

SUBJECT: TO VACATE THE 50' WIDE SECTION LINE EASEMENT ON THE EASTERN BOUNDARY OF TRACT B-1, HATCHER PASS VILLAGE PHASE I, PLAT #2018-112, LOCATED WEST OF LITTLE SUSITNA RIVER, EAST OF N. MOUNTAIN TRAILS DRIVE, AND NORTH OF E. EDGERTON PARKS ROAD, WITHIN THE NE ¼ SECTION 33, TOWNSHIP 19 NORTH, RANGE 10 EAST, SEWARD MERIDIAN, ALASKA.

AGENDA OF: September 3, 2024

ASSEMBLY ACTION: Approved under the consent agenda 09/03/24 - BJH

AGENDA ACTION REQUESTED: Present to Assembly for consideration.

Route To:	Signature
Originator	8/9/2024 X Fred Wagner <small>Signed by: Fredric W Wagner</small>
Planning Director	8/11/2024 X Alex Strawn <small>Signed by: Alex</small>
Finance Director	8/12/2024 X Cheyenne Heindel <small>Signed by: Cheyenne Heindel</small>
Borough Attorney	8/13/2024 X Nicholas Spiropoulos <small>Signed by: Nicholas Spiropoulos</small>
Borough Manager	8/13/2024 X Michael Brown <small>Signed by: Mike Brown</small>
Borough Clerk	8/22/2024 X Lonnie McKechnie <small>Signed by: Lonnie McKechnie</small>

- ATTACHMENT (S) :** Fiscal Note (1p)
 Vicinity Map (1p)
 Platting Authority Action Letter (2pp)
 Platting Board Minutes (7pp)

SUMMARY STATEMENT: The Platting Board approved the preliminary Plat of Hatcher Pass Village Ph 1 SLEV PUE on August 1, 2024. The request included the vacation of a 50' wide section line easement on the eastern boundary of Tract B-1, the granting of a 15' wide utility easement on the northwestern boundary and the dedication of a 60' wide public use easement along the southern boundary of the utility easement. This vacation is consistent with MSB 43.20.035 Vacations.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the assembly approve the vacation of the 50' wide section line easement.

MATANUSKA-SUSITNA BOROUGH

FISCAL NOTE

Agenda Date: September 3, 2024

SUBJECT: TO VACATE THE 50' WIDE SECTION LINE EASEMENT ON THE EASTERN BOUNDARY OF TRACT B-1, HATCHER PASS VILLAGE PHASE I, PLAT #2018-112, LOCATED WEST OF LITTLE SUSITNA RIVER, EAST OF N. MOUNTAIN TRAILS DRIVE, AND NORTH OF E. EDGERTON PARKS ROAD, WITHIN THE NE ¼ SECTION 33, TOWNSHIP 19 NORTH, RANGE 10 EAST, SEWARD MERIDIAN, ALASKA.

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT YES NO
AMOUNT REQUESTED NO FISCAL IMPACT	FUNDING SOURCE
FROM ACCOUNT #	PROJECT
TO ACCOUNT:	PROJECT #
VERIFIED BY: _____ X Liesel Weiland 8 / 1 2 / 2 0 2 4 Signed by: Liesel Weiland	

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						
CAPITAL						
REVENUE						

FUNDING:

(Thousands of Dollars)

General Fund						
State/Federal Funds						
Other						
TOTAL						

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

APPROVED BY:	8 / 1 2 / 2 0 2 4
	X Cheyenne Heindel

Signed by: Cheyenne Heindel



MATANUSKA-SUSITNA BOROUGH

Platting Division

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

PLATTING BOARD ACTION LETTER

August 6, 2024

Hatcher Pass Village, Inc
8260 E. Duchess Dr
Palmer, AK 99645

Case #: 2024-074

Case Name: HATCHER PASS VILLAGE PH 1 SLEV PUE

Action taken by the Platting Board on August 1, 2024 is as follows:

THE PRELIMINARY PLAT FOR HATCHER PASS VILLAGE PH 1 SLEV PUE WAS APPROVED AND WILL EXPIRE ON AUGUST 6, 2030 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

kk
cc:

Hanson Land Solutions
305 E. Fireweed Ave
Palmer, AK 99645

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

FINDINGS of FACT:

1. The plat of Hatcher Pass Village Phase 1 SLEV PUE is consistent with AS 29.40.070 Platting Regulations, AS 29.40.120 through AS 29.40.140, MSB 43.15.021 Public Use Easement Acceptance Procedures, and MSB 43.15.035, Vacations.
2. MSB 43.15.035(B)(1)(c) allows for vacations of public rights-of-way if the right-of-way is not being used, a road is impossible or impractical to construct, and alternate access has been provided. The petitioner is providing alternate access.
3. Petitioner has obtained preliminary approval from State of Alaska, Pursuant to MSB 43.15.040(B)(1). Final approval from the State will be required prior to recording.
4. Pursuant to MSB 43.15.035(E) and MSB 43.10.065(G), petitioner will provide an Affidavit of Posting of the Public Notice of Vacation of the Section Line Easement.
5. Hatcher Pass Village Phase 1 SLEV PUE was continued to the August 1, 2024 Platting Board meeting from the July 18, 2024 meeting to allow time for the posting of the notice of vacation.
6. Proof of constructability has been supplied pursuant to MSB 43.15.021(C).
7. Approval from the Assembly will be required prior to recording, pursuant to MSB 43.15.035(D).
8. At the time of staff report write-up, there were no responses to the Request for Comments from US Army Corps of Engineers; Community Council Fishhook; Fire Service Area #132 Greater Palmer Consolidated; Road Service Area #16 South Colony; MSB Emergency Services, Community Development, Assessments, Planning, Pre-Design Division or Development Services.
9. There were no objections from any federal or state agencies, Borough departments, or utilities.
10. There were no objections from the public in response to the Notice of Public Hearing.
11. One comment with concerns was received from the public in response to the notice of public hearing.

CONDITIONS of APPROVAL:

The Platting Board approved the preliminary plat for Hatcher Pass Village PH I SLEV PUE contingent upon the following:

1. 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.
2. Obtain Assembly approval of the vacation within 30 days of written Platting Authority Action Letter.
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. Provide a Public Use Easement (PUE) document in accordance with MSB 43.15.021 for the proposed Public Use Easement. Show the PUE on the plat.
6. Show all easements of record on final plat.
7. Submit recording fees, payable to Department of Natural Resources (DNR).
8. Submit Vacation Plat in full compliance with Title 43 and Department of Natural Resources requirements.
9. Move the 60 foot Public Use Easement 15 feet southerly and grant a 15' Utility Easement to adjoin the northerly side of the Public Use Easement.

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on August 1, 2024, at the Matanuska-Susitna Borough 350 E Dahlia Ave, Palmer, Alaska. Alaska. Chair Johnson called the Meeting to order at 1:01 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. Ron Johnson, District Seat #1, Chair
Mr. Brian Goodman, District Seat #2
Mr. Eric Koan, District Seat #3, Vice Chair
Ms. Michelle Traxler, District Seat #5
Ms. Sandra Kreger, District Seat #6
Ms. Karla McBride, Alternate A
Mr. Robert Hallford, Alternate B

Platting Board members absent and excused were:

Mr. Sidney Bertz, District seat #7
Mr. Dan Bush, District Seat #4

Platting Board members absent were:

Staff in attendance:

Mr. Fred Wagner, Platting Officer
Ms. Kayla Kinneen, Platting Board Clerk
Mr. Matthew Goddard, Platting Technician
Mr. Chris Curlin, Platting Technician
Ms. Natasha Heindel, Platting Technician
Mr. Connor Herren, Platting Assistant

B. THE PLEDGE OF ALLEGIANCE

Platting Member Kreger led the pledge of allegiance.

C. APPROVAL OF THE AGENDA

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

MOTION: Platting Member Traxler made motion to approve the agenda. Platting Member Koan seconded.

The agenda was approved unanimously.

2. APPROVAL OF MINUTES

- July 18, 2024.

MOTION: Platting Membe Kreger made motion to approve July 18, 2024 minutes. Platting Member Traxler seconded.

Minutes were approved unanimously.

3. AUDIENCE PARTICIPATION & PRESENTATIONS

PERSONS TO BE HEARD (Three minutes per person for items not scheduled for public hearing)

Persons who spoke:

- Geral Vanduska
- Landon Binder

4.UNFINISHED BUSINESS

A. **LAZY MOOSE RUN:** The request is to create 7 lots from Lots 5, 6, and 7, Ranchettes, Plat #76-64, to be known as **LAZY MOOSE RUN**, containing 6.86 acres +/- . The property is located north of E. Clark Wolverine Road, east of N. Clark Wolverine Road, and directly east of N. Thor Road (Tax ID #3035B01L005 / L006 / L007); within the SE ¼ Section 27, Township 18 North, Range 02 East, Seward Meridian, Alaska. In the Lazy Mountain Community Council and in Assembly District #1. (*Petitioner/Owner: Thomas & Megan Van Diest Staff: Matthew Goddard, Case #2024-048*)

Chair Johnson read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record.

Discussion ensued.

MOTION: Platting Member Traxler made a motion to approve the preliminary plat of Lazy Moose Run with 7 conditions of approval and 10 findings of fact. Platting Member Koan seconded the motion.

VOTE: The motion passed without objection.

Borough Attorney, John Aschenbrenner, addressed the Board about the public participation questions.

Discussion ensued.

5.RECONSIDERATIONS/APPEALS

(None)

6.PUBLIC HEARINGS

- A. **STONE CREEK PH 7:** The request is to create 15 lots and one tract from Tract Z, Stone Creek Phase 6, Plat No. 2021-48; to vacate a Public Use Easement along the southern and eastern boundary of Tract Z, Plat No. 2021-48; and to dedicate of right of way for the connection of N. Engstrom Road along the southern and eastern boundary of Tract Z, to be known as **STONE CREEK PHASE 7**, containing 106.17 acres +/- . The parcel is located directly northeast of N. Engstrom Road, north of Cornelius Lake, and southwest of N. Palmer-Fishhook Road (Tax ID# 8124000T00Z); within the N 1/2 of Section 22, Township 18 North, Range 01 East, Seward Meridian, Alaska. In the North Lakes Community Council and Assembly District #1. (*Petitioner/Owner: JRK Group LLC
Staff: Natasha Heindel, Case #2024-076/077*)

Chair Johnson read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record.

Kayla Kinneen provided the mailing report:

- Stating that 109 public hearing notices were mailed out on July 9, 2024.

Staff gave an overview of the case:

- Staff recommends approval with 10 conditions and 8 findings of facts.

Chair Johnson invited the petitioner/petitioner's representative to give an overview.

The petitioner's representative, Gary LoRusso spoke.

Chair Johnson opened the public hearing for public testimony.

The following persons spoke:

- Spencer Audie

There being no one else to be heard Chair Johnson closed the public hearing and invited the petitioner and/or the petitioner's representative to further discuss and answer any questions from the Board.

The petitioner's representative, Gary LoRusso spoke.

Discussion ensued.

MOTION: Platting Member Traxler made a motion to approve the preliminary plat of Stone Creek. Platting Member Koan seconded the motion.

Discussion ensued.

VOTE: The motion passed without objection.

- B. **KALMBACH LAKE 2023**: The request is to remove a plat note from Lot 5, Block 1, Kalmbach Lake N #1, Plat #2002-48, and to eliminate the common lot line between Tract A and Lot 9, Block 1, Kalmbach Lake N, Plat #96-1, to be known as **Kalmbach Lake 2023**, containing 3.218 acres +/- . The property is located south and east of W Beverly Lake Road, north of Kalmbach Lake, and south of Beverly Lake(Tax ID #5227B01L005, 4518B01L009, & 4518000T00A); within the NE ¼ Section 35, Township 18 North, Range 02 West, Seward Meridian, Alaska. In the Meadow Lakes Community Council and in Assembly District #7. (*Petitioner/Owner: Maria Kalmbach Staff: Matthew Goddard, Case #2024-078*)

Chair Johnson read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record.

Kayla Kinneen provided the mailing report:

- Stating that 73 public hearing notices were mailed out on July 9, 2024.

Staff gave an overview of the case:

- Staff recommends approval with 6 conditions and 7 findings of facts.

Chair Johnson invited the petitioner/petitioner's representative to give an overview.

The petitioner's representative, Dayna Rumfelt spoke.

Chair Johnson opened the public hearing for public testimony.

The following persons spoke:

- Patricia O'Neil
- Maria Kalmbach

There being no one else to be heard Chair Johnson closed the public hearing open and invited the petitioner and/or the petitioner's representative to further discuss and answer any questions from the Board.

The petitioner's representative spoke.

MOTION: Platting Member Traxler made a motion to approve the preliminary plat, Kalmbach Lake 2023. Platting Member Kreger seconded the motion.

VOTE: The motion passed without objection.

- C. **LITTLE SUSITNA FLATS**: The request is to create 4 lots from Lot 4, Little Susitna Flats (Plat #2022-133), Vacate the Section Line Easement, and dedicate R.O.W., to be known as **Little Susitna Flats 2024**, containing 44.71 acres +/- . The property is directly north of N. Pittman Road, south of the Little Susitna River, and directly west and south of W. Sunrise Place;(Tax ID's 8333000L001, 2, 3, & 4); within the NW ¼ Section 23 and the SW 1/4 Section 14, Township 18 North, Range 2 West, Seward Meridian, Alaska. In the Meadow Lakes Community Council and in Assembly District #7. (*Petitioner/Owner: Aleksandr Baletskiy Staff: Chris Curlin, Case #2024-069*)

Chair Johnson read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record.

Kayla Kinneen provided the mailing report:

- Stating that 31 public hearing notices were mailed out on June 27, 2024.

Staff gave an overview of the case:

- Staff recommends approval with 8 conditions and 10 findings of facts.

Chair Johnson invited the petitioner/petitioner's representative to give an overview.

The petitioner's representative chose not to speak.

Chair Johnson opened the public hearing for public testimony.

There being no one to be heard Chair Johnson closed the public hearing open and invited the petitioner and/or the petitioner's representative to further discuss and answer any questions from the Board.

The petitioner's representative, Craig Hanson spoke.

MOTION: Platting Member Koan made a motion to approve the preliminary plat, Little Susitna Flats. Platting Member Traxler seconded the motion.

Discussion ensued.

VOTE: The motion passed without objection.

- D. **HATCHER PASS VILLAGE PH I SLEV PUE**: The request is to grant a 60' wide Public Use Easement on the northern boundary and vacate a 50' wide section line easement on the eastern boundary of Tract B-1, Hatcher Pass Village Phase I, Plat 2018-112. The property is located west of the Little Susitna River, east of N. Mountain Trails Drive, and directly north of E. Edgerton Parks Road (Tax ID #7793000T00B-1); within the NE ¼ Section 33, Township 19 North, Range 01 East, Seward Meridian, Alaska. In the Fishhook

Community Council and in Assembly District #1. (*Petitioner/Owner: Hatcher Pass Village Inc Staff: Matthew Goddard, Case #2024-074*)

Chair Johnson read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record.

Kayla Kinneen provided the mailing report:

- Stating that 48 public hearing notices were mailed out on June 27, 2024.

Staff gave an overview of the case:

- Staff recommends approval with 8 conditions and 11 findings of facts.

Chair Johnson invited the petitioner/petitioner's representative to give an overview.

The petitioner's representative chose not to speak.

Chair Johnson opened the public hearing for public testimony.

There being no one to be heard Chair Johnson closed the public hearing open and invited the petitioner and/or the petitioner's representative to further discuss and answer any questions from the Board.

The petitioner's representative, Craig Hanson spoke.

MOTION: Platting Member Koan made a motion to approve the preliminary plat, Hatcher Pass Village Ph I SLEV PUE. Platting Member Traxler seconded the motion.

Discussion ensued.

Recess: 2:39 PM

Returned: 2:51 PM

Discussion continued.

MOTION: Platting Member Koan made a motion to amend and add the condition of approval #9 to state 'move the 60 foot Public Use Easement 15 feet southernly and grant a 15 foot Utility Easement to adjoin the northernly side of the Public Use Easement.' Platting Member Traxler seconded.

Discussion ensued

VOTE: The motion passed without objection to add condition #9.

VOTE: The preliminary plat of Hatcher Pass Village Ph I SLEV PUE was approved unanimously.

7. PLATTING STAFF & OFFICER COMMENTS

A. Adjudicatory (*if needed*)

B. Upcoming Platting Board Agenda Items

Platting Officer, Fred Wagner informed the board of upcoming items:

- There is 1 case on August 15th Platting Board Meeting. Alex Strawn will be attending in place of Fred.

BOARD COMMENTS.

- Goodman- Thanked everyone that worked through the meeting and help come to an understanding of what other property owners may need.
- Hallford- Well done.
- Kreger- Thanked Mr. Hanson and his client.
- Chair Johnson- Thanked everyone for their patience.

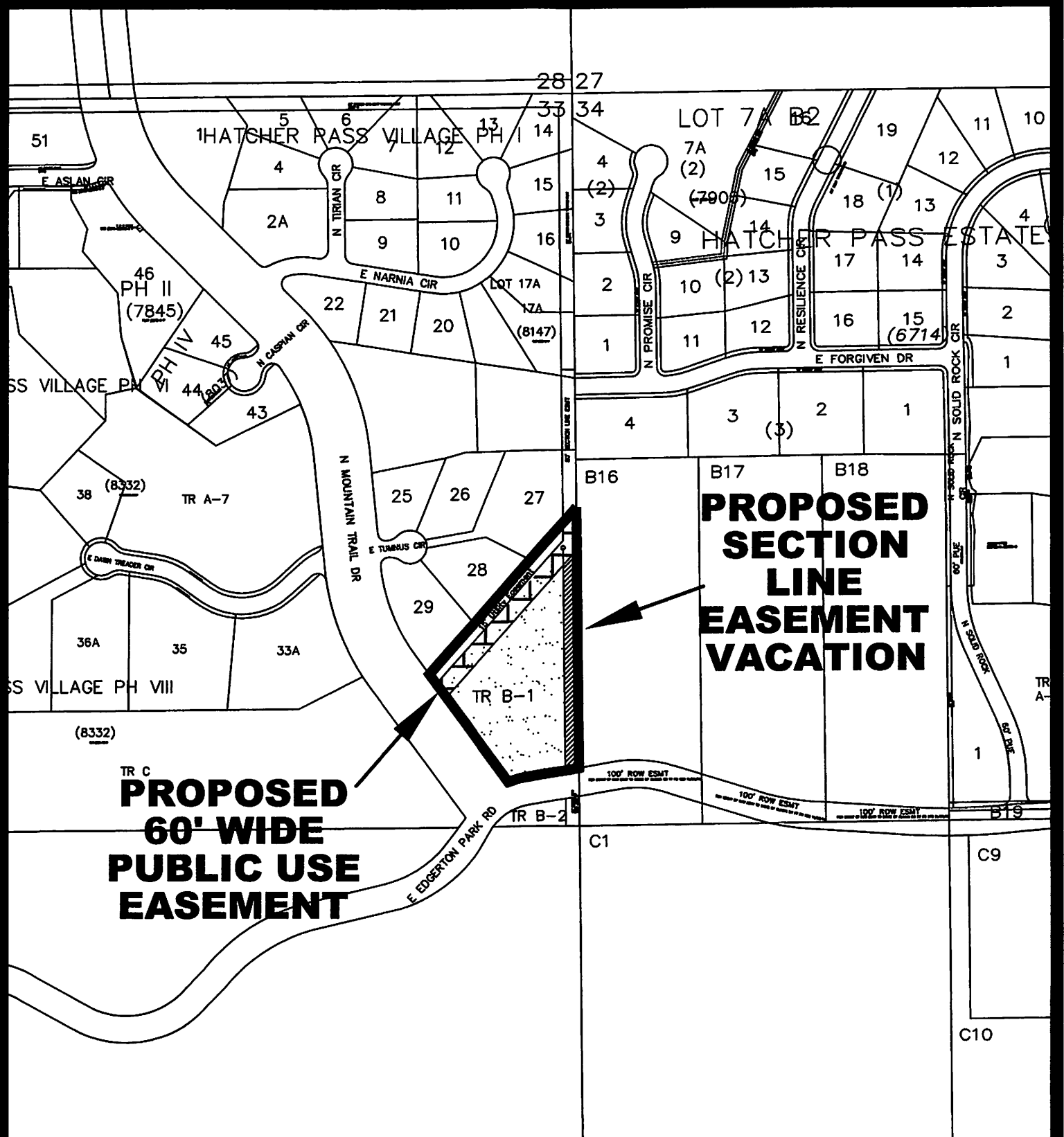
8. ADJOURNMENT

With no further business to come before the Platting Board, Chair Johnson adjourned the meeting at 3:04 PM.

RON JOHNSON
Platting Board Chair

ATTEST:

KAYLA KINNEEN
Platting Board Clerk



**PROPOSED
60' WIDE
PUBLIC USE
EASEMENT**

**PROPOSED
SECTION
LINE
EASEMENT
VACATION**

VICINITY MAP
 FOR PROPOSED HATCHER PASS VILLAGE PH I
 SLEV PUE
 LOCATED WITHIN
 SECTION 33, T19N, R01E, SEWARD MERIDIAN
 ALASKA
 IN 13 MAP

WILLIAMS SUB
 5040-1
 E BYRON'S WAY
 (PRIVATE)
 24-099