

**SUBJECT:** TO VACATE APPROXIMATELY 22,680 SQUARE FEET OF E. EDGERTON PARKS ROAD RIGHT-OF-WAY LYING WEST OF N. RUSSET ROAD. LOCATED IN SECTION 32, TOWNSHIP 19 North, RANGE 01 EAST.

**AGENDA OF:** August 1, 2023

**ASSEMBLY ACTION:** Approved under the consent agenda 08/01/23 - SP

**AGENDA ACTION REQUESTED:** Present to the Assembly for consideration.

Route To:	Signature
Originator	<div>7 / 2 0 / 2 0 2 3</div> <div>X M a t t h e w G o d d a r d</div> <div>S i g n e d b y : M a t t h e w G o d d a r d</div>
Department Director	<div>7 / 2 0 / 2 0 2 3</div> <div>X A l e x S t r a w n</div> <div>S i g n e d b y : A l e x</div>
Finance Director	<div>7 / 2 0 / 2 0 2 3</div> <div>X L i e s e l W e i l a n d</div> <div>S i g n e d b y : L i e s e l W e i l a n d</div>
Borough Attorney	<div>7 / 2 1 / 2 0 2 3</div> <div>X N i c h o l a s S p i r o p o u l o s</div> <div>S i g n e d b y : N i c h o l a s S p i r o p o u l o s</div>
Borough Manager	<div>7 / 2 1 / 2 0 2 3</div> <div>X M i c h a e l B r o w n</div> <div>S i g n e d b y : M i c h a e l B r o w n</div>
Borough Clerk	<div>7 / 2 1 / 2 0 2 3</div> <div>X S o n y a P e v a n f o r</div> <div>S i g n e d b y : S o n y a P e v a n</div>

**ATTACHMENT (S) :**

Fiscal Note	(1 Page)
Platting Board Minutes	(6 pages)
Notification of Action	(2 pages)
Vicinity Map	(1 page)

**SUMMARY STATEMENT:** The Platting Board approved the preliminary plat of Riddle Subdivision on July 6, 2023. This request included the vacation of approximately 22,680 square feet<sup>±</sup> of E. Edgerton Parks Road right-of-way (ROW) lying west of N. Russet Road. This portion of ROW is no longer used in the current alignment of E. Edgerton Parks Road. The Platting Board's decision to vacate the portion of E. Edgerton Parks Road ROW is consistent with MSB 43.20.035 Vacations.

**RECOMMENDATION OF ADMINISTRATION:** Staff recommends the assembly approve the vacation of ROW.

**MATANUSKA-SUSITNA BOROUGH**  
**FISCAL NOTE**

Agenda Date: August 1, 2023

SUBJECT: TO VACATE APPROXIMATELY 22,680 SQUARE FEET OF E. EDGERTON PARKS ROAD RIGHT-OF-WAY LYING WEST OF N. RUSSET ROAD. LOCATED IN SECTION 32, TOWNSHIP 19 North, RANGE 01 East.

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT YES <b>NO</b>
AMOUNT REQUESTED *	FUNDING SOURCE
FROM ACCOUNT #	PROJECT
TO ACCOUNT :	PROJECT #
VERIFIED BY: <div style="text-align: right; font-size: small;">7 / 2 0 / 2 0 2 3</div> <div style="text-align: center;">X M e r i s s a C a r r e l l</div> <div style="text-align: center; font-size: x-small;">Signed by: M e r i s s a C a r r e l l</div>	CERTIFIED BY:
DATE:	DATE:

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028
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) \*No funds requested.

PREPARED BY: \_\_\_\_\_ PHONE: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_ DATE: \_\_\_\_\_

7 / 2 0 / 2 0 2 3

APPROVED BY:  X      L i e s e l W e i l a n d  \_\_\_\_\_

Signed by: L i e s e l W e i l a n d

AM No. 23-077

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on JULY 6, 2023, at the Matanuska-Susitna Borough 350 E Dahlia Ave, Palmer, Alaska. Chair Leonard 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  
Mr. Eric Koan, District Seat #3  
Mr. Alan Leonard, District Seat #7, Chair  
Ms. Amanda Salmon, Alternate A  
Mr. Robert Hallford, Alternate B

Platting Board members absent and excused were:

Mr. Dan Bush, District Seat #4  
Ms. Michelle Traxler, District #5  
Mr. Sandra Kreger, District Seat #6  
Mr. Emmett Leffel, District Seat #2

Staff in attendance:

Mr. Alex Strawn, Planning and Land Use Director  
Mr. Fred Wagner, Platting Officer  
Ms. Theresa Taranto, Platting Clerk  
Ms. Amy Otto-Buchanan, Platting Technician  
Mr. Matthew Goddard, Platting Technician  
Mr. Chris Curlin, Platting Technician

**B. THE PLEDGE OF ALLEGIANCE**

Platting member Hallford led the pledge of allegiance.

**C. APPROVAL OF THE AGENDA**

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

- Correction to Item #2 - Approval of the minutes, June 1, 2023 Minutes

**2. APPROVAL OF MINUTES**

- June 1, 2023 Minutes were approved unanimously

**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**

- A. Request for Appeal of Platting Officer decision for RIPJENSEN, Case # 2023-050.

Borough Deputy Attorney, John Aschenbrenner asked if the appellant was online

There was no response when Chair Leonard asked those online if Mr. Burrill was online.

- 1.) Staff gave an overview of the case
- 2.) Appellant and /or Representative testimony  
No one present online or in the room at this time
- 3.) Entitlement Applicant, if not the appellant testimony  
The following person spoke:
  - Applicants representative, Mike Schechter, Real Estate Attorney
- 4.) Borough, if not the appellant testimony  
The following person spoke:
  - Matanuska-Susitna Borough representative, John Aschenbrenner, Deputy Borough Attorney
- 5.) Interested parties testimony  
Following person spoke:
  - Austin Burrill
- 6.) Appellant and/or Representative for rebuttal  
The following person spoke:
  - Mike Schechter, Applicants Representative stated he stands by his comments.

Platting Member, Johnson had questions for Mr. Schechter.

MOTION:               Platting Member Johnson made a motion to uphold Platting Officer, Fred Wagner's decision. Platting Member Koan seconded the motion.

VOTE:                 The motion passed without objection.

Borough Deputy Attorney, Mr. Aschenbrenner recommended the following next step:

- Platting Board to use staff report items #1 through #5 or items listed in written submission by Matanuska-Susitna Borough,
- MSB Law Department to draft up an order of consensus for the boards signature for consideration.

RECESSED:           1:29 P.M.

RECONVENED:       1:46 P.M.

MOTION:             Platting Member Johnson moved to reconsider the decision. Platting Member Koan seconded the motion.

**VOTE:** The motion passed without objection.

Chair Leonard read the points as listed in the written submission by the Matanuska-Susitna Borough:

- 1) The staff report and agenda were available at the hearing, which the Appellant chose not to attend.
- 2) The agenda and staff report were also available online the day before the hearing.
- 3) RIPJENSON abbreviated plat was limited to moving interior lot lines in order to remedy a setback violation.
- 4) This platting action falls within the jurisdiction of the Platting Officer under MSB 43.15.025 which the Borough Assembly adopted.
- 5) The RIPJENSON abbreviated plat was brought by the property owner to remedy a setback violation.
- 6) The abbreviated plat application was a precursor to the Planning Commission consideration of the CUP application to bring the subdivision into compliance with setback ordinances.
- 7) The abbreviated plat did not circumvent the conditional use permit process, it was predicate to the CUP application before the Borough Planning Commission.
- 8) Appellant's argument that the abbreviated plat circumvented the CUP process before the Borough Planning Commission is without support and is hereby rejected by the Platting Board.
- 9) The Appellant does not specify how the bulk fuel storage was "improperly sited."
- 10) The abbreviated plat was advertised in the Frontiersman Newspaper and public notices were mailed to all property owners within 600 feet of the parcels involved in the application. None of these agencies lodged objections to the proposed abbreviated plat application.
- 11) A notice and request for comments on the abbreviated plat application was sent to: AK Department of Fish and Game; US Army Corp of Engineers; Community Council #2 Gateway; Fire Service Area # 130 Central Matsu; Road Service area # 9 Midway; Borough Emergency Services; Community Development Department of Public Works; Borough Assessments; Borough Developments Services; Borough Planning Department; Borough Legal; Assembly member for District #3; US Postmaster; Matanuska-Electric Association; Matanuska Telephone Association; Enstar Natural Gas; and GCI.
- 12) The contention that the abbreviated plat application circumvented other agency intervention about concerns over public drinking water has not been demonstrated, is without merit, and is hereby rejected by the Platting Board.

These 12 items and 7 findings of fact are adopted as consideration of their decision.

**MOTION:** Platting Member Johnson moved to uphold the decision of the Platting Officer with 7 findings of fact. Platting Member Koan seconded the motion.

**VOTE:** The motion passed without objection.

Discussion ensued

Mr. Aschenbrenner reiterated to the board in regards to the "Order of the Decision."

- The Clerk will draw up an “Order of the Decision” to be signed by the Chair, with the 12 items listed above, along with findings, #1 through #7 from the staff report,

Mr. Burrill addressed the board

2:02 P.M. Alex Strawn left the room.

2:02 P.M. Fred Wagner stepped into the meeting and took his seat at the dais.

## **6. PUBLIC HEARINGS**

- A. **RIDDLE:** The request is to vacate approximately 22,680 SQ. FT. ± of dedicated right-of-way and create lots from Parcel 2, M.S.B Waiver Resolution # 98-81-PWm, to be known as **Riddle**, containing 9.45 acres +/- . The property is located south and west of E. Edgerton Parks Road, and east of N. Government Creek Road(Tax ID # 19N01E32D020); within the SE ¼ Section 32, Township 19 North, Range 01 East, Seward Meridian, Alaska. In the Fishhook Community Council and in Assembly District #1. (*Petitioner/Owner: Jeremy Riddle/Randy & Daphne Deschamps, Staff: Matthew Goddard, Case# 2023-057/058*)

Chair Leonard 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 40 public hearing notices were mailed out on June 13, 2023.

Staff gave an overview of the case:

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

Chair Leonard invited the petitioner/petitioner’s representative to give an overview.

The petitioner’s representative/ petitioner was not present.

Chair Leonard opened the public hearing for public testimony.

There being no one to be heard Chair Leonard closed the public hearing and invited the petitioner and/or the petitioner’s representative to give a brief overview.

The petitioner was present and chose not to speak.

The petitioner’s representative, Tim Carmen stated he was online for any questions for the board.

**MOTION:** Platting Member Salmon made a motion to approve with 7 findings of fact and 9 conditions. Platting Member Koan seconded the motion.

Discussion ensued

**VOTE:** The motion passed without objection.

- B. **KELTON'S CIRCLE:** The request is to create seven lots from Tax Parcel C7 (Parcel #3, MSB Waiver 76-4, recorded 79-245w) and create a 60' X 60' Public Use Easement on Tract 6, Kelton's Knob Hill, Plat No. 2006-98, to be known as **Kelton's Circle**, containing 15.82 acres +/- . Parcels are located east and south of N. Wasilla-Fishhook Road. Access is from N. Kelton Knob Circle, which is currently unconstructed (Tax ID#s 18N01W35C007/1384000T006); lying within the SW ¼ Section 35, Township 18 North, Range 01 West, Seward Meridian, Alaska. In the Tanaina Community Council and in Assembly District #6. (*Precision Homes LLC & Bennett J. & Rhonda A. Durgeloh, Staff: Amy Otto-Buchanan, Case # 2023-061*)

Chair Leonard 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 101 public hearing notices were mailed out on June 13, 2023.

Staff gave an overview of the case:

- Staff recommends continuance to date uncertain.

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

The petitioner's representative/ petitioner was not present.

Chair Leonard opened the public hearing for public testimony.

The following persons spoke:

- Nick Decovich

Chair left the public hearing open.

**MOTION:** Platting Member Johnson made a motion to continue Kelton's Circle to date uncertain. Platting Member Salmon seconded the motion.

Discussion ensued

**VOTE:** The motion passed without objection.

## **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:

- We will wait to introduce Michelle Traxler until the next meeting.
- Fred Will not be at the July 20 meeting, Alex Strawn, Planning Director will fill in for him.

- Next meeting July 20, 2023. We have 2 cases on the agenda;
  - Legacy Hills Estate
  - Agnes Acres

Platting Clerk, Theresa Taranto stated the “Roberts Rules for Dummies” books are for them to keep.

**BOARD COMMENTS.**

- Platting member Salmon – no comment
- Platting member Koan – no comment
- Platting member Johnson – Welcome back Theresa, Thanks for Roberts Rules book and hopes Fred catches fish.
- Platting member Hallford – Sorry Theresa missed the one day of summer.
- Chair Leonard – Thank you.

**8. ADJOURNMENT**

With no further business to come before the Platting Board, Chair Leonard adjourned the meeting at **2:32 pm**.

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ALAN LEONARD  
Platting Board Chair

ATTEST:

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THERESA TARANTO  
Platting Board Clerk





# MATANUSKA-SUSITNA BOROUGH

## Platting Division

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

### PLATTING BOARD ACTION LETTER

July 10, 2023

Jeremy Riddle  
P.O. Box 104  
Palmer AK 99645

Case #: 2023-057/058

Case Name: RIDDLE (ROW VACATION)

Action taken by the Platting Board on July 6, 2023 is as follows:

THE PRELIMINARY PLAT FOR RIDDLE (ROW VACATION) WAS APPROVED AND WILL EXPIRE ON JULY 10, 2029 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:

Bull Moose Surveying  
200 E. Hygrade Lane  
Wasilla AK 99654

**Additional Plat Reviews After 2<sup>nd</sup> Final are \$100.00 Each**

**FINDINGS of FACT:**

1. The plat of Riddle is consistent with AS 29.40.070 Platting Regulations, MSB 43.15.016 Preliminary Plats and MSB 43.15.035 Vacations.
2. A notice of vacation of a public right-of-way was posted at the site for at least 30 days prior to the hearing pursuant to MSB 43.10.065(G).
3. A soils report was submitted, pursuant to MSB 43.20.281(A)(1)
4. The lot has 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; Community Council #10 Fishhook; Fire Service Area #132 Greater Palmer Consolidated; Road Service Area #16 South Colony; MSB Emergency Services, Community Development, Assessments, Planning; or MEA.
6. There were no objections from any federal or state agencies, Borough departments, or utilities.
7. There were no objections from the public in response to the Notice of Public Hearing.

**CONDITIONS of APPROVAL:**

The Platting Board approved the preliminary plat for Riddle 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 the written notice of action letter.
3. Dedicate 40' of right-of-way running the length of the eastern boundary of the property.
4. Provide Platting Staff a copy of all driveway permits / driveway permit applications for all existing accesses.
5. 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.
6. Pay postage and advertising fees.
7. Show all easements of record on final plat.
8. Submit recording fees, payable to Department of Natural Resources (DNR).
9. Submit plat in full compliance with Title 43.

