

SUBJECT: VACATE A PORTION OF THE SECTION LINE EASEMENTS WITHIN SECTIONS 20 & 29, TOWNSHIP 20 NORTH, RANGE 9 EAST, SEWARD MERIDIAN, ALASKA.
 ASSEMBLY DISTRICT 1: JIM SYKES

AGENDA: NOVEMBER 19, 2019

ASSEMBLY ACTION:

Approved under the Consent agenda

MANAGER RECOMMENDATION: Present to the assembly for consideration *11-19-19*

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

| Route To: | Department/Individual | Initials | Remarks |
|-----------|-----------------------|--------------------|---------|
| | Originator | <i>FW</i> | |
| | Planning Director | <i>EP</i> | |
| | Borough Attorney | <i>NS</i> | |
| | Borough Clerk | <i>BAA for Lem</i> | |

ATTACHMENT(S): Fiscal Note: Yes _____ No X

| | |
|------------------------|-----------|
| Minutes | (3 pages) |
| Notification of Action | (3 pages) |
| Vicinity Map | (1 page) |
| As-Built | (1 page) |

SUMMARY STATEMENT: On October 17, 2019 (written decision October 25, 2019) the Platting Board approved the plat of Pinochle Subdivision along with the vacation of the Section Line Easements within this property. The vacation will alleviate a structural encroachment, a structural setback encroachment and allow for better use of the land. Alaska Department of Natural Resources provided a preliminary finding of approval for the Section Line Easement Vacation and identified the existing W. Pinochle Lane and W. Glenn Highway as alternate access being reasonably comparable and adequately wide to satisfy all present and reasonably foreseeable uses, complying with AS 19.30.140. The petitioner also agreed to Department of Transportation's request for fee dedication of W. Pinochle Lane right-of-way on the plat. MSB 43.15.040, Section Line and State Recognized RS-2477 Easement Vacations, states the vacation and alternate access must comply with AS 19.30.140 and MSB 43.15.035, Vacations. The Platting Board's decision to vacate a portion of the Section Line Easements within the preliminary plat of Pinochle Subdivision is consistent with MSB 43.15.035(B)(1)(a); the vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the assembly approve the vacation of a portion of the Section Line Easement within Sections 20 & 29, Township 20 North, Range 9 East.

Chair Rausa closed the petitioner's comments and discussion moved to the Platting Board.

MAIN

MOTION: Platting Member Anderson moved to approve the amended preliminary plat for Berry's Bluff, with 6 recommendations. The motion was seconded by Platting Member Cottini.

AMENDED

MOTION: Platting Member Vau Dell moved to add a recommendation regarding the leach field. The motion was seconded by Platting Member Shadrach

RECOMMENDATION:

Add #7: The Petitioner is to prove that there is no leach field in the protected well area.

The Platting Board discussed the recommendation that is brought forth by Platting Member Vau Dell.

AMENDED

VOTE: The amended motion failed with 5 against and 1 in favor. (Platting Member Vau Dell)

VOTE: The main motion passed with 5 in favor and 1 against (Platting Member Vau Dell). There are 9 findings of fact.

TIME: 1:30 P.M.

CD: 0:29:35

5. RECONSIDERATIONS/APPEALS

(There is no Reconsiderations/Appeals)

6. PUBLIC HEARINGS: Quasi-Judicial Matters

Platting Board members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

- A. PINOCHLE:** The request is to create six lots from Tax Parcels B11 & D6, to be known as **Pinochle Subdivision**, containing 26.35 acres +/- . The petitioner is also proposing to vacate a portion of the section line easements in Sections 20 & 29 within B11 & D6. The plat is located north of the W. Glenn Highway at approximately mile 99 and south of W. Pinochle Lane (Tax ID # 20N09E20D006 & 20N09E29B011); within the S ½ Section 20 and the N ½ Section 29, Township 20 North, Range 09 East, Seward Meridian. Community Council:

Glacier View, Assembly District #1 Jim Sykes. Continued from the October 3, 2019 platting board hearing. (*Owner/Petitioner: Clem Earl Polen; Surveyor: Hanson; Staff: Cheryl Scott*)

Chair Rausa:

- read the memorandum regarding quasi-judicial actions into the record;
- queried platting board members to determine if any of them have a financial interest in the proposed case;
- have had any ex parte contact with the applicant, members of the public, or interested parties in the proposed case; and
- if all platting board members are able to be impartial in a decision.

There was no objection noted.

Chair Rausa read the case title and description into the record.

Ms. Von Gunten provided the mailing report.

- Stating that 20 public hearing notices were mailed out on September 11, 2019 from the platting board meeting on October 3, 2019.

Ms. Cheryl Scott provided a staff report

- Gave an overview of the case, #2019-121.
- Staff recommended approval of the case with findings of fact & conditions.

Chair Rausa invited the petitioner for a brief overview.

The petitioner's representative passed on giving an overview.

Chair Rausa opened the public hearing for public testimony.

There being no one to be heard, Chair Rausa closed the public hearing.

Chair Rausa invited the petitioner or their representative to provide their comments.

Mr. Craig Hanson, the petitioner's representative, provided a brief description of the platting action and answered questions from the platting board.

Chair Rausa closed the petitioner's comments and discussion moved to the Platting Board.

MAIN

MOTION: Platting Member Cottini moved to approve the preliminary plat for Pinochle Subdivision and the vacation of a portion of the section line easements, with 11 recommendations. The motion was seconded by Platting Member Shadrach.

AMENDED

MOTION: Platting Member Vau Dell moved to add a finding regarding the fire marshal's comments. The motion was seconded by Platting Member Anderson

FINDING:

Add #16: Platting Member Vau Dell believes that the fire marshals comments on flag lots conflicts with Title 43. (This was not stated in the record. Only the written form was turned in after the case hearing)

The Platting Board discussed the fire marshals comments & flag lots.

AMENDED

VOTE: The amended motion passed with all in favor. (The board did not read into the record the finding).

VOTE: The main motion passed with all in favor. There are 16 findings of fact.

TIME: 1:44 P.M.

CD: 0:44:25

BREAK

TIME: 1:55 P.M.

CD: 0:55:25

B. LITTLE BILL LAKE: The request is to divide NW¼ Section 29 into two lots to be known as **Little Bill Lake** and dedicate the right-of-way for S. Parks Hwy. Lot 1 is 1.94 acres on the southwest side of the Parks Hwy and the remainder, Tract A, is 151.81 acres. The property is located between mile 99 & 100 S. Parks Hwy (Tax ID # 24N04W29B001); within the NW ¼ Section 29, Township 24 North, Range 04 West, Seward Meridian. Community Council: Susitna and Assembly District #7 Tam Boeve (*Owner/Petitioner: Mike & Sheryl Uher; Surveyor: Hanson; Staff: Peggy Horton*)

Chair Rausa:

- read the memorandum regarding quasi-judicial actions into the record;
- queried platting board members to determine if any of them have a financial interest in the proposed case;
- have had any ex parte contact with the applicant, members of the public, or interested parties in the proposed case; and
- if all platting board members are able to be impartial in a decision.

There was no objection noted.

Chair Rausa read the case title and description into the record.

Ms. Von Gunten provided the mailing report.

- Stating that 63 public hearing notices were mailed out on September 26, 2019.

Ms. Peggy Horton provided a staff report

- Gave an overview of the case, #2019-140.
- Staff recommended approval of the case with findings of fact & conditions.



MATANUSKA-SUSITNA BOROUGH

Platting Division

350 East Dahlia Avenue • Palmer AK 99645
Phone (907) 861-7874 • Email: platting@matsugov.us

NOTIFICATION OF ACTION

October 25, 2019

Clem Polen
712 N. Lark Drive
Ridgefield, WA 98642

Case #: 2019-121/122

Case Name: PINOCHLE & SLEV

Action taken by the Platting Board on October 17, 2019 is as follows:

THE PRELIMINARY PLAT FOR PINOCHLE AND THE VACATION OF A PORTION OF THE SECTION LINE EASEMENTS WAS APPROVED AND WILL EXPIRE ON OCTOBER 25, 2025 SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL. FINDINGS OF FACT SUPPORTING THIS DECISIONS 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,

Jordan Rausa

Mr. Jordan Rausa
Platting Board Chairman

sv

cc: DPW – Jamie Taylor

Hanson Surveying, 305 E. Fireweed Ave., Palmer, AK 99645
Additional Plat Reviews After 2nd Final are \$100.00 Each

Karl Severance, 35331 W. Pinochle Lane, Sutton, AK 99674

FINDINGS of FACT:

1. The plat of Pinochle is consistent with AS 29.40.070 *Platting Regulations* and MSB 43.15.016 *Preliminary Plat Submittal and Approval*.
2. The vacation is pursuant to AS 29.40.120 through AS 29.40.140 and MSB 43.15.035 *Vacations*.
3. The vacation meets the requirements of MSB 43.15.040 *Section Line and State-Recognized RS-2477 Easement Vacations*.
4. The vacation is consistent with MSB 43.15.035(B)(1)(c) and MSB 43.15.035(B)(2)(c) as the vacation is not being used, a road is impossible or impractical to construct and alternative access exists which does not limit interconnectivity.
5. SOA DNR has issued a preliminary decision approving the vacation of the section line easements (EV-3-304).
6. The vacation requested is to alleviate a structural encroachment, a structural setback encroachment and allow for better use of the land.
7. All setback requirements will be met pursuant to MSB 17.55 with the approval of the section line easement vacation.
8. The subject SLE is unconstructed. A field inspection was not conducted. The petitioner's surveyor stated there is no known historic or current public use of the section line easement.
9. State of Alaska DNR approves the vacation as long as Pinochle Lane within the proposed subdivision is dedicated.
10. There were no objections from outside agencies or borough departments and one objection was received from a member of the public, Karl Severance.
11. A registered engineer provided a soils report and all lots meet the requirements of MSB 43.20.281(A).
12. Frontage requirements have been met consistent with 43.20.300(E) and MSB 43.20.320.
13. All lot and block design requirements are met pursuant to MSB 43.20.300.
14. Legal and physical access will be provided to the proposed lots from W. Pinochle Lane consistent with MSB 43.20.100 *Access Required*, MSB 43.20.120 *Legal Access*, and MSB 43.20.140 *Physical Access*. No direct access is allowed to the N. Glenn Highway.
15. The proposed subdivision is located within the Glacier View Special Land Use District. This subdivision meets the standards within this district.
16. Platting Member Vau Dell believes that the fire marshals comments on flag lots conflicts with Title 43.

CONDITIONS of APPROVAL:

The Platting Board approved the preliminary plat for Pinochle Subdivision and the vacation of a portion of the section line easements, contingent upon the following:

1. Pay postage and advertising fees.
2. Taxes and special assessments must be paid in full through the year of recording prior to recording the plat, 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 7 days of recording and submit Beneficiary Acknowledgement for any holder of a beneficial interest.
4. Show or list all easements of record.
5. Provide a sieve analysis or percolation test for the three testholes that contained brown, silty gravel (GM) as required by MSB 43.20.281(A)(f)(ii)(iii).
6. Dedicate the portion of W. Pinochle Lane within the proposed subdivision and the portions of Tax Parcel D6 north of Pinochle Lane on the final plat.
7. Obtain DNR Final Decision of Approval for the Section Line Easement Vacation.
8. Provide final plat to include the state of Alaska's specifications for the section line easement vacation plats along with ADOT&PF and DNR certificates.
9. Obtain the Borough Assembly approval of the vacation within 30 days of Platting Board's written Notification of Action. MSB Assembly has 30 days from the date of the Platting Board decision to deny the request.
10. Submit recording fee payable to State of Alaska, Department of Natural Resources (SOA/DNR).
11. Submit final plat in full compliance with Title 43.



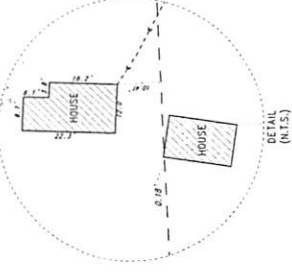
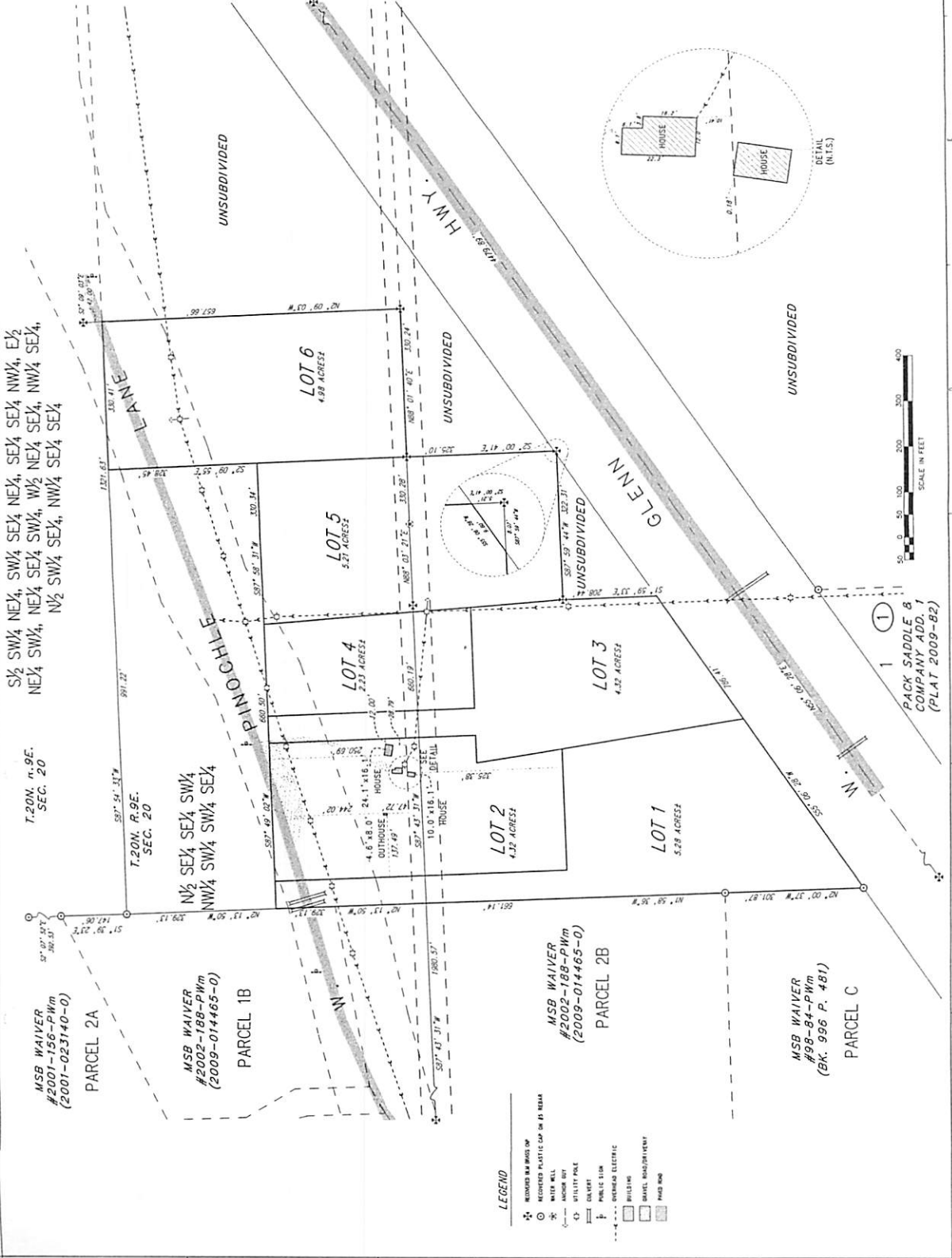
AM 19-122

RECEIVED
AUG - 6 2011
PLATTING
EXHIBIT C-3

NOTES:
1. THIS FIELD SURVEY WAS CONDUCTED ON APRIL 24, 2011. ALL MEASUREMENTS WERE MADE ON THE BASIS OF BEARINGS.
2. ALL DIRECTIONS SHOWN ARE TRUE BEARINGS, AS SHOWN TO THE BASIS OF BEARINGS.
3. THIS SURVEY IS A RECONSTRUCTION OF THE ORIGINAL SURVEY.
4. THE SURVEYOR HAS NOT VISITED THE SITE SINCE THE SURVEY WAS CONDUCTED.
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DATE: 10-11-11
DRAWN BY: ECF
CHECKED BY: ECF
SCALE: 1" = 200'
REVISION DATE: 08-02-18

REFERENCE
NUMBER:
V-2.1
SHEET 2 OF 3



LEGEND

- RECORDED SURVEY MAP
- RECORDED PLAT MAP OR AS REMARK
- WATER WELL
- ANCHOR BOLT
- UTILITY POLE
- CONCRETE
- PUBLIC SIGN
- OVERHEAD ELECTRIC
- WIRE
- WATER MAIN/SEWER
- ROAD SIGN



PACK SADDLE &
COMPANY ADD. 1
(PLAT 2009-82)