



	Approved	Denied
Date Action Taken:	9/22/08	
Other:	Holler, Larson, Massie, Woodruff + Matua in favor; Menard opposed	
Verified by:	Hornite	

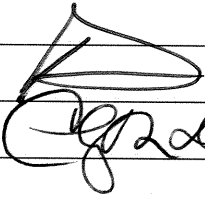
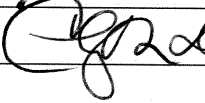
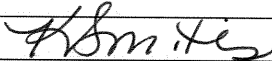
WASILLA CITY COUNCIL ACTION MEMORANDUM

AM No. 08-56

TITLE: VACATION OF PORTIONS OF SOUTH MANEY DRIVE AND THE ADJOINING 5 FOOT PUBLIC USE EASEMENT

Agenda of: September 22, 2008
 Originator: Public Works Director

Date: September 10, 2008

Route to:	Department	Signature/Date
	Police Chief Youth Court, Dispatch, Code Compliance	
	Culture and Recreation Services Director Library, Museum, Sports Complex	
X	Public Works Director Facility Maintenance, Utility, Roads & Airport	 9/10/08
X	Chief Financial Officer Finance, Risk Management, Purchasing & MIS	 9/11/08
X	Deputy Administrator Planning, Economic Development, Human Resources	
X	City Clerk	

REVIEWED BY MAYOR DIANNE M. KELLER:  9/11/08

FISCAL IMPACT: yes or no Funds Available yes no

Account name/number:

Attachments: MSB Notification Case #2008-072

SUMMARY STATEMENT: The vacation is requested to allow for development in the area currently occupied by the right-of-way. A new right-of-way will be dedicated adjoining the northwesterly boundary of Tract C to replace the vacated right-of-way. The new right-of-way will provide equal and alternate access from Parks Highway to Hermon Road.

The Matanuska-Susitna Borough Platting Board approved the vacation under MSB 27.15.110 Vacations as equal and alternate access is being provided. MSB 27.15.110 (D) requires approval from City Council for vacations within City limits.

ACTION: Approve the vacation of portions of South Maney Drive and the adjoining 5 foot public use easement (MSB Platting Board Case #2008-072) in accordance with MSB 27.15.110 (D).



MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
Platting Division

350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 745-9874 • Fax (907) 746-7407

September 3, 2008

CITY OF WASILLA
290 E HERNING
WASILLA, AK. 99654

RECEIVED

SEP 09 2008

OFFICE OF THE CITY CLERK
CITY OF WASILLA

RE: Creekside Town Square Tracts F-O
Vacation of portions of S Maney Dr. and the adjoining 5' Public use easement
CASE: 2008-072

Please respond if you have any objections within 30 days of the Platting Board Notification of Action (September 3, 2008).

REASON FOR REQUEST: To allow construction development in the area currently occupied by right-of-way. New right-of-way will be dedicated adjoining the northwesterly boundary of tract C (southeasterly boundary of Tract B). Legal and physical access will be provided from the Parks Highway on the south via a private driveway entrance, and from New Maney Drive on the west.

SUMMARY STATEMENT: On August 21, 2008 (written decision September 3, 2008) the platting board approved the vacation under MSB 27.15.110 Vacations as equal and alternate access is being provided.

RECOMMENDATION: Staff recommends the City approve the vacation as the platting board's decision to vacate is consistent with **MSB 27.15**.

Regards;


Paul Hulbert, Platting officer

ATTACHMENT(S): Minutes 8-21-08 (6 pages)
Vicinity Map (1 page)
Notification of Action (6 pages)



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Platting Division

350 East Dahlia Avenue • Palmer AK 99645

Phone (907) 745-9874 • Fax (907) 746-7407

September 3, 2008

NOTIFICATION OF PLATTING BOARD ACTION

RE: CREEKSIDE TOWN SQUARE TRACTS F-O

Teton Investments, LLC

PO Box 876041

Wasilla, AK 99654

CASE: 2008-072

Action taken by the Platting Board on August 21, 2008 is as follows:

THE PRELIMINARY PLAT FOR CREEKSIDE TOWN SQUARE WITH THREE VARIANCES AND TWO VACATIONS WAS APPROVED, CONTINGENT UPON THE FOLLOWING CONDITIONS /REASONS (see attached).

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL BY THE PLATTING BOARD OR OFFICER 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. Terry Nicodemus
Platting Board Vice Chair

cc:

Lounsbury & Associates, Inc.

5300 A Street

Anchorage, AK 99518

MSB/DPW

City of Wasilla

RECOMMENDATION for VARIANCE FROM MSB 27.20.030(A) ACCESS REQUIRED-for reduced road geometry within the private internal access easements

The Platting Board has approved of the petitioner's request for a Variance from MSB 27.20.030(A) ACCESS REQUIRED, based on petitioner's response to criteria A, B and C.

FINDINGS

1. It's usual and customary to have internal roads within commercial subdivisions to be private with private maintenance.
2. There are no objections from borough, city or state agencies or from the public.

RECOMMENDATIONS FOR VARIANCE FROM MSB 27.20.035(A)(2) LEGAL ACCESS- for 30' wide private internal access easements to Tracts G, H & I

The Platting Board has approved the Variance from MSB 27.020.035(A)(2) LEGAL ACCESS, based on petitioner's response to criteria A, B and C.

FINDINGS

1. It's usual and customary to have internal roads within commercial subdivisions to be private with private maintenance.
2. There are no objections from borough, city or state agencies or from the public.

RECOMMENDATIONS FOR VARIANCE FROM MSB 27.20.045(A)(2)-ROAD DESIGN STANDARDS – for shorter radii length on centerlines and reverse compound curves on new S. Maney Dr.

The Platting Board has approved the Variance from MSB 27.20.045(A)(2) ROAD DESIGN STANDARDS, based on petitioner's response to criteria A, B and C.

FINDINGS

1. It's usual and customary to have internal roads within commercial subdivisions to be private with private maintenance.
2. There are no objections from borough, city or state agencies or from the public.
3. City of Wasilla has no objections as it is acceptable to promote traffic calming into adjacent residential areas.

RECOMMENDATIONS FOR VACATION OF PORTIONS OF S. MANEY Dr. And 5' Public Use Easement

The Platting Board has approved the Vacation of portions of S. Maney Dr. and 5' Public Use Easement, contingent on;

1. Wasilla City Council approval within 30 days of written platting board approval
2. Show the vacations on the final plat and note them in the plat title block

FINDINGS

1. The vacation is pursuant to AS 29.40.120 thru AS 29.40.160 and MSB 27.15.110. The vacation is consistent with MSB 27.15.110(A)(B)(1)(a) the vacation is conditioned upon the final approval of a plat which provides equal or better access to all areas affected by the vacation as a new 60' row is being dedicated containing a 28' wide paved road.

2. The new S. Maney Dr. provides the same connection routes as the one being vacated.
3. No objections to the vacation have been received from the borough, city, utility co. or the state.
4. A public objection has been received from Bob Andres. He comments in part "We oppose any vacations without the receiving parties paying the market value of the land received and reimbursing the city and state for all costs to build the road and secure the right of way. Additionally, and more importantly, we need a complete set of plans that should include the east/west corridor in place of Duane Drive that the developer received as an earlier vacation with all of the changes requested and required by the impacted private parties, the City of Wasilla, and the State of Alaska."
5. Payment of market value of the vacated street is not supported under AS 29.40.160 Title to Vacated Area (c) and MSB 27. 15.110 (C)(2) as W. Duane Dr and the portion of S. Dr. Maney Dr. being vacated was a subdivision dedication and was not acquired by the municipality for legal consideration or an expressed dedication. The vacated portions are being attached to the adjacent properties through this replat.
6. The replat is providing an east/west connection from the new S. Maney Dr. to Hermon Road via a 40' private easement and access across Tract F.

RECOMMENDATIONS FOR VACATION OF 30' AND 15' UTILITY EASEMENT

The Platting Board has approved vacating that portion of the existing 30' utility easement bisecting Tracts I and J and the 15' easement along Hermon Rd contingent upon:

1. Graphically depict vacation on plat or record vacation resolution.
2. Dedicate 15' wide utility easement along east side of Tract I and along Hermon Rd.
3. Within Tracts I & J enter into a relocation agreement with MEA & MTA, developer paying all relocation costs.
4. Obtain MEA, MTA and GCI sign-off on copy of final plat.
5. MSB & City of Wasilla to sign document acknowledging MTA prior rights for relocation reimbursement of utility relocates when Hermon Road is widened.

FINDINGS

1. The vacation is consistent with MSB 27.15.100 Vacation or Modification of Utility, Slope, Snow Storage, Drainage, Sanitation, Buffers, and Screening Easements.
2. MEA and MTA, reviewed the vacation request and have made stipulations for the vacations.
3. The petitioner is to bear all costs of relocating existing MTA utilities within Tract I & J.
4. There were no objections to the utility easement vacation request from the borough, city, or the state.
5. MTA has no objection to the vacation along Hermon Road contingent on a document signed by City of Wasilla & MSB acknowledging prior rights and MTA being eligible to relocation reimbursements in future when road is widened.

RECOMMENDATION for PRELIMINARY PLAT

The Platting Board has approved the Preliminary Plat for Creekside Town Square Tracts F,G,H,I,J,K-1,K-2,L,M,N & O contingent upon:

1. Pay MSB taxes special assessments and City of Wasilla special assessments in full for year of recording.
2. Submit current *Certificate to Plat* and *Beneficiary Acknowledgment* executed within seven (7) days of recordation.
3. Increase the internal private access easement to 40'. Record the private easements and reference them on the final plat.
4. Add the following plat note: Temporary access from the 40' private access easement on Tract H and G to Hermon Rd. will be provided through and across Tract F and N. The temporary access will automatically become terminated upon the extension of the private access road across Lot 1 Creekside Town Square to Hermon Rd.
5. Increase the access easement located on the common line of Tracts J and K-1 to a width approved by ADOT.
6. Add the following plat notes:
 - a. Tracts are served by city water and sewer no on lot water supply or wastewater disposal systems permitted
 - b. There may be Federal, state or local requirements governing land use. The individual parcel owner shall obtain a determination whether these requirements apply to the development of parcels shown on the plat to be recorded
 - c. City of Wasilla tax payment certification
 - d. Add the Covenants, Conditions and Restrictions note
 - e. Eagle activity may occur within or adjacent to this property. Contact the proper authorities to determine acceptable development around such activity and comply with all federal law where required. See Federal Bald Eagle Protection Act (16 U.S.C. 668-668c) and Migratory Bird Treaty Act of 1918(16 U.S.C. 703-712) as well as other Federal and State regulations.
7. By document provide a guaranty of private maintenance on internal private roads, emergency access and will remain open for public use.
8. Dedicate 15' utility easement adjoining all public roads. Enter into an agreement with the utility companies for any internal utility easements.
9. Submit recording fees, payable to SOA / DNR prior to recording.
10. Rename subdivision so as not to include all the separate tracts. Suggest Creekside Town Square Add 1.
11. Obtain a conditional use permit from the City for on site building development. As part of the conditional use permit, it is recommended that a 33' wide road with sidewalk be constructed within the 40' private access easement.

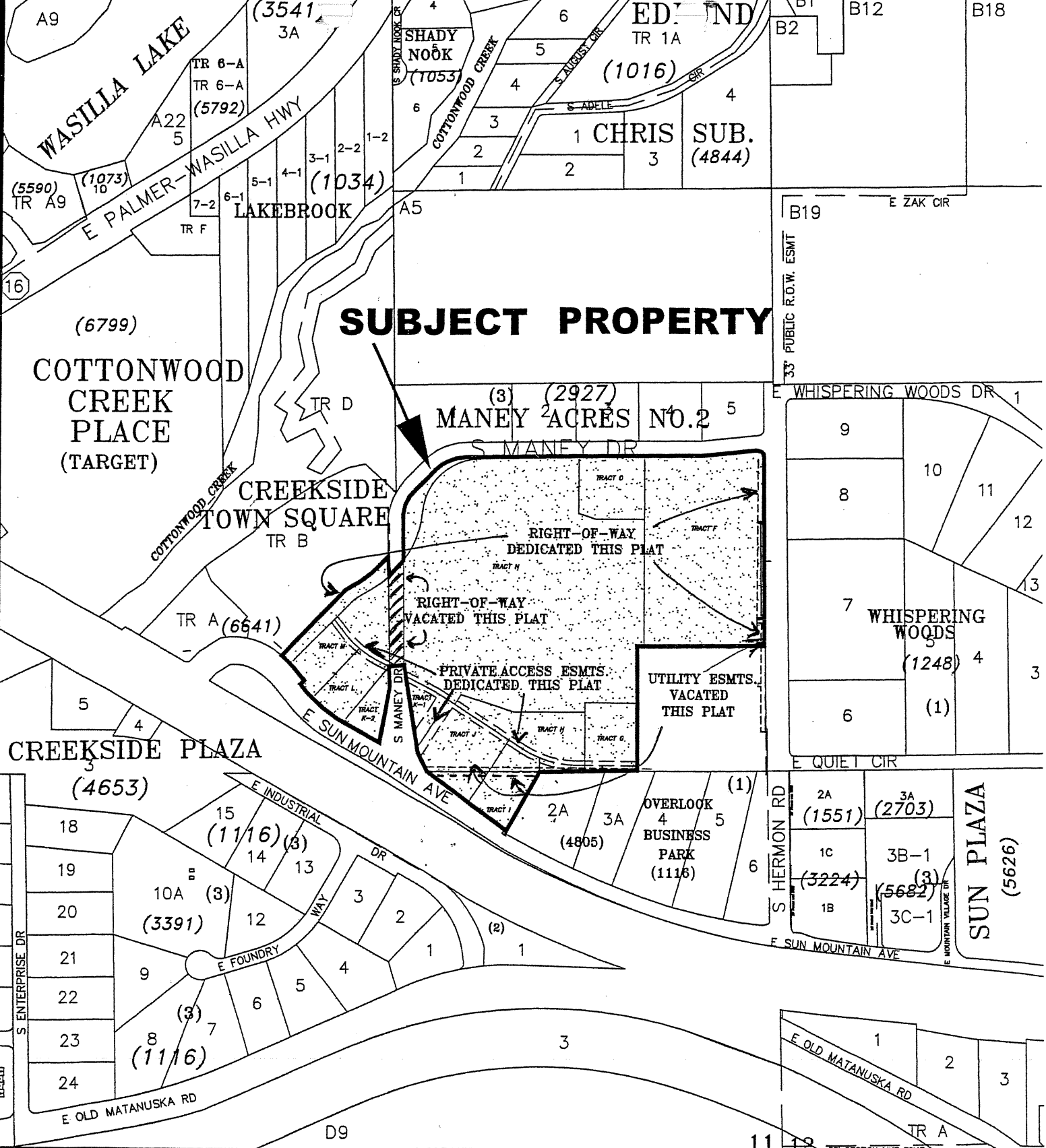
12. Obtain driveway permits from the city to access S. Maney Drive and from the state accessing onto Sun Mountain Drive, and Borough for access onto Hermon Road.
13. Submit final plat in full compliance with Title 27.

FINDINGS for PRELIMINARY PLAT

1. The preliminary plat of Creekside Town Square Tracts F-O is consistent with AS 29.40.070 Platting Regulations and MSB 27.20 Subdivision Standards.
2. The subject parcel lies within Wasilla City limits and is served by city water and sewer, exempting them from the requirements of MSB 27.20.060(A)(1).
3. Subject parcel is zoned commercial use.
4. As part of the conditional use permit it is recommended that the developer construct a 33' wide road and sidewalk within the internal 40' wide private access easement and to resolve the need for left turn lanes.
5. Legal and physical access to Tracts H and G is via an internal 40' private access easement. Driveway permits are required to be obtained from the appropriate governmental agency prior to accessing the public roads. The permitting agencies will reference the Driveway Standards as listed in the Alaska Highway Preconstruction Manual Table 1190-3 Distance Between Driveways.
6. The variances have been approved. No public or agency objections have been received.
7. Portions of Maney and the adjoining public use easement are being vacated. The statutory alternate is being provided.
8. There were no objections to the preliminary plat from the City of Wasilla, MSB departments, state agencies or utilities. There was no response to the request for comments from Wasilla-Lakes Fire/EMS.
9. The petitioner requested to vacate that portion of the existing 30' utility easement bisecting Tracts J and I and portions of the 15' utility easement that adjoins Hermon Rd. Replacement utility easements are being dedicated. Within Tracts J and I the developer will enter into a relocation agreement and pay all relocating costs with MTA.
10. A public objection has been received from Bob Andres. He comments in part "We oppose any vacations without the receiving parties paying the market value of the land received and reimbursing the city and state for all costs to build the road and secure the right of way. Additionally, and more importantly, we need a complete set of plans that should include the east/west corridor in place of Duane Drive that the developer received as an earlier vacation with all of the changes requested and required by the impacted private parties, the City of Wasilla, and the State of Alaska."
11. Payment of market value of the vacated street is not supported under AS 29.40.160 Title to vacated Area (c) and MSB 27. 15.110 (C)(2) as W. Duane Dr and the portion of S. Dr. Maney Dr. being vacated was a subdivision dedication and was not acquired by the municipality for

legal consideration or an expressed dedication. The vacated portions are being attached to the adjacent properties through this replat.

12. The platting board's decision is final unless appealed the board of adjustment and appeals under MSB 15.39. There is no appeal proceedings allowed for the vacation of public rights-of-way as the veto authority vests in the judicial authority, in this case the Wasilla City Council.
13. ADEC and DOT/PF approval of the site drainage is required for any storm water outfall into the drainage ditches within the State rights-of-way.
14. A traffic impact analysis has been submitted and approved by ADOT/PF.
15. The commercial accesses spacing onto Hermon Road will meet ASHTO standards.
16. Hermon Road connection to the Palmer-Wasilla Hwy. is contemplated to be completed within the next 2 years.



SUBJECT PROPERTY

CREEKSIDE TOWN SQUARE
TR B

(3) (2927)
MANEY ACRES NO. 2 5

WHISPERING WOODS
(1248) 4
(1)

CREEKSIDE PLAZA
(4653)

OVERLOOK BUSINESS PARK
(1116) (1)

SUN PLAZA
(5626)

VICINITY MAP

PROPOSED CREEKSIDE TOWN SQUARE
TRACTS F,G,H,I,J,K-1,K-2,L,M,N,O

LOCATED W/IN SECTION 11, T17N, R1W
SEWARD MERIDIAN, ALASKA

11 12
14 13
33' SECTION LINE ESMT

TR A
USS 9026

Mr. Tony Gumley (Petitioner)

- Appreciates the opportunity for the extension to complete the project.

MOTION:

- Mr. Smith moved to approve the two year extension for Barry's Acres RSB B/2 L/5 & 6. Mr. Spangler seconded.

VOTE:

- Motion passed with all in favor. There were 4 findings.

IV. PUBLIC HEARINGS

A. CREEKSIDE TOWN SQUARE TRACTS F-O

Ms. Fenster (Acting Secretary)

- Stated 79 Public Hearing Notices were sent on July 29, 2008 and to this date there have been two returns, no objections, no non-objections and no concerns.

Mr. Hulbert (Platting Officer)

- Gave review of the request; public and agency comments.

Changes to RECOMMENDATIONS FOR VACATION OF 30' AND 15' UTILITY EASMENT

3. Within Tracts I & J enter into a relocation agreement with MEA & MTA, developer paying all relocation costs.
5. MSB & City of Wasilla to sign document acknowledging MTA prior rights for relocation reimbursement of utility relocates when Hermon Road is widened.

Changes to FINDINGS for UTILITY VACATION

3. The petitioner is to bear all costs of relocating existing MTA utilities within Tract I & J.
5. MTA has no objection to the vacation along Hermon Road contingent on document signed by City of Wasilla & MSB acknowledging prior rights and MTA being eligible to relocation reimbursements in future when road is widened.

Changes to RECOMMENDATION for PRELIMINARY PLAT

3. Increase the internal private access easement to 40'; main access easement to Sun Mountain Drive and Hermon Road with the City. Record the private easements and reference them on the final plat.
7. By document provide a guaranty of private maintenance on internal private roads and emergency access and will remain open for public use.
11. Obtain a conditional use permit from the City for on site building development. As part of the conditional use permit, it is recommended that a 33' wide road with sidewalk be constructed within the 40' private access easement,

12. Obtain driveway permits from the city to access S. Maney Drive and from the state accessing onto Sun Mountain Drive, and Borough for access onto Hermon Road.

Changes to the FINDINGS for PRELIMINARY PLAT

- B. As part of the conditional use permit it is recommended that the developer will construct a 33' wide road and sidewalk within the internal 40' wide private access easement and to resolve the need for left turn lanes

13. The platting board's decision is final unless appealed the board of adjustment and appeals under MSB 15.39. There is no appeal proceedings allowed for the vacation of public rights-of-way as the veto authority vests in the judicial authority, in this case the Wasilla City Council.

Mr. Nicodemus (Vice Chair)

- Opened the public hearing.

Mr. Garvan Bucaria

- Stated the packet he picked up from the platting office was deficient as it did not contain materials available at the public hearing.
- Objects to plat for incomplete presentation of roadways, traffic and water drainage.
- Questions if road right-of-ways are sufficient
- Notes opportunities to detain runoff have not been adequately addressed.
- Requests a postponement of a decision until the applicant effectively depicts improvement to drainage and public access to prevent continued problems with runoff.
- Stated the applicant needs to revise the drainage plan as it is wrong.
- Offered a handout to be included.

Mr. George Asche

- Regrets that information he submitted through the Planning Commission did not get to the Platting Board earlier.
- Concerned about the handling of traffic being generated by this development.
- Stated the need for connectivity other than through a residential neighborhood.
- Believes that a 50' easement will be necessary to address left turn lanes and bike paths as well as the increased traffic.
- Believes a substantial amount of traffic will use Hermon Road to get to Seward Meridian rather than going out onto Parks Hwy to Seward Meridian.

Ms. Dianne Woodruff (As a member of the public)

- Clarified that the City of Wasilla's lack of official action on this matter should not be taken as an approval or disapproval.
- Concerned about the excessive number of accesses of internal circulation plan onto Hermon Road.
- Concerned that there should be some provision about the East – West traffic pattern across to the new Maney Drive.
- Concerned about the lack of drainage plan
- Concerned about the temporary closure of Maney Drive.

Ms. Kathy Wells (Director, Friends of Mat-Su)

- Concerns about Public hearing process and the dissemination of information that is acquired after the official packet is completed and distributed.
- Agrees that the drainage plan is necessary.
- Conditional use permit, this development requires one per Finding #4, speaker feels this should be completed before recordation of this plat.
- Recommends that the Platting Board not act on this case today.

Mr. Nicodemus (Vice Chair)

- Seeing no additional members of the public wishing to speak, closed the public hearing and asked the petitioner or representative to come forward.

Mr. Jim Sawhill (Petitioner's Representative)

- We are working with Title 27 which does not specifically address Commercial Developments
- We have worked with the utility companies to get the easements figured out
- We've worked with the Borough to get additional accesses figured out
- We are under contract to acquire property that will allow access between Hermon Road and Maney Drive.
- We are encouraging access onto the Parks rather than Hermon Road.
- We have submitted a drainage plan.
- We will be doing buffering landscaping on the north side and along Hermon Road.
- We agree with the conditions as written and read into the record.

Mr. Nicodemus (Vice Chair)

- I believe the drainage plan submitted is inadequate for a commercial development.

Mr. Sawhill (Petitioner's Representative)

- We have met with the city of Wasilla and worked with their requirements and requests for drainage.
- Drainage will not be concentrated at a single outfall.
- Drainage will be reviewed and approved by ADEC.
- Believes the drainage plan meets the code.

Mr. Hulbert (Platting Officer)

- Subdivision Construction Manual requirements (Section D, page 25) for drainage are not conclusive.
- Needs grading plan, drainage routing, drainage outfalls.

Mr. Klebesadel (MSB DPW)

- Clarify water quality standards for ADEC approval.

Mr. Sawhill (Petitioner's Representative)

- We will have to have ADEC approval before we are authorized to install the drainage outfalls.
- Commercial Developments are almost like condos with agreements on the internal accesses, who maintains the common drainage system, who cares for common facilities.

- One of the conditions of approval is to give the borough a copy of the documentation of the agreement.

Ms. Anne Winckler (Board Member)

- I'm concerned about the plan for when you indicate that there will be a temporary closure during construction, it appears that this will drive commercial volumes of traffic into a residential area.
- There is a concern about how many traffic lights will be in place between Hermon Road and Foundry Way once this project is completed.
- Freight traffic is a concern as well.

Mr. Sawhill (Petitioner's Representative)

- There is a plan for a temporary turn around plan for the traffic. We are still awaiting the approval from Costco.
- The extension of Hermon Road is on the Road Bond package by the City of Wasilla.
- DOT required a plan for the signals to function at a Service Level "C" 10 years from now.
- Freight trucks to Costco deliver at night, they will come through the signalized intersections and through the parking lot to the delivery bays.

Mr. Klebesadel (MSB DPW)

- When traffic signals are this close they are arranged with an inter-connect to keep traffic moving.
- Maney Drive temporary turn around. Temporary closures can be difficult to reopen. DPW supports the flow through the development, but encourages the use of speed bumps.
- Relative to Hermon Drive, this development is going to draw traffic, it is important that the development design includes full build out of Hermon to Palmer-Wasilla.

Mr. Nicodemus (vice Chair)

- Questioned the width and location of the Hermon Road dedication.
- According to the current construction manual they are in compliance at this time.

MOTIONS:

- Mr. Smith moved to approve the Variance from MSB 27.20.030(A) Access Required. Mr. Spangler seconded.

VOTE:

- Motion passed with four in favor and one against. There were 2 findings.

MOTION:

- Mr. Smith moved to approve the Variance from MSB 27.20.035(A)(2) Legal Access. Ms. Sprague seconded.

VOTE:

- Motion passed with four in favor and one against. There were 2 findings.

MOTION:

- Mr. Smith moved to approve the Variance from MSB 27.20.045(A)(2) Road Design Standards. Ms. Sprague seconded.

VOTE:

- Motion passed with all in favor. There were 2 findings with a 3rd added to say City of Wasilla has no objections as it is acceptable to promote traffic calming into adjacent residential areas.

MOTION:

- Mr. Smith moved to approve the Vacation of Portions of S. Maney Drive and 5' Public use Easement. Ms. Sprague seconded.

VOTE:

- Motion passed with all in favor. There were 6 findings.

MOTION:

- Mr. Smith moved to approve the Vacation of 30' and 15' Utility Easement contingent upon the 5 recommendations as read into the record. Ms. Sprague seconded.

VOTE:

- Motion passed with four in favor and one against. There were 4 findings with #3 modified to read: "The petitioner is to bear all costs of relocating existing MTA utilities within Tract I & J." #5 added to read: "MTA has no objection to the vacation along Hermon Road contingent on document signed by City of Wasilla & MSB acknowledging prior rights and MTA being eligible to relocation reimbursements in future when road is widened."

Mr. Hulbert (Platting Officer)

- Wished to reiterate the changes proposed to the recommendations prior to Motion
 - #3; Increase the internal private access easement to 40'. Record the private easements and reference them on the final plat.
 - #7; By document provide a guaranty of private maintenance on internal private roads and emergency access and will remain open for public use.
 - #11; Obtain a conditional use permit from the City for on site building development. As part of the conditional use permit, it is recommended that a 33' wide road with sidewalk be constructed within the 40' private access easement.
 - #12 Obtain driveway permits from the city to access S. Maney Drive and from the state accessing onto Sun Mountain Drive, and Borough for access onto Hermon Road.

MOTION:

- Mr. Smith moved to approve the Preliminary Plat for Creekside Town Square Tracts F – O. contingent upon the 13 recommendations as read into the record. Ms. Sprague seconded.

VOTE:

- Motion passed with four in favor and one against. There were 13 findings.
 - Finding #4 can be eliminated.
 - #5 is changed to read As part of the conditional use permit it is recommended that the developer construct a 33' wide road and sidewalk within the internal 40' wide private access easement and to resolve the need for left turn lanes.
 - #13 is The platting board's decision is final unless appealed the board of adjustment and appeals under MSB 15.39. There is no appeal proceedings allowed for the vacation of public rights-of-way as the veto authority vests in the judicial authority, in this case the Wasilla City Council.

- #14 added; ADEC and DOT/PF approval of the site drainage is required for any storm water outfall into the drainage ditches within State rights-of-way.
- #15 added; A traffic impact analysis has been submitted and approved by DOT/PF.
- #16 added; The commercial accesses spacing onto Hermon Road will meet ASHTO standards.
- #17 added; Hermon Road connection to Palmer-Wasilla Hwy is contemplated to be completed within the next 2 years.

CD 10:21:20
 BREAK
 CD 10:44:25

B. PIONEER BLUFF

Ms. Fenster (Acting Secretary)

- Stated 79 Public Hearing Notices were sent on July 29, 2008 and to this date there have been two returns, one objection, no non-objections and no concerns.

Ms. Otto Larsen (Platting Technician)

- Gave review of the request; public and agency
- Physical access to proposed Lots 1-3, 5 and 6 will be from an as-yet unnamed street and cul-de-sac.
- Proposed Lot 4's access will be from E. Glenwood Avenue, a city maintained road.
- Engineer states that subdivision will not change the slope or drainage of existing roads, which currently drain southeast to Cottonwood Creek.
- Development will increase runoff, but due to the topography on the south side, there will remain a large area of vegetation to filter runoff.
- This plat will dedicate the 33' portion of E. Glenwood Avenue, from the southwest corner of proposed Lot 6 to the southeast corner of proposed Lot 4.
- An "Access Road Permit" for access onto the E. Palmer-Wasilla Highway is required from ADOT&PF; petitioner's engineer is in the process of applying for the permit.
- A signal already exists at S. Roberts Street (entrance into Home Depot).
- A copy of the Land Use Permit for Subdivision, dated 05/28/08, is on file. Clarification on the rural residential zone commercial use applies to square footage of building.
- MEA has requested additional easements and petitioner's representative agreed to granting the additional easements.
- Approval, acceptance and maintenance of roads within the subdivision are under the City of Wasilla's jurisdiction. Therefore, requests for submittals of conditions of approval will be directed to the City of Wasilla, with copies provided to Platting staff.

Mr. Nicodemus (Vice Chair)

- Opened the public hearing

Ms. Dianne Woodruff

- Supports the written comments submitted by Mr. Parmelee (State of Alaska Area Planner).
- Questioned the need for a variance due to slope.

27.15.110 VACATIONS.

- (A) All applications and actions for vacations shall conform to A.S. 29.40.120 through 29.40.160.
- (B) A dedication to public use of land or interests in land may be vacated if the dedication is no longer necessary for present or future public use. The platting board with final approval by the assembly shall review applications for vacations as follows:
- (1) The platting board, with final approval of the assembly, shall ordinarily approve vacations of public rights-of-way if:
 - (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; or
 - (b) the surrounding area is fully developed and all planned and needed rights-of-way and utilities are constructed; or
 - (c) the right-of-way is not being used, a road or trail is impossible or impractical to construct, and alternative access has been provided.
 - (2) The platting board shall not ordinarily approve vacations of public interests in land if any of the following apply:
 - (a) the surrounding area in which the vacation is sought is undeveloped or is developing, and equal or better access is not provided;
 - (b) the vacation is of a public right-of-way providing access to a lake, river or other area with public interest or value, unless alternate equal or better access is provided or exists;
 - (c) the proposed vacation would create a substandard right-of-way as per the MSB Subdivision Construction Manual or MSB 27.20.035(A)(2) unless it has been determined by the borough staff that adequate right-of-way exists and the vacation would maintain a minimum 50-foot width at its narrowest point; and
 - (d) the proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped.
 - (3) In other cases, the platting board shall review requested vacations on a case-by-case basis to determine whether the property is necessary or desirable for present or future public use. Public rights-of-way in areas shall be assumed to have a public use unless proven otherwise.
 - (4) The platting board shall not routinely approve any vacation of a public interest in land where valid objections related to the use of the easement are made by persons affected by the vacation, or by any government agency or department which has a responsibility to the public which may be affected by the vacation. If the platting board finds an objection to be valid, the vacation will be denied unless the objection is satisfactorily resolved.
- (C) Title to a vacated area shall be determined as follows:
- (1) The title to the street or other public area vacated on a plat attaches to the lot or land bordering the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area that lies on one side of the boundary line shall attach to the abutting property on that side, and the street area that lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street that lies inside of the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in a city if it lies inside the city, and in the borough if it lies inside the borough but outside all cities. If the property vacated is a lot, title vests in the rightful owner.
 - (2) If the municipality acquired the street or other public area vacated for legal consideration or by express dedication to the municipality other than as a subdivision platting requirement, before the final act of vacation the fair market value of the street or public area shall be deposited with the platting authority to be paid to the municipality on final vacation. The cost of the associated appraisal and all fees shall be borne by the petitioner.
 - (3) Other provisions of this subsection notwithstanding, where title is vested in the borough, city, or other public agency, the platting board may determine that all or a portion of a vacated area should be dedicated to another public purpose. Title to the area vacated and held for another public purpose remains in the borough, city, or other public agency, as applicable.
- (D) A decision to grant a vacation is not effective unless approved by the city council if the vacated area is a street or public land of a city, or by the assembly in other cases. The platting board shall immediately give notice to the council or assembly of a vacation which is approved. The council or assembly shall have 30 days from the date of the notice to either consent to the vacation or veto it. A vote to approve the vacation which fails shall constitute a veto. Notice of veto of the vacation shall be immediately given to the platting board. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation.