are my comments to Norman and Debra Newbury's request to vacate the 50' wide public use easement within tax parcels C8 & C9 and replace it with a 60' wide public use easement just south of the existing easement to alleviate a structural setback encroachment.

I am the owner of tax parcel D-2, which is the party benefitted by the existing public use easement; it is the sole access to parcel D-2 and has been in existence for almost 40 years, having been agreed to by both my parents and Norman's parents. At the time it was agreed to, my parents hoped I would eventually choose to reside on D-2.

However, although I spend much of my time in Alaska, my residence is in Seattle with my family. Currently, I am looking to sell D-2 to someone who can appreciate its beauty and I do need access to the parcel.

I do not object to the Newburys' request to vacate the existing easement and replace it with one that will serve two objectives (a) it will not encroach upon their barn, and (b) it will eliminate vehicles traveling next to their yard. However, I have one condition to my non-objection, that being that I be afforded a substantially equivalent or better easement as required by MSB Code 43.15.035(2)(a) where the land is undeveloped or developing such as is the case in this application.

The current easement includes a well-developed roadway to the Newburys' parking area; a distance of approximately 450 feet. Another 150 feet is cleared area up to the point of the barn. The proposed easement is through a lower elevation of heavily wooded area. The cost of clearing that area to the quality of a Pioneer road to D-2 will be more expensive than proceeding across the existing right of way. To be substantially equivalent, I believe the Newburys need to accept the obligation of developing the proposed new easement to the same level as the existing easement at least to the same location to where I would have needed to start to develop a Pioneer road under the existing easement.

I do not ask that they do that now, and I hope that when the time comes to develop that road, we can reach agreement on what their commitment should be, but I do request that the agreement to grant the vacation of the easement require the Newburys to provide the substantively equivalent easement as outlined above.

Thank you for your time and consideration of my comments.

Sincerely,

Traeger Machetanz

5A

Matanuska-Susitna Borough PLATTING BOARD

MEETINGS SCHEDULE FOR 2017

APPROVED _____

Platting Board meetings are held on the First and Third Thursdays of each month at 1:00 P.M. In the Assembly Chambers of the Dorothy Swanda Jones Building, 350 E. Dahlia Ave. Palmer, AK.

CUT OFF DATE	AGENDA DATE	MEETING DATE
November 21, 2016	December 12, 2016	January 5, 2017
December 5, 2016	December 22, 2016 (Thr)	January 19, 2017
December 19, 2016	January 9, 2017	February 2, 2017
January 3, 2017	January 23, 2017	February 16, 2017
January 16, 2017	February 6, 2017	March 2, 2017
January 30, 2017	February 21, 2017 (Tues)	March 16, 2017
February 20, 2017	March 13, 2017	April 6, 2017
March 6, 2017	March 28, 2017 (Tues)	April 20, 2017
March 20, 2017	April 10, 2017	May 4, 2017
April 3, 2017	April 24, 2017	May 18, 2017
April 17, 2017	May 8, 2017	June 1, 2017
May 1, 2017	May 22, 2017	June 15, 2017
May 22, 2017	June 12, 2017	July 6, 2017
June 5, 2017	June 26, 2017	July 20, 2017
June 19, 2017	July 10, 2017	August 3, 2017
July 3, 2017	July 24, 2017	August 17, 2017
July 24, 2017	August 14, 2017	September 7, 2017
August 7, 2017	August 28, 2017	September 21, 2017
August 21, 2017	September 11, 2017	October 5, 2017
September 5, 2017 (Tues)	September 25, 2017	October 19, 2017
September 18, 2017	October 9, 2017	November 2, 2017
October 2, 2017	October 23, 2017	November 16, 2017
October 23, 2017	November 13, 2017	December 7, 2017
November 6, 2017	November 27, 2017	December 21, 2017
November 20, 2017	December 11, 2017	January 4, 2018
December 4, 2017	December 21, 2017 (Thr)	January 18, 2018

All items submitted to the Platting board require a public hearing and appropriate fees. Preliminary plats, vacations, public use easements, etc., must be submitted to the Platting Division Officer no later than 5:00 PM on the Cut-Off Date. Extension requests, etc., to be heard under Old Business must be received by the Platting Division not later than 12:00 PM (NOON) on the Agenda Cut-Off date of the meeting at which the petitioner desires to be heard.

6A



MATANUSKA-SUSITNA BOROUGH

• PLATTING DIVISION •

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

MEMORANDUM

Date: November 2, 2016

To: Platting Board

Thru: Fred Wagner, Platting Officer

From: Peggy Horton, Platting Technician

**RE: Reconsideration Request for Dewy's Garden Add 5
Case # 2016-102**

REQUEST

On behalf of the petitioner, Platting Staff is requesting reconsideration for Dewy's Garden Addition 5 to allow pertinent information concerning access to the Platting Board for their consideration. The platting board approved Dewy's Garden Add 5 on October 6, 2016 and the written decision was completed on October 12, 2016. Pursuant to MSB 43.35.005, *Reconsideration by Platting Board*, the staff decided to request this reconsideration on October 19, 2016, within 10 days of the date of the written notification of platting board action (NOA).

Tract A6-1, which is providing access to a portion of the new lots within Dewy's Garden Add 5, has a "public driveway easement for Lot 1" noted on the pole portion of the tract. Staff was informed that the ROW Coordinator would not issue a road construction permit for this easement because the plat note indicates the easement is only for Lot 1, not as access to any other lots.

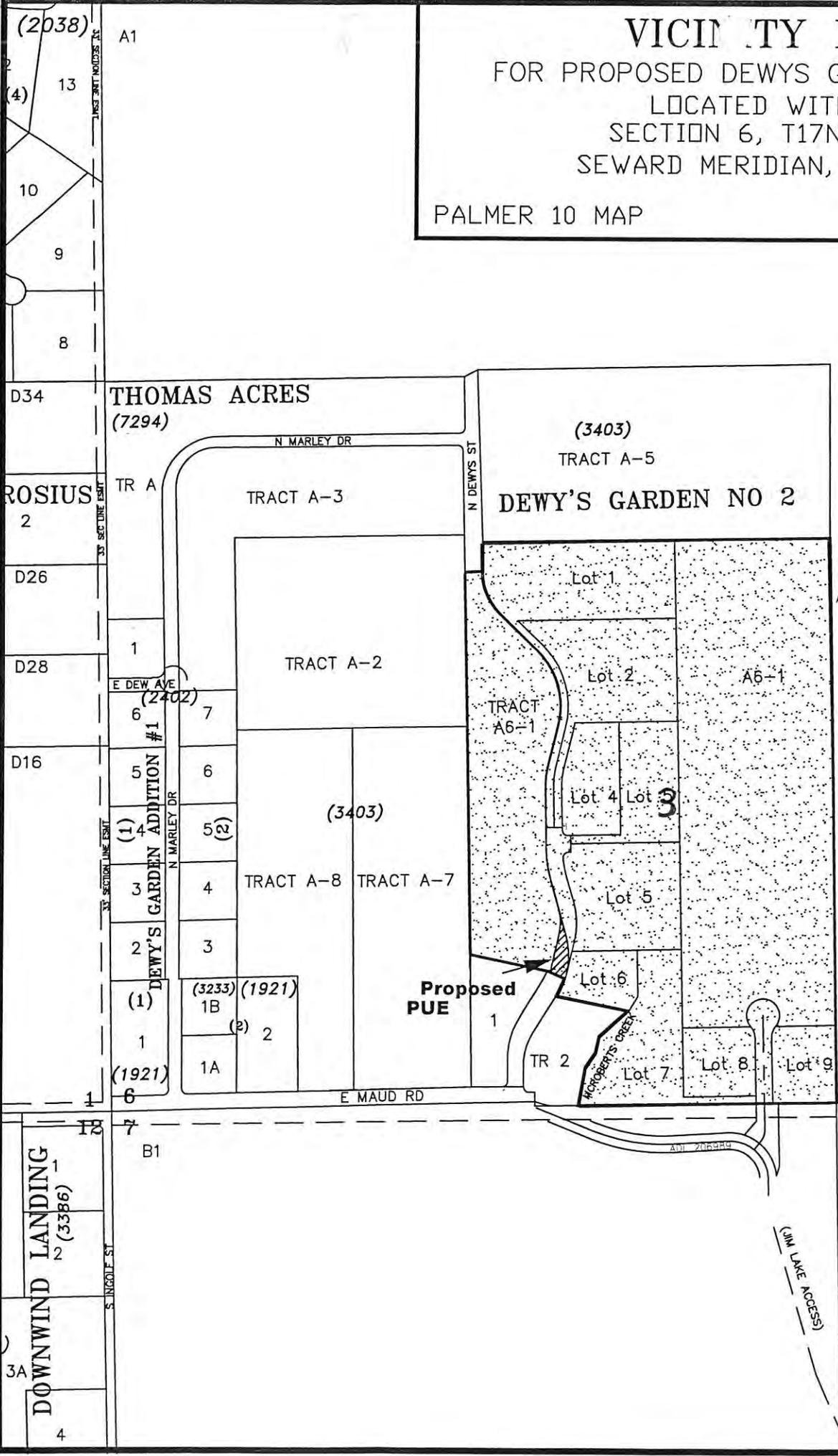
Pursuant to MSB 43.35.005(B)(2), the reconsideration may be heard by the platting board as the original approval was based on a mistake by the platting staff in not considering the "public driveway easement for Lot 1" a hindrance for issuing a road construction permit.

If approved by the Platting Board, this reconsideration would be heard on November 17, 2016.

ATTACHMENTS

- Vicinity map
- MSB 43.35.005 Reconsideration By Platting Board
- Notice Of Platting Board Action with Findings
- Meeting minutes

VICINITY MAP
 FOR PROPOSED DEWYS GARDEN ADD 5
 LOCATED WITHIN
 SECTION 6, T17N, R3E
 SEWARD MERIDIAN, ALASKA
 PALMER 10 MAP



**SUBJECT
PROPERTY**

**43.35.005 RECONSIDERATION BY
PLATTING BOARD.**

(A) The platting board may reconsider its decision upon petition of any person entitled to appeal the decision under MSB 15.39.120 filed within ten days of the date the written "notification of platting board action" is issued.

(B) The platting board may reconsider its decision only if it finds:

(1) there was a clerical error in the decision;

(2) the decision resulted from fraud, misrepresentation, or mistake;

(3) there is newly discovered evidence or a change in circumstances which by due diligence could not have been discovered before the original hearing;

(4) the board acted without jurisdiction in the original proceeding; or

(5) there was substantial procedural error in the original proceedings.

(C) The petitioner shall state one or more of the bases for reconsideration listed in subsections (B)(1) through (5) of this section in the petition for reconsideration and briefly explain why those bases for reconsideration apply to the petition.

(D) The platting board shall review the petition at its next regular meeting and decide whether to reconsider the matter. The decision to reconsider the matter shall be based on the petition and any oral argument of the petitioner, which the board may decide to hear.

(E) If the petition for reconsideration is granted, the platting board shall set the matter on its agenda for rehearing only after notifying all people giving testimony and all people required to receive notice of the original petition under MSB 43.10.065. Parties shall have ten days from the date of notice that a reconsideration hearing has been granted to file written comments and inform the platting division of their intent to participate in the hearing.

(F) The reconsideration hearing shall be conducted in the same manner as the original proceeding.

(G) The platting board's decision at the reconsideration hearing shall be final, and no further petitions for reconsideration shall be entertained.

(H) The timely filing of a motion for reconsideration shall suspend the time for filing an appeal until the motion for reconsideration is resolved by the platting board.

(I) The timely filing of a petition for reconsideration from the granting of a vacation shall suspend the 30-calendar-day time period required for assembly or city council approval or denial of the proposed vacation until the matter is resolved by the platting board.

(Ord. 16-018, § 30, 2016; Ord. 11-072, § 3 (part), 2012)



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department
Platting Division

350 East Dahlia Avenue • Palmer AK 99645
Phone (907) 861-7874 • Fax (907) 861-8407

October 12, 2016

NOTIFICATION OF ACTION

Justin Hatley
Jason Sloten
18401 E. Maud Road
Palmer, AK 99645

RE: DEWYS GARDEN ADD 5

CASE: 2016-102

Action taken by the Platting Board on October 6, 2016 is as follows:

THE PRELIMINARY PLAT FOR DEWYS GARDEN ADDITION 5 AND PUBLIC USE EASEMENT ACROSS TRACT A6-1 ON DEWYS GARDEN ADDITION 4 WAS APPROVED AND WILL EXPIRE ON OCTOBER 12, 2022 CONTINGENT UPON THE FOLLOWING CONDITIONS / REASONS (see attached),

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL BY THE PLATTING BOARD OR OFFICER SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS, MSB 15.39. A PETITION WHICH IS TABLED BY THE BOARD SHALL BE DEEMED DENIED UNLESS THE APPLICANT BRINGS THE MATTER BACK BEFORE THE BOARD WITH ALL CONDITIONS MET WITHIN THE TIME ALLOWED BY THE BOARD OR BY LAW.

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

Kindest regards,

Mr. Jay Van Diest
Platting Board Chairman

sv

cc:

DPW – Jamie Taylor

Edge Survey & Design
12501 Old Seward Hwy, Unit D
Anchorage, AK 99515

Ute Kragl & Mark Boutwell
1143 N. Dewys Street
Palmer, AK 99645

Additional Plat Reviews After 2nd Final are \$100.00 Each

CONDITIONS of APPROVAL:

The Platting Board approved the Preliminary Plat for Dewys Garden Addition 5 and public use easement across Tract A6-1 on Dewys Garden Addition 4, contingent upon the following:

1. Provide to platting staff updated logs of test holes dug to 12' and an updated certification that the proposed lots meet the requirements of MSB 43.20.281(A)(1) of 10,000 sq ft of contiguous useable septic area and 10,000 sq ft of useable building area.
2. Obtain the Planning and Land Use Director's signature on a final Public Use Easement document with attached drawing from a land surveyor formatted to State Recorder's Office standards and signed by those having legal and equitable interest, in full compliance with Title 43, to be recorded with the plat.
3. Construct N. Hatley Circle to pioneer standards minimum. Obtain a road construction permit from the ROW Coordinator. During construction, a licensed civil engineer must inspect the construction activities, and provide inspection reports following the "No Engineer Left Behind" guidelines.
4. Provide evidence from a land surveyor that the roads are constructed within the rights-of-way as required by MSB 43.20.140.
5. Obtain the borough's final acceptance of all the road improvements required.
6. Place plat notes on final plat per MSB 43.20.055(E).
7. Record a document granting a private access easement over the pole portions of Lots 1 & 2, for the benefit of Lots 1, 2, & 4 and graphically show on the final plat, indicating the common access onto N. Hatley Circle.
8. Place a 15' wide utility easement along the western property line from the t-turnaround to the north boundary as requested by MEA to provide utility access to Lot 1 and properties to the north or provide MEA signoff on the final plat.
9. Submit final plat in full compliance with Title 43.
10. Submit an affidavit from any holders of beneficial interest, if any, to be recorded with the plat per 43.15.053(A).
11. Provide updated Certificate to Plat executed within 90 days, prior to recording plat per MSB 43.15.053(E).
12. Taxes and special assessments must be current prior to recording, per MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
13. Submit recording fee, payable to the State of Alaska, DNR.
14. Submit cost estimate, schedule pre-construction meeting with DPW Engineer, pay 1% inspection fee and obtain Notice to Proceed.

15. Construct N. Yeti Street to residential sub collector standards. Provide engineer's final inspection report along with verification from RLS that constructed roadways are located within proposed ROW per MSB 43.20.140, Physical Access, and obtain DPW Engineer Signoff.

FINDINGS:

1. The preliminary plat of Dewys Garden Add 5 is consistent with MSB 43.15.016, *Preliminary Plat Submittal and Approval*, with the prior approval of a variance from MSB 43.20.140, *Physical Access*.
2. The variance from MSB 43.20.140, *Physical Access*, was approved by the Platting Board on March 3, 2016 (written decision March 10, 2016) to allow for a substandard intersection including a tangent and curve radius less than required in the MSB Subdivision Construction Manual for the access from ADL 206989 to the petitioner's property.
3. The public use easement over a portion of Tract A6-1, Dewys Garden Add 3 is consistent with AS 29.40.070, *Platting Regulations* and MSB 43.15.021, *Public Use Easement Acceptance Procedure*.
4. The majority of the test holes were dug to 11 feet and there is no indication in the useable area report that Mr. Hanson used MSB 43.20.281 to make his conclusions. MSB 43.20.281(A)(1)(b)(ii)(bb) requires test holes be dug to 12 feet. An updated useable area report is recommended certifying the useable septic and useable building areas comply with the definitions and requirements of MSB 43.20.281.
5. The internal road to lots 1 through 6 is essentially constructed as a driveway, but not proven to be of any standard. The drainage plan does not indicate any culverts or drainage easements necessary, but may be updated or revised due to road construction activities.
6. Mr. Jason Sloten has provided a final Public Use Easement document with attached drawing from a land surveyor formatted to State Recorder's Office standards and signed by those having legal and equitable interest, in full compliance with Title 43. This will provide legal access to Lots 1-6 and will be recorded with the plat.
7. MSB Land Management provided a Public Use Easement, recorded at Serial # 2016-008577-0, providing access to the petitioner's property from ADL 206989 over borough land.
8. ADL 206989 that provides access to N. Yeti Street does not receive routine public maintenance, but has received maintenance by both the State of Alaska and the Borough several times throughout the years. MSB 43.20.055(A)(2) states, "The petitioner will not be required to upgrade any road prior to the subject parcel that is or has been maintained by the state or an incorporated municipality."

9. MSB 43.20.055(E) allows the platting board to reduce the road standards to minimum pioneer standard within and leading to a subdivision if physical access to the subdivision is being improved, connectivity is improved, and the primary purpose of the proposed subdivision is for seasonal or recreational use provided that: (a) a note be placed on the plat that no borough funds will be expended to upgrade the roads; (b) before borough maintenance will be provided, the roads will have to be upgraded and accepted for maintenance by the public works department. N. Hatley Circle and N. Yeti Street will provide access to the subdivision and will be improved.
10. Title 43 does not define rural and remote subdivisions, and the borough has no way of limiting the use of properties for seasonal or recreational use, therefore, platting staff has interpreted MSB 43.20.055(E) without those two restrictions.
11. Mr. Hatley stated he intends to provide a private access easement over the pole portions of Lots 1 & 2 for the benefit of Lots 1, 2, & 4. This is to protect the existing driveways in to Lot 4.
12. The Current Planner commented that a Shoreline Setback Exception was approved for a structure set back less than 75 feet from McRoberts Creek. Staff notes this is for the abandoned cabin shown on the as-built drawing.
13. ADOT&PF, Platting Staff, and a response from the public suggested connecting N. Hatley Circle with N. Dewys Street. There is no code requirement to connect the two streets as each adjoining lot has legal access from E. Maud Road, N. Marley Drive, N. Dewys Street, or N. Hatley Circle.
14. The Lot and Block Design standards, per MSB 43.20.300 are met.
15. The lots have frontage per MSB 43.20.320, *Frontage*. The lots adjacent to a waterbody have frontage as required per MSB 43.20.340, *Lot Dimensions*.
16. Mr. Hatley intends to build N. Yeti Street to Residential Sub Collector Standards.

F. SANDY HILLS

Sloan Von Gunten (Administrative Specialist)

- Stated that 53 public hearing notices were mailed out on September 14, 2016, to this date there have been 3 returns, 1 objection, no non-objections, and no concerns.

Amy Otto-Buchanan (Platting Technician)

- Gave an overview of the case.

Jay Van Diest (Chairman)

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

Frank Wheeler

- Asked for more clarification on what is being subdivided.

Pam Wheeler

- Asked about why the request is being brought forth to the platting board.
- Concerned about what the petitioner is doing to the property and what they will be building on the land.

Jay Van Diest (Chairman)

- Closed the public hearing.

Gary LoRusso (Petitioner's Representative)

- Agrees with all the recommendations.
- Explained DOT's reasons for the placement of the roadway.

MOTION:

- Mr. Johnson moved to approve the preliminary plat for Sandy Hills, seconded by Mr. Gillespie.

DISCUSSION:

- Clarified for the public that the platting board only deals with platting land not the development of land.
- Talked about the roadways and interconnectivity in the area.

VOTE:

- The motion passed with all in favor. There are 11 findings

TIME: 2:25 P.M.

CD: 01:23:58

Mr. Marty Van Diest recused himself from Dewys Garden Add 5 RSB.

G. DEWYS GARDEN ADD 5, PUE

Sloan Von Gunten (Administrative Specialist)

- Stated that 23 public hearing notices were mailed out on September 14, 2016, to this date there have been no returns, no objections, 1 non-objection, and no concerns.

Peggy Horton (Platting Technician)

- Gave an overview of the case.

Jay Van Diest (Chairman)

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

Justin Hatley (Petitioner's Representative)

- Agrees with all the recommendations.
- Gave an explanation of what they are doing with the property.
- Shared information regarding the bridge across the creek.
- Is not sure about the wordage on recommendation #3 & #7. Staff went over recommendations.

MOTION:

- Mr. Anderson moved to approve the preliminary plat for Dewys Garden Addition 5 and public use easement across Tract A6-1 on Dewys Garden Addition 4, seconded by Mr. Pugh. Modify recommendation #3 and Add #14 & #15. Add Findings #16.

RECOMMENDATIONS:

- Modify #3: "Construct N. Hatley Circle to Pioneer standards minimum." . . .
- Add #14: Submit cost estimate, schedule pre-construction meeting with DPW Engineer, pay 1% inspection fee and obtain Notice to Proceed.
- Add #15: Construct N. Yeti Street to residential sub collector standards. Provide engineer's final inspection report along with verification from RLS that constructed roadways are located within proposed ROW per MSB 43.20.140, Physical Access, and obtain DPW Engineer Signoff.

FINDINGS:

- Add #16: Mr. Hatley intends to build N. Yeti Street to Residential Sub Collector Standards.

VOTE:

- The motion passed with all in favor. There are 16 Findings.

TIME: 3:11 P.M.

CD: 02:10:57

BREAK

TIME: 3:22 P.M.

CD: 02:22:02