



# MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Platting Division

350 East Dahlia Avenue • Palmer AK 99645

Phone (907) 861-7874 • Fax (907) 861-8407

## MEMORANDUM

**DATE:** October 31, 2016  
**TO:** Matanuska-Susitna Assembly  
**FROM:** Fred Wagner, Platting Officer  
**THRU:** John Moosey, Borough Manager  
George Hays, Assistant Borough Manager  
**SUBJECT:** Position paper regarding subdivision process through denial.

The Matanuska Susitna Borough platting process begins with a pre-application conference. The pre-application process is a meeting where the petitioner informs the Platting Staff of their development plans and the Platting Staff informs the petitioner of borough subdivision regulations, public improvements necessary, platting procedures, timelines and requirements. For the Blue Grouse Hills action this process began on March 29, 2016. Upon receiving the request for a pre-application conference, an email outlining the proposed action is circulated to various MSB departments and staff, soliciting their opinions and concerns. A routing slip for Blue Grouse Hills was sent to the following MSB departments or staff; Assessments, Law, Cultural Resources, Planning Department Manager, Environmental Planner, Code Compliance, Development Services, LIDs, O&M, Platting Officer, ROW Coordinator, Planning Division, Permit Center, Community Development, EMS, and Pre-Design & Engineering.

During the pre-application meeting for Blue Grouse Hills (held on April 12, 2016 via email) the petitioner was informed of the various concerns generated from the comments received. Several of the concerns addressed future MSB road development plans as depicted in the Official Streets & Highways Plan, a concern over flag lots (the petitioner's original plan had multiple flag lots with driveways accessing Tex Al Drive) and requests that all lots gain access from interior subdivision roads.

After the pre-application conference, the petitioner prepares an application for approval of their proposed action. The type of action will determine the timeframe from submittal to approval/denial, in the case of the proposed

**Blue Grouse Hills, a regular plat. The regular plat approval request must be submitted no less than 45 days before the Platting Board meeting. The regular plat application for Blue Grouse Hills was received by the Platting Division on July 25, 2016.**

**When a complete application is received, Platting Staff has 10 calendar days to accept, or reject, the case. If accepted, the item is placed on the agenda for the appropriate date based on the Platting Board calendar. The Platting Division will then circulate the proposal with a Request For Comment (RFC) to various borough, state, federal and outside agencies (Utility Companies, Community Councils, RSA/FSA, Assembly Members, etc...) for comment. Notices are sent by mail 21 days prior to the public hearing to all property owners within 1200 feet of the petition area and, if within a subdivision, to all property owners within that subdivision. Said notices will announce date, time and location of the public hearing as well a description of the proposed action and the names of the parties requesting the action. The public notices for Blue Grouse Hills were sent out on August 2, 2016.**

**As agencies and the Platting Staff review the proposal, the petitioner may be asked to meet with the agencies that have questions. Approximately five days before the public hearing, staff recommendations on the proposed action are available for review in the Platting Division and online. The staff recommendations will be based upon Title 43, the data received from the reviewing agencies, adopted borough plans and sound platting principles. The public notice mailing for Blue Grouse Hills generated 2 returns, 1 objection, 1 non-objection and 53 concerns. The objection and the concerns centered on increased traffic, proposed lot sizes, the effect on the water table and implementation of covenants similar to those in Grouse Ridge Subdivision. On September 14, 2016, prior to the Platting Board meeting, a petition with 69 signatures was received by the Platting Division addressing three areas of concern – increased traffic, effect on the water table and a decrease in property values due to smaller lot sizes in the proposed development. This petition, along with six mailings received after the deadline for comments were presented to the Platting Board in a separate handout.**

**The next step in the process is the Public Hearing. Each petition is scheduled on the Platting Board's agenda and addressed in the order listed on the agenda. The public hearing for each case proceeds as follows:**

- Announcement of case to be heard.**
- Platting Staff presents the proposal & staff recommendations.**
- The Platting Board may question staff.**
- The public hearing is opened to anyone who wishes to speak regarding the action.**
- Following the testimony from all interested parties present, the public hearing is closed or continued.**

- **Petitioner or their representative discusses the proposal and staff recommendations with the Platting Board.**
- **The Platting Board then renders a decision on the petition. It takes at least four positive votes by members of the Platting Board to approve the petition.**

**On September 15, 2016 the Matanuska Susitna Borough Platting Board was asked to rule on the application for preliminary plat for the Blue Grouse Hills, Case No. 2016-097. Platting Tech Amy Otto-Buchanan presented the staff report. The staff report discussed the location of the proposed action, the soils report submitted by the petitioner's civil engineer, preliminary drainage plan, road construction, legal and physical access requirements, and comments from MSB and other governmental agencies, utility companies and the general public. In conclusion it was noted that none of the concerns received from the general public addressed violations of code and that the proposed action was consistent with both Alaska Statutes and MSB code. A recommendation for approval was made with ten recommendations for conditions of approval and ten findings of fact.**

**The Platting Board Chairman (Jay Van Diest) then opened the meeting for public testimony. Fourteen members of the public testified at the meeting. Their concerns were centered on the increase in traffic, access roads and well quality. The Chairman then closed the meeting for public testimony and opened the meeting for the Petitioner's comments. Gary LoRusso (Petitioner's Representative) explained the design before the board and answered questions from the Platting Board.**

**After closing the meeting for the petitioner's comments, a motion was made and seconded to approve the preliminary plat for Blue Grouse Hills. Discussion amongst the Platting Board members was centered upon well logs, access to water, plat design and access to subdivision lots. After discussion a vote was called for and the motion failed with three against and two in favor. The findings crafted for denial were as follows:**

- 1. There are other viable access points contained within property owned by the petitioner available for the proposed subdivision that does not negatively impact adjacent neighborhoods.**
- 2. Concerns about the impact of the new subdivision on the water availability in the area.**
- 3. Members of the adjacent community expressed concerns about access, water availability and traffic safety hazards.**
- 4. MSB 43.05.015(A) Purpose and Scope was the baseline of the denial.**

**When an application is denied there is no effected change to the proposed subject parcel. It remains in the same condition as it existed prior to the**

proposed action with all previously platted accesses remaining unchanged and in place.

**MSB 43.10.050 (Action on Application or Appeal)** states that *“The board shall take formal action by voting on a motion to approve an application”* and that *“The board’s decision shall be recorded in a notice approving or denying the action in question, prepared by the secretary of the board. The notice shall include separate findings of fact supporting the decision, based upon the facts presented to the board and the board’s debate on the matter.”*

**MSB 43.10.60 (Platting Board Procedure)** is silent on a process relating to the Platting Board’s decision in disapproving an application other than to say in section (C) that *“The findings of the platting authority shall be set forth in the notice approving or disapproving the application.”* and in section (F) that *“Written notification of platting authority’s decision approving or disapproving an application shall be mailed to the applicant within ten days of the platting authority meeting at which the decision was made.”* As a Platting Division policy, notice is also sent to all interested parties and anyone from the public that responded to the public hearing notice or that spoke at the platting board meeting.

If an interested person (as defined in **MSB 15.39.010 Definitions**) is so inclined, they can file an appeal to the Platting Board’s decision within **21** days of the Platting Board’s written Notice of Action. Appeals to the Platting Board’s decisions may be made under the provisions of **MSB 15.39** and are heard by the Board of Adjustments and Appeals.

An appeal to the Platting Board’s denial of the preliminary plat for Blue Grouse Hills Subdivision from Arlene Greenstreet was received on **October 3, 2016**, by the Board of Adjustments and Appeals. A Request for Record was received in the Platting Division on **October 5, 2016**, with all records being due in the MSB Clerk’s office by close of business **October 28, 2016**. As of this date (**October 31, 2016**) a date for the hearing has not been set.