

SUBJECT: VACATE A PORTION OF 40' WIDE RIGHT-OF-WAY OF W. RIFFLE STREET, A PORTION OF 20' WIDE RIGHT-OF-WAY OF S. CATARACT STREET AND A PORTION OF 20' WIDE RIGHT-OF-WAY OF W. CUT LEAF BIRCH AVENUE. LOCATED IN SECTION 20, TOWNSHIP 17 NORTH, RANGE 01 WEST, SEWARD MERIDIAN, ALASKA.

AGENDA: DECEMBER 20, 2022

ASSEMBLY ACTION: *Approved under the consent Agenda. SP*
12/20/22

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY MIKE BROWN, BOROUGH MANAGER: *WB*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>FW</i>	
	Planning Director	<i>Q</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>SPM 12/13/22</i>	<i>SP</i>

ATTACHMENT (S): Fiscal Note: Yes _____ No X
Platting Board Minutes (6 pages)
Notification of Action (2 pages)
Vicinity Map (1 page)

SUMMARY STATEMENT: On November 17, 2022 (written decision November 23, 2022) the Platting Board approved the plat of Miller Acres with the vacation of portions of rights-of-way of W. Riffle Street, S. Cataract Street and W. Cut Leaf Birch Avenue. The rights-of-way were created by Engelmann Subdivision, Plat No. 63-39. None of the listed rights-of-way are constructed and do not provide access to any other adjacent lot or parcel. The Platting Board's decision to vacate these portions is consistent with MSB 43.15.035(B)(1)(b); the surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the assembly approve the vacation of rights-of-way, pursuant to MSB 43.15.035(B)(1)(b).

**MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD MINUTES**

**REGULAR MEETING
NOVEMBER 17, 2022**

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on NOVEMBER 17, 2022, at the Matanuska-Susitna Borough 350 E Dahlia Ave, Palmer, Alaska. Chair Fernandez called the Meeting to order at 1:02 p.m.

1. CALL TO ORDER

A. ROLL CALL AND DETERMINATION OF QUORUM (by Administrative Specialist)

Platting Board members present and establishing a quorum:

Mr. Pio Cottini, District Seat #1
Mr. Emmett Leffel, District Seat #2
Mr. John Shadrach, District Seat #3
Mr. Dan Bush, District Seat #4
Ms. Linn McCabe, District Seat #5
Mr. Wilfred Fernandez, District Seat #6, Chair

Platting Board members absent and excused were:

Mr. Alan Leonard, District Seat #7, Vice Chair
Ms. Amanda Salmon Alternate A
Mr. Eric Koan, Alternate B

Staff in attendance:

Mr. Fred Wagner, Platting Officer
Theresa Taranto, Platting Clerk
Ms. Amy Otto-Buchanan, Platting Technician
Mr. Matthew Goddard, Platting Technician

B. THE PLEDGE OF ALLEGIANCE

Platting member McCabe led the pledge of allegiance.

C. APPROVAL OF THE AGENDA

Chair Fernandez inquired if there were any changes to the agenda.

GENERAL CONSENT: Seeing there were no October 20, 2022 minutes in the packet, Agenda was amended to reflect no minutes.

2. APPROVAL OF MINUTES

(None)

3. AUDIENCE PARTICIPATION & PRESENTATIONS *(Three minutes per person, for items not scheduled for public hearing)*
(There is no Audience Participation & Presentations)

4. UNFINISHED BUSINESS:

(None)

5. RECONSIDERATIONS/APPEALS

(No Reconsiderations/Appeals)

6. PUBLIC HEARINGS

- A. **MILLER ACRES & VACATION OF RIGHT-OF-WAY:** The request is to create one lot from Lots 1-4, Block 3 and Lots 1-2, Block 4 of Engelmann Subdivision, Plat No. 63-39, to be known as Miller Acres, containing 6.3 acres +/- . Petitioner proposes to vacate a portion of the 40' wide right-of-way of W. Riffle Street, a portion of the 20' wide right-of-way of S. Cataract Street, and a portion of the 20' wide right-of-way of W. Cut Leaf Birch Avenue. Parcel is located south of W. Edlund Road and S. Knik-Goose Bay Road (Tax IDs# 1018B03L001-L004 and 1018B04L001-L002); lying within the NE ¼ Section 20, Township 17 North, Range 01 West, Seward Meridian, Alaska. In the Knik-Fairview Community Council and in Assembly District #3. (Petitioner/Owner: Miller Investment Trust, Staff: Amy Otto-Buchanan, Case # 2022-145/146)

Chair Fernandez read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record; there was no objection noted by the platting board.

Theresa Taranto provided the mailing report:

- Stating that 70 public hearing notices were mailed out on October 27, 2022.

Staff gave an overview of the case:

- Staff recommends approval of the case with findings of fact and conditions of approval.

Chair Fernandez invited the petitioner and/or the petitioner's representative to give a brief overview.

The petitioner, Barbara Miller gave a brief overview on the case.

Vice Chair Leonard opened the public hearing for public testimony.

There being no one to be heard, Chair Fernandez closed the public hearing and invited the petitioner's representative to give a brief overview.

The petitioner's representative passed on giving a brief overview at this time.

MOTION: Platting Member Shadrach made a motion to approve with 9 findings of fact and 9 conditions. Leffel seconded the motion.

Discussion ensued

VOTE: The motion passed without objection.

- B. **HARDLINE:** The request is to create five lots from Tax Parcels B2 & C4 to be known as Hardline, containing 120.93 acres +/- . Access to all lots will be from N. Meadow Lakes Loop. Proposed Lot 3 is a flag lot. The property is located directly east and south of N. Meadow Lakes Loop and west of N. Pittman Road (Tax ID # 18N02W33B002 & 18N02W33C004); lying within the W ½ Section 33, Township 18 North, Range 02 West, Seward Meridian, Alaska. In the Meadow Lakes Community Council and in Assembly

**MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD MINUTES**

**REGULAR MEETING
NOVEMBER 17, 2022**

District #7. (Petitioner/Owner: Braxton Cline; Weston & Holly Hardan, Staff: Kimberly McClure, Case # 2022-147)

Chair Fernandez read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record; there was no objection noted by the platting board.

Theresa Taranto provided the mailing report:

- Stating that 88 public hearing notices were mailed out on October 27, 2022.

Staff gave an overview of the case:

- Platting Officer, Fred Wagner gave the case overview.
- Staff recommends approval of the case with findings of fact and conditions.

Platting member, Mr. Leffel had questions for staff.

Chair Fernandez invited the petitioner and/or the petitioner's representative to give a brief overview.

The petitioner/petitioner's representative passed on giving a brief overview at this time.

Chair Fernandez opened the public hearing for public testimony.

There being no one to be heard, Chair Fernandez closed the public hearing and invited the petitioner's representative to give a brief overview.

Craig Hanson, the petitioner's representative gave a brief overview on the case.

Platting member, Mr. Bush had questions for the petitioner's representative.

MOTION: Platting Member Shadrach made a motion to approve with 7 findings of fact and 8 conditions. McCabe seconded the motion.

Discussion ensued

VOTE: The motion passed without objection.

- C. **SHADOWRIDGE:** The request is create 7 lots from Units 1-17, 99 and Tract A, Lakebridge, Plat No. 2021-106 to be known as **Shadowridge**, containing 68.81 acres +/- . Proposed Lot 2, Block 1 and Lot 2, Block 2 are flag lots. Access is from N. Ridgewater Street, which is not certified or maintained by the Borough. Petitioner to construct and dedicate a temporary turnaround. Petitioner is requesting a variance from MSB 43.20.140 for conformance with the Subdivision Construction Manual regarding tangent between horizontal curves. The property is located west of Finger Lake, southeast of Finger Lake Elementary School and directly west and east of N. Ridgewater Street (Tax ID # 9222000T00A/U001-17&99); lying within Sections 32 & 33, Township 18 North, Range 01 East, Seward Meridian, Alaska. In the North Lakes Community Council and in Assembly District #3. ****This case was continued from the June 2 and July 7, 2022**

**MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD MINUTES**

**REGULAR MEETING
NOVEMBER 17, 2022**

public hearing. (*Petitioner/Owner: 6R Development Group LLC, Staff: Kimberly McClure, Case # 2022-052*)

Chair Fernandez read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record; there was no objection noted by the platting board.

Theresa Taranto provided the mailing report:

- Stating that 89 public hearing notices were mailed out on October 27, 2022.

Staff gave an overview of the case:

- Staff recommends continuance to a date uncertain.

Chair Fernandez invited the petitioner and/or the petitioner's representative to give a brief overview.

The petitioner/petitioner's representative was not in attendance.

Vice Chair Leonard opened the public hearing for public testimony.

The following person spoke:

- Johns Griesinger

Mr. Griesinger mentioned talking to Platting member Mr. Bush.

There being no one else to be heard, Chair Fernandez kept the public hearing open and invited the petitioner's representative to give a brief overview.

The petitioner/petitioner's representative passed on giving a brief overview at this time.

MOTION: Platting Member Cottini made a motion to continue to a date uncertain. Shadrach seconded the motion.

Discussion ensued

VOTE: The motion passed without objection.

DANDY BLUFFS 2022: The request is to create five lots from Lot 3, Dandy Bluffs, Plat 2016-129 to be known as Dandy Bluffs 2022, containing 40.49 acres +/- . Petitioner to construct and certify S. Dandy Bluffs Circle to pioneer road standard to include a T-turnaround. Proposed Lots 3C, 3D & 3E to share a common access area onto E. Fairview Loop; no new driveways to Fairview Loop will be created. Petitioner is requesting a variance to MSB 43.20.300(E)(4) requiring multiple flag lots with adjoining pole portions to overlay a public use easement over the width of the pole portion. The property is located directly south of E. Fairview Loop, directly east of S. Dandy Bluffs Circle and north of Weinie Lake (Tax ID # 57577000L003); lying within the N ½ Section 27, Township 17 North, Range 01 West, Seward Meridian, Alaska. In the Knik-Fairview Community Council and in Assembly District #3. This case was continued

**MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD MINUTES**

**REGULAR MEETING
NOVEMBER 17, 2022**

from the November 3, 2022 meeting. (Petitioner/Owner: Mark & Lesley Dinkel, Staff: Kimberly McClure, Case # 2022-140)

Chair Fernandez read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record; there was no objection noted by the platting board.

Theresa Taranto provided the mailing report:

- Stating that 32 public hearing notices were mailed out on October 27, 2022.

Staff gave an overview of the case:

- Platting Officer, Fred Wagner gave the case overview.
- Staff recommends approval of the case with findings of fact and conditions of approval.

Platting member Shadrach had questions for staff.

Platting member Leffel had questions for staff.

Chair Fernandez invited the petitioner and/or the petitioner's representative to give a brief overview.

Gary LoRusso, the petitioner's representative, gave a brief overview of the case.

Vice Chair Leonard opened the public hearing for public testimony.

There being no one to be heard, Chair Fernandez closed the public hearing and invited the petitioner's representative to give a brief overview.

MOTION: Platting Member McCabe made a motion to approve with 9 findings of fact and 10 conditions. Bush seconded the motion.

Discussion ensued

AMENDED

MOTION: Platting Board Member Shadrach made a motion to add Plat Note #11, Condition of Approval, stating; "If lots 3A or 3B are further subdivided, that would create more than the original lots created, a road must be constructed to a minimum residential standard to provide physical access. Leffel seconded the motion.

Recessed to address verbiage for Amended Motion at 2:18 pm

Reconvened at 2:22 pm

VOTE: The amended motion passed without objection.

VOTE: The main motion passed without objection.

7. ITEMS OF BUSINESS & MISCELLANEOUS

(There is no Items of Business & Miscellaneous)

8. PLATTING STAFF & OFFICER COMMENTS

A. Adjudicatory (*if needed*)

B. Upcoming Platting Board Agenda Items

Platting Officer Fred Wagner informed the board:

- Upcoming meeting will be December 1st; we have 2 cases on the agenda. Jack Lake Est and View Pointe E.

BOARD COMMENTS

- Platting member Cottini said Thank you to everyone, and have a nice Thanksgiving.
- Platting member Shadrach
 - Mentioned it would be nice to “White Board” an item on what can be done for PUE’s
 - Happy Thanksgiving everyone
- Platting member McCabe was glad Theresa is feeling better and Happy Thanksgiving.
- Platting member Bush stated he would not be here for the next meeting, December 1, 2022.
- Chair Fernandez let everyone know that he has was appointed to the Planning Commission and he only has one more meeting on the Platting Board. He said Thank you to the board and to staff.

9. ADJOURNMENT

With no further business to come before the Platting Board, Vice Chair Leonard adjourned the meeting at 2:25 pm.

WILFRED FERNANDEZ
Platting Board Chair

ATTEST:

THERESA TARANTO
Platting Board Clerk



MATANUSKA-SUSITNA BOROUGH

Platting Division

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Phone (907) 861-7874 • Email: platting@matsugov.us

PLATTING BOARD ACTION LETTER

November 23, 2022

Miller Investment Trust
William & Barbara Miller
PO Box 870151
Wasilla, AK 99687

Case #: 2022-145/146

Case Name: MILLER ACRES

Action taken by the Platting Board on November 17, 2022 is as follows:

THE PRELIMINARY PLAT FOR MILLER ACRES WAS APPROVED AND WILL EXPIRE ON NOVEMBER 23, 2028 SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL. FINDINGS OF FACT SUPPORTING THIS DECISION ARE ALSO INCLUDED.

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

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

Kindest regards,

Mr. Fred Wagner, PLS
Platting Officer

tt
cc:

R & K Land Surveying, LLC
PO Box 606
Willow, AK 99688

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

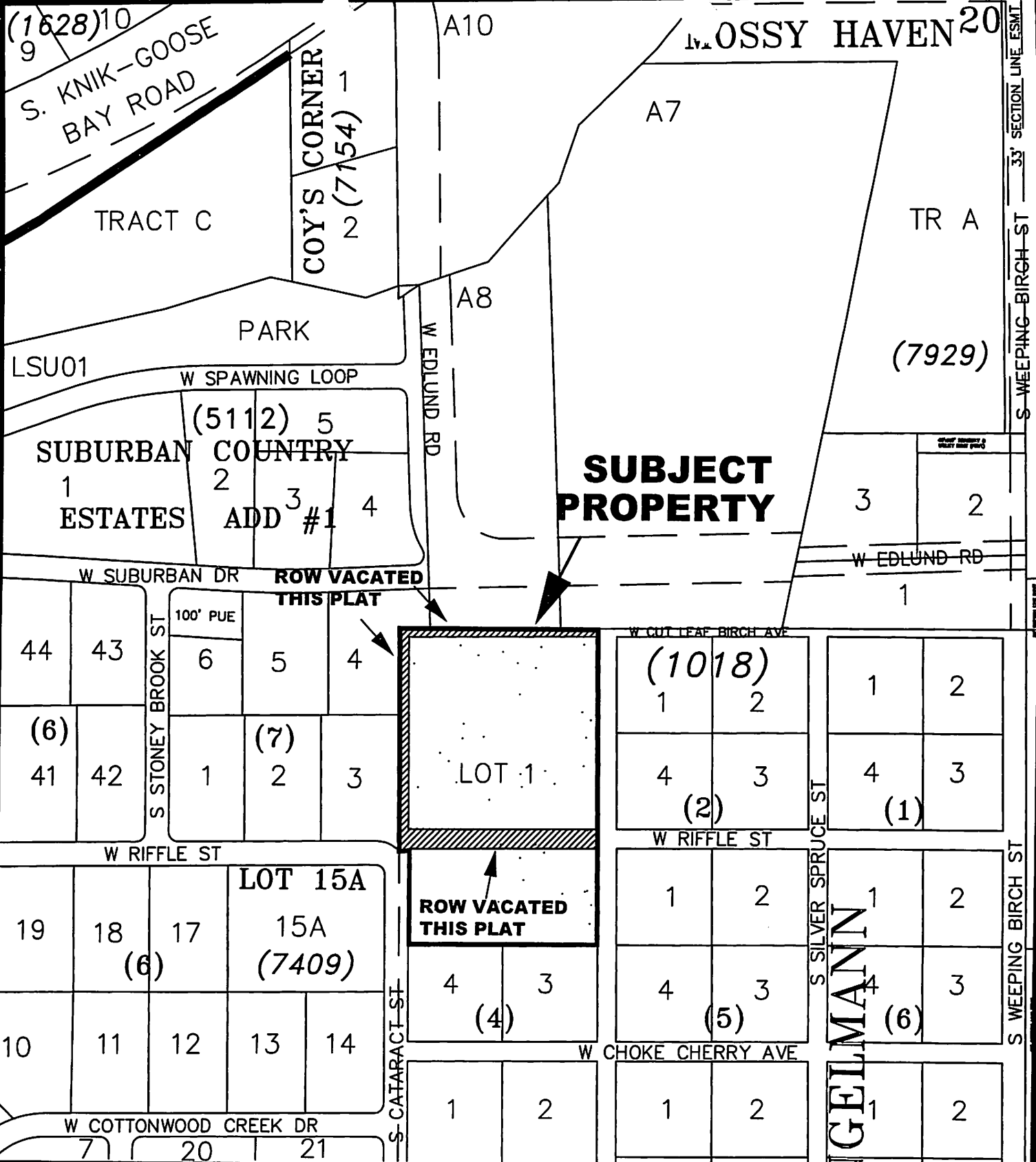
FINDINGS of FACT:

1. The plat of Miller Acres consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plats.
2. The partial vacations of the rights-of-way of W. Riffle Street, S. Cataract Street and W. Cut Leaf Birch Avenue is consistent with MSB 43.15.035 Vacations.
3. A soils report was not required, as this is a common lot line elimination with a vacation.
4. All lots will have the required frontage pursuant to MSB 43.20.320.
5. At the time of staff report write-up, there were no responses to the Request for Comments from US Army Corps of Engineers; ADF&G; Community Council Knik-Fairview; Fire Service Area #3 Central Mat-Su; Road Service Area #14 Fairview; MSB Community Development, Assessments or Planning; or MEA.
6. There were no objections from any federal or state agencies, or Borough departments.
7. Enstar objects to the vacation, unless a 15' wide utility easement is granted.
8. There were no objections from the public in response to the Notice of Public Hearing.
9. Pursuant to MSB 43.15.065(C)(1), title to the vacated rights-of-way attach to the proposed lot.

CONDITIONS of APPROVAL:

The Platting Board approved the preliminary plat for Miller Acres contingent upon the following:

1. Obtain Assembly approval within 30 days of written notification of Platting Board action.
2. Taxes and special assessments must be paid in full for the year of recording, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs), by CERTIFIED FUNDS OR CASH.
3. Provide updated Certificate to Plat executed within seven (7) days of recording of plat and submit Beneficiary Affidavit for any holders of a beneficial interest.
4. Pay postage and advertising fees.
5. Show all easements of record on each final plat.
6. Grant a 15' wide utility easement is the vacated portion of S. Cataract Street.
7. Apply for a driveway permit from MSB Development Services and provide copy of application to Platting staff. In order for MSB Development Services to issue a driveway permit, an access agreement to cross Tax Parcel A8 must be provided. Surveyor to show private driveway access agreement on final plat.
8. Submit recording fees, payable to Department of Natural Resources (DNR).
9. Submit final plat in full compliance with Title 43.



VICINITY MAP

MILLER ACRES & RIGHT-OF-WAY VACATION
LOCATED WITHIN
SECTION 20, T17N, R01W, SEWARD MERIDIAN,
ALASKA

WASILLA 13 MAP