

**STAFF REVIEW AND RECOMMENDATIONS
PUBLIC HEARING
OCTOBER 5, 2016**

PRELIMINARY PLAT: **HATCHER PASS PARADISE**
LEGAL DESCRIPTION: **SEC 34, T19N, R1E S.M., AK**
PETITIONER: **BRIAN & ALISA KINCAID**
SURVEYOR/ENGINEER: **KEYSTONE SURVEYING & MAPPING/HOLLER ENG.**
ACRES: **61.43** **PARCELS: 4**
REVIEWED BY: **PEGGY HORTON** **CASE: 2016-122**

REQUEST:

The request is to divide Tract A of Hatcher Pass Estates, Plat 2007-99, into 2 lots and 2 tracts to be known as Hatcher Pass Paradise, containing 61.43 acres more or less. Tract A-1 is a flag lot and the pole portion of the lot overlays a public use easement (N. Solid Rock Circle) granted on the Hatcher Pass Estates plat.

EXHIBITS:

VICINITY MAP	EXHIBIT A
AERIAL PHOTO	EXHIBIT B
PLAT W/O TOPO	EXHIBIT C
SOILS	EXHIBIT D
TOPOGRAPHIC NARR	EXHIBIT E
SITE VISIT REPORT	EXHIBIT F
UPDATED SOILS MAP	EXHIBIT G
USACE DOCS	EXHIBIT H

COMMENTS:

DPW	EXHIBIT I
CURRENT PLANNER	EXHIBIT J
LAND MANAGEMENT	EXHIBIT K
GCI	EXHIBIT L
ENSTAR	EXHIBIT M

DISCUSSION:

Access: Tract A-1 is a flag lot, the 60' wide public use easement granted on the plat of Hatcher Pass Estates (Plat #2007-99) that is N. Solid Rock Circle overlays the pole portion, extending out

to E. Edgerton Parks Road (**See Exhibit C**). Lot 1 and Tract A-1 will access E. Edgerton Parks Road from N. Solid Rock Circle. Lot 3 is also a flag lot, the pole portion has an existing driveway out to E. Edgerton Parks Road. Mr. Holler stated approximately 130' of residential road construction is proposed at the intersection of E. Edgerton Parks Road and N. Solid Rock Circle (**See Recommendation #1**). Staff notes the petitioner's representative stated they would be satisfied if the 130' is measured from the centerline of E. Edgerton Parks Road.

Soils: Holler Engineering provided a useable area report (**Exhibit D**). He stated that based on the available soils and water table information, topography, MSB Title 43 Code definitions, and his observations at the site, proposed Lot 3 will contain over 10,000 sq ft of contiguous useable septic area. Proposed Lot 1 can reasonably be filled to contain over 10,000 sq ft of contiguous useable septic area. Each proposed Lot will contain an additional 10,000 sq ft of useable building area. Staff is recommending placement of fill and verification of useable septic area on Lot 1 as a condition of approval (**See Recommendation #2**). Tract A-2 and A-1 are both larger than 400,000 sq ft and a topographic narrative is provided in lieu of a useable area report for those larger tracts as allowed in MSB 43.20.281(A)(1)(i)(ii) (**Exhibit E**).

Drainage: Mr. Holler stated the drainage patterns will not change significantly after the minor road construction needed. He provided a drainage plan showing the existing expected flow patterns (**Exhibit D-4**). Site visit photos show water flowing and culverts not shown on the preliminary plat (**Exhibit F**). Mr. Holler, in response, provided an updated map showing the existing culverts and drainage patterns and waterbodies as required by MSB 43.15.016(A)(1)(d) & (e) (**Exhibit G**).

COMMENTS:

DPW Engineer asked if a wetlands determination was done for this parcel, especially in the location of proposed Lot 1, during the development of Hatcher Pass Estates (**Exhibit I**). She requested all waterways be shown, including the road side drainage improvements adjacent to Solid Rock Circle which contains water year round. She stated Lot 1, Tract A-1 and Tract A-2 take access from Solid Rock Circle. Staff notes a wetlands determination was done and a US Army Corps of Engineers permit was required and eventually received. The Corps of Engineer inspected the site and indicates restoration of the site was complete and recordation of the Conservation Easement by Mr. Kincaid satisfied the judgment of the Consent Decree as required (**Exhibit H**). Staff notes the dimension between the eastern boundary of Tract A-2 and the pole portion of Lot 3 is approximately 366'. The required intersection spacing on E. Edgerton Parks Road is 330'. Therefore Tract A-2 will not be required to have its only access onto E. Edgerton Parks Road at N. Solid Rock Circle. Mr. Holler dropped off an updated Testhole, Useable Area, Drainage & Topographic Map showing the waterbodies and waterways (**Exhibit G**). Staff suggests a plat note for Lot 1, Tract A-1, and Tract A-2 to share access to E. Edgerton Parks Road from N. Solid Rock Circle (**See Recommendation #4**). MSB Current Planner stated structures should be in compliance with setback requirements (**Exhibit J**). Land Management commented there is no borough owned land being affected by this proposed subdivision and they have no objections (**Exhibit K**).

GCI approves the plat as shown (**Exhibit L**). Enstar has no comments, recommendations, or objections (**Exhibit M**).

CONCLUSION

The plat of Hatcher Pass Paradise is consistent with AS 29.40.070, *Platting Regulations*, MSB 43.15.016, *Preliminary Plat Submittal and Approval*, and MSB 43.15.025, *Abbreviated Plats*. This plat divides one tract into two lots and two remainder tracts. Lot 1 does not currently have the required useable septic, and so will need some fill placed and verification of the useable septic area. Residential road construction is planned for N. Solid Rock Circle to provide physical access and common access for Lot 1, Tract A-1, and Tract A-2. There are no objections from any borough department, outside agency, or the public.

RECOMMENDATIONS

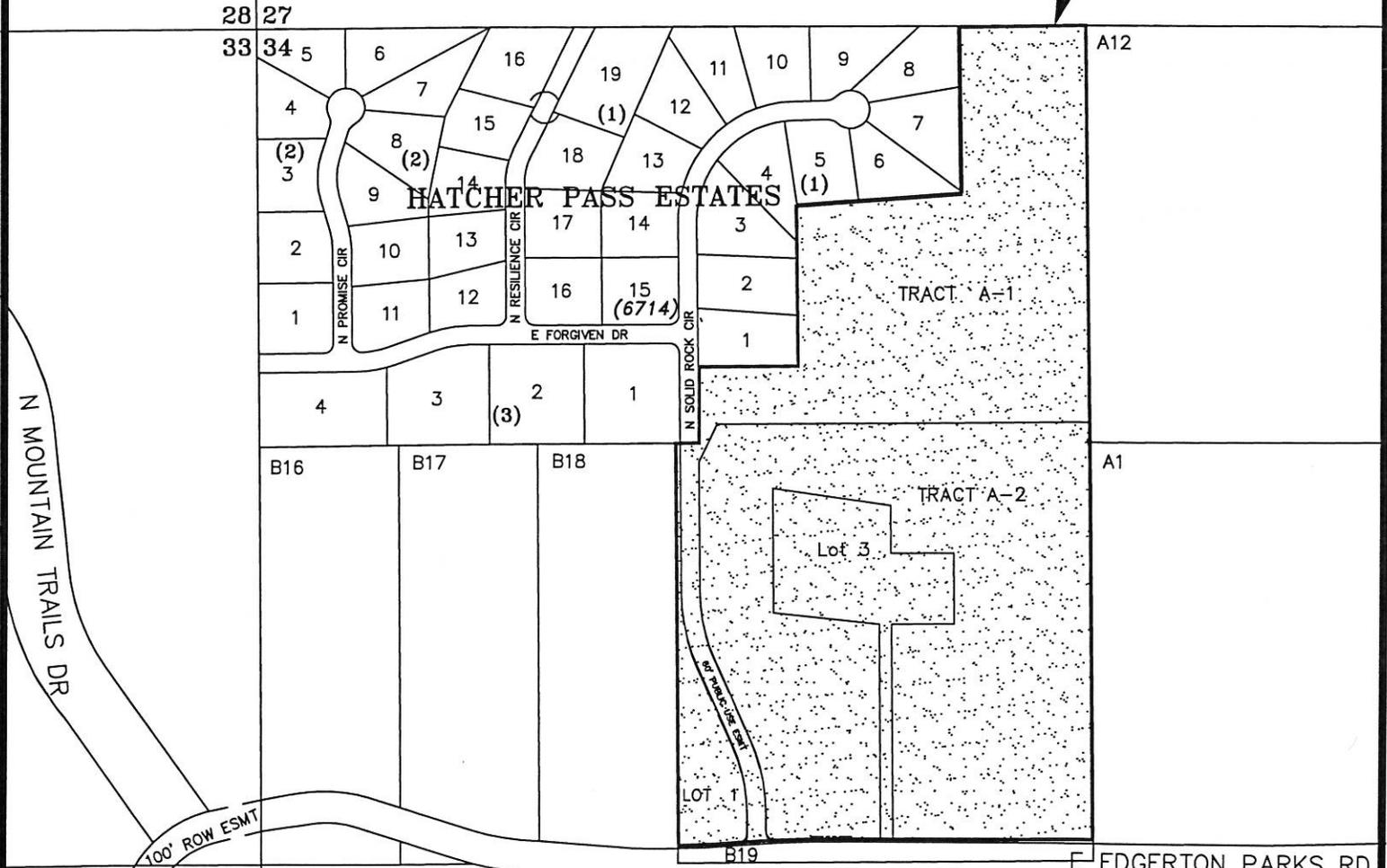
Staff recommends approval of the abbreviated plat of Hatcher Pass Paradise contingent on the following recommendations:

1. Submit construction cost estimate, schedule pre-construction meeting with Dept of Public Works Engineer, pay 1% inspection fee, and obtain Notice to Proceed in compliance with SCM, Section E.
2. Construct N. Solid Rock Circle to minimum residential standards for a length of 130' from centerline of E. Edgerton Parks Road. Provide engineer's final inspection report along with verification from an RLS that the constructed roadways are located within the proposed right-of-way per MSB 43.20.140, *Physical Access*, and obtain Capital Project's Engineer signoff.
3. Place fill and provide verification from a civil engineer that there is 10,000 sq ft of contiguous useable septic area useable septic area on Lot 1 per MSB 43.20.281.
4. Place a plat note that Lot 1 will take access from N. Solid Rock Circle.
5. Pay postage & advertising fee.
6. Provide updated Certificate to Plat executed within 90 days prior to recording and provide beneficiary affidavits from holders of beneficial interest, if any.
7. 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.
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 abbreviated plat of Hatcher Pass Paradise is consistent with AS 29.40.070, *Platting Regulations*, MSB 43.15.016, *Preliminary Plat Submittal and Approval*, and MSB 43.15.025, *Abbreviated Plats*.
2. There were no objections from borough departments, outside agencies or the general public.
3. The engineer stated approximately 130' of residential road construction is planned for N. Solid Rock Circle to provide physical access for Lot 1 and Tract A-1, and the western portion of Tract A-2 from E. Edgerton Parks Road. Road construction is required per MSB 43.20.140, *Physical Access*. Staff notes the petitioner's representative stated 130' of road construction from the centerline of E. Edgerton Parks Road would be acceptable.
4. Road construction is allowed with an abbreviated plat per MSB 43.15.025(A)(1) as N. Solid Rock Circle is an existing, publicly dedicated right-of-way and it will be brought up to current MSB road standards.
5. A civil engineer stated proposed Lot 1 does not have 10,000 sq ft of useable septic area and fill is planned to provide useable septic area. Staff recommended verification of useable septic area after fill placement.
6. A civil engineer certified that Lot 3 has the required useable septic and useable building area and Lot 1 has the required useable building area.
7. Tract A-2 and A-1 are both larger than 400,000 sq ft and a topographic narrative was provided in lieu of a useable area report for those larger tracts as allowed in MSB 43.20.281(A)(1)(i)(ii).
8. Tract A-1 is a flag lot, the pole portion of which is overlaid with a public use easement recorded on the plat of Hatcher Pass Estates. Access to Tract A-1 is through that public use easement to E. Edgerton Parks Road.
9. The dimension between the eastern boundary of Tract A-2 and the pole portion of Lot 3 is approximately 366'. The required intersection spacing on E. Edgerton Parks Road is 330'. Therefore Tract A-2 will not be required to have its only access onto E. Edgerton Parks Road at N. Solid Rock Circle, as requested by DPW Engineer.
10. Staff notes a wetlands determination was done on this property and a US Army Corps of Engineers permit was required, and eventually received. The Corps of Engineer inspected the site and indicates restoration of the site was complete and recordation of the Conservation Easement by Mr. Kincaid satisfied the judgment of the Consent Decree as required.
11. The site visit report indicated there were waterbodies and culverts on the property not shown on the preliminary plat. Mr. Holler, in response, submitted a drawing showing the location of waterbodies, drainage courses, and culverts as required by MSB 43.15.016(A)(1)(d) & (e).

**SUBJECT
PROPERTY**



VICINITY MAP

FOR PROPOSED HATCHER PASS PARADISE
LOCATED WITHIN
SECTION 34, T19N, R1E
SEWARD MERIDIAN, ALASKA

INDEPENDENCE MINE 14 MAP



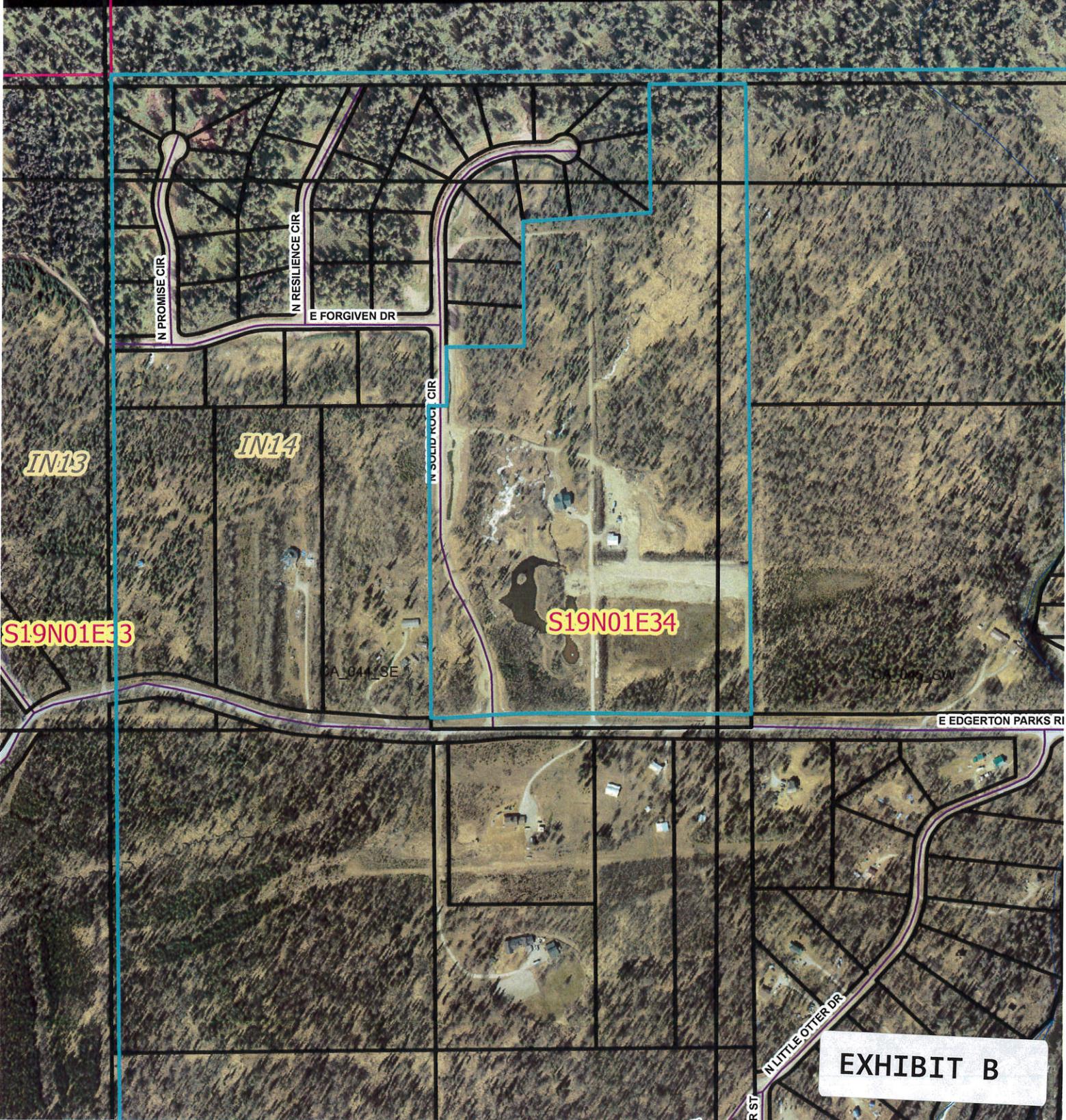
EXHIBIT A

S19N01E28

S19N01E27

CA_044_NE

CA_044_NW



IN13

IN14

S19N01E33

S19N01E34

CA_044_SE

CA_044_SW

E EDGERTON PARKS RD

W LITTLE OTTER DR

EXHIBIT B

WE CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED IN THIS PLAN OF SUBDIVISION OR OUR FREE CONSENT, SINGULAR AND JOINT AND GRANT ALL SUBDIVISIONS TO THE USE SHOWN.

BRUN D. KINCAID
 P.O. BOX 2385
 PALMER, ALASKA 99645-2385

NOTARY ACKNOWLEDGMENT
 SUBSCRIBED AND SHOWN TO BEFORE ME THIS
 DAY OF _____ 20____
 FOR _____

NOTARY FOR THE STATE OF ALASKA
 MY COMMISSION EXPIRES _____

ALAN D. KINCAID
 P.O. BOX 2385
 PALMER, ALASKA 99645-2385

NOTARY ACKNOWLEDGMENT
 SUBSCRIBED AND SHOWN TO BEFORE ME THIS
 DAY OF _____ 20____
 FOR _____

NOTARY FOR THE STATE OF ALASKA
 MY COMMISSION EXPIRES _____

BENEFACTORY

SIGNATURE _____ DATE _____

NAME/TITLE
 FIRST NATIONAL BANK ALASKA
 CORPORATE HEADQUARTERS
 P.O. BOX 100720
 ANCHORAGE, ALASKA 99510

LOT 1
 HATCHER PASS RESERVES
 PLAT #2007-99
 RECD. 3

LOT 2
 HATCHER PASS RESERVES
 PLAT #2007-99

LOT 3
 HATCHER PASS RESERVES
 PLAT #2007-99

LOT 4
 HATCHER PASS RESERVES
 PLAT #2007-99

LOT 5
 HATCHER PASS RESERVES
 PLAT #2007-99

LOT 6
 HATCHER PASS RESERVES
 PLAT #2007-99

LOT 7
 HATCHER PASS RESERVES
 PLAT #2007-99

NOTARY FOR THE STATE OF ALASKA

MY COMMISSION EXPIRES _____

PLANNING & LAND USE DIRECTOR'S CERTIFICATE

I CERTIFY THAT THIS SUBDIVISION PLAN HAS BEEN FOUND TO COMPLY WITH THE LAND SUBDIVISION REGULATIONS OF THE STATE OF ALASKA AND THAT THE PLAN HAS BEEN APPROVED BY THE BUREAU OF LAND MANAGEMENT, PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, IN WHICH THE PLAN IS LOCATED.

DATE _____ PLANNING & LAND USE DIRECTOR
 ATTEST: _____ PLATING CLERK

DECLARATION OF PAYMENT OF TAXES

I HEREBY CERTIFY THAT ALL CURRENT TAXES AND SPECIAL ASSESSMENTS, THROUGH _____ 20____, AGAINST THE PROPERTY, INCLUDED IN THE SUBDIVISION OR RESUBDIVISION, WHICH HAVE BEEN PAID.

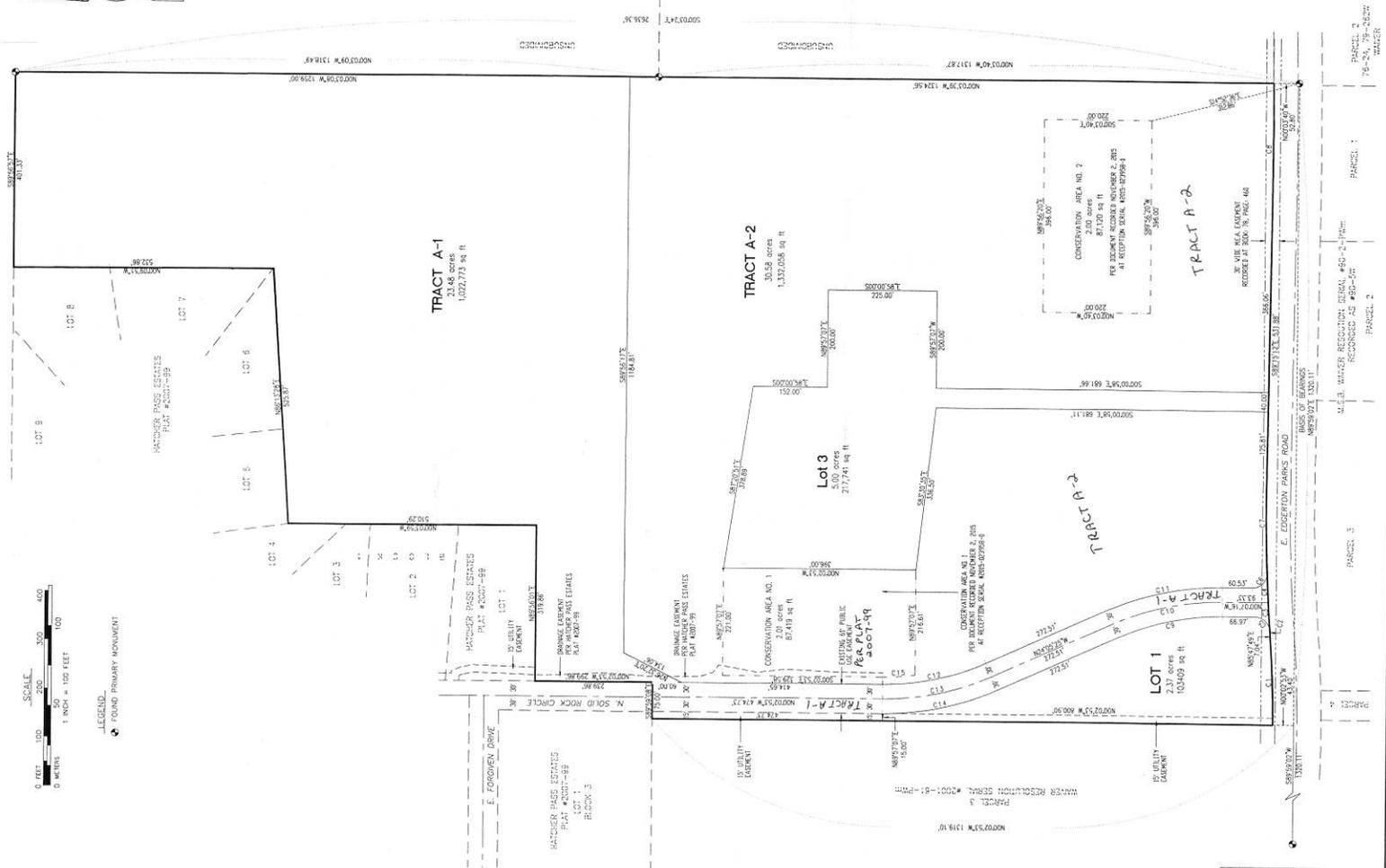
DATE _____ BOROUGHS TAX COLLECTION OFFICIAL

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	8.57	600.00	81.53	138.18	182.51	112.12
C2	8.57	600.00	81.53	138.18	182.51	112.12
C3	8.57	600.00	81.53	138.18	182.51	112.12
C4	8.57	600.00	81.53	138.18	182.51	112.12
C5	8.57	600.00	81.53	138.18	182.51	112.12
C6	8.57	600.00	81.53	138.18	182.51	112.12
C7	8.57	600.00	81.53	138.18	182.51	112.12
C8	8.57	600.00	81.53	138.18	182.51	112.12
C9	8.57	600.00	81.53	138.18	182.51	112.12
C10	8.57	600.00	81.53	138.18	182.51	112.12
C11	8.57	600.00	81.53	138.18	182.51	112.12
C12	8.57	600.00	81.53	138.18	182.51	112.12
C13	8.57	600.00	81.53	138.18	182.51	112.12
C14	8.57	600.00	81.53	138.18	182.51	112.12
C15	8.57	600.00	81.53	138.18	182.51	112.12



SCALE 1" = 1 MILE

- NOTES:**
- THERE MAY BE FEDERAL, STATE AND LOCAL REQUIREMENTS GOVERNING LAND USE. IT IS THE RESPONSIBILITY OF THE INDIVIDUAL PARCEL OWNER TO DETERMINE WHETHER SUCH REQUIREMENTS APPLY TO THE EQUIPMENT OR PARCELS SHOWN HEREON.
 - BASES OF BEARING FROM PLAT OF HATCHER PASS ESTATES, PLAT #2007-99
 - 5/8" x 30" REBAR WITH SELF-CENTERING PLASTIC CAP SET AT ALL LOT CORNERS, P.C.'S, P.I.'S AND P.C.'S UNLESS NOTED.
 - NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE SYSTEM SHALL BE INSTALLED OR CONSTRUCTED AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHICH GOVERN THOSE SYSTEMS.
 - EASEMENTS OF RECORD NOT PLACED HEREON:
 - M.T.A. EASEMENT RECORDED NOVEMBER 5, 2008 AT SERIAL #2008-024428-0 AT HSC. X
 - EASEMENT RECORDED MARCH 28, 1988 AT HSC. X
 - M.T.A. EASEMENT RECORDED SEPTEMBER 17, 1999 AT HSC. X
 - CONVEYANCE OF RECORDING ON AUGUST 13, 2007 AT SERIAL #2007-003570-0



HATCHER PASS PARADISE

A SUBDIVISION OF
 HATCHER PASS ESTATES, PLAT #2007-99
 LOCATED IN THE
 SECTION 34, T. 19 N., R. 1 E.
 SEWARD MERIDIAN, ALASKA
 PALMER RECORDING DISTRICT
 THIRD JUDICIAL DISTRICT
 CONTAINING 61.43 ACRES, MORE OR LESS

KEYSTONE SURVEYING & MAPPING
 GARY L. KEYSER
 ALASKA BUSINESS LICENSE #19815
 PHYSICAL ADDRESS: P.O. BOX 2268 • PALMER, ALASKA 99644
 MAILING ADDRESS: PHONE (907) 276-7801
 FAX (907) 276-7801

DRAWN BY: DATE: 8/17/16
 CHECKED BY: DATE: 8/17/16
 C.D.R. 1 INCH = 100 FEET SHEET 1 OF 1



HOLLER ENGINEERING

Water, Wastewater & Soils Consulting

3375 N Sams Dr. Wasilla, Alaska 99654 • 376-0410

August 29, 2016

Fred Wagner
MSB Platting Officer
350 East Dahlia Avenue
Palmer, Alaska 99645

RECEIVED

AUG 30 2016

PLATTING

Re: *Hatcher Pass Paradise*; Useable Areas, Roads & Drainage Plan. HE #16073

Dear Mr. Wagner:

At the request of Brian Kincaid, we have performed a soils investigation and related preliminary design work for the referenced proposed subdivision. The project will create 2 new lots and 2 large tracts from an existing parcel, with a combined total area of 61.4 acres. Our soils evaluation included review of existing testholes, review of the provided topography information, review of satellite imaging, and our other observations at the site. See the attached testhole location, drainage and topography map for details.

Topography. The parent parcel forms a rectangle with a stepped northwest corner, bordering E. Edgerton Parks Rd. to the south and N. Solid Rock Cir. to the west. Drainage generally slopes gently to the southwest and the northeast, with two small hilly areas on the east and west of proposed lot 3. A significant area containing surface water exists on the west half of tract A-2 with a small lake, creek and other apparent drainage paths running mostly north and south. The total elevation differential indicated from the provided map is approximately 38'. See attached map for general drainage patterns.

Soils & Vegetation. A house and garage building have been constructed on the proposed lot 3, along with a long driveway. East of the house and garage, a large area has been filled with several feet of gravel taken from a subdivision project to the west. An access road for the other project runs from the south edge of this parcel north to the adjacent project, splitting off the proposed lot 1 at the southwest corner. The remaining areas of the parent parcel generally have undisturbed native vegetation. Vegetation consists of birch, spruce and willows, as well as various brush and wild grasses. Near surface native soils included a layer of peaty dark organic topsoil over a layer of silty sand or sandy silt. The silty layer was underlain by receiving soils which were sandy gravels with a minor amount of silt; generally the receiving soils were located just below the groundwater table. Conventional septic construction would typically include removing topsoils and silty layers and filling with clean sands to provide groundwater clearance. Soils within an earlier project to the west were better, as evidenced by cut areas and the large amount of sandy gravel fills mined there and placed within this parcel. Copies of the testholes, a sieve test and location/topography map are attached.

EXHIBIT D-1

Groundwater. Groundwater was encountered in each of the 3 testholes, which were excavated from 9' to 12' deep. Water levels were monitored after stabilizing for one week and ranged from 4.9' to 8.8'. Groundwater is a primary limiting factor, with an apparent average depth of 5' to 6' in undisturbed/non-filled areas. Proposed lot 3 near the project center has previously had a large area filled to around 3' or 4' above original ground, and has some material stockpiled. Proposed lot 1 at the southwest corner will need to have some area filled to create useable septic area, as is shown on the map.

Useable Areas. The two proposed lots have a few limitations on areas defined by MSB code as *useable septic area* or *useable building area*. Useable septic areas will be limited by areas with shallow groundwater, lotlines and setbacks to surface water and water wells. For useable building area, lotlines, utility easements, and ROW/PUE setbacks will be limiting factors. Proposed lot 3 contains adequate unencumbered area to meet the useable area requirements in its present configuration. Proposed lot 1 presently contains about 5,600 ft² of useable septic area, and will require filling an additional 4,500 ft² area. A proposed fill area is shown on the map, tapering from 0' to around 3.5' of fill.

Based on the available soils & water table information, topography, MSB Title 43 Code definitions, and our observations at the site, ***proposed lot 3 will contain over 10,000 square feet of contiguous useable septic area. Proposed lot 1 can reasonably be filled to contain over 10,000 square feet of contiguous useable septic area. Each proposed lot will contain an additional 10,000 square feet of useable building area.*** Placement of the fill and re-verification of useable septic area on lot 1 should be made a condition of approval. The two large tracts are over 400,000 ft² and do not require area verification.

Road Construction. The proposed plat will require upgrade of approximately 130' of the existing road and intersection to meet *residential* street standards. Grades within the proposed ROW and intersection are well below 5% and no vertical design will be required. Adequate gravel materials formed the road base construction, and some amount of topping material would likely need to be imported. Sight distances along Edgerton-Parks Road are approximately 500' in both directions, limited by foliage in the ROW to the west, and a crest in the road to the east; for 35 MPH the distance required is 250'.

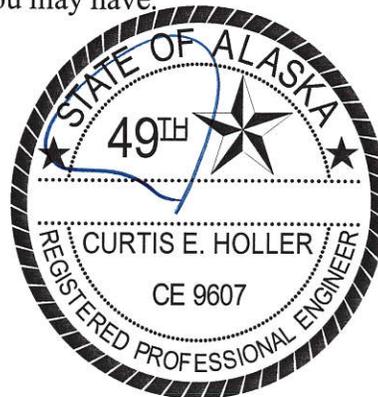
Drainage Plan. The attached map shows the approximate existing drainage patterns. Drainage patterns will not change significantly after the very minor road construction; the attached drainage plan shows the existing expected flow patterns. See the attached map for details.

Please do not hesitate to call with any other questions you may have.

Sincerely,

Curtis Holler, PE

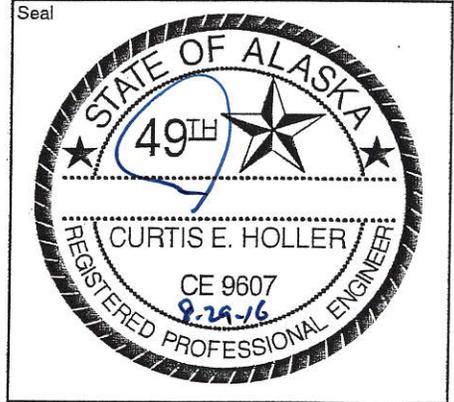
c: B. Kincaid, w/attachments





HOLLER ENGINEERING

3375 N Sams Dr. Wasilla, Alaska (907) 376-0410



SOILS LOG / PERCOLATION TEST

TEST HOLE # 1

Performed For: Brian Kincaid

Legal Description: Hatcher Pass Paradise

Depth, feet	Soil Type	Slope	Site Plan
1	OL		SEE MAP ↑ N ↓
1-2	ML Dark Brown Rocks to 5"		
2-3	Grey Silty SM, "Clayish" No rocks of note		
3-4			
4-5			
5-6			
6	GWT 8-9-16 ▽ SP w/ minor silt		
6-8			
8			
9		<p>WAS GROUNDWATER ENCOUNTERED? <u>Yes</u></p> <p>IF YES, AT WHAT DEPTH? <u>4' 11" and 8'</u></p> <p>DEPTH AFTER MONITORING? <u>6'</u></p>	
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			

PERCOLATION TEST					
Reading	Date	Gross Time	Net Time	Depth to Water	Net Drop

- PERCOLATION RATE _____ (min/inch) PERC HOLE DIAMETER _____

- TEST RUN BETWEEN _____ FT AND _____ FT DEPTH

- Comments: Sample taken at 6' ; Monitor tube installed to 9'

- PERFORMED BY: C. HOLLER, J. WILKINS DATE: 8/3/2016

Light Seeps @ 4' 11"
Sample Taken
Heavy Seeps @ 8'



HOLLER ENGINEERING

Water & Wastewater Consulting

3375 N Sams Dr. Wasilla, Alaska 99654 • 376-0410 / 232-0510

Hatcher Pass Paradise Subdivision TH-1

HE Job # 16073

Material Test # 1, 8-09-16

Sample Date: 8-03-16

Sieve	Sieve Opening (mm)	Cumulative Mass Retained (g)	Mass of Soil Retained on Each Sieve (g)	Percent of Mass Retained on Each Sieve (%)	Cumulative Percent Retained (%)	Percent Finer (%)
3/4"	19.05	272	272	31.0	31.0	69.0
3/8"	9.525	354	82	9.3	40.3	59.7
No. 4	4.75	391	37	4.2	44.5	55.5
No. 10	2	464	73	8.3	52.8	47.2
No. 20	0.85	600	136	15.5	68.3	31.7
No. 40	0.425	700	100	11.4	79.7	20.3
No. 60	0.25	735	35	4.0	83.7	16.3
No. 100	0.15	796	61	6.9	90.7	9.3
No. 200	0.075	825	29	3.3	94.0	6.0
Pan*	-	878	53	6.0	100.0	

$D_{10} = 0.14$

$D_{30} = 0.71$

$D_{60} = 8.16$

$C_u = 58.65$

$C_c = 0.44$

Original Mass (g) = 878

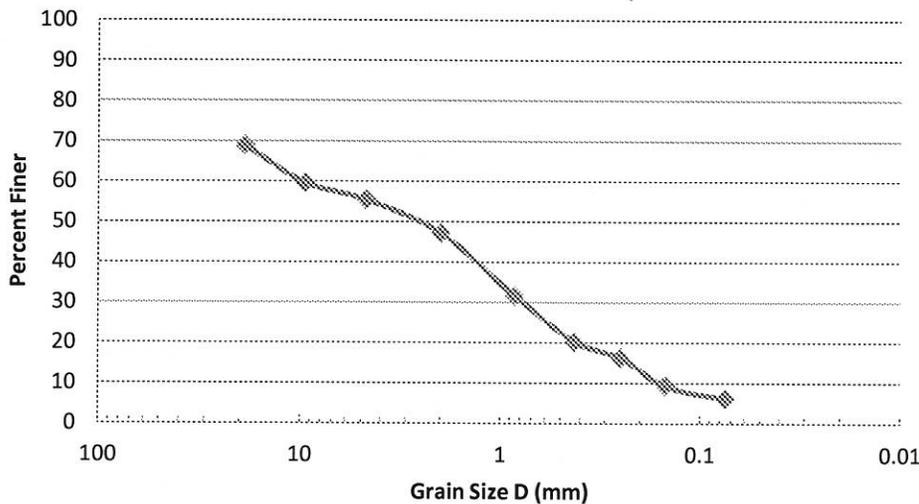
Mass lost (g) = 53

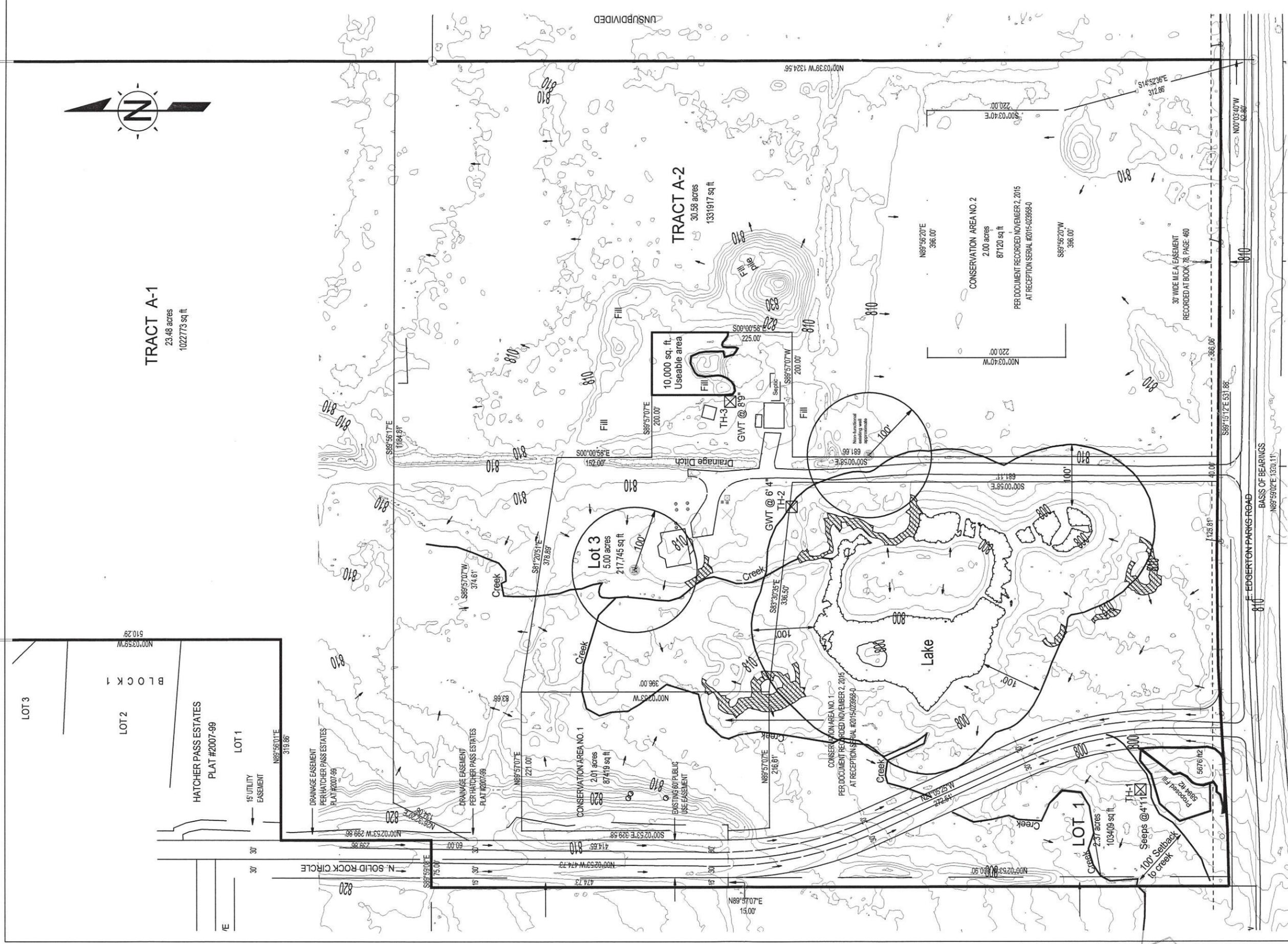
% Fines/Passing #200 sieve = 6.0 %

*Prior dry weight; wet wash method

USCS Classification: **SP w/GP, trace silt**

Grain Size Distribution





Notes:

- 1) Base drawing and topography provided by surveyor.
- 2) Arrows denote apparent drainage patterns.
- 3) Topography elevations relative only.



Hatcher Pass Paradise
Testhole, Useable Area, Drainage & Topography Map



8/26/16

Job # 16077

EXHIBIT D-7

KEYSTONE SURVEYING & MAPPING, INC.

Gary LoRusso
P.O. Box 2216
Palmer, Alaska 99645

garyl@mtaonline.net
Work 376-6780

TOPOGRAPHIC NARRATIVE
FOR
TRACT A-1
HATCHER PASS DREAMS

08/ 30/ 16

Tract A-1 lies north of the Little Susitna River and south of the Talkeetna Mountains. The land is gently sloping from the northeast towards the Southwest. There are small and intermittent streams that cross this parcel. The land is well treed with Birch and Spruce.

Please contact me if you have any questions.

Sincerely,

Gary LoRusso

LS 7330

EXHIBIT E

SITE VISIT REPORT

Case Name: Hatcher Pass Paradise	Date: 09/14/2016	Time: 10:23 AM
Owner: Brian Kincaid	Case Number:	
Surveyor/Engineer: Keystone/Holler	Tax ID #:	
Subdivision:	Regarding:	

SITE CONDITIONS

Weather: Calm, overcast	Temperature: 50°F
Wind: None	
General Site Condition: Road constructed (unaccepted) and structure on parcel	

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

Equipment in use: Camera

Current phase of work: To be heard by the Platting Board

Reason for Visit/Remarks: Photos for Peggy Horton, Platting Technician, to look at the existing road; the conservation easements, the existing driveway and if there was any water on the road-way, and if the drainage easement was constructed.

(See attached photos)

Signed By: Amy Otto-Buchanan, Platting Technician

Date: September 14, 2016

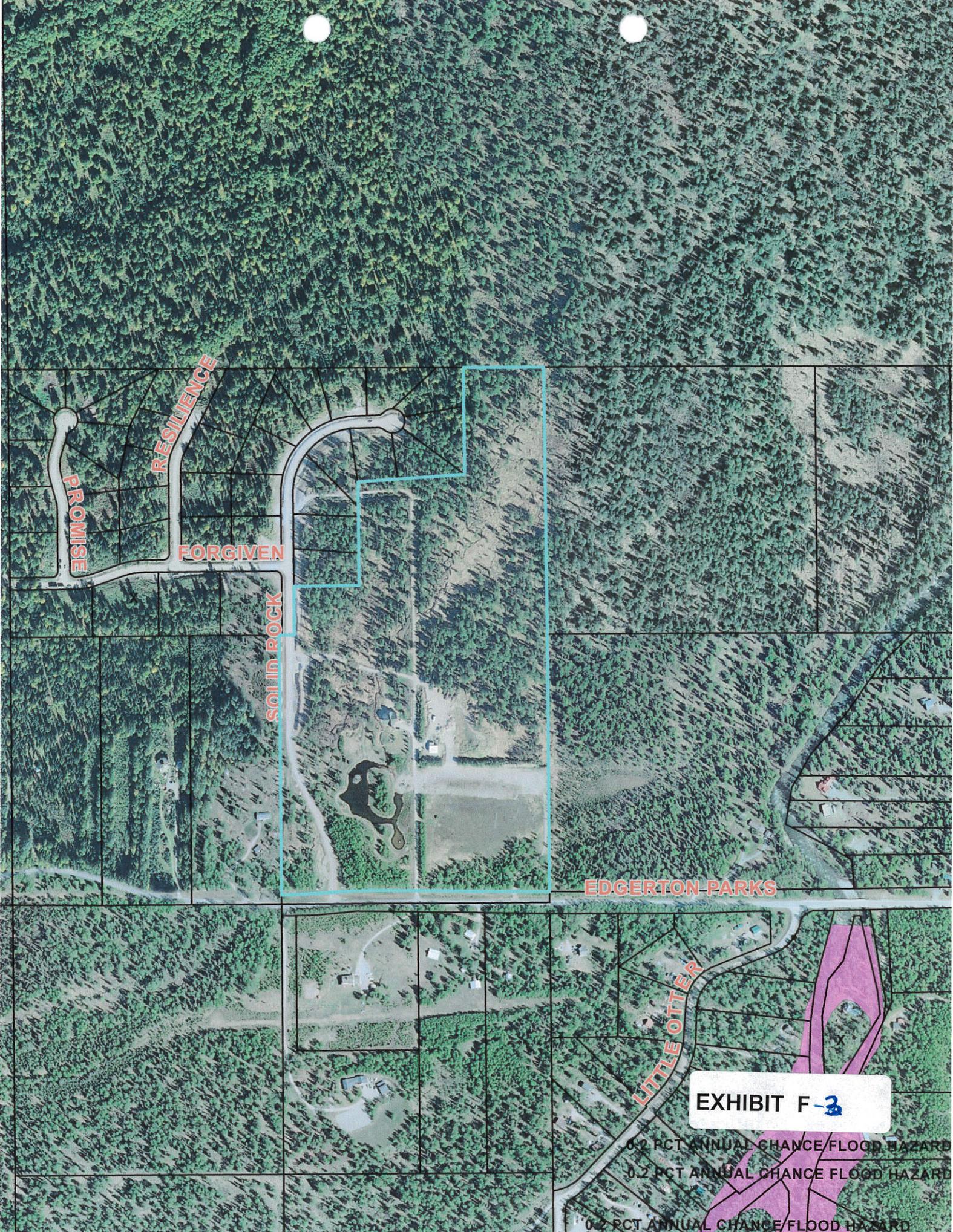
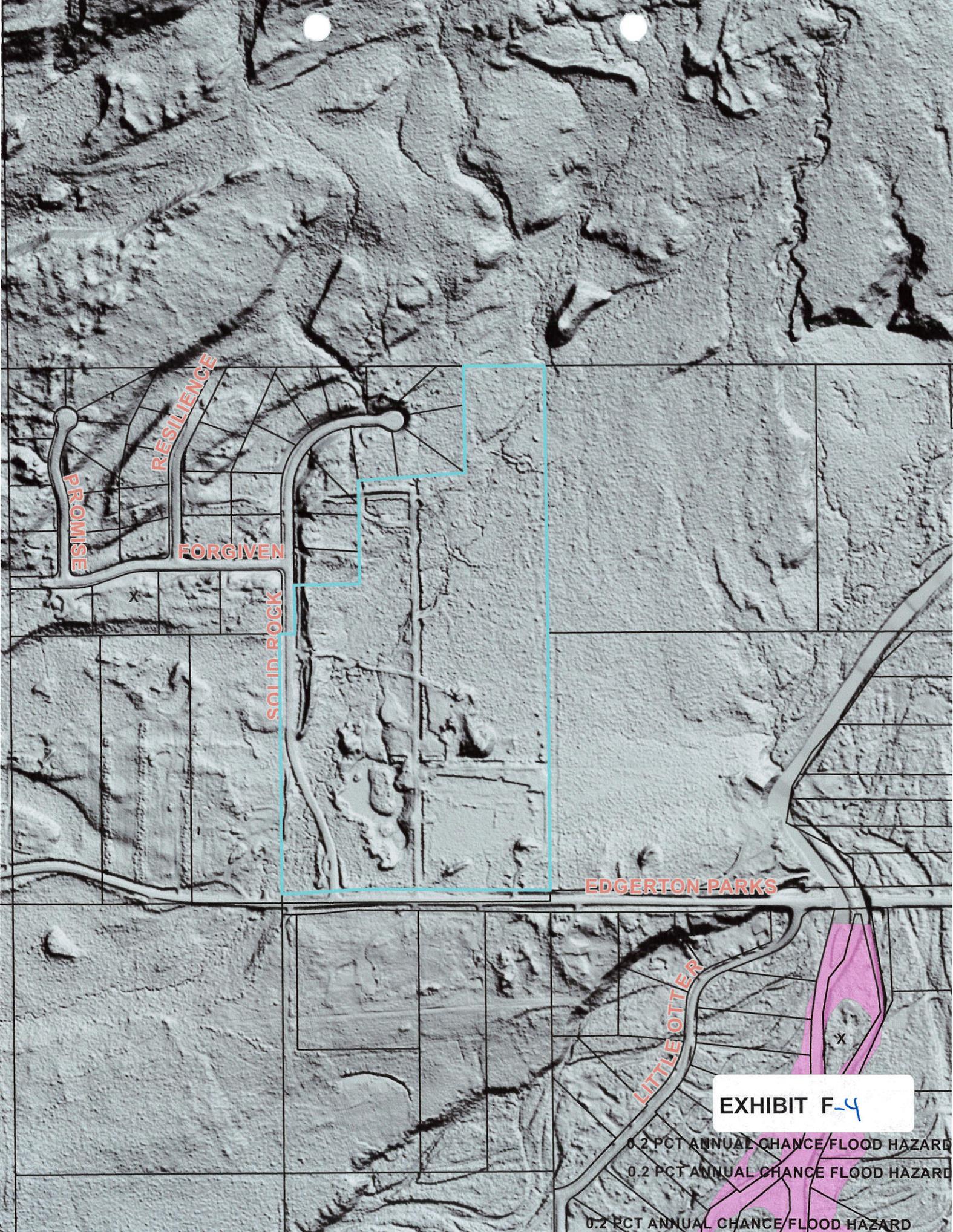


EXHIBIT F-3

0.2 PCT ANNUAL CHANCE/FLOOD HAZARD

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

0.2 PCT ANNUAL CHANCE/FLOOD HAZARD



PROMISE

RESILIENCE

FORGIVEN

SOL IN ROCK

EDGERTON PARKS

LITTLE OTTER

EXHIBIT F-4

0.2 PCT ANNUAL CHANCE/FLOOD HAZARD

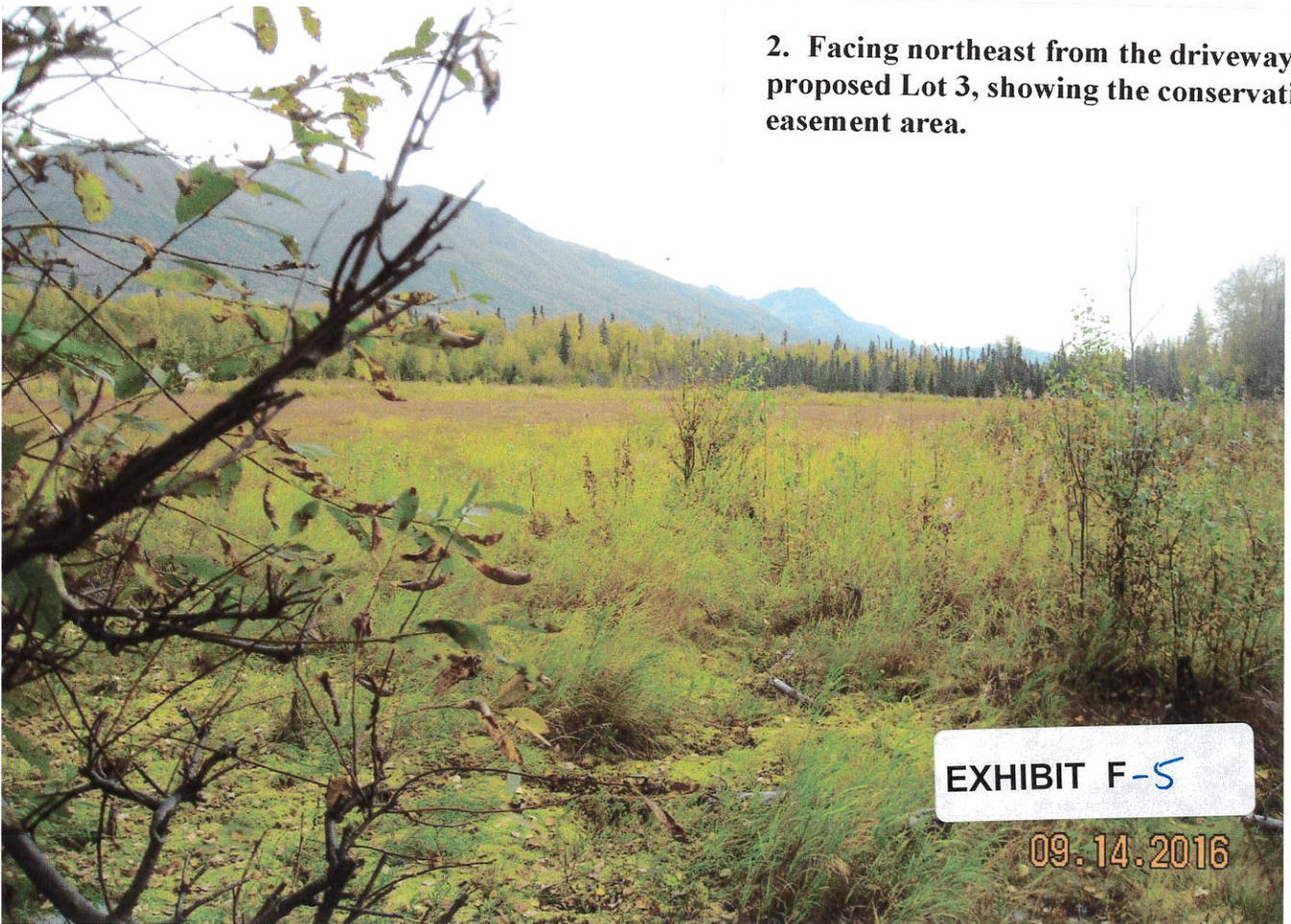
0.2 PCT ANNUAL CHANCE FLOOD HAZARD

0.2 PCT ANNUAL CHANCE/FLOOD HAZARD

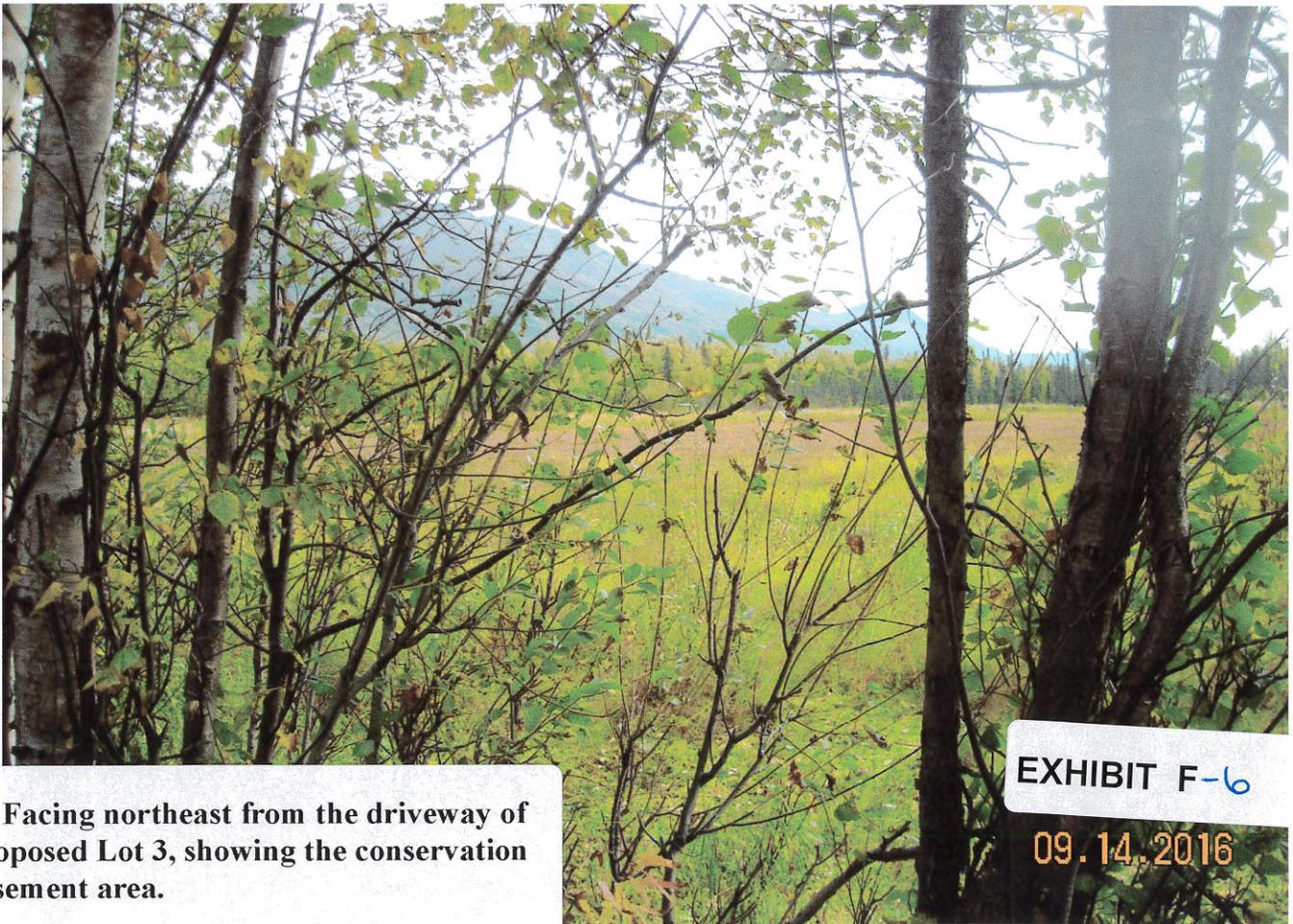
1. Facing north from E. Edgerton Parks Road, showing the driveway of proposed Lot 3.



2. Facing northeast from the driveway of proposed Lot 3, showing the conservation easement area.



3. Close-up of conservation easement area.



4. Facing northeast from the driveway of proposed Lot 3, showing the conservation easement area.

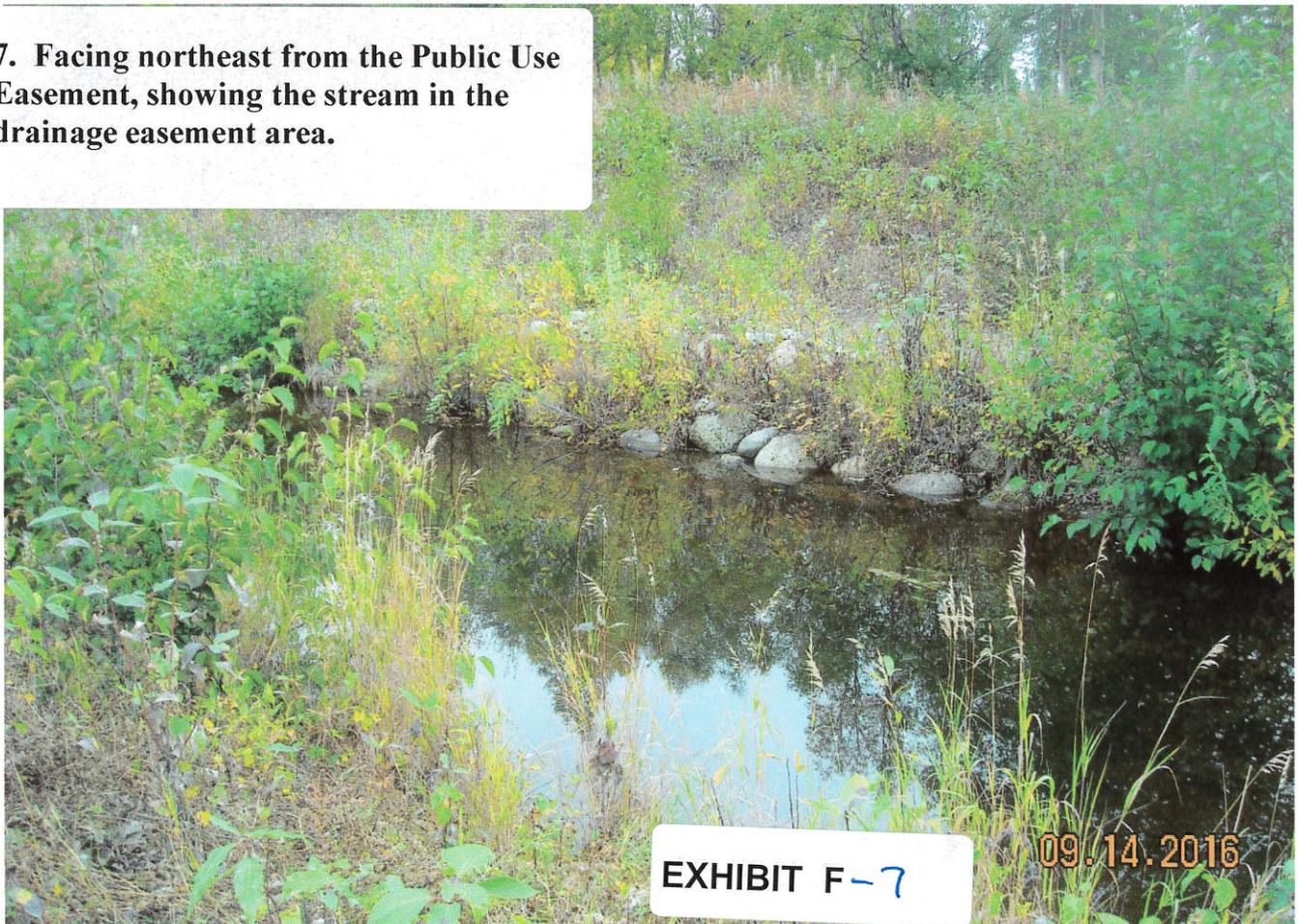
EXHIBIT F-6

09.14.2016

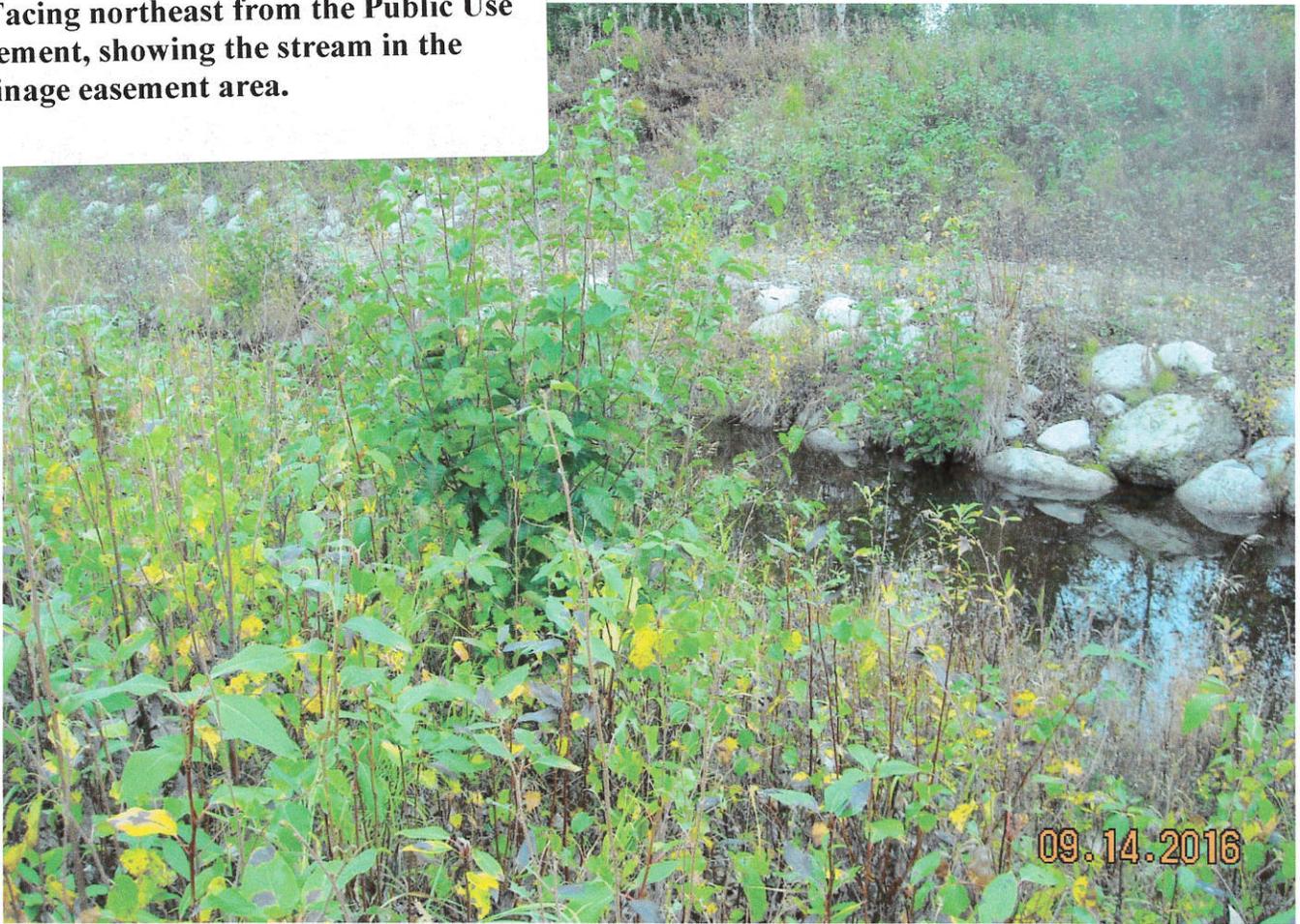
6. Facing east from the Public Use Easement, showing the culvert in the drainage easement area.



7. Facing northeast from the Public Use Easement, showing the stream in the drainage easement area.



8. Facing northeast from the Public Use Easement, showing the stream in the drainage easement area.



9. Facing south along the Public Use Easement, towards E. Edgerton Parks Road.



10. Facing north along the Public Use Easement.

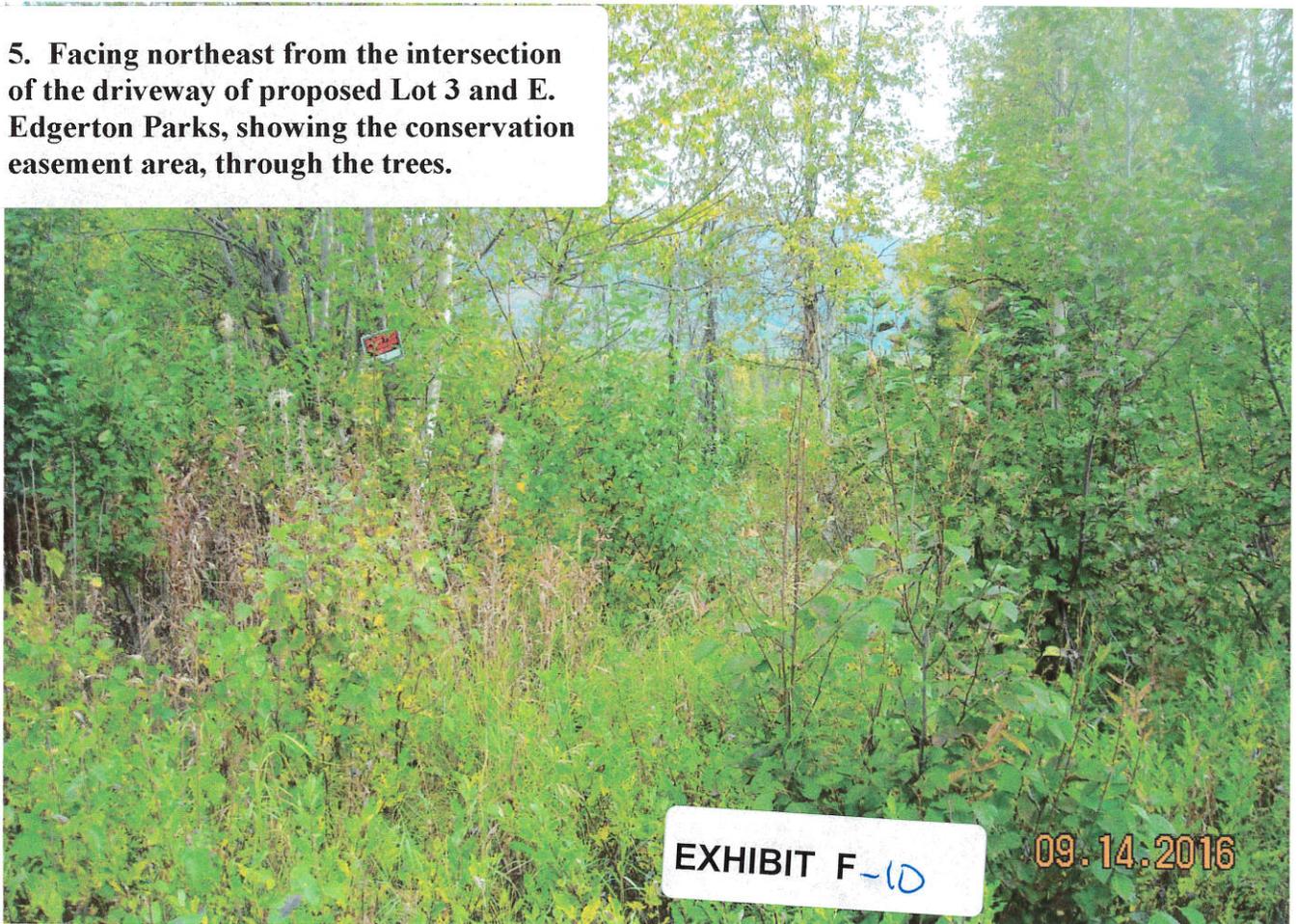


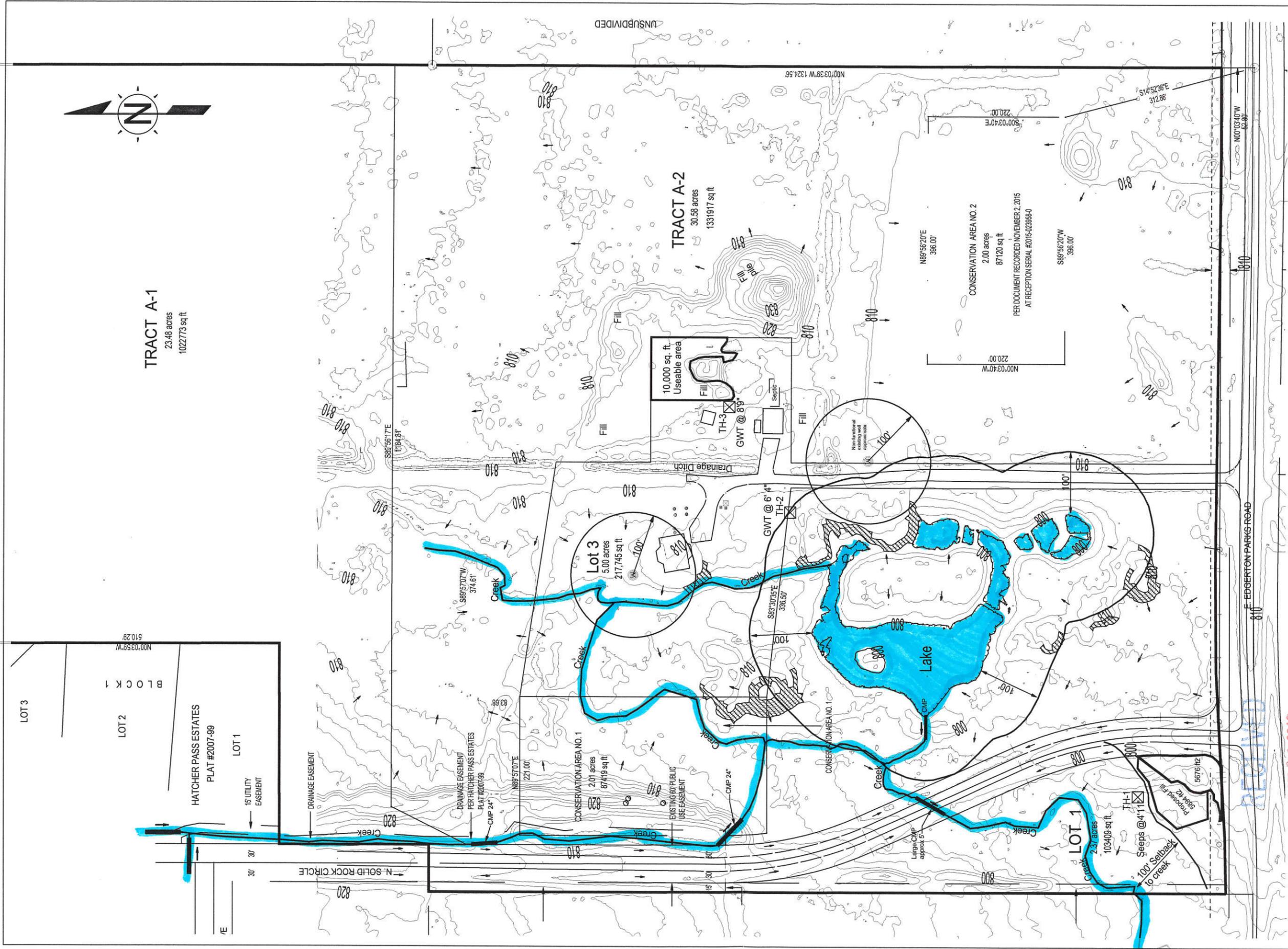
11. Facing north along the Public Use Easement.

12. Facing south along the Public Use Easement.



5. Facing northeast from the intersection of the driveway of proposed Lot 3 and E. Edgerton Parks, showing the conservation easement area, through the trees.





TRACT A-1
23.48 acres
1022773 sq ft

TRACT A-2
30.58 acres
1331917 sq ft

Lot 3
5.00 acres
217,745 sq ft

CONSERVATION AREA NO. 1
2.01 acres
8749 sq ft

CONSERVATION AREA NO. 2
2.00 acres
87120 sq ft

PER DOCUMENT RECORDED NOVEMBER 2, 2015
AT RECEPTION SERIAL #2015-429958-0

OCT 03 2016

PLATING

Notes:

- 1) Base drawing and topography provided by surveyor.
- 2) Arrows denote apparent drainage patterns.
- 3) Topography elevations relative only.



Hatcher Pass Paradise
Testhole, Useable Area, Drainage & Topography Map



3375 N Sams Dr. Wasilla, Alaska 99654

9/26/16 | Job # 16073 | Scale: 1"=150'

EXHIBIT G

RECEIVED

SEP 21 2016

PLATTING

KAREN L. LOEFFLER
United States Attorney

RICHARD L. POMEROY
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, Alaska 99513-7567
Phone: (907) 271-5071
Fax: (907) 271-2344
Email: richard.pomeroy@usdoj.gov
Alaska Bar No. 8906031

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	No. 3:14-cv-00233-JWS
)	
Plaintiff,)	STIPULATION FOR ENTRY OF
)	CONSENT JUDGMENT
vs.)	
)	
BRIAN D. KINCAID,)	
)	
Defendant.)	
)	
)	

IT IS HEREBY stipulated and agreed by and between the Plaintiff and Defendant Brian D. Kincaid as follows:

1. That Defendant Brian D. Kincaid has been served with a copy of the filed Complaint in this action and is familiar with the information

EXHIBIT H-1

contained therein.

2. At all times relevant to this case, Mr. Kincaid owned and controlled a tract of real property located at 7959 Edgerton Parks Road, adjacent to the Hatcher Pass Estates subdivision, City of Palmer, Borough of Matanuska-Susitna, State of Alaska (the Site).

3. In 2006, as part of construction of a gravel access road and driveway, Mr. Kincaid illegally discharged fill material without a permit into approximately 4.9 acres of wetlands at the Site.

4. In August 2006, the Corps of Engineers issued a "Notice of Violation" to Mr. Kincaid for this unlawful discharge of fill material in 4.9 acres of wetlands at the Site.

5. On January 9, 2007, the Corps of Engineers issued Department of the Army Permit Authorization No. PAO-2006-834-V (the Permit), which provided after-the-fact authorization for 4.14 acres of the unpermitted discharge, subject to requirements that Mr. Kincaid, among other things, restore 1.1 acres of illegally filled wetlands and protect 3.9 acres of undisturbed wetlands through a legally binding instrument. The Permit authorized the work until December 31, 2009, upon which date Mr. Kincaid was to have completed the restoration of the 1.1 acres of the illegally filled wetlands and execute a legally

EXHIBIT H-2

binding instrument for protection of the 3.9 acres of undisturbed wetlands.

6. On August 2, 2012, the Corps of Engineers conducted a compliance inspection at the Site, which revealed that Mr. Kincaid had failed to complete the restoration of the 1.1 acres of the illegally filled wetlands and execute a legally binding instrument for protection of the 3.9 acres of undisturbed wetlands, as required by the Permit.

7. The United States of America has brought this civil action under Sections 301(a) and 404(s) of the CWA, 33 U.S.C. §§ 1311(a) and 1344(s), to obtain injunctive relief compelling Mr. Kincaid to comply with all of the conditions and limitations of the Permit and for civil penalties as provided for in 33 U.S.C. § 1319(d).

8. That judgment may be entered for the United States of America and against Defendant Brian D. Kincaid in the following amounts and upon the following terms and conditions:

a. an order for the immediate restoration of the 1.1 acres of illegally filled wetlands;

b. an order for the immediate execution a legally binding instrument for protection of the 3.9 acres of undisturbed wetlands; and

c. an order for immediate payment of the principal sum of \$27,500, representing a civil penalty.

9. Judgment shall be entered for the total amounts set forth in Paragraph 8, above, minus any amounts paid prior to entry of judgment. Any amounts so paid shall be set forth in an affidavit filed by plaintiff at the time application for entry of judgment is made to the Court.

10. Plaintiff agrees to stay execution of Paragraph 8c of this consent judgment on the following conditions:

a. completion of the restoration of the 1.1 acres of illegally filled wetlands, in compliance with the after the fact permit referenced in Paragraph 5, no later than November 1, 2015;

b. execution of the legally binding instrument for protection of the 3.9 acres of undisturbed wetlands no later than August 1, 2015.

11. Defendant's failure to abide by Paragraph 10 without good and just cause and without written consent of Plaintiff may result in execution of the full amount of the judgment to commence at Plaintiff's discretion.

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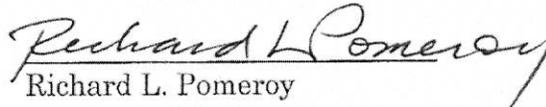
//

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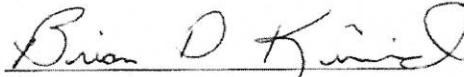
RESPECTFULLY SUBMITTED, on June 9, 2015, at Anchorage,

Alaska.

KAREN L. LOEFFLER
United States Attorney



Richard L. Pomeroy
Assistant U.S. Attorney
Attorney for Plaintiff



Brian D. Kincaid
Defendant

6-12-15

CERTIFICATE OF SERVICE

I hereby certify that on ~~April 7~~ ^{June 12}, 2015,
a copy of the foregoing
was served electronically on:

Brian Kincaid.

s/Richard Pomeroy

RECEIVED
SEP 21 2016
PLATTING

KAREN L. LOEFFLER
United States Attorney

RICHARD L. POMEROY
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, Alaska 99513-7567
Phone: (907) 271-5071
Fax: (907) 271-2344
Email: richard.pomeroy@usdoj.gov

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	No. 3:14-cv-00233-JWS
)	
Plaintiff,)	SATISFACTION OF
)	JUDGMENT
vs.)	
)	
BRIAN D. KINCAID,)	
)	
Defendant.)	
_____)	

Plaintiff, through the United States Attorney for the District of Alaska, hereby states that the terms of the consent judgment entered in the above-captioned matter on June 15, 2015 at Docket 18 have been complied with in full. The Clerk of the United States District Court for the District of Alaska is hereby authorized to satisfy and cancel said record of judgment.

EXHIBIT H-6

RESPECTFULLY SUBMITTED this 22nd day of December, 2015, in
Anchorage, Alaska.

KAREN L. LOEFFLER
United States Attorney

s/ Richard L. Pomeroy
RICHARD L. POMEROY
Assistant U.S. Attorney
United States of America

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2015 a true
and correct copy of the foregoing was served on
the following via U.S. first-class mail:

Brian D. Kincaid
7959 E. Edgerton Parks Road
Palmer, AK 99645

s/ Richard L. Pomeroy
Office of the U.S. Attorney

U.S. v. Kincaid
3:14-cv-00233-JWS

Page 2 of 2

EXHIBIT H-7



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898
DEC 17 2015

RECEIVED
SEP 21 2016
PLATTING

Regulatory Division
POA-2006-834

Mr. Brian Kincaid
Post Office Box 2385
Palmer, Alaska 99645

Dear Mr. Kincaid:

This letter is in reference to the Stipulation for Entry of Consent Decree dated June 8, 2015, requiring the restoration of 1.1 acres of illegally filled wetlands and the protection of 3.9 acres of undisturbed wetlands. The project is located within Section 34, T. 19 N., R. 1 E., Seward Meridian; USGS Quad Map Anchorage C-7; Latitude 61.6951° N., Longitude 149.2572° W.; Matanuska-Susitna Borough, Hatcher Pass Estates Subdivision; near Palmer, Alaska.

A recent inspection indicates restoration of the site is complete. The evidence of recordation of the Conservation Easement provided by yourself on November 3, 2015, satisfies the judgment of the Consent Decree. We would like to take this opportunity to express our appreciation for your cooperation in resolving this violation. As of the date of this letter, the U.S. Army Corps of Engineers is notifying you that this process is complete and closed.

Please contact me via email at shane.m.mccoy@usace.army.mil, by mail at the address above, by phone at (907) 753-2715, or toll free from within Alaska at (800) 478-2712, if you have questions or to request paper copies of the regional and/or general conditions. For more information about the Regulatory Program, please visit our website at www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,

Shane McCoy
Chief, South Section

EXHIBIT H-8

Peggy Horton

From: Jamie Taylor
Sent: Tuesday, September 20, 2016 12:09 PM
To: Platting
Cc: Peggy Horton
Subject: RE: Request for Comments for Hatcher Pass Paradise Case #2016-122 Tech: PH

- Was a wetlands determination done for this parcel, especially in the location of proposed Lot 1, during the development of Hatcher Pass Estates? If not, a wetlands determination should be done to see if a Corps permit for the proposed fill will be required.
- Show all waterways, including the road side drainage improvements adjacent to Solid Rock Circle which contain water year round.
- Lot 1, Tract A-1, and Tract A-2 must take access from Solid Rock Circle.

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

From: Peggy Horton **On Behalf Of** Platting
Sent: Tuesday, September 06, 2016 10:06 AM
To: Wilber, Sarah E E (DFG); Holly Zafian - ADF&G (holly.zafian@alaska.gov); Mark Fink (mark.fink@alaska.gov); mearow@matanuska.com; Becky Glenn (r Glenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com; John Mcnutt (jmcnutt@palmerak.org); Elizabeth Weiant; Eric Phillips; regpagemaster@usace.army.mil; Michael Weller; Sheila Armstrong; Tracy McDaniel; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Frankie Barker; Jessica Smith; Permit Center; Andy Dean; John Aschenbrenner; Barbara Doty; brian.young@usps.gov; joeri@mtaonline.net; edstrabelak@gmail.com; retirees@mtaonline.net
Subject: Request for Comments for Hatcher Pass Paradise Case #2016-122 Tech: PH

Good Morning,

Attached is a preliminary plat for a 4-lot subdivision off of Edgerton Parks Road. Please review and provide your comments by September 26, 2016.

NOTE: The developer intends to place fill on a portion of Lot 1 to meet the useable septic area requirement, see the soils report attached for more information.

Thank you,

Peggy Horton
Platting Technician
Matanuska-Susitna Borough
(907) 861-7881 direct

Peggy Horton

From: Susan Lee
Sent: Tuesday, September 06, 2016 10:15 AM
To: Platting
Subject: RE: Request for Comments for Hatcher Pass Paradise Case #2016-122 Tech: PH

Structures should be in compliance with setback requirements.

Susan

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

From: Peggy Horton **On Behalf Of** Platting
Sent: Tuesday, September 06, 2016 10:06 AM
To: Wilber, Sarah E E (DFG); Holly Zafian - ADF&G (holly.zafian@alaska.gov); Mark Fink (mark.fink@alaska.gov); mearow@matanuska.com; Becky Glenn (rglenn@mta-telco.com); J Thompson (jthompson@mta-telco.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); dblehm@gci.com; John Mcnutt (jmcnutt@palmerak.org); Elizabeth Weiant; Eric Phillips; regpagemaster@usace.army.mil; Michael Weller; Sheila Armstrong; Tracy McDaniel; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Frankie Barker; Jessica Smith; Permit Center; Andy Dean; John Aschenbrenner; Barbara Doty; brian.young@usps.gov; joeri@mtaonline.net; edstrabelak@gmail.com; retirees@mtaonline.net
Subject: Request for Comments for Hatcher Pass Paradise Case #2016-122 Tech: PH

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NOTE: The developer intends to place fill on a portion of Lot 1 to meet the useable septic area requirement, see the soils report attached for more information.

Thank you,

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

EXHIBIT J



MATANUSKA-SUSITNA BOROUGH

Community Development

Land & Resource Management

350 East Dahlia Avenue • Palmer, AK 99645

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

MEMORANDUM

DATE: September 13, 2016
TO: Fred Wagner, Platting Officer
FROM: Land & Resource Management *NSC*
SUBJECT: Preliminary Plat Comments / Case #2016-122

RECEIVED
SEP 13 2016
PLATTING

Platting Tech: Peggy Horton
Public Hearing: October 5, 2016
Applicant / Petitioner: Kincaid
TRS: 19N01E34
Tax ID: 6714000T00A
Subd: Hatcher Pass Paradise
Tax Map: IN 14

Comments:

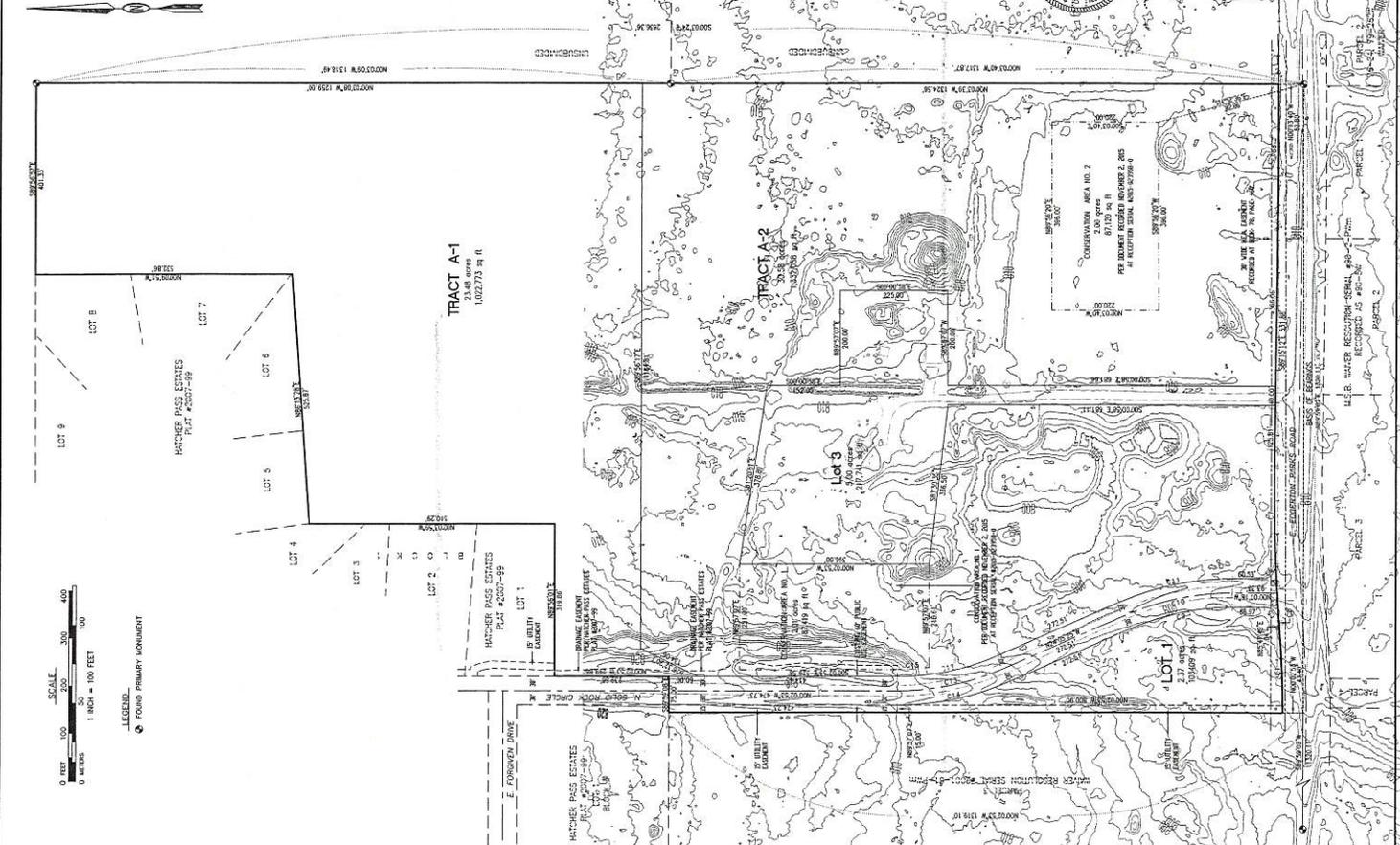
- No borough-owned affected.
- No objections to proposed subdivision.

EXHIBIT K



INSET MAP
SCALE 1" = 1 MILE

- NOTES:**
1. THERE MAY BE FEDERAL, STATE AND LOCAL REGULATIONS THAT APPLY TO THE DEVELOPMENT OF THIS PLAT. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 2. BASIS OF BEARING FROM PLAT OF HATCHER PASS ESTATES, PLAT #2007-89
 3. 5/08 * 30" REBAR WITH SELF-SEALING PLASTIC CAP SET AT ALL LOT CORNERS, P.C.'S, P.T.'S AND AT ALL INTERSECTIONS.
 4. NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS LOCATED, CONSTRUCTED AND OPERATED IN ACCORDANCE WITH THE APPLICABLE STANDARDS AND REGULATIONS OF THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHICH GOVERN THESE SYSTEMS.
 5. ENCUMBRANCES NOT PLOTTED HEREON:
 - (a) AT 6000' ELEVATION, NOVEMBER 3, 2008
 - (b) ENCUMBRANCE RECORDED MARCH 28, 1988 AT REC. 2
 - (c) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (d) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (e) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (f) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (g) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (h) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (i) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (j) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (k) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (l) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (m) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (n) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (o) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (p) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (q) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (r) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (s) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (t) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (u) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (v) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (w) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (x) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (y) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2
 - (z) AT 6000' ELEVATION, SEPTEMBER 17, 1999 AT REC. 2



CERTIFICATE OF COMPLETION & REDUCTION
 I, THE UNDERSIGNED, COUNTY CLERK OF THE STATE OF ALASKA, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN FILED FOR RECORD IN THE PUBLIC RECORDS OF THE STATE OF ALASKA, AND THAT THE SAME IS CORRECT AND COMPLETE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ALASKA PLAT ACT, AS AMENDED.

NOTARY ACKNOWLEDGMENT
 I, _____, COUNTY CLERK OF THE STATE OF ALASKA, DO HEREBY ACKNOWLEDGE THAT THE ABOVE-NAMED PLAT WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF THE STATE OF ALASKA, AND THAT THE SAME IS CORRECT AND COMPLETE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ALASKA PLAT ACT, AS AMENDED.

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APPROVED AS SHOWN
 CORRECTED
 SIGNATURE: _____
 DATE: _____
 ENGINEERING & DESIGN

RECEIVED
 AUG 28 2008
 SURVEYOR'S GENERAL
 PLATTING

HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS THE CORRECT AND COMPLETE INFORMATION AND THAT THE INFORMATION SHOWN ON THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



STATE OF ALASKA
HATCHER PASS PARADISE
 TRACT A, HATCHER PASS ESTATES, PLAT #2007-89
 LOCATED WITHIN THE
 NW 1/4 SECTION 34, T. 19 N., R. 1 E.
 PALMER REGIONAL DISTRICT
 PALMER, ALASKA
 THIRD JUDICIAL DISTRICT
 STATE OF ALASKA
 CONTAINING 61.43 ACRES, MORE OR LESS
KEYSTONE SURVEYING & MAPPING
 GARY LARUSSO, REGISTERED LAND SURVEYOR
 1000 W. PALMER AVENUE, SUITE 200
 PALMER, ALASKA 99646
 PHONE: (907) 276-7811
 DATE: 8/21/08
 DRAWING: 2008-16/HatcherPassParadise
 SCALE: 1" = 100 FEET
 SHEET 1 OF 1

CURVE TABLE

CURVE	LENGTH	PIECE	AREA	TANGENT	CHORD
C1	18.37	298.42	60.02	88.17	18.37
C2	18.37	298.42	60.02	88.17	18.37
C3	18.37	298.42	60.02	88.17	18.37
C4	18.37	298.42	60.02	88.17	18.37
C5	18.37	298.42	60.02	88.17	18.37
C6	18.37	298.42	60.02	88.17	18.37
C7	18.37	298.42	60.02	88.17	18.37
C8	18.37	298.42	60.02	88.17	18.37
C9	18.37	298.42	60.02	88.17	18.37
C10	18.37	298.42	60.02	88.17	18.37
C11	18.37	298.42	60.02	88.17	18.37
C12	18.37	298.42	60.02	88.17	18.37
C13	18.37	298.42	60.02	88.17	18.37
C14	18.37	298.42	60.02	88.17	18.37
C15	18.37	298.42	60.02	88.17	18.37
C16	18.37	298.42	60.02	88.17	18.37
C17	18.37	298.42	60.02	88.17	18.37
C18	18.37	298.42	60.02	88.17	18.37
C19	18.37	298.42	60.02	88.17	18.37
C20	18.37	298.42	60.02	88.17	18.37
C21	18.37	298.42	60.02	88.17	18.37
C22	18.37	298.42	60.02	88.17	18.37
C23	18.37	298.42	60.02	88.17	18.37
C24	18.37	298.42	60.02	88.17	18.37
C25	18.37	298.42	60.02	88.17	18.37
C26	18.37	298.42	60.02	88.17	18.37
C27	18.37	298.42	60.02	88.17	18.37
C28	18.37	298.42	60.02	88.17	18.37
C29	18.37	298.42	60.02	88.17	18.37
C30	18.37	298.42	60.02	88.17	18.37
C31	18.37	298.42	60.02	88.17	18.37
C32	18.37	298.42	60.02	88.17	18.37
C33	18.37	298.42	60.02	88.17	18.37
C34	18.37	298.42	60.02	88.17	18.37
C35	18.37	298.42	60.02	88.17	18.37



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 12, 2016

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

Subject: Abbreviated Plat Request for Comments – **Hatcher Pass Paradise**
(Case No. 2016-122)

Dear Ms. Horton:

ENSTAR Natural Gas Company has reviewed the subject Abbreviated 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 black ink, appearing to read "Cassie Wohlgemuth", with a long horizontal flourish extending to the right.

Cassie Wohlgemuth
Right-of-Way and Compliance Technician

Sent via e-mail to MSB platting division
EXHIBIT M

**STAFF REVIEW AND RECOMMENDATIONS
PUBLIC HEARING
OCTOBER 5, 2016**

PRELIMINARY PLAT: **HORSESHOE LAKE RSB L/1 & 2**
LEGAL DESCRIPTION: **SEC 12, T17N, R4W S.M., AK**
PETITIONER: **ERIC QUAM**
SURVEYOR: **BESSE ENGINEERING**
ACRES: **.94** **PARCELS: 1**
REVIEWED BY: **PEGGY HORTON** **CASE: 2016-127**

REQUEST:

The request is to combine Lots 1 & 2, Horseshoe Lake, Plat #72-11, into one lot to be known as Lot 1A, Horseshoe Lake, containing .94 acres more or less. Located within Section 12, T17N, R4W, S.M. AK, lying on the north shore of Horseshoe Lake, south of Horseshoe Lake Road.

EXHIBITS:

VICINITY MAP **EXHIBIT A**
AERIAL PHOTO **EXHIBIT B**

COMMENTS:

ADF&G **EXHIBIT C**

DISCUSSION:

This case is being heard under MSB 43.15.025 Abbreviated Plats, MSB 43.15.005(E), and MSB 43.15.054(H), exemptions for elimination of common lot lines. MSB 43.15.054(H) allows the surveyor to use record information from the Horseshoe Lake Subdivision plat (plat #72-11) and does not require survey and monumentation.

COMMENTS:

ADF&G noted that Horseshoe Lake is catalogued by ADF&G as important habitat for the spawning, rearing, and migration of anadromous fish species (AWC 247-41-10100-2150-0020) (**Exhibit C**). There don't appear to be any actions that would block or remove public access to public lands or waters.

RECOMMENDATIONS:

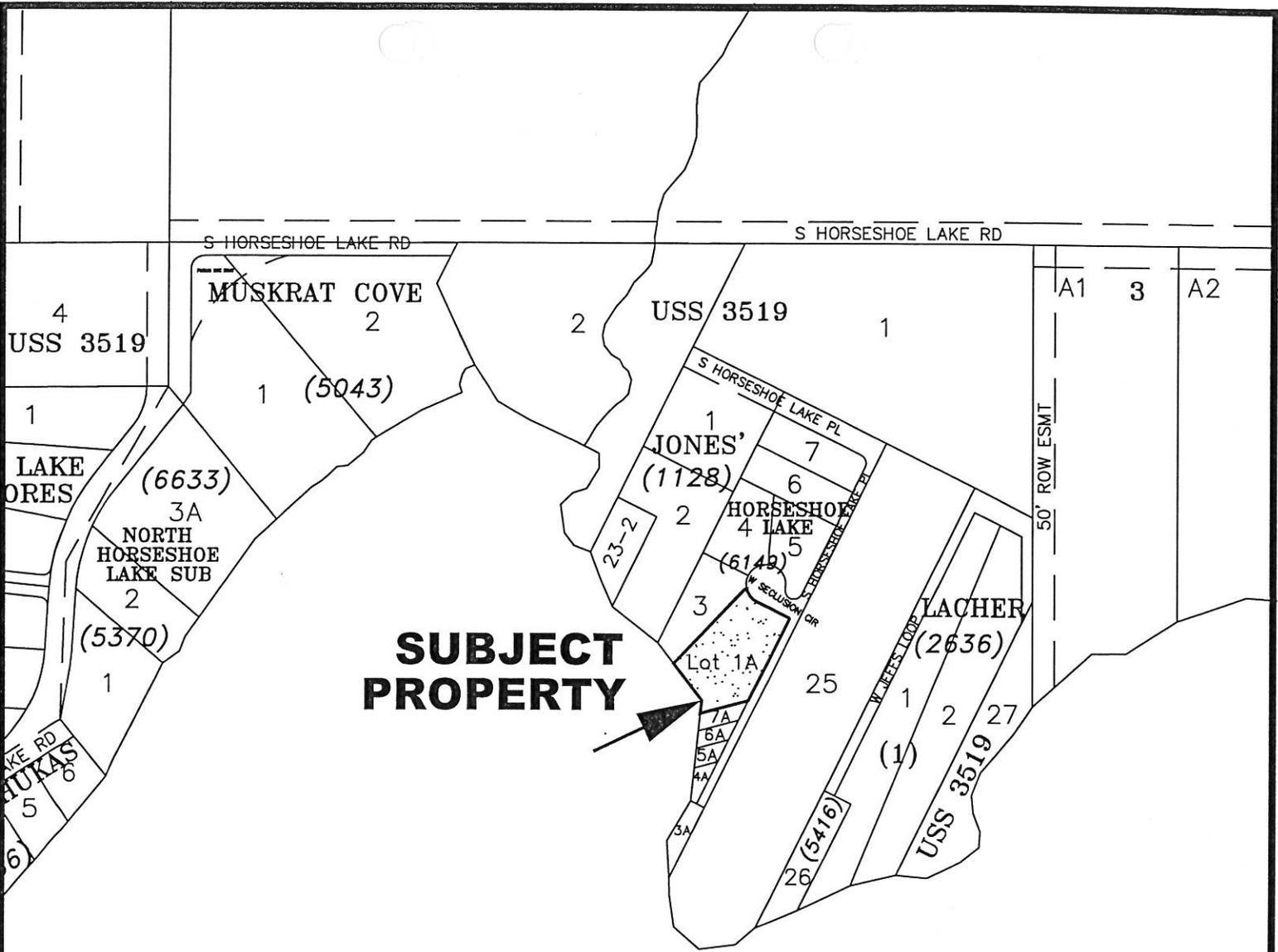
Staff recommends approval of the abbreviated plat of Horseshoe Lake Lot 1A contingent on the following recommendations:

1. Pay the postage and advertising fee.

2. Provide updated Certificate to Plat executed within 90 days prior to recording and provide beneficiary affidavits from holders of beneficial interest.
3. 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.
4. Submit recording fee payable to State of Alaska, Dept. of Natural Resources.
5. Submit final plat in full compliance with Title 43.

FINDINGS

1. The abbreviated plat of Horseshoe Lake Lot 1A is consistent with AS 29.40.070, Platting Regulations and is pursuant to MSB 43.15.005(E) and MSB 43.15.054(H), exemptions for elimination of common lot lines.
2. This plat combines two lots into one, creating a lot that is .94 acres more or less.
3. There were no objections from any borough department, outside agencies or the general public.
4. An elimination of common lot line plat is exempt from provisions of the code which require soils report submittals, requirements for road upgrades or construction, and as-built survey.
5. MSB 43.15.054(H) allows the surveyor to use record information from the plat of Horseshoe Lake (plat # 72-11) and does not require additional monumentation.



**SUBJECT
PROPERTY**

HORSESHOE LAKE

VICINITY MAP

FOR PROPOSED HORSESHOE LAKE LOT 1A
 LOCATED WITHIN
 SECTION 12, T17N, R04W
 SEWARD MERIDIAN, ALASKA

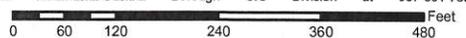
EXHIBIT A



Matanuska Susitna Borough
Platting Division

Date: 9/8/2016

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



Peggy Horton

From: Zafian, Holly K (DFG) <holly.zafian@alaska.gov>
Sent: Monday, September 26, 2016 3:56 PM
To: Peggy Horton
Cc: Carter, Marla M (DFG); Ivey, Samuel S (DFG); Price, Richard A (DFG); Benkert, Ronald C (DFG)
Subject: FW: Request for comments for Horseshoe Lake L/1A Case #2016-127 Tech: PH
Attachments: RFC and maps.pdf; Horseshoe Lk Lot 1A plat.PDF

Good afternoon,

The Alaska Department of Fish and Game (ADF&G) reviewed the preliminary plat which requests to eliminate the common lot line between lots 1 and 2, Horseshoe Lake Subdivision located in Section 12, T. 17 N., R. 4 W., S.M., Alaska in order to create a single new lot to be known as Lot 1A. The southwest border of the subject property is located along the shore of Horseshoe Lake.

Horseshoe Lake is catalogued by ADF&G as important habitat for the spawning, rearing, and migration of anadromous fish species (AWC 247-41-10100-2150-0020). Any activities below the ordinary high water mark of Horseshoe Lake that could affect the spawning, rearing, or migration of anadromous fishes, or potentially provide blockages to the efficient passage of resident fish species, are regulated by state law and may require a Fish Habitat Permit from ADF&G- Division of Habitat.

There don't appear to be any actions that would block or remove public access to public lands or waters. Thank you for the opportunity to review and comment on this platting action. Please feel free to contact me if you have any questions or if you'd like to discuss our comments.

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

From: Peggy Horton [<mailto:Peggy.Horton@matsugov.us>] **On Behalf Of** Platting
Sent: Friday, September 09, 2016 8:22 AM
To: Zafian, Holly K (DFG); Fink, Mark J (DFG); regpagemaster@usace.army.mil; Theresa Taranto
Subject: Request for comments for Horseshoe Lake L/1A Case #2016-127 Tech: PH

Good Morning,

Attached is a preliminary plat to combine two lots in the Horseshoe Lake area. Please review and provide your comments by September 26, 2016.

Peggy Horton
Platting Technician

COMMENTS:

There are no agency, MSB department or public comments.

CONCLUSION for ABBREVIATED PLAT:

The proposed plat for Scotwood Estates 1, Block 4, Lot 2A, located within Section 26, Township 18 North, Range 1 West, Seward Meridian, Alaska is consistent with AS 29.40.070 *Platting Regulations*, MSB 43.15.025 *Abbreviated Plats* and MSB 43.15.054(G) *Exemptions* for elimination of common lot lines. Plats to remove lot lines are exempt from provisions of the code which require useable area report submittals, legal and physical access, as-built survey and topographic information.

There are no agency, MSB department or public objections to this plat.

RECOMMENDATIONS for ABBREVIATED PLAT:

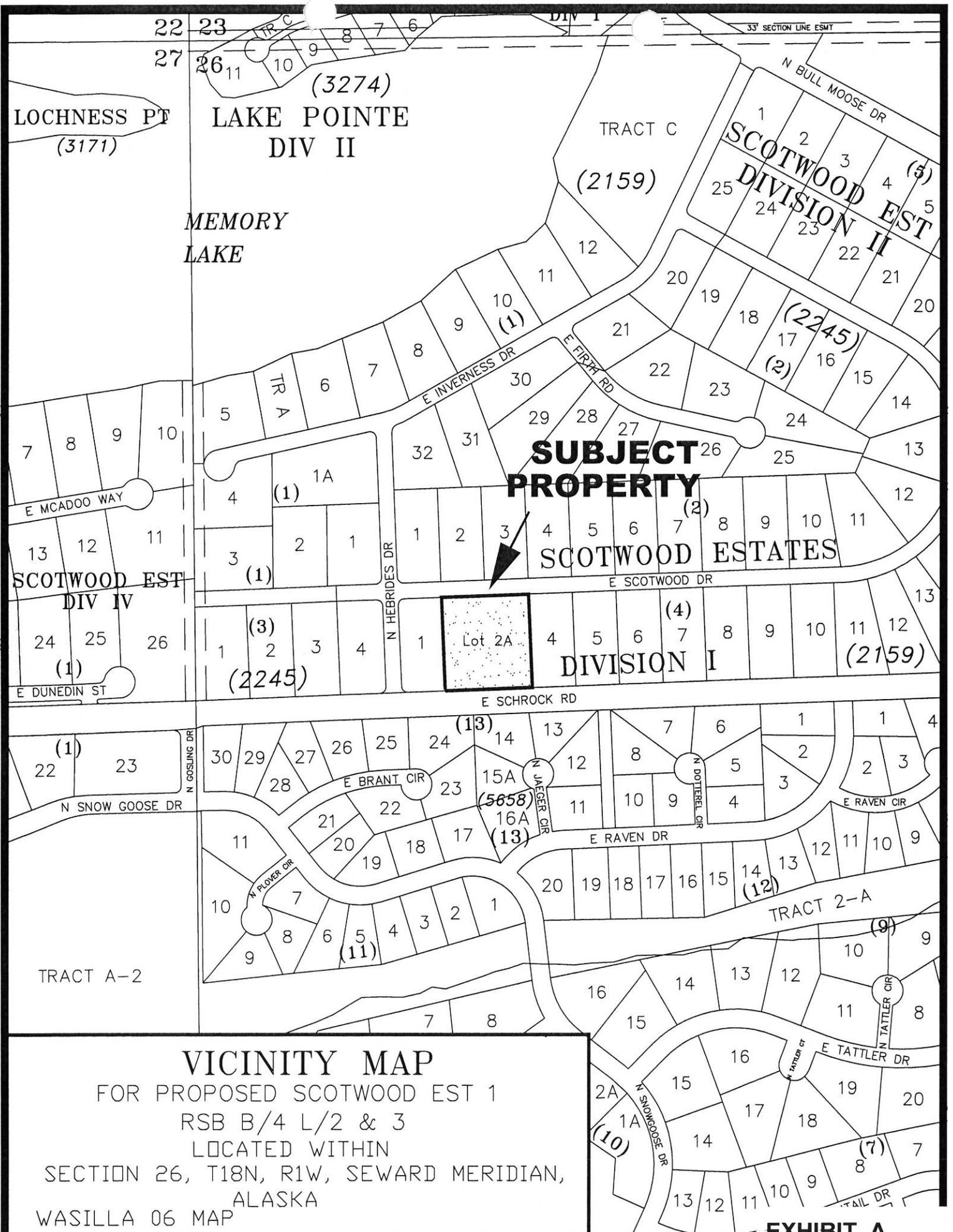
Staff recommends approval of Scotwood Estates 1, Block 4, Lot 2A, located within Section 26, Township 18 North, Range 1 West, Seward Meridian, Alaska contingent on the following recommendations:

1. Pay postage and advertising fees.
2. Provide updated Certificate to Plat executed within 90 days prior to recording.
3. Provide beneficiary affidavits from holders of legal and equitable interest.
4. 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.
5. Show or list all easements of record on final plat.
6. Submit recording fee payable to State of Alaska, Dept. of Natural Resources.
7. Submit final plat in full compliance with Title 43.

FINDINGS for ABBREVIATED PLAT:

1. The abbreviated plat of Scotwood Estates 1, Block 4, Lot 2A, is consistent with AS 29.40.070 *Platting Regulations* and is pursuant to MSB 43.15.025, *Exemptions* for elimination of common lot lines.
2. There are no agency, MSB department or public objections to this plat.

3. The proposed lot has the required frontage onto a public road per MSB 43.20.320 *Frontage*.
4. Proposed Lot 2A has access from E. Scotwood Drive; a Borough maintained road.
5. Two lots are being combined into one lot containing 1.93 acres more or less.
6. Per MSB 43.15.025(B) plats that remove lot lines on a subdivision plat of record are exempt from provisions of the code which require useable area reports submittals; legal and physical access; as-built survey; and topographic information.
7. Per MSB 43.15.054 (G) *Exemption*. A subdivision plat, the sole purpose of which is to eliminate lot lines on a subdivision plat of record, shall be exempt from the survey and monumentation requirements of this section.



**SUBJECT
PROPERTY**

SCOTWOOD ESTATES

Lot 2A

VICINITY MAP

FOR PROPOSED SCOTWOOD EST 1
RSB B/4 L/2 & 3
LOCATED WITHIN

SECTION 26, T18N, R1W, SEWARD MERIDIAN,
ALASKA

WASILLA 06 MAP

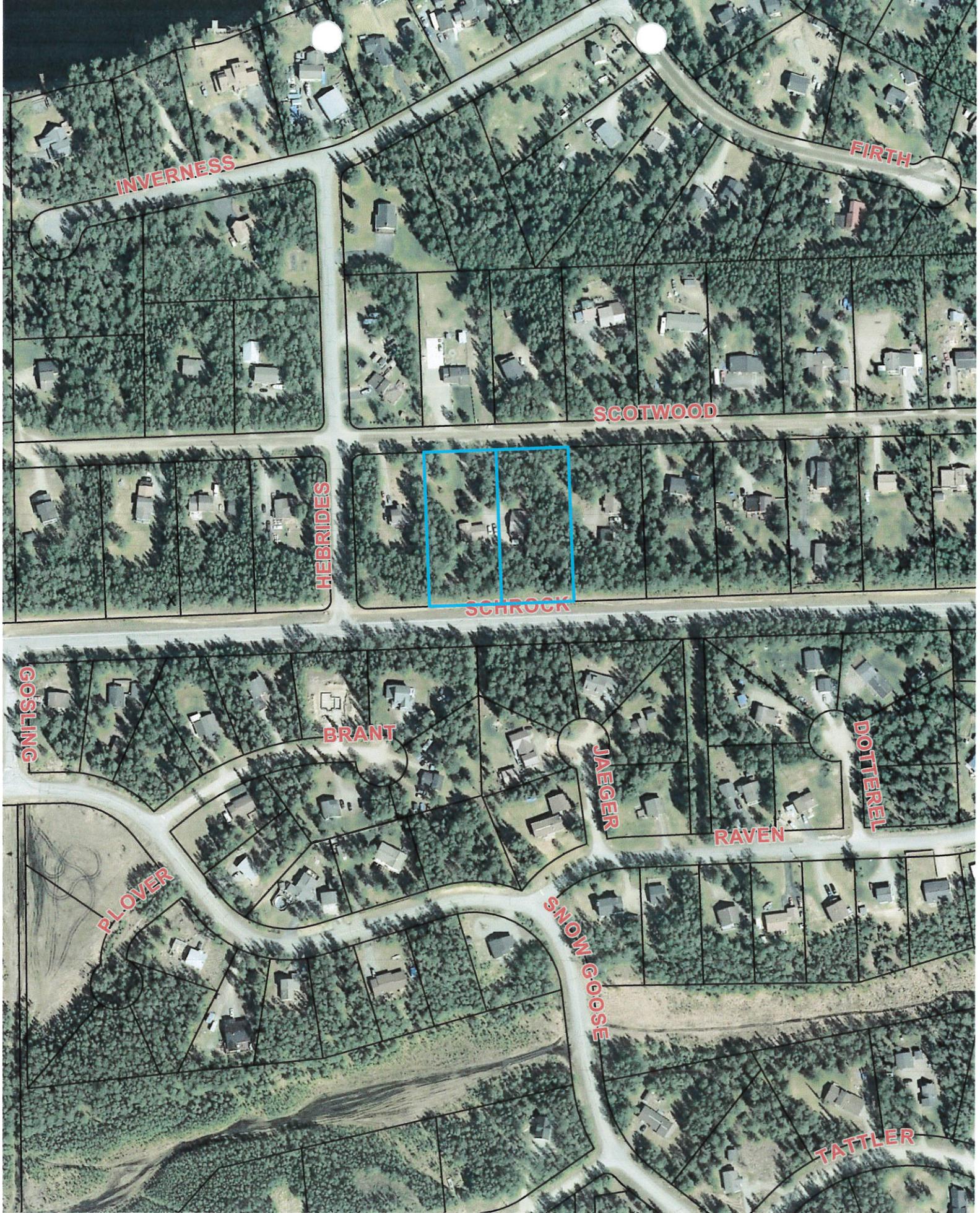


EXHIBIT B

ACCESS:

Lot 1 has existing access from Knik-Goose Bay Road; a state maintained road. Lot 2 will have access from E. Snowbird Lane which is maintained by the City of Wasilla. Legal and physical access to the proposed lots is required pursuant to MSB 43.20.100 *Access Required*, MSB 43.20.120 *Legal Access* and MSB 43.20.140 *Physical Access*. The proposed lots meet access requirements. Pursuant to MSB 43.20.320 *Frontage*, each lot has over 60' frontage onto a public right-of-way.

SOILS:

A topographic narrative was provided by the surveyor. Pursuant to MSB 43.20.281 (A)(1)(i)(i), lots containing over 400,000 sq. ft. or greater are not required to submit a useable area report. The surveyor stated that Lot 1 is gently sloping upward and northward from Cottonwood Creek and has more than 40,000 square feet of useable area with good gravel. There are existing improvements on Lot 1 that comply with setback requirements. Lot 2 has gentle slopes south from Cottonwood Creek and contains more than 40,000 square feet of useable area with good gravel.

COMMENTS:

MSB Planning has no comments **(Exhibit D)**

MSB Department of Public Works asked if ADOT&PF will allow an approach permit for Lot 1 on KGB. **(Exhibit E)** Staff notes that Lot 1 already has physical access and does not require any additional access at this time.

MSB Land Management has no objection and stated no MSB land is affected. **(Exhibit F)**

MSB Emergency Services has no objections. **(Exhibit G)**

MTA has no objection. **(Exhibit H)**

Enstar has no comments, recommendations or objections. **(Exhibit I)**

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

ADOT&PF has no objections but stated all future development must leave access to the southwest, southeast and northeast corners of the property. This would allow for connections to Snowbird Lane, Althea Street and possible future connections to Creekside Drive. **(Exhibit K)**

ADF&G stated the subject property is transected by Cottonwood Creek. The plat depicts an 80' wide PUE along the east 80' of the subject property that provides legal public access from E. Boitz Circle to the public waters of Cottonwood Creek. Cottonwood Creek is cataloged by ADF&G as important habitat for the spawning, rearing and migration of coho and sockeye salmon. Any activities below the ordinary

high water mark of Cottonwood Creek that could affect the spawning, rearing, or migration of anadromous fishes, or potentially provide blockages to the efficient passage of resident fish species, are regulated by state law and may require a Fish Habitat Permit from ADF&G Division of Habitat. Legal public access in the public waters of Cottonwood Creek is available below the ordinary high water mark of the creek. Landowners should not block the public from legally accessing the public waters of Cottonwood Creek. ADF&G has no objections to the preliminary plat. **(Exhibit L)**

There are no other agency, MSB department or public comments.

CONCLUSION for ABBREVIATED PLAT:

The proposed plat for Smith-Hagen Subdivision, located within Section 15, Township 17 North, Range 1 West, Seward Meridian, Alaska is consistent with AS 29.40.070 *Platting Regulations* and MSB 43.15.025 *Abbreviated Plats*. Legal and physical access is provided to the proposed lots, consistent with MSB 43.20.100(A) Access Required. Frontage for the subdivision lots exists pursuant to MSB 43.20.320 Frontage. A topographic narrative was submitted, pursuant to MSB 43.20.281(A)(1)(i)(i).

There are no agency, MSB department or public objections to this plat.

RECOMMENDATIONS for ABBREVIATED PLAT:

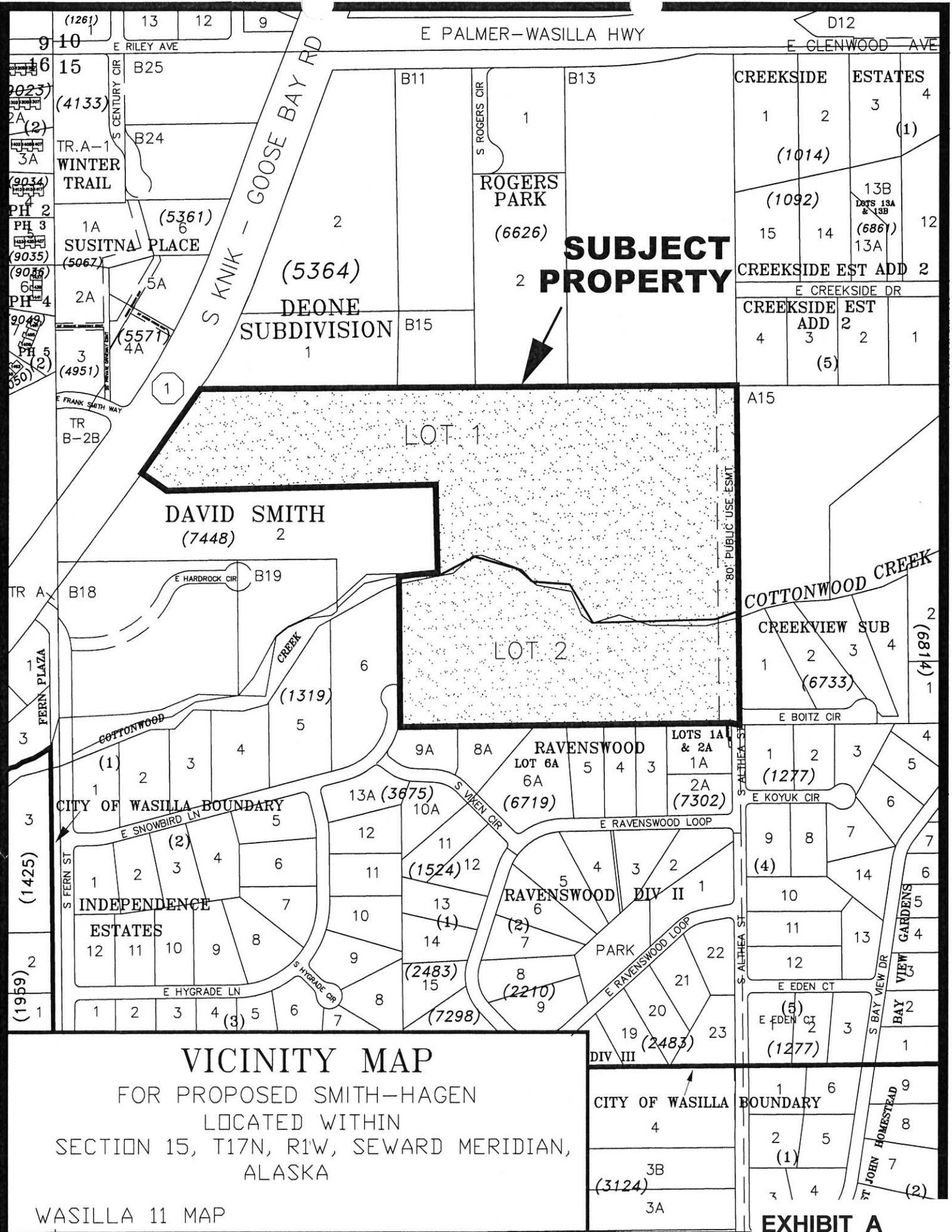
Staff recommends approval of Smith-Hagen Subdivision, located within Section 15, Township 17 North, Range 1 West, Seward Meridian, Alaska contingent on the following recommendations:

1. Pay postage and advertising fees.
2. Provide updated Certificate to Plat executed within 90 days prior to recording.
3. Provide beneficiary affidavits from holders of legal and equitable interest.
4. 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.
5. Provide signatory authority documents for Smith-Hagen Family Trust.
6. Submit a copy of an approved subdivision permit from the City of Wasilla prior to plat recordation.
7. Show or list all easements of record on final plat.
8. Submit recording fee payable to State of Alaska, Dept. of Natural Resources.

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

FINDINGS for ABBREVIATED PLAT:

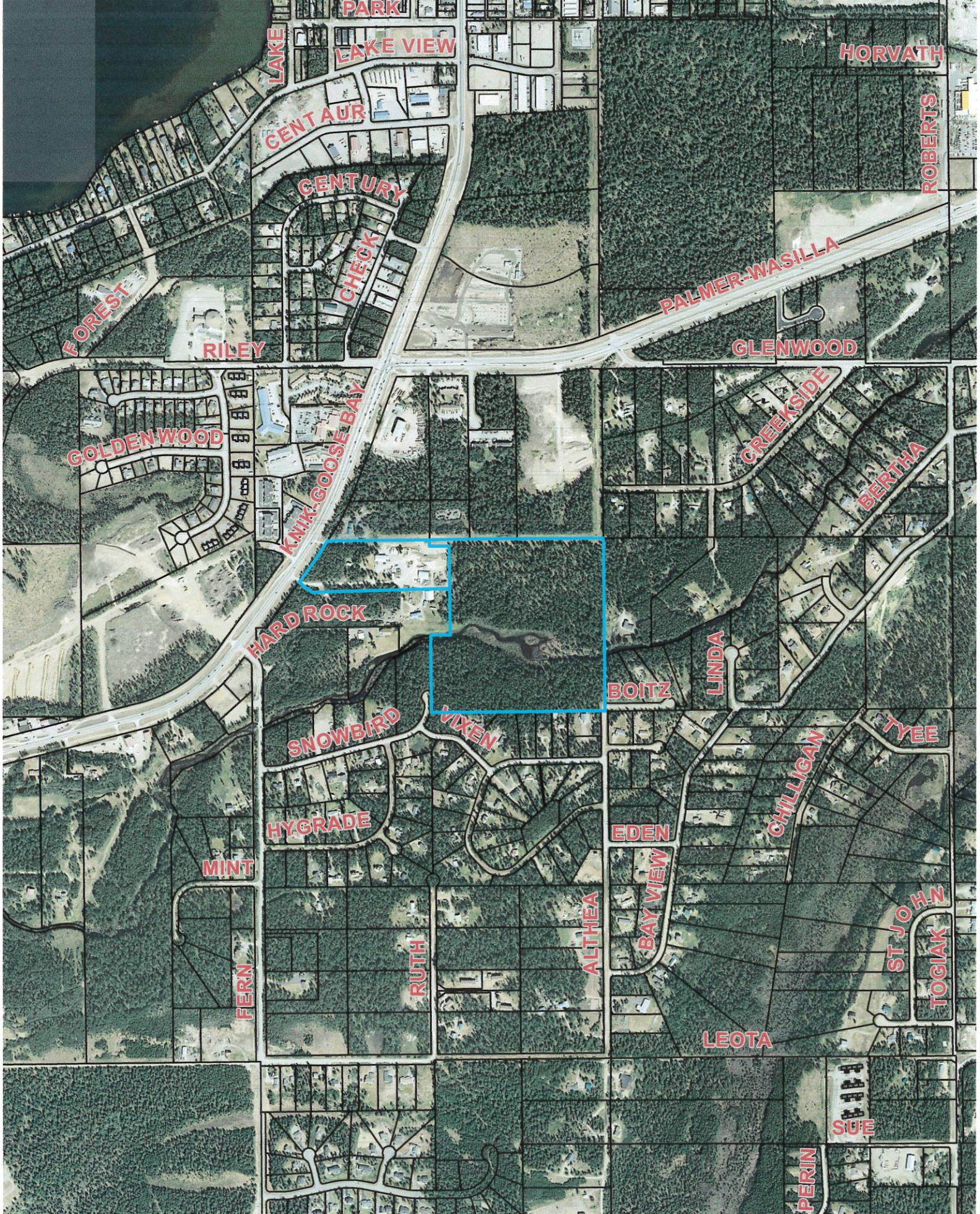
1. The abbreviated plat of Smith-Hagen Subdivision, is consistent with AS 29.40.070 *Platting Regulations* and MSB 43.15.025 *Abbreviated Plats*.
2. There are no agency, MSB department or public objections to this plat.
3. Legal and physical access is provided to the proposed lots consistent with MSB 43.20.100(A) *Access Required*.
4. The proposed lots have the required frontage onto a public road pursuant to MSB 43.20.320 *Frontage*.
5. Two new lots are being created from two existing lots containing 46.60 acres more or less.
6. The City of Wasilla has a subdivision permit process.
7. ADOT&PF said future development must leave access to the southwest, southeast and northeast corners of the property to allow for connection to existing rights-of-way.
8. ADF&G stated is owners should not block the public from legally accessing the public waters of Cottonwood Creek and that petitioner should check with ADF&G-Division of Habitat in case a permit is needed.



VICINITY MAP
 FOR PROPOSED SMITH-HAGEN
 LOCATED WITHIN
 SECTION 15, T17N, R1W, SEWARD MERIDIAN,
 ALASKA

WASILLA 11 MAP

EXHIBIT A



Topographic Narrative for Smith-Hagen Subdivision

This subdivision consists of 46.6 acres to be divided into 2 lots.

This subdivision consists of a 31 acre parcel, containing land gently sloping upward and northward from Cottonwood Creek within the SE1/4 NW1/4 Section 15 and Lot 1 David Smith Subdivision. Both likely contain well in excess of 40,000 square feet of usable area, especially in the northerly portion of the SE1/4 NW1/4 Section 15 and all of Lot 1, with all of the area underlain with good gravel.

Further, within Lot 1, that portion contained within Lot 1 David Smith Subdivision, contains permanent improvements as shown on topographic overlay. However, none of these permanent improvements encroach on adjacent properties or exiting setbacks.

Lot 2 is a 15.65 acre parcel gently sloping upward and southward from Cottonwood creek and likely contains in excess of 40,000 square feet of usable area, especially in the area adjoining Ravenswood Subdivision and the SE portion. The entire area is underlain with good gravel.



John W Horan RLS 5081



Cheryl Scott

From: Susan Lee
Sent: Monday, September 12, 2016 8:03 AM
To: Platting
Subject: RE: RFC Smith-Hagen (CS)

No comment.

Susan

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

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

From: Cheryl Scott On Behalf Of Platting
Sent: Friday, September 09, 2016 4:35 PM
To: allen.kemplen@alaska.gov; kevin.vakalis@alaska.gov; tucker.hurn@alaska.gov; melanie.nichols@alaska.gov; steven.banse@alaska.gov; holly.zafian@alaska.gov; mark.fink@alaska.gov; Corps of Engineers; brian.young@usps.gov; planning@ci.wasilla.ak.us; publicworks@ci.wasilla.ak.us; ken@slauson.us; John Aschenbrenner; Richard Boothby; Elizabeth Weiant; Eric Phillips; Michael Weller; Sheila Armstrong; Tracy McDaniel; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; 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; stevecolligan@mtaonline.net
Subject: RFC Smith-Hagen (CS)

All ~

Attached is a Request for Comments for Smith-Hagen Subdivision, MSB Case #2016-130, Tech CS. Also, attached is the vicinity map, owner's statement, topographic narrative and preliminary plat.

Comments are due by September 26, 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

Cheryl Scott

From: Jamie Taylor
Sent: Tuesday, September 20, 2016 12:29 PM
To: Platting
Cc: Cheryl Scott
Subject: RE: RFC ~~Smith-Hagen~~ (CS)

Will DOT allow an approach permit for Lot 1 on KGB?

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 On Behalf Of Platting
Sent: Friday, September 09, 2016 4:35 PM
To: allen.kemplen@alaska.gov; kevin.vakalis@alaska.gov; tucker.hurn@alaska.gov; melanie.nichols@alaska.gov; steven.banse@alaska.gov; holly.zafian@alaska.gov; mark.fink@alaska.gov; Corps of Engineers; brian.young@usps.gov; planning@ci.wasilla.ak.us; publicworks@ci.wasilla.ak.us; ken@slauson.us; John Aschenbrenner; Richard Boothby; Elizabeth Weiant; Eric Phillips; Michael Weller; Sheila Armstrong; Tracy McDaniel; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; 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; stevecolligan@mtaonline.net
Subject: RFC Smith-Hagen (CS)

All ~

Attached is a Request for Comments for Smith-Hagen Subdivision, MSB Case #2016-130, Tech CS. Also, attached is the vicinity map, owner's statement, topographic narrative and preliminary plat.

Comments are due by September 26, 2016.

Please contact me if you have any questions.

Cheryl Scott
Platting Technician
Matanuska-Susitna Borough
350 E. Dahlia Ave.
Palmer, AK 99645



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

MEMORANDUM

DATE: September 13, 2016
TO: Fred Wagner, Platting Officer
FROM: Land & Resource Management *NBC*
SUBJECT: Preliminary Plat Comments / Case #2016-130

RECEIVED
SEP 13 2016
PLATTING

Platting Tech: Cheryl Scott
Public Hearing: October 5, 2016
Applicant / Petitioner: Smith
TRS: 17N01W15
Tax ID: 17N01W15B020 & 7448000L001
Subd: Smith-Hagen Subdivision
Tax Map: WA 11

Comments:

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

Cheryl Scott

From: Richard Boothby
Sent: Tuesday, September 20, 2016 10:22 AM
To: Platting
Cc: James Steele; Ken Barkley; Bill Gamble
Subject: RE: RFC **Smith-Hagen (CS)**

The central Mat-Su FSA and DES has no objections. Both new lots have legal access from borough or state maintained roads.

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

From: Cheryl Scott On Behalf Of Platting
Sent: Friday, September 09, 2016 4:35 PM
To: allen.kemplen@alaska.gov; kevin.vakalis@alaska.gov; tucker.hurn@alaska.gov; melanie.nichols@alaska.gov; steven.banse@alaska.gov; holly.zafian@alaska.gov; mark.fink@alaska.gov; Corps of Engineers; brian.young@usps.gov; planning@ci.wasilla.ak.us; publicworks@ci.wasilla.ak.us; ken@slauson.us; John Aschenbrenner; Richard Boothby; Elizabeth Weiant; Eric Phillips; Michael Weller; Sheila Armstrong; Tracy McDaniel; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; 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; stevecolligan@mtaonline.net
Subject: RFC Smith-Hagen (CS)

All ~

Attached is a Request for Comments for Smith-Hagen Subdivision, MSB Case #2016-130, Tech CS. Also, attached is the vicinity map, owner's statement, topographic narrative and preliminary plat.

Comments are due by September 26, 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

Cheryl Scott

From: Becky Glenn <rglenn@mta-telco.com>
Sent: Tuesday, September 13, 2016 1:29 PM
To: Platting
Subject: RE: RFC Smith-Hagen (CS)

Cheryl,

MTA has reviewed the preliminary plat for Smith-Hagen. MTA has no objections.

Thank you for the opportunity to review and comment.

Becky Glenn
MTA

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

From: Cheryl Scott [<mailto:Cheryl.Scott@matsugov.us>] On Behalf Of Platting
Sent: Friday, September 09, 2016 4:35 PM
To: allen.kemplen@alaska.gov; kevin.vakalis@alaska.gov; tucker.hurn@alaska.gov; melanie.nichols@alaska.gov; steven.banse@alaska.gov; holly.zafian@alaska.gov; mark.fink@alaska.gov; Corps of Engineers <regpagemaster@usace.army.mil>; brian.young@usps.gov; planning@ci.wasilla.ak.us; publicworks@ci.wasilla.ak.us; ken@slauson.us; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; Richard Boothby <Richard.Boothby@matsugov.us>; Elizabeth Weiant <Elizabeth.Weiant@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; Michael Weller <Michael.Weller@matsugov.us>; Sheila Armstrong <Sheila.Armstrong@matsugov.us>; Tracy McDaniel <Tracy.McDaniel@matsugov.us>; Terry Dolan <Terry.Dolan@matsugov.us>; Jim Jenson <James.Jenson@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Nicole Wilkins <Nicole.Wilkins@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Susan Lee <Susan.Lee@matsugov.us>; Eileen Probasco <Eileen.Probasco@matsugov.us>; Jessica Smith <Jessica.Smith@matsugov.us>; Frankie Barker <Frankie.Barker@matsugov.us>; Permit Center <PermitCenter@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; 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; stevecolligan@mtaonline.net
Subject: RFC Smith-Hagen (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 Smith-Hagen Subdivision, MSB Case #2016-130, Tech CS. Also, attached is the vicinity map, owner's statement, topographic narrative and preliminary plat.

Comments are due by September 26, 2016.

Please contact me if you have any questions.



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 12, 2016

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

Subject: Abbreviated Plat Request for Comments – **Smith-Hagen Subdivision**
(Case No. 2016-130)

Dear Ms. Scott:

ENSTAR Natural Gas Company has reviewed the subject Abbreviated 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, appearing to read "Cassie Wohlgemuth", with a long, sweeping horizontal line extending to the right.

Cassie Wohlgemuth
Right-of-Way and Compliance Technician

Sent via e-mail to MSB platting division

EXHIBIT I



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation and
Public Facilities

DIVISION of PROGRAM DEVELOPMENT
Anchorage Field Office

4111 Aviation Avenue
P.O. Box 196900
Anchorage, Alaska 99519-6900
Main: (907) 269-0520
Fax number: (907) 269-0521
dot.alaska.gov

September 15, 2016

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

Re: Plat Review

Dear Mr. Wagner:

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

- **ASLS 2015-11**

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

- **Church Addition #1 RSB Block 2 Tract 6**
 - No direct access will be granted to Knik Goose Road. All access must go to Old Knik Road.
 - The petitioner should be aware that there is a DOT&PF project for Fairview Loop coming through in the future. If they have any questions or concerns about the right of way in the area, they should contact the project manager, Eric Miyashiro, at (907) 269-0610 or eric.miyashiro@alaska.gov
- **Sandy Hills**
 - No direct access will be granted from the lots to Knik Goose Road. All access must be via internal circulation.
 - We request that the petitioner consider extending the cul-de-sac to the western boundary of the property, to provide access to possible future developments.
- * — • **Smith-Hagen Subdivision**
 - DOT&PF has no objection to the subdivision, but all future development must leave access to the southwest, southeast, and northeast corners of the property. This would allow for connection to Snowbird Lane and Althea Street, and possible future connection to Creekside Drive.

"Keep Alaska Moving through service and infrastructure."

EXHIBIT K

Cheryl Scott

From: Zafian, Holly K (DFG) <holly.zafian@alaska.gov>
Sent: Monday, September 26, 2016 4:21 PM
To: Cheryl Scott
Cc: Carter, Marla M (DFG); Price, Richard A (DFG); Ivey, Samuel S (DFG); Benkert, Ronald C (DFG)
Subject: FW: RFC Smith-Hagen (CS)
Attachments: RFC Smith-Hagen (CS).pdf; Smith-Hagen.PDF

Good afternoon,

The Alaska Department of Fish and Game (ADF&G) has reviewed the preliminary plat which requests to subdivide Lot 1, David Smith and Parcel 4, Waiver 80-52-PWm located in Section 15, T. 17 N., R. 1 W., S.M., Alaska in order to create 2 new lots to be known as Smith-Hagen Subdivision. The subject property is transected by Cottonwood Creek. The plat depicts an 80' wide public use easement along the east 80' of the subject property that provides legal public access from E. Boitz Circle to the public waters of Cottonwood Creek.

Cottonwood Creek is cataloged by ADF&G as important habitat for the spawning, rearing, and migration of coho and sockeye salmon (AWC 247-50-10300). Any activities below the ordinary high water mark of Cottonwood Creek that could affect the spawning, rearing, or migration of anadromous fishes, or potentially provide blockages to the efficient passage of resident fish species, are regulated by state law and may require a Fish Habitat Permit from ADF&G- Division of Habitat. Legal public access in the public waters of Cottonwood Creek is available below the ordinary high water mark of the creek. Landowners should not block the public from legally accessing the public waters of Cottonwood Creek.

ADF&G has no objections to the preliminary plat as proposed. Thank you for the opportunity to review and comment on this platting action. Please feel free to contact me if you have any questions or if you'd like to discuss our comments.

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

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

From: Cheryl Scott [<mailto:Cheryl.Scott@matsugov.us>] On Behalf Of Platting
Sent: Friday, September 09, 2016 4:35 PM
To: Kemplen, Allen (DOT); Vakalis, Kevin A (DOT); Hurn, John T (DOT); Nichols, Melanie A (DOT); Banse, Steven J (DOT); Zafian, Holly K (DFG); Fink, Mark J (DFG); Corps of Engineers; brian.young@usps.gov; planning@ci.wasilla.ak.us; publicworks@ci.wasilla.ak.us; ken@slauson.us; John Aschenbrenner; Richard Boothby; Elizabeth Weiant; Eric Phillips; Michael Weller; O'Donnell-Armstrong, Sheila (DNR sponsored); McDaniel, Tracy (DNR sponsored); Terry Dolan; Jim Jenson; Jamie Taylor; Wilkins, Nicole (DNR sponsored); Theresa Taranto; susan.lee@matsugov.us; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; 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; stevecolligan@mtaonline.net

**STAFF REVIEW AND RECOMMENDATIONS
PUBLIC HEARING
OCTOBER 5, 2016**

ABBREVIATED PLAT: **BOONE HOMESTEAD**
LEGAL DESCRIPTION: **SEC 06, T20S, R09W, FAIRBANKS MERIDIAN, AK**
PETITIONERS: **EARL JOSEPH BOONE**
SURVEYOR/ENGINEER: **ALASKA RIM ENGINEERING, INC.**
ACRES: 239.39 ± PARCELS: **3**
REVIEWED BY: **AMY OTTO-BUCHANAN** CASE: 2016-129

REQUEST: The request is to create three lots from Tract D, ASLS 87-50, Plat No. 89-11, Section 06, Township 20 South, Range 09 West, Fairbanks Meridian, AK, to be known as BOONE HOMESTEAD, containing 39.39+ acres. This case is being heard under MSB 43.20.055(D) Replatting remote recreational parcels.

EXHIBITS

Vicinity Map, Aerial Photos, Bare Earth Imagery
Topographic Narrative

Exhibit A – 1 pg
Exhibit B – 1 pg

AGENCY COMMENTS

Department of Public Works
Planning-Development Services
Utilities
Alaska Railroad Corporation (ARRC)

Exhibit C - 1 pg
Exhibit D - 1 pg
Exhibit E – 3 pgs
Exhibit F – 19 pgs

DISCUSSION: The subject parcel is located northwest of Milepost #190 Parks Highway, northwest of the Alaska Railroad and directly northwest of the middle fork of the Chulitna River in the Broad Pass area. Under MSB 43.20.055(D) Replatting remote recreational parcels, parcels may be divided into not more than three parcels with each having a minimum size of approximately two acres and lots are exempt from other legal and physical access provisions contained in Title 43. This platting action meets the requirements, since the parcel is being divided into three lots, Lots 2 and 3 are 10.2 acres, Lot 3 is 18.9 acres. A plat note to read: “Wastewater disposal systems shall comply with ADEC requirements” is required and has been provided by the surveyor at Plat Note #2.

Soils: Pursuant to MSB 43.20.055D Replatting remote recreational parcels and MSB 43.20.281(A)(1)(i)(i), a geotechnical report is not required. Surveyor of record has provided a topographic narrative at **Exhibit B**.

Comments: Department of Public Works Operations & Maintenance (**Exhibit C**) has no comments. Planning Development Services (**Exhibit D**) has no comments.

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

Alaska Railroad: (Exhibit F) Douglas Stephens, Manager, Land Services, Real Estate Development notes that ARRC does not object to this particular subdivision, but is taking this opportunity to voice their concerns regarding unauthorized crossing of ARRC's tracks, right-of-way and other property. They do not believe MSB 43.20.055(D)(2) is in the best interest of the public. It allows landowners to increase value of their land by subdividing it where access is possibly problematic. He suggests ADOT&PF, MSB and DNR collaborate to develop physical and legal access from the permitted crossing at ARRC Milepost 305.5, Parks Highway Milepost 194.5. If an additional crossing is desired nearer these lots, then the appropriate process for confirming the need for and identifying the best location, is defined in the attached Alaska Policy on Railroad/Highway Crossings.

At the time of staff report write up, there were no responses to the Request for Comments from USACE; AK DNR; ADF&G; MSB Department of Emergency Services, Community Development, Assessments, Permit Center or Pre-Design Division; or MEA.

CONCLUSION: The plat of Boone Homestead is consistent with AS 29.40.070 Platting Regulations, MSB 43.15.025 Abbreviated Plats, and MSB 43.20.055(D) Replatting remote recreational parcels. There were no objections from any federal or state agencies, borough departments or utilities; there was a concern from Alaska Railroad Corporation (ARRC). There were no objections to the plat from the general public in response to the Notice of Public Hearing. Legal and physical access is not required, pursuant to MSB 43.20.055(D). A soils report was not required, pursuant to MSB 43.20.281(A)(1)(i)(i) and MSB 43.20.055(D).

RECOMMENDATION FOR APPROVAL OF PRELIMINARY PLAT

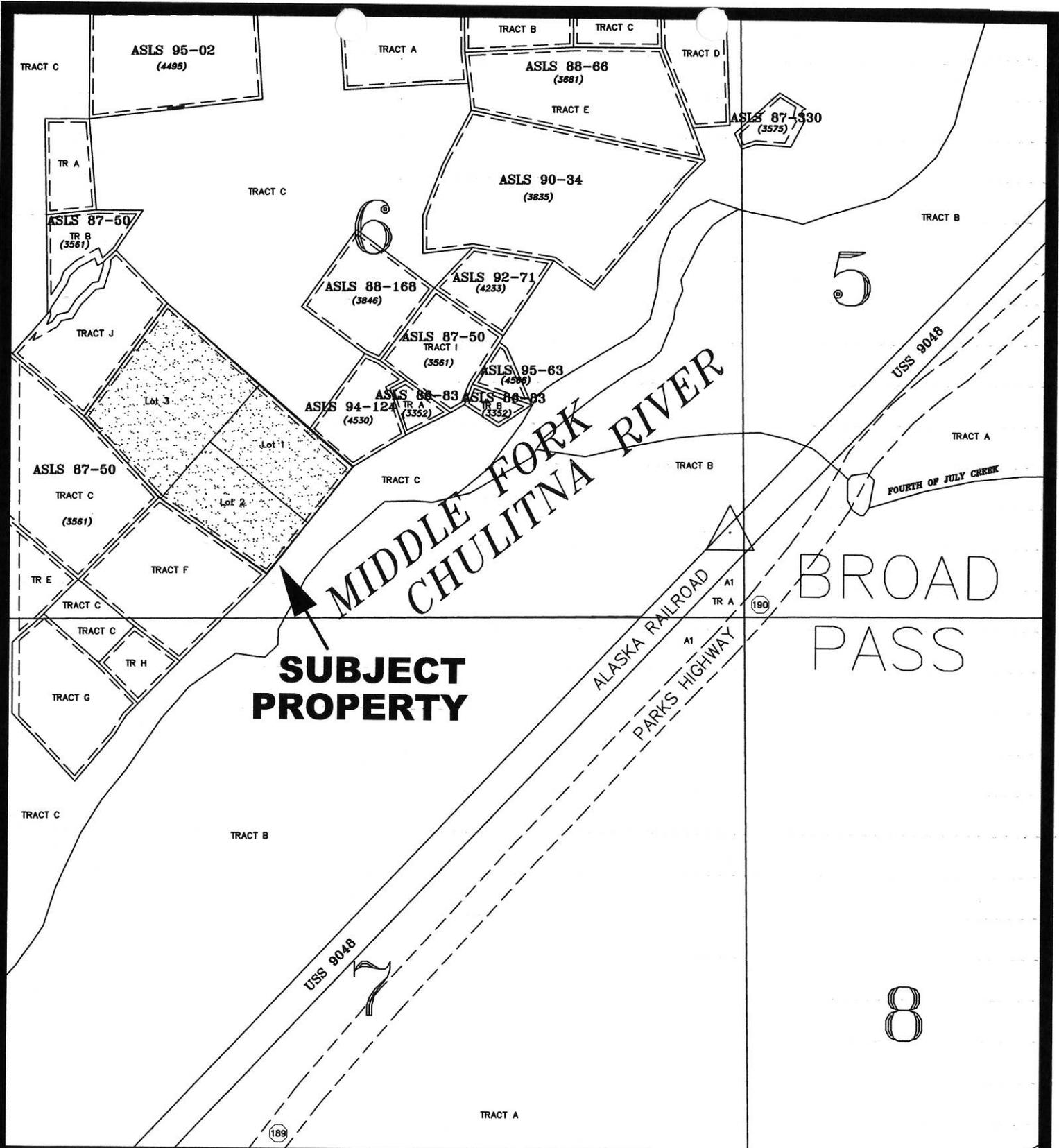
Staff recommends approval with the following conditions and findings:

1. Taxes and special assessments must be current prior to recording, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
2. Provide updated Certificate to Plat executed within 90 days of plat and submit Beneficiary Acknowledgement for any holders of a beneficial interest.
3. Submit recording fees, payable to SOA/DNR.
4. Submit final plat in full compliance with Title 43.

FINDINGS for PRELIMINARY PLAT

- 1) The plat of Boone Homestead is consistent with AS 29.40.070 Platting Regulations, MSB 43.15.025 Abbreviated Plats, and MSB 43.20.055(D) Replatting remote recreational parcels.
- 2) There were no objections from any federal or state agencies, Borough departments, or utilities. There was one concern from Alaska Railroad Corporation.
- 3) There were no objections from the general public in response to the Notice of Public Hearing.
- 4) At the time of staff report write up, there were no responses to the Request for Comments from USACE; AK DNR; ADF&G; MSB Department of Emergency Services, Community Development, Assessments, Permit Center or Pre-Design Division; or MEA.
- 5) A soils report was not required, pursuant to MSB 43.20.281(A)(1)(i)(i) and MSB 43.20.055(D).

- 6) Alaska Railroad Corporation (ARRC) provided their concerns regarding crossing of railroad tracts, rights-of-way and other property.
- 7) Postage and advertising fees of \$32.94 have been paid.



VICINITY MAP

FOR PROPOSED BOONE HOMESTEAD

LOCATED WITHIN

SECTION 06, T20S, R09W, FAIRBANKS MERIDIAN,
ALASKA

COLORADO 02 MAP

EXHIBIT A



ALASKA R.E.M. ENGINEERING, INC.
ENGINEERS – PLANNERS – SURVEYORS
9131 E. Frontage Rd.,
Palmer, Alaska 99645
Telephone (907) 745-0222
Fax (907) 746-0222
Online at: www.alaskarim.com

8-30-16

To: Fred Wagner
MSB Platting officer

RECEIVED
SEP 07 2016
PLATTING

Re: Boone Homestead subdivision topographic narrative.

A 39.4 acre parcel with rolling hills and a 175 foot vertical fall from the most northern corner of the parcel to the most southern corner of the parcel, the lot is predominately covered with Alder and Willow with some larger spruce trees. No 4:1 or greater slopes were encountered. Surface water had collected in several hollows at the time of survey.

Please find attached a sketch with elevations (assumed) for the corners of the proposed lots annotated.

Sincerely,

Robert J Farmer PLS

Director of Survey Operations

Wo#1600414

EXHIBIT B

Amy Otto-Buchanan

From: Jamie Taylor
Sent: Tuesday, September 20, 2016 12:55 PM
To: Platting
Cc: Amy Otto-Buchanan
Subject: RE: Boone Hmstd 16-129 AOB

No comment.

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

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

From: Amy Otto-Buchanan On Behalf Of Platting
Sent: Thursday, September 08, 2016 12:17 PM
To: eric.moore@alaska.gov; Horton, George C (DNR) (george.horton@alaska.gov); james.walker2@alaska.gov; mike.bethe@alaska.gov; sarah.wilber@alaska.gov; Zafian, Holly K (DFG) (holly.zafian@alaska.gov); mark.fink@alaska.gov; StephensD@akrr.com; randallk_2@msn.com; John Aschenbrenner; brian.young@usps.gov; regpagemaster@usace.army.mil; Richard Boothby; Elizabeth Weiant; Eric Phillips; Michael Weller; Sheila Armstrong; Tracy McDaniel; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; MEA; MTA; Jessica Thompson (ithompson@mta-telco.com); jennifer.diederich@enstarnaturalgas.com; Robin L. Leighty (Robin.Leighty@enstarnaturalgas.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); 'dblehm@gci.com' (dblehm@gci.com)
Subject: Boone Hmstd 16-129 AOB

Attached is the Request for Comments for Boone Homestead, MSB Case #2016-129, Tech AOB. Also attached is the Vicinity Map, Topographic Narrative, Owner's Statement and the preliminary plat. Comments are due by SEPTEMBER 28, 2016. Please let me know if you have any questions. Thanks. A.

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

Amy Otto-Buchanan

From: Susan Lee
Sent: Thursday, September 08, 2016 1:17 PM
To: Platting; eric.moore@alaska.gov; Horton, George C (DNR) (george.horton@alaska.gov); james.walker2@alaska.gov; mike.bethe@alaska.gov; sarah.wilber@alaska.gov; Zafian, Holly K (DFG) (holly.zafian@alaska.gov); mark.fink@alaska.gov; StephensD@akrr.com; randallk_2@msn.com; John Aschenbrenner; brian.young@usps.gov; regpagemaster@usace.army.mil; Richard Boothby; Elizabeth Weiant; Eric Phillips; Michael Weller; Sheila Armstrong; Tracy McDaniel; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; MEA; MTA; Jessica Thompson (jthompson@mta-telco.com); jennifer.diederich@enstarnaturalgas.com; Robin L. Leighty (Robin.Leighty@enstarnaturalgas.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); 'dblehm@gci.com' (dblehm@gci.com)
Subject: RE: Boone Hmstd 16-129 AOB

No comment.

Susan

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

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

From: Amy Otto-Buchanan On Behalf Of Platting
Sent: Thursday, September 08, 2016 12:17 PM
To: eric.moore@alaska.gov; Horton, George C (DNR) (george.horton@alaska.gov); james.walker2@alaska.gov; mike.bethe@alaska.gov; sarah.wilber@alaska.gov; Zafian, Holly K (DFG) (holly.zafian@alaska.gov); mark.fink@alaska.gov; StephensD@akrr.com; randallk_2@msn.com; John Aschenbrenner; brian.young@usps.gov; regpagemaster@usace.army.mil; Richard Boothby; Elizabeth Weiant; Eric Phillips; Michael Weller; Sheila Armstrong; Tracy McDaniel; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; MEA; MTA; Jessica Thompson (jthompson@mta-telco.com); jennifer.diederich@enstarnaturalgas.com; Robin L. Leighty (Robin.Leighty@enstarnaturalgas.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); 'dblehm@gci.com' (dblehm@gci.com)
Subject: Boone Hmstd 16-129 AOB

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

Amy Otto-Buchanan

From: Becky Glenn <rglenn@mta-telco.com>
Sent: Thursday, September 08, 2016 1:06 PM
To: Platting
Cc: Jessica Thompson
Subject: RE: Boone Hmstd 16-129 AOB

Amy,

MTA has reviewed the plat for Boone Homestead. MTA has no objections / comments.

Thank you
Becky Glenn
MTA

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

From: Amy Otto-Buchanan [<mailto:Amy.Otto-Buchanan@matsugov.us>] On Behalf Of Platting
Sent: Thursday, September 08, 2016 12:17 PM
To: eric.moore@alaska.gov; Horton, George C (DNR) (george.horton@alaska.gov) <george.horton@alaska.gov>; james.walker2@alaska.gov; mike.bethe@alaska.gov; sarah.wilber@alaska.gov; Zafian, Holly K (DFG) (holly.zafian@alaska.gov) <holly.zafian@alaska.gov>; mark.fink@alaska.gov; StephensD@akrr.com; randallk_2@msn.com; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; brian.young@usps.gov; regpagemaster@usace.army.mil; Richard Boothby <Richard.Boothby@matsugov.us>; Elizabeth Weiant <Elizabeth.Weiant@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; Michael Weller <Michael.Weller@matsugov.us>; Sheila Armstrong <Sheila.Armstrong@matsugov.us>; Tracy McDaniel <Tracy.McDaniel@matsugov.us>; Terry Dolan <Terry.Dolan@matsugov.us>; Jim Jenson <James.Jenson@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Nicole Wilkins <Nicole.Wilkins@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Susan Lee <Susan.Lee@matsugov.us>; Eileen Probasco <Eileen.Probasco@matsugov.us>; Jessica Smith <Jessica.Smith@matsugov.us>; Frankie Barker <Frankie.Barker@matsugov.us>; Permit Center <PermitCenter@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; MEA <mearow@matanuska.com>; Becky Glenn <rglenn@mta-telco.com>; Jessica Thompson <jthompson@mta-telco.com>; jennifer.diederich@enstarnaturalgas.com; Robin L. Leighty (Robin.Leighty@enstarnaturalgas.com) <Robin.Leighty@enstarnaturalgas.com>; row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com) <ospdesign@gci.com>; 'dblehm@gci.com' (dblehm@gci.com) <dblehm@gci.com>
Subject: Boone Hmstd 16-129 AOB

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

Attached is the Request for Comments for Boone Homestead, MSB Case #2016-129, Tech AOB. Also attached is the Vicinity Map, Topographic Narrative, Owner's Statement and the preliminary plat. Comments are due by SEPTEMBER 28, 2016. Please let me know if you have any questions. Thanks. A.

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



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 12, 2016

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

Subject: Abbreviated Plat Request for Comments – **Boone Homestead**
(Case No. 2016-129)

Dear Ms. Otto-Buchanan:

ENSTAR Natural Gas Company has reviewed the subject Abbreviated 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, appearing to read "Cassie Wohlgemuth".

Cassie Wohlgemuth
Right-of-Way and Compliance Technician

Sent via e-mail to MSB platting division

September 21, 2016

Amy Otto-Buchanan
Platting Technician
Matanuska-Susitna Borough (via email)

Real Estate Department
TEL 907.265.2469
FAX 907.265.2450

Re: Boone Homestead Subdivision, MSB Case 2016-129

Ms. Otto-Buchanan:

The Alaska Railroad Corporation (ARRC) does not object to this particular subdivision, but is taking this opportunity to voice our concerns regarding unauthorized crossing of ARRC's tracks, Right-of-Way (ROW) and other property.

We understand that the Matanuska-Susitna Borough platting regulations specifically allow this subdivision under MSB 43.20.055(D)(2), which reads:

(D) Replatting remote recreational parcels. The provisions of this section shall apply to the subdivision of parcels created under DNR land disposal programs including Remote Parcel, Open to Entry (AS 38.05.077), Homesteads (AS 38.09) and Remote Recreational land programs which occurred before and after enactment of this code provision.(2) Lots created herein are exempt from other legal and physical access provisions contained within this code. (highlighting added)

ARRC does not believe 43.20.055(D)(2) is in the best interest of the public. It appears that the effect of this provision is to allow landowners to increase the value of their land by subdividing it where access is possibly problematic. Allowing a subdivision without requiring the landowner to have or obtain suitable physical and legal access pushes the problem of establishing access further down the road and, in fact, makes it worse by increasing the density of land use. If the original subdivision of this area were proposed today, ARRC would object unless and until appropriate legal and physical access from the Parks Highway was identified and permitted where it crosses ARRC property.

ARRC allows occasional recreational crossings of ARRC tracks and ROW on foot. For the safety of the public, the environment, our passengers and employees, however, ARRC prohibits any vehicular crossing, including by snow machine, except at valid permitted crossings.

The nearest existing physical railroad crossings suitable for vehicles are a privately-permitted crossing at Colorado Station Road (ARRC MP 298.63, Parks Hwy MP 187.5) and the Parks Highway (ARRC MP 305.5, Parks Hwy MP 194.5). If the best vehicular access to these remote lots is from the Parks Highway at MP 194.5, then ARRC suggests that the DOT&PF, Matanuska-Susitna Borough and DNR collaborate to develop physical and legal access from there. The Colorado Station Road crossing is currently permitted to a single party with there being no general right of the public to use the crossing. If the best access to these remote lots is across the Colorado Station Road crossing, then ARRC asks that either DOT&PF or the Matanuska-Susitna Borough take responsibility for the Colorado Station Road crossing and then develop physical and legal access from there.

If an additional crossing is desired nearer these lots, then the appropriate process for confirming the need for and identifying the best location for such a crossing is defined in the attached Alaska Policy on Railroad/Highway Crossings. This policy is a uniform statewide program to provide safe railroad/highway crossings. It was written by a joint task force of the DOT&PF, ARRC and the Federal Highway Administration and adopted as policy by ARRC in 1988.

Please feel free to contact me if you have any questions for would like to discuss this further.

Sincerely,

Douglas A. Stephens, PLS
Manager, Land Services

StephensD@akrr.com

EXHIBIT F

Amy Otto-Buchanan

From: Douglas Stephens <StephensD@akrr.com>
Sent: Thursday, September 22, 2016 4:23 PM
To: Platting; eric.moore@alaska.gov; Horton, George C (DNR) (george.horton@alaska.gov); james.walker2@alaska.gov; mike.bethe@alaska.gov; sarah.wilber@alaska.gov; Zafian, Holly K (DFG) (holly.zafian@alaska.gov); mark.fink@alaska.gov; randallk_2@msn.com; John Aschenbrenner; brian.young@usps.gov; regpagemaster@usace.army.mil; Richard Boothby; Elizabeth Derbonne; Eric Phillips; Michael Weller; Sheila Armstrong; Tracy McDaniel; Terry Dolan; Jim Jenson; 'Sowerwine, James E (DNR)'; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; MEA; MTA; Jessica Thompson (jthompson@mta-telco.com); jennifer.diederich@enstarnaturalgas.com; Robin L. Leighty (Robin.Leighty@enstarnaturalgas.com); row@enstarnaturalgas.com; 'ospdesign@gci.com' (ospdesign@gci.com); 'dblehm@gci.com' (dblehm@gci.com); Fuglestad, Eric P (DOT); 'Shurr, Martin D (DOT)'
Cc: Blake Adolfae; Rachel Maddy; Brian Lindamood; Kristen McDonald; Andrew Donovan; Douglas Stephens
Subject: RE: Boone Hmstd 16-129 AOB
Attachments: Boone Homestead subdivision comments ARRC pdf.pdf; Alaska Policy on Railroad - Hwy Crossings.pdf

Amy,

I have attached a letter containing comments that the Alaska Railroad Corporation (ARRC) has about the physical and legal access to this proposed subdivision that also relates to other unauthorized access across ARRC's tracks and Right-of-Way (ROW).

For your information I have also attached a copy of the [Alaska Policy on Railroad/Highway Crossings](#). This policy is a uniform statewide program to provide safe railroad/highway crossings. It was written by a joint task force of the DOT&PF, ARRC and the Federal Highway Administration and adopted as policy by ARRC in 1988. This policy defines a Diagnostic Team Study process to be followed when a new crossing of the ARRC ROW is proposed.

The comments also speak to a desire by ARRC that the various State agencies and local government work collaboratively to assure an orderly development of the state's transportation infrastructure.

I'd be happy to discuss this further with anyone on the cc: list.

Best regards,

Douglas A. Stephens, PLS

Manager, Land Services, Real Estate Department

907.265.2469 office

mailing: PO Box 107500, Anchorage, AK 99510-7500

physical: 327 W. Ship Creek Ave, Anchorage, AK 99501

web: www.AlaskaRailroad.com



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

From: Amy Otto-Buchanan [<mailto:Amy.Otto-Buchanan@matsugov.us>] On Behalf Of Platting

Sent: Thursday, September 08, 2016 12:17 PM

To: eric.moore@alaska.gov; Horton, George C (DNR) (george.horton@alaska.gov); james.walker2@alaska.gov;

mike.bethe@alaska.gov; sarah.wilber@alaska.gov; Zafian, Holly K (DFG) (holly.zafian@alaska.gov);
mark.fink@alaska.gov; Douglas Stephens; randallk_2@msn.com; John Aschenbrenner; brian.young@usps.gov;
regpagemaster@usace.army.mil; Richard Boothby; Elizabeth Weiant; Eric Phillips; Michael Weller; Sheila Armstrong;
Tracy McDaniel; Terry Dolan; Jim Jenson; Jamie Taylor; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco;
Jessica Smith; Frankie Barker; Permit Center; Andy Dean; MEA; MTA; Jessica Thompson (jthompson@mta-telco.com);
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Subject: Boone Hmstd 16-129 AOB

Attached is the Request for Comments for Boone Homestead, MSB Case #2016-129, Tech AOB. Also attached is the Vicinity Map, Topographic Narrative, Owner's Statement and the preliminary plat. Comments are due by SEPTEMBER 28, 2016. Please let me know if you have any questions. Thanks. A.

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I. ~

ALASKA RAILROAD CORPORATION

BOARD RULE NO. 13

Adopted March 16, 1987
Amended September 15, 1988

Subject: Railroad/Highway Crossing Policy

Purpose: Adopts a uniform policy for maintenance and construction of all railroad/highway crossings on the Corporation's property and rights-of-way.

ALASKA RAILROAD CORPORATION

Adopted March 16, 1987

RULE NO. 13 RAILROAD/HIGHWAY CROSSING POLICY

This Rule relates to the Alaska Railroad's requirement to provide for the safe, efficient and economical movement of people, goods, and services and, therefore, the need to adopt a uniform policy for administering the review, construction and maintenance of all railroad/highway crossings on the Alaska Railroad Corporation's rights-of-way and property.

ALASKA POLICY ON RAILROAD/HIGHWAY CROSSINGS

Revised September 1988

1.0 INTRODUCTION

The goal of any transportation agency is to provide for the safe, efficient, and economical movement of people, goods and services. It is a continuing challenge to seek the proper balance between safety, efficiency and economy to bring the greatest good to the most people within the constraints of available resources.

With the acquisition of the Alaska Railroad by the State, continued population growth, and decreasing financial resources, the need for a more uniform statewide program to provide safe railroad/highway grade crossings became apparent.

Responding to this need, the Commissioner of the Department of Transportation and Public Facilities (DOT&PF), and the President and Chief Executive Officer of the Alaska Railroad Corporation (ARRC), established a Task Force on Rail/Highway Crossings composed of representatives of their agencies and the Federal Highway Administration (FHWA).

At the Task Force's first meeting on October 29, 1985, the Commissioner outlined his concept of the three subtasks required to carry out his charge to the Task Force:

1. After referring to available technology and standards, determine the reasonable type of protection for each "class" of crossings.
2. Inventory all crossings in the State to determine the appropriate protection "classes".
3. Develop a reasonable structured priority system to implement improvements through a rational and systematic allocation of available resources.

Within these subtasks, the Task Force set out to accomplish this change and make the Alaska highway system and Alaska Railroad safer for the traveling public.

1.1 1988 Policy Revision

Early in 1988 it became apparent that this policy needed to be revised to include more information on sight triangles and how diagnostic teams function. A total of four work sessions were held (2 in Anchorage and 2 in Fairbanks). The procedures in new Section 5.1 were used in developing the revised policy.

2.0 DISCUSSION

Most crossings of the Alaska Railroad Corporation (ARRC) are under permit to the agency (State or local) which has the road authority. The terms of the permit make the road agency responsible for construction and maintenance costs associated with the permitted road crossing, and for claims resulting from the construction, maintenance and use of the road crossing.

The Task Force, with the assistance of the FHWA and the Federal Railroad Administration (FRA), reviewed the latest safety resource allocation techniques, including an accident prediction model developed through FHWA research. FHWA's research was aimed at establishing a national standard for planning crossing improvements.

The computed "DOT Accident Prediction Value" (APV) of a crossing is the product of a series of factors representing the various characteristics of the crossing, and is equivalent to the expected number of accidents per year at that crossing.

The State Inventory was completed and the APV's of all crossings were computed. A graph was made of the number of crossings exceeding the various values of APV, and this was compared to a similar graph developed by the FHWA/FRA for all crossings in the nation. On a percentage basis, the two graphs were very similar. The Task Force found that the crossings with the highest APV's are generally those that are already known to be in need of improvement, many of which are already programmed or in progress.

The FHWA resource allocation model develops threshold values of the APV to determine the optimum cost-effective safety improvement decisions at each crossing.

With the exception of grade separations, the biggest decision is whether or not to install active warning devices (train activated flashing lights or flashing lights and gates). The allocation model arrives at an APV of 0.1 as the cost-effective threshold value for considering going from passive devices only (signs, markings) to active protection. Rapidly decreasing safety benefits along with rapidly rising costs are associated with an APV less than a value near 0.1, both for the national inventory and the state distribution. When this criterion is applied to the State's crossings, the Task Force found that it resulted in a program that can be accomplished in a reasonable time within the available State and federal resources.

In addition, this technique meets the federal requirement of a rational prioritization scheme for using federal crossing safety improvement funds.

The Task Force noted that this prioritization system is only an indicator of the probable treatment required at a given crossing in order to concentrate efforts where they are most urgently needed. In other words, the final decision as to what major treatment is required at a crossing would be based on an on-site evaluation by a

professional diagnostic team, and the APV criterion would not normally be blindly followed, especially for borderline cases. There will be instances in which an evaluation reveals that relatively low-cost improvements such as increased sight-distance in conjunction with better signing might change the accident potential to a level that would not require active devices which are expensive to install and maintain, thereby freeing funds to be applied where they would do more good.

It is also imperative that local jurisdictions be brought into the diagnostic process when they are affected by the engineering decision. Likewise, local jurisdictions, developers, and other State agencies that have the potential to create a rail/highway safety conflict must take this into account in their planning functions, and should be responsible for their fair share of any costs created by their actions.

Provision should be made to maintain the program through regular updating of the inventory and priority list, and periodic evaluation of the effectiveness of the improvements made.

The following subsections summarize the results of the Task Force investigations and deliberations.

3.0 DEFINITIONS

3.1 The U.S. Department of Transportation (DOT)/Association of American Railroads (AAR) National Railroad-Highway Crossing Inventory Procedures Manual ("Procedures Manual") defines public and private crossings as follows:

"Public Crossing: A public crossing is a location where the tracks cross a road which is under the jurisdiction of and maintained by a public authority and which is open to public travel."

"Private Crossing: A private crossing is a location where a physical crossing is present but the road does not meet the conditions indicated above for a public crossing. Private crossings usually restrict public use by an agreement which the railroad has with the property owner, or by gates or similar barriers."

3.2 When the Task Force looked at the inventory of crossings on the Alaska Railroad, it became apparent that there are numerous crossings that are open to public travel but not "under the jurisdiction of and maintained by a public authority." The Procedures Manual also states "In some instances changes in land use have resulted in an expansion of crossing use to the extent that it has become a public crossing in fact, whether or not any public agency has accepted responsibility for maintenance or control of the use of the traveled

way over the crossing. The railroad company and highway agency should make every effort to mutually resolve and agree on the appropriate classification (either public or private) of questionable crossings."

- 3.3 The Task Force recognized the problem of crossings that are open to public travel but are not under the jurisdiction of and maintained by a public authority. To be able to move forward and identify the magnitude of the problem, the Task Force developed and assigned the designation of "PUB-4" to this type of crossing.
- 3.4 The Task Force's definition is: "PUB-4. A crossing that is open to the public but the road is not maintained by a public authority." Open to the public means that (1) there is no restriction placed upon the use of the crossing; (2) if there is a gate, the gate is not being closed to restrict the use of the crossing; (3) there is more than one user regularly using the crossing; or (4) the roadway serves more than one piece of property on the opposite side of the tracks. One or more of these conditions may exist today on a truly "private" crossing. With the exception of serving more than one piece of property, most existing private crossings could be made to fit this definition.
 - 3.4.1 While the problems are the most acute in the Fairbanks North Star Borough, other boroughs, cities and municipalities have PUB-4 crossings. These include the Matanuska-Susitna Borough, Kenai Peninsula Borough, Municipality of Anchorage, City of Houston, City of Nenana, City of North Pole, and City of Seward. To be eligible for federal funding, the road authority must be responsible for the maintenance and meet the standards for public crossings as defined by the DOT/AAR Railroad-Highway Crossing Inventory Procedures Manual.
- 3.5 The roadway crossing at a PUB-4 crossing may have a designated street name, may be recognized as a public roadway and may be platted as such on either side of the railroad right-of-way.
- 3.6 The only known PUB-4 crossings outside of the boundaries of local government are the crossings at Cantwell (ARRC MP 319.6), at Ferry (ARRC MP 371.1), and North Nenana (ARRC MP 415.5). The first two crossings are at the end of State-maintained roads.
- 3.7 For the area outside of the organized boroughs (Broad Pass to Dunbar), the Task Force recognized the problem of no planning agency. To be able to properly plan the development in this area, all state and federal agencies having land in this area must work together.

3.8 Sight Triangles

3.8.1 A sight triangle for at-grade crossings is an area free of obstructions, which allows a motor vehicle operator approaching an at-grade crossing to safely observe a train approaching the crossing. The size of the sight triangle is based upon maximum train speeds and the posted highway speed. A table of sight triangle distances is shown in Appendix "A". There are two scenarios with regard to sight triangles:

- a. Case I involves a moving vehicle approaching the crossing at the posted speed limit and the train traveling at the maximum speed approved for that location.
- b. Case II involves a stopped vehicle departing from the crossing and the train traveling at the maximum speed approved for that location.

3.8.2 The table in Appendix "A" is based on the latest sight triangle calculations available and has been agreed to by the ARRC and DOT&PF. It will not be changed without concurrence of both parties.

3.9 New Crossing

3.9.1 A new crossing is a crossing that is being proposed where there is currently no crossing in existence.

3.9.2 Construction of a crossing at a new location that is replacing an existing crossing in the same vicinity will be seen as a major improvement project and not considered a new crossing.

3.10 Highway

For the purposes of this policy, the words "highway", "road", and "roadway" are synonymous.

4.0 **RECOMMENDATIONS**

4.1 General Recommendations

4.1.1 All crossings should be brought up to the basic safety standards in the Alaska Traffic Manual.

4.1.2 New construction will adhere to the standards in the Alaska Traffic Manual, Association of American Railroads (AAR) Rail/Highway Grade Crossing Handbook, and other State standards for the installation of passive and active warning devices.

- 4.1.2.1 Sight distances, track profile, drainage and train operation will all be factors considered in the design and improvement of crossings. The Railroad-Highway Grade Crossing Handbook, Federal Highway Administration Publication TS-86-215 (or revision) and current State of Alaska design standards thereof will be consulted in the design of crossings.
- 4.1.3 12-inch rounders for flashing lights, and RR crossbucks with high intensity reflective sheeting on both sides should be adopted as a standard in the State of Alaska.
- 4.1.4 DOT&PF and the ARRC will update the FRA National Rail/Highway Crossing Inventory annually or more frequently if significant changes are discovered, and use this data base to compute the crossing Accident Prediction Values.
- 4.1.5 "Operation Lifesaver" should be actively supported and participated in by the ARRC, DOT&PF, local governments and law enforcement agencies.
- 4.1.6 The ARRC and DOT&PF should arrange meetings with all local governmental planning and road agencies in the railbelt. These meetings would be used to discuss the results of the Task Force and set up procedures for implementing these recommendations.

4.2 Planning Recommendations

- 4.2.1 Local jurisdictions, state and federal agencies, and private enterprise should incorporate planning processes (a) aimed at minimizing the need for at-grade crossings and traffic at existing at-grade crossings; and (b) which will evaluate the effect on a crossing by changes in zoning, approval of new subdivisions and other elements of the planning process. Estimated future Accident Prevention Values based on the proposed activity and future highway and railroad traffic densities will be used in the evaluation of the crossings. New at-grade crossings are discouraged and no new crossings will be permitted without concurrence of the appropriate diagnostic team.
- 4.2.2 Agencies, authorities, jurisdictions, and/or private enterprise whose actions have an impact on the crossings should be required to participate in the funding of the construction and maintenance costs precipitated by those actions. For construction, this could include the matching funds (10%) if federal funding is available.

- 4.2.3 The ARRC and DOT&PF should arrange a meeting with the Bureau of Land Management (BLM), Department of Natural Resources (DNR), National Park Service (NPS), Community and Regional Affairs Department, and Division of Parks and Outdoor Recreation to review the planning processes for the area in the unorganized boroughs.

4.3 Diagnostic Team Recommendations

- 4.3.1 A professional diagnostic team should perform an on-site evaluation before any major improvement is planned for an existing crossing or a new crossing is approved.
- 4.3.2 Diagnostic teams should include as a minimum:
- a. Alaska Railroad Corporation
 - b. DOT&PF Region
 - c. Borough (Kenai Peninsula, Municipality of Anchorage, Matanuska-Susitna, or Fairbanks North Star as appropriate)
 - d. The city when within incorporated city limits
 - e. Proposed permittee of the crossing if not one of the above entities

Where appropriate, representatives of the following should be informed and invited to assist the diagnostic team:

- a. The FHWA;
 - b. DOT&PF Headquarters;
 - c. School District;
 - d. Municipality or other local agency; and
 - e. Law enforcement agency(ies);
- 4.3.3 The recommendation of the diagnostic team will be forwarded to the appropriate parties involved for action. The action at the crossing shall be in accordance with the permit and construction agreement with the ARRC.
- 4.3.4 The diagnostic teams should always consider the feasibility of eliminating crossings if this can be accomplished with safety benefits which outweigh the increased operational costs and inconvenience to users, and if it would not shift the safety problem to another area, or increase the area-wide hazard potential.
- 4.3.5 Diagnostic teams may be initiated by request of any interested party. The request is to be forwarded to the ARRC Chief Engineer. The Chief Engineer will arrange for the notification of the team members and establish the location and time for the meeting.

4.3.6 Where there are majority and minority Policies from the Diagnostic Team, it will be referred to a resolution committee. The committee will consist of the ARRC President and CEO, the DOT&PF Commissioner, and the chief administrator of the local jurisdiction. For crossings outside of a local jurisdiction, the Commissioner of Community and Regional Affairs will be the third person.

4.4 Existing Crossing Recommendations

4.4.1 The DOT Accident Prevention Value (APV) should be used as one factor in classifying and prioritizing crossings for improvements.

4.4.2 Diagnostic teams should consider an APV of 0.1 (one accident every 10 years) as an indicator of probable need to go from passive to active warning devices.

4.4.3 Diagnostic teams should evaluate crossings which have an APV greater than 0.1 to determine the feasibility of providing grade separations (overpass/underpass) or increasing the level of protection of the warning devices. Table VIII-I Quantitative Procedures in the Alaska Traffic Manual will be used as part of the process for determining possible upgrades of the existing crossing. The current table is shown in Appendix "B." If the Alaska Traffic Manual is revised, Appendix B will automatically become the revised Table VIII-1.

4.4.4 Where possible, upgrades and improvements should be accomplished when there is another project affecting the roadway or railway in the area of the crossing.

4.4.5 Sight triangles for at-grade road crossings shall be maintained to the minimum required by Appendix A. As a minimum, all crossings shall have Case II sight triangles except for certain industrial tracks.

In industrial areas, where local roads cross industrial tracks, there are crossings where the Case II requirements cannot be met due to building construction next to the track and road. In these cases, the ARRC will issue instructions that the crossing must be flagged by ARRC personnel prior to entering the crossing.

Case I sight triangles are desirable at all crossings, however, they are difficult and often impractical to achieve, except possibly in flat, open terrain.

4.4.5.1 When Case I sight triangles cannot be provided at a public crossing, a diagnostic team shall review the crossing. The team could, in addition to closing the crossing, propose one of the following requirements:

- a. Active warning devices installed.
- b. A crossing with low highway volume and low highway speed may have an advisory speed posted that is consistent with the sight triangles that can be provided. In no case should the difference in the posted speed and the advisory speed be greater than 10 miles per hour.

Low highway speeds generally mean 40 mph or less. Low highway volume is generally in the range of less than 500 vehicles per day.

- c. Stop signs installed if the Alaska Traffic Manual requirements for stop signs can be met.

4.4.5.2 If the maximum authorized train speed or posted highway speed are increased, the sight triangle requirements will be recalculated. If the new sight triangles are impractical to achieve, the provisions of Section 4.4.5.1 will apply.

4.5 New Crossing Recommendations

4.5.1 New crossings must be part of a comprehensive community plan. For the area between Broad Pass and Dunbar (unorganized borough), DOT&PF or Community and Regional Affairs Department (or the appropriate State agency) will be required to develop the plan. The comprehensive community plan must address factors such as future growth in the area, existing local governmental agencies, land ownership, geographical restrictions, availability and/or restrictions of natural grade separation locations.

4.5.2 New at-grade crossings should not be allowed if there is another crossing within two miles of the proposed new location, nor if there is a reasonable alternative to a crossing such as a feeder road. Exception may possibly be made after the diagnostic team review. Factors to be considered would include terrain conditions which make alternative access impossible or economically unfeasible.

- 4.5.3 It will be the responsibility of the government authority having road jurisdiction in the area of the proposed crossing to hold the necessary public hearings to insure that the road will be located so as to efficiently connect into future road networks. It will also be that governmental authority's responsibility to handle all protests concerning crossing location.
- 4.5.4 A professional diagnostic team will perform an on-site evaluation before any new crossing is approved. Factors to be considered by the diagnostic team include:
- 4.5.4.1 Any new crossing will likely become a permanent crossing and possibly become a major roadway.
 - 4.5.4.2 The proximity of the proposed new crossing to existing crossing and/or other planned crossings.
 - 4.5.4.3 The effect the construction of the new crossing will have on the elimination of one or more existing crossings, making the transportation network safer and better able to serve the road needs of the area.
 - 4.5.4.4 The grade of approaches to all crossings should be level with top of rail (+/- 1") for at least 100' to prevent long low trailers from hitting the crossing.
 - 4.5.4.5 Roadway approaches to the crossing should be at or nearly 90°. Short radius curves or skew angle approaches below 75° will not be permitted.
 - 4.5.4.6 For public crossings, the road must have a dedicated right-of-way on both sides of the Alaska Railroad track right-of-way. The dedicated road right-of-way must include dedicated clear sight triangles for maximum design highway and train speeds.
 - 4.5.4.7 For private crossings, the owner must own or secure road right-of-way and sight triangles for maximum design speeds. The private owner will be restricted from developing within the sight triangles.
 - 4.5.4.8 The dedicated sight triangles referenced in 4.5.4.6 and 4.5.4.7 are for Case I and Case II scenarios. If the Case I sight distances cannot be achieved, automatic crossing signals will be required.

4.5.4.9 Sight triangles for at-grade road crossings shall be maintained to provide the sight distances required for both Case I and Case II scenarios.

4.5.5 The DOT Accident Prediction Values will be used as a factor in determining protection at new crossings. The new crossing will also be compared to existing crossings of similar geometric characteristics and rail and highway traffic densities. The comparison will also consider accident history and the effect of accidents on the DOT Accident Prediction Value.

4.5.6 The crossing permit issued by the ARRC for private crossings will be recorded as an encumbrance against the real property benefited by the crossing including the restriction on sight triangles, with the obligations of the permit to remain appurtenant to the real property.

4.5.7 For public crossings, the ARRC will only issue the permit to the DOT&PF or government authority having road construction and maintenance jurisdiction at the location of the crossing.

4.6 Private Crossings Recommendations

4.6.1 Existing truly "private" crossings and new private crossings will be deemed public when any of the following occur:

4.6.1.1 The crossing serves two or more parcels of property, unless all parcels are owned or leased by the same permittee;

4.6.1.2 The use of the crossing cannot be or is not controlled by the permittee of the crossing;

4.6.1.3 The roadway is designated by plat as a public roadway by the governmental authority responsible for planning and/or zoning; or

4.6.1.4 If school buses or mass transit vehicles use the crossing unless the school district notifies the ARRC in writing that it will operate across the private crossing and has permission of the permittee.

4.6.2 Some existing private crossings currently serve more than one parcel of property. The crossing may remain as a private crossing as long as there is not further subdivision of the property.

4.6.2.1 Private crossings may serve property owned or leased by more than one person or entity provided the following conditions are met:

- a. The roadway is not open to public travel, and
- b. The permit for the crossing has been executed by all owners/lessees of all property which can gain access from the crossing or a legally formed association of property owners.

4.6.3 If the permittee no longer complies with the conditions of the "Private Crossing Permit" and the crossing has not become a public crossing, the ARRC will notify the permittee of the deficiencies. If the permittee fails to correct the deficiencies, the crossing will be removed at the permittee's expense.

4.6.4 If the crossing's use has become public, the ARRC will work with the appropriate public authority to permit the crossing as a public crossing. A diagnostic team shall review the crossing prior to the issuance of the public crossing permit. The diagnostic team will recommend improvements to the crossing required to bring it into conformance with current design standards.

4.6.5 If the public authority refuses to accept the responsibility for the public crossing, the permittee of the crossing shall take appropriate action (if possible) to make the crossing "private". If the permittee fails to correct the deficiencies, the ARRC will remove the crossing at the permittee's expense.

4.6.6 Where Case I sight triangles are impractical to achieve at a private crossing, stop signs shall be posted at the crossing and Case II sight triangles will be maintained.

4.7 PUB-4 Crossings Recommendations

4.7.1 ARRC and DOT&PF should involve the local governments and use diagnostic teams to address the problems of these crossings. The local public authority with road powers must make decisions on the continuing need for the crossing balanced with the cost and liability of maintaining the crossings.

4.7.1.1 Diagnostic teams should be formed as soon as possible with each governmental agency which has PUB-4 crossings within its boundaries.

4.7.2 The use of ARRC right-of-way to eliminate a crossing will be reviewed on a case by case basis. When development has occurred and natural physical obstructions such as lakes and rivers prevent alternate access, the ARRC may permit to the public authority a road on ARRC right-of-way to facilitate the removal of one or more crossings. The use of ARRC right-of-way should only be permitted after a diagnostic team review and coordination with the local planning and zoning agency.

4.7.3 Roadway signing at the PUB-4 crossing should be in accordance with the Alaska Traffic Manual and include as a minimum:

4.7.3.1 Stop sign on both sides of the track unless a diagnostic team determines that stop signs are not required;

4.7.3.2 Crossbuck on both sides of the track;

4.7.3.3 Railroad advance warning signs (W10 Series) according to the Alaska Traffic Manual; and

4.7.3.4 An "ARRC Property-Proceed at Your Own Risk" sign at the right-of-way line on both sides of the track.

5.0 CHANGES AND ADOPTION OF POLICY

5.1 Changes to Policy

5.1.1 This policy was developed by a process that included input from the local governmental bodies. Changes to the policy will be developed in accordance with the following subsections.

5.1.2 The proposed changes will be coordinated by the ARRC Engineering Department and DOT&PF Headquarters Engineering and Operations Standards Section. DOT&PF will coordinate with the Federal Highway Administration.

5.1.3 Work sessions on the proposed changes will be held in Anchorage and Fairbanks. All government agencies concerned with crossings will be notified of the meeting and encouraged to attend.

5.1.4 After the work sessions, the changes will be reviewed by the ARRC and DOT&PF and all parties in attendance at the work sessions before being finalized.

5.2 Adoption and Implementation of Policy

- 5.2.1 Section 42.40.180 of the Alaska Railroad Corporation Act mandates that policies which affect the general public require adoption by the ARRC Board as a board rule once public notification has been made and a public hearing has been held on the Rule. In accordance with this procedure the proposed changes (see 5.1.4) will be submitted to the ARRC Board of Directors for approval in accordance with Board rules.
- 5.2.2 After adoption of the changes by the ARRC Board of Directors and concurrence by DOT&PF, the ARRC Policies and Procedures Manual relating to the Railroad Crossing Policy will be updated to incorporate the changes.