

MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION AGENDA

Edna DeVries, Mayor

PLANNING COMMISSION
Doug Glenn, District 1
Richard Allen, District 2
C. J. Koan, District 3 – Chair
Andrew Shane, District 4 – Vice-Chair
Linn McCabe, District 5
Wilfred Fernandez, District 6
Curt Scoggin, District 7



Michael Brown, Borough Manager

PLANNING & LAND USE
DEPARTMENT
Alex Strawn, Planning & Land Use
Director
Vacant, Planning Services Manager
Jason Ortiz, Development Services Manager
Fred Wagner, Platting Officer
Karol Riese, Planning Clerk
Corinne Lindfors, Planning Clerk Assistant

*Assembly Chambers of the
Dorothy Swanda Jones Building
350 E. Dahlia Avenue, Palmer*

May 20, 2024
REGULAR MEETING
6:00 p.m.

Ways to participate in the meeting:

IN PERSON: You will have 3 minutes to state your oral comment.

IN WRITING: You can submit written comments to the Planning Commission Clerk at msb.planning.commission@matsugov.us.

Written comments are due at **noon on the Friday prior to the meeting.**

TELEPHONIC TESTIMONY:

- Dial 1-855-290-3803; you will hear “joining conference” when you are admitted to the meeting.
- You will be automatically muted and able to listen to the meeting.
- When the Chair announces audience participation or a public hearing you would like to speak to, press *3; you will hear, “Your hand has been raised.”
- When it is your turn to testify, you will hear, “Your line has been unmuted.”
- State your name for the record, spell your last name, and provide your testimony.

OBSERVE: observe the meeting via the live stream video at:

- <https://www.facebook.com/MatSuBorough>
- Matanuska-Susitna Borough - YouTube

I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PLEDGE OF ALLEGIANCE

IV. CONSENT AGENDA

- A. MINUTES
Regular Meeting Minutes: May 6, 2024

- B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

- C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

- V. COMMITTEE REPORTS

- VI. AGENCY/STAFF REPORTS

- VII. PUBLIC HEARING: LAND USE CLASSIFICATIONS

- VIII. AUDIENCE PARTICIPATION (*three minutes per person, for items not scheduled for public hearing*)

- IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS
(*Commission 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*).

Resolution 24-10 A variance in accordance with MSB 17.65 - Variances. Todd and Jennifer Luiten requested a variance from the 75-foot shoreline setback and 25-foot public right-of-way setback requirements under MSB 17.55, to allow for construction of a 28-foot x 32-foot single-story cabin at its closest location, 21.9 feet from the shorelands of Big Lake and 10 feet from the east lot line, which is also the west edge of a public right-of-way. The property is located at 8126 South Big Lake Road, Tax ID 6285000T001A; (Applicant: Todd and Jennifer Luiten; Staff: Peggy Horton, Current Planner)

X. PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 24-07 A resolution of the Matanuska-Susitna Borough Planning Commission recommending the assembly direct staff to assist the South Knik River Community Council in developing a special use district (SPUD); (Staff: Alex Strawn, Planning and Land Use Director & Julie Spackman, Long Range Planner)

XI. CORRESPONDENCE & INFORMATION

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS

- A. Upcoming Planning Commission Agenda Items

XV. DIRECTOR AND COMMISSIONER COMMENTS

XVI. ADJOURNMENT (*Mandatory Midnight*)

Disabled persons needing reasonable accommodation in order to participate at a Planning Commission Meeting should contact the Borough ADA Coordinator at 861-8432 at least one week in advance of the meeting.

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The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on May 06, 2024, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:00 p.m. by Vice Chair Andrew Shane.

I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM

Planning Commission members present and establishing a quorum:

Mr. Doug Glenn, Assembly District #1
Mr. Richard Allen, Assembly District #2
Mr. Andrew Shane, Assembly District #4
Ms. Linn McCabe, Assembly District #5
Mr. Wilfred Fernandez, Assembly District #6

Planning Commission members absent and excused were:

Mr. Curt Scoggin, Assembly District #7
Ms. C. J. Koan, Assembly District #3

Staff in attendance:

Ms. Peggy Horton, Current Planner
Ms. Julie Spackman, Long Range Planner
Mr. Jason Ortiz, Development Services Manager
Ms. Erin Dooling, Assistant Attorney
Ms. Corinne Lindfors, Development Services Division Administrative Specialist

II. APPROVAL OF AGENDA

Vice Chair Shane inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objection.

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Allen.

IV. CONSENT AGENDA

A. Minutes Regular Meeting Minutes: April 15, 2024

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Resolution 24-10 A variance in accordance with MSB 7.65 – Variances. Todd and Jennifer Luiten requested a variance from the 75-foot shoreline setback and 25-foot public right-of-way setback requirements under MSB 17.55, to allow for construction of a 28-foot x 32-foot single-story cabin at its closest location, 21.9 feet from the shorelands of Big Lake and 10 feet from the east lot line, which is also the west edge of a public right-of-way. The property is located at 8126 South Big Lake Road, Tax I 6285000T001A; Public Hearing: May 20, 2024; (Applicant: Todd and Jennifer Luiten; Staff: Peggy Horton, Current Planner)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 24-07 A resolution of the Matanuska-Susitna Borough Planning Commission recommending the assembly direct staff to assist the South Knik River Community Council in developing a special use district (SPUD); Public Hearing: May 20, 2024; (Staff: Alex Strawn, Planning and Land Use Director & Julie Spackman, Long Range Planner)

GENERAL CONSENT: The consent agenda was approved without objection.

V. COMMITTEE REPORTS - (There were no committee reports.)

VI. AGENCY/STAFF REPORTS - (There were no Agency/Staff Reports.)

VII. LAND USE CLASSIFICATIONS - (There were no land use classifications.)

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

The following persons spoke regarding: Jean Holt -Setback Variance

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Resolution 24-04 A conditional use permit in accordance with MSB 17.30 – Conditional Uses for Use Permit for Earth Material Extraction Activities, for the extraction of up to 40,000 cubic yards of earth material per year over a period of 60 years. The activity will occur on a 40-acre parcel at 9002 North Buffalo Mine-Moose Creek Road, Tax ID #18N02E03B005 (Applicant: Jim Baxter for Northern Gravel & Trucking, LLC; Staff: Peggy Horton, Current Planner)

Vice Chair Shane read the resolution title into the record.

Vice Chair Shane read the ex-parte memo asking questions of the Planning Commissioners.

Staff presented their staff report.

Commissioners questioned staff regarding: Years CUP will be in place.

Staff: Peggy Horton states recommendation of 20 years. Originally applied for 60 years.
Staff: Clarifies there was a clerical error and Resolution should read as a period of 20 years instead of 60 years.

Jim Baxter and son Nick Baxter addressed the commissioners.

- Time: 6:35 pm

Vice Chair Shane opened the public hearing.

The following persons spoke with regards to Planning Commission Resolution 24-04:

Evan Langston

There being no one else to be heard, Vice Chair Shane closed the public hearing and discussion moved to the Planning Commission.

MOTION: Commissioner Glenn moved to approve Planning Commission Resolution 24-04. The motion was seconded by Commissioner McCabe.

Discussion ensued.

- Time: 6:41 pm

MOTION: Commissioner Allen moved a primary amendment to change the CUP period to 60 years. The motion was seconded by Commissioner Glenn.

VOTE: The primary amendment: Passes with Commissioner Fernandez in opposition.

VOTE: The main motion passed without objection.

Resolution 24-06 A conditional use permit in accordance with MSB 17.30 – Conditional Uses Permit for Earth Material Extraction Activities, for the extraction of up to 40,000 cubic yards of rip rap and screened materials annually through 2044. Blasting activities occur at this facility. The quarry is located within the east half of a 20-acre parcel located at 16556 East Back Acres Avenue, Tax ID #17N02E23A017; (Applicant: Jim Psenak; Staff: Peggy Horton, Current Planner)

Vice Chair Shane read the resolution title into the record.

Vice Chair Shane read the ex-parte memo asking questions of the Planning Commissioners.

Commissioner Glenn recuses himself and exits chambers.

Staff requests a five-minute recess to speak with the applicant.

Vice Chair Shane calls a five-minute recess: Time: 6:47 – 6:52 pm.

Vice Chair Shane calls meeting back to order at 6:52 pm.

Commissioner Glenn has recused himself and is not present in chambers.

Staff presented their staff report.

Applicant: Jim Psenak addressed the commissioners.

Commissioners questioned staff and applicant.

- Time: 7:01 pm

Vice Chair Shane opened the public hearing.

The following persons spoke with regards to Planning Commission Resolution 24-06:

Maragret Runser, Chris Houchern, Jim Hunt, & Amy Bleakeny.

Vice Chair Shane closed the public hearing and discussion moved to the Planning Commission.

MOTION: Commissioner McCabe moved to approve Planning Commission Resolution 24-06. The motion was seconded by Commissioner Fernandez.

Discussion ensued.

- Time: 7:22 pm

Staff: Peggy Horton requests Amendment to remove condition one on page 517 as condition has already been met.

MOTION: Commissioner McCabe moved a primary amendment to remove condition one as requested. The motion was seconded by Commissioner Fernandez.

VOTE: The primary amendment passed unanimously.

VOTE: The main motion passed without objection.

- Time: 7:30 pm

Commissioner Glenn returns to chambers.

X. PUBLIC HEARING LEGISLATIVE MATTERS

XI. CORRESPONDENCE AND INFORMATION

One email was received and placed in the commissioner's packet.

XII. UNFINISHED BUSINESS - *(There was no unfinished business.)*

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS

A. Upcoming Planning Commission Agenda Items *(Staff: Alex Strawn)*

B Planning Commission Special Meeting- Conditional Use Permit Processes & Presentation

Vice Chair Shane comments and inquires of Planning Commissioners for a date selection to hold the special meeting.

Development Services Manager Jason Ortiz Comments

Planning Commissioners select June 3, 2024, at 4:30 – 5:30 pm.

(Commission Business was presented, and no comments were noted.)

XV. DIRECTOR AND COMMISSIONER COMMENTS

Commissioner: Glenn comments on the air show held in Palmer.

- Time: 7:34 pm

Commissioner: McCabe comments that summer is on the way.

- Time: 7:34 pm

Commissioner: Allen comments on good meeting, working to balance needs, staff efforts.

- Time: 7:35 pm

Commissioner: Fernandez no comment.

- Time: 7:35 pm

Commissioner: Shane comments on State Soccer Tournament.

- Time: 7:35 pm

XVI. ADJOURNMENT

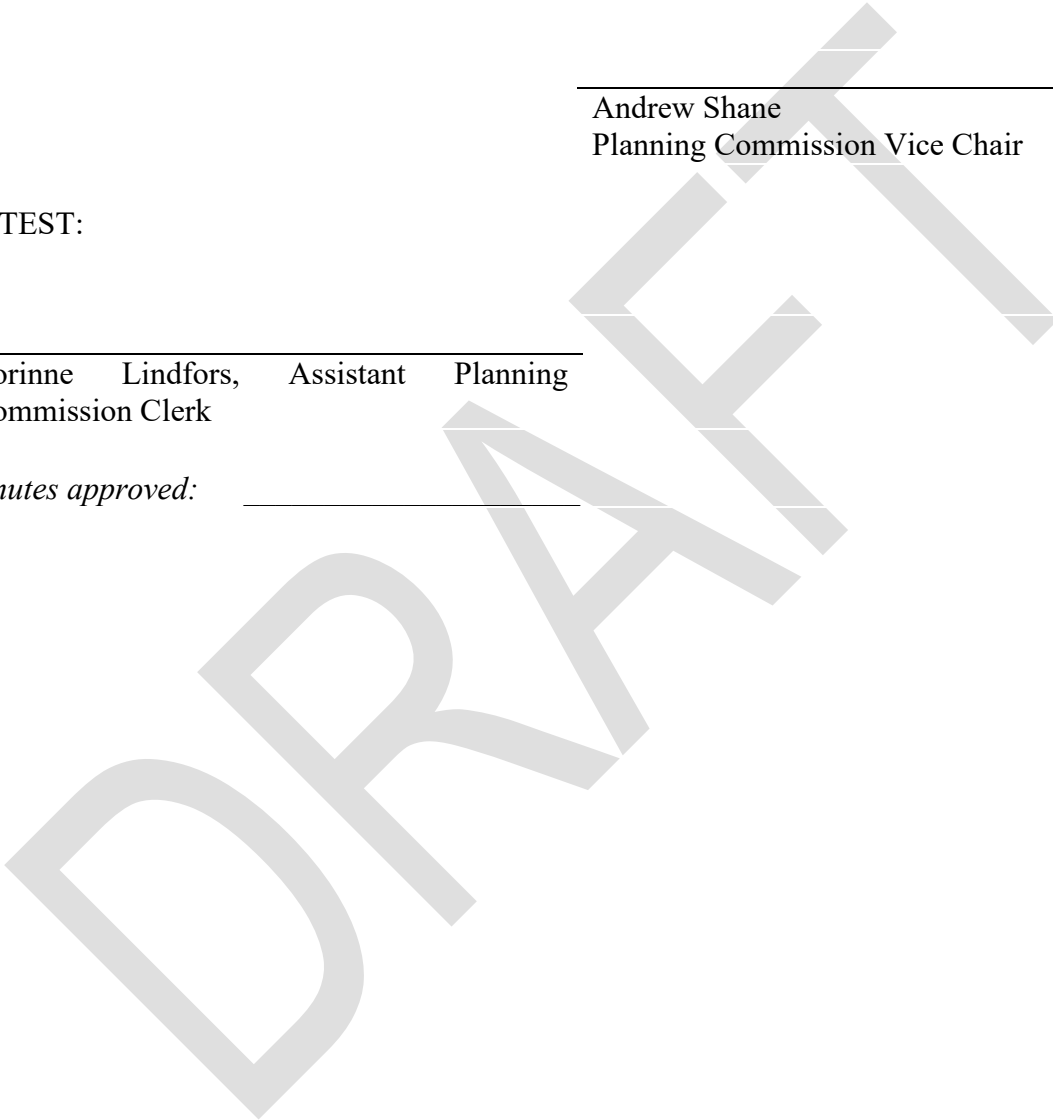
The regular meeting adjourned at 7:36 p.m.

Andrew Shane
Planning Commission Vice Chair

ATTEST:

Corinne Lindfors, Assistant Planning
Commission Clerk

Minutes approved: _____



PUBLIC HEARING QUASI-JUDICIAL

Resolution No. 24-10

Luiten Variance

(Pages 11 - 144)

PUBLIC HEARING

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STAFF REPORT



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

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DEVELOPMENT SERVICES DIVISION STAFF REPORT

Date: May 8, 2024

File Number: 10060

Applicant/Property Owner: Tony and Jennifer Luiten

Resolution No.: Planning Commission Resolution 24-10

Request: Setback Variance from MSB 17.55

Location: 8126 South Big Lake Road, Tax ID# 6285000T001A

Size of Property: 0.32 acres

Reviewed By: Jason Ortiz, Development Services Manager 

Staff: Peggy Horton, Current Planner

Staff Recommendation: Approval

EXECUTIVE SUMMARY

Todd and Jennifer Luiten are requesting a variance to the minimum 75-foot shoreline setback and 25-foot public right-of-way setback requirements under MSB 17.55 to allow for the construction of a 28' X 32' single-story cabin at its closest location, 21.9 feet from the shorelands of Big Lake and 10 feet from the east property line which is also the west edge of a public right-of-way.

As established in MSB 17.55, structures must be set back 75 feet from the ordinary high water mark of a body of water, shall not be placed within 25 feet of a public right-of-way, and must be 10 feet from a side or rear lot line. For the Planning Commission to grant a variance, they must find that all the requirements of MSB 17.65.020(A) have been met.

LAND USE

Existing Land Use:

The subject parcel was established in 1963 as Tract 1A of South Big Lake Alaska Subdivision, developed by the State of Alaska. In 1969, a 50-foot wide Section Line Easement was removed from the property. Recently, on January 26, 2024, a 50-foot Public Easement vacation was approved and recorded, resulting in the removal of the remaining public easement on this parcel.

According to the Lavender Survey & Mapping as-built report dated February 21, 2023, the subject parcel is approximately 0.3 acres with a shoreline of approximately 350 feet on Big Lake. At its broadest point, the parcel measures 65.8 feet. It is worth noting that the 75-foot shoreline setback encumbers the entire property.

A 33-foot patent reservation (public right-of-way) east of the subject parcel provides road access. According to the Lavender Survey & Mapping as-built, the subject property has existing structures, which include a one-story cabin measuring 16' X 20', an 8' X 12.5' storage shed, and a 4' X 4' outhouse. The cabin was constructed in 1960, as per the Borough assessment records. The construction dates of the other structures are unknown.

Surrounding Land Uses:

The western and northern boundaries of the subject parcel are adjacent to the shoreline of Big Lake. The parcel to the east is for residential use and contains a 33' wide patent reservation on its western, providing public access to the subject parcel. On the southern boundary, there is another residential use property. Further south, you can find South Big Lake Road, which follows the windy lake shore towards the west, providing access to many more lakeshore parcels. Towards the east, there are parcels of both undeveloped and residential use.

Commonly Enjoyed Uses Analysis:

Planning staff conducted an analysis using Borough Assessment files and GIS systems. Staff analyzed the parcels with lake frontage on the southern portion of Big Lake, which are within 6,500 feet of the subject parcel. The analysis includes 14 island parcels along the south shore of Big Lake. These include the Big Lake Boat Launch (13 acres) and two vacant island parcels owned by MSB. The study area comprises 181 lakefront parcels ranging in size from 0.16 to 21.5 acres. Sixty (60) (approximately 33%) of these are vacant or have no habitable dwellings. Approximately 145 parcels have no apparent shoreline setback violations. Eighty-six (86) or approximately 71% of the developed parcels analyzed have dwellings that appear to meet the 75-foot setback requirement. There are 35 parcels with structures that appear to violate the setback requirements. The average dwelling size calculation did not include the dwellings that may violate the setback requirements.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification

On March 1, 2024, notices were mailed to all property owners within a 600-foot radius of the subject parcel and to all lots within the South Big Lake Alaska subdivision. In addition, the public notice was mailed to the Big Lake Community Council. A total of 58 notices were mailed. The Frontiersman published the permit application notification on March 13, 2024. Planning staff posted the application material on the Borough website for public review on February 27,

2024. The application and a request for comments were emailed to internal borough offices and outside agencies, including the Big Lake Community Council, on February 27, 2024.

Staff received four comments from the public opposing the variance and no comments from the Community Council. Two of the objections concerned the lake's health if built too close to the shoreline, one objection gave no reason, and one objection recommended the owner follow the rules.

Section 17.65.020 Requirements for Granting a Variance

(A) In order to grant a variance to the regulations of MSB title 17, the planning commission must find that each of the following requirements has been met:

(1) There are unusual conditions or circumstances that apply to the property for which the variance is sought.

Findings of Fact:

1. The subject lot is part of the South Big Lake Alaska Subdivision and was initially platted in 1963 before Borough setback and lot size regulations were established.
2. The subject parcel does not conform to the current Borough subdivision standards for lot size.
3. Big Lake is located west and north of the subject parcel. To the east is a residential property with a 33' wide patent reservation on its western boundary.
4. According to the application material, the subject parcel is approximately 0.3 acres.
5. According to the application material, the property at its widest point east to west is 65.8'.
6. The 75-foot setback requirement of MSB 17.55.020 encompasses the entire property. As a result, there is no legal buildable area on the property.
7. A 25-foot-wide public right-of-way setback restricts the building area of the subject property.

Conclusion of Law: Based on the findings, the 0.3-acre parcel has no legal building area due to the 75' building setback that encompasses the entire lot, which is an unusual condition (MSB 17.65.020(A)(1)).

(2) The strict application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties under the terms of this title.

Findings of Fact:

8. Planning staff analyzed 181 parcels with lake frontage on the southern portion of Big Lake, which are within 6,500 feet of the subject parcel.
9. Planning staff found the lakefront properties within the analysis area vary in size from 0.16 to 21.5 acres.
10. Development within the analysis area ranges from 270 square foot cabins to structures exceeding 4,000 square feet.

11. After conducting an analysis, the Planning staff found that there are 86 lakefront parcels with dwellings that appear to meet the 75-foot setback criteria, and these dwellings have an average size of 1,495 square feet.
12. The dwellings that may violate the setback requirements were not included in the average dwelling size calculation.
13. According to the application material, the applicant proposes building a 28' X 32' single-story structure.
14. According to the application material, the proposed single-story cabin has an 896-square-foot footprint.
15. According to the application materials, the proposed structure is planned to be 10 feet from the eastern property line and 21.9 feet from Big Lake.
16. Big Lake is located west and north of the subject parcel. To the east is a residential property with a 33' wide patent reservation on its western boundary.
17. The 75-foot setback requirement of MSB 17.55.020 encompasses the entire property. As a result, there is no legal buildable area on the property.

Discussion: Real property owners are granted a series of rights over their land, chief among these being the right to use and enjoy the premises as they see fit. This encompasses a wide range of activities, from residential to commercial purposes, allowing property owners considerable freedom in utilizing their land. However, this freedom is not absolute and is subject to certain legal restrictions to promote orderly development and ensure the community's welfare. For example, property owners must comply with the Borough's zoning laws and regulations, including how far structures must be set back from property lines, waterbodies, and public rights-of-way.

The planning staff used the Borough Assessment files and GIS systems to conduct an analysis. The study area's average dwelling size was the focus of our analysis. We excluded any properties featuring dwellings that appeared to fall within the 75-foot waterbody setback to maintain our findings' integrity. Our analysis aims to reflect lawful property use and development patterns within the area of interest by excluding non-compliant properties.

Conclusion of Law: Based on the above findings, the strict application of the provisions of this title would deprive the applicants of rights commonly enjoyed by others, as the subject lot has certain unique conditions and circumstances that apply. The average size of dwellings within the analysis area is 1,495 square feet. The property is 0.3 acres of land, and there is no legal buildable area due to the 75-foot shoreline setback. Therefore, constructing an 896-square-foot cabin on the property is a reasonable use of the land. (MSB 17.65.020(A)(2)).

(1) The granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.

Findings of Fact:

1. According to Borough Assessment records, the existing 16' X 22' cabin was constructed on the subject parcel in 1960.
2. According to the application material, the 16' X 22' cabin is approximately 20.4' from the ordinary high water of Big Lake.

3. Based on the application material, the current cabin is dilapidated, and the applicant intends to remove it.
4. According to the application material, the applicant proposes building a 28' X 32' single-story structure.
5. According to the application material, the proposed single-story cabin has an 896-square-foot footprint.
6. According to the application materials, the proposed structure is planned to be 10 feet from the eastern property line and 21.9 feet from Big Lake.
7. In 2005, the Matanuska-Susitna Borough Assembly adopted voluntary best management practices (BMP) for development around waterbodies.
8. According to the application material, the subject parcel has 350 feet of shoreline on Big Lake.
9. Based on the application materials, the applicant proposes preserving the natural shoreline and maintaining a buffer of undisturbed vegetation along 322 feet of the shoreline, which accounts for 92% of the total shoreline of 350 feet.
10. According to the application materials, the applicant will work with Alaska Fish & Game to repair the current dock to meet their requirements.
11. According to the application materials, the Alaska Department of Environmental Conservation granted Interim Approval to Operate and install an Advantex-type Advanced Treatment domestic wastewater disposal system.

Conclusion of Law: Based on the above findings, granting the variance will not be injurious to nearby property, nor harmful to the public welfare (MSB 17.65.020(A)(3)).

(4) The granting of the variance will be in harmony with the objectives of this title and any applicable comprehensive plans.

COMPREHENSIVE PLAN

The property is located within the Big Lake planning area. The Big Lake Comprehensive Plan Update (August 2009) applies to the subject property. Two of the land use goals of the plan are:

Goal (LU&E-3) Protect the natural environment – *As the area grows, actions are needed to avoid detrimental effects on well water, quality of surface water, habitat, wetlands and other natural environmental features.*

Goal (LU&E-4) Provide for freedom to enjoy our properties – *The plan supports a balance of freedom to use property as individuals choose up to that point where one person's use limits the rights of neighbors to enjoy their property. Responsible land use should be in harmony with surrounding land use without damaging the health, safety and welfare of adjacent property.*

Four types of residential areas are recognized in the plan. The subject property is in the "Dispersed Residential" area, defined as "Rural residential areas, where lots are larger, and the natural setting is more dominant. This is the primary land use type in the Big Lake area."

One of the strategies to achieve the broad goals is to “Establish Community-Wide Development Guidelines.” Some of the guidelines that pertain to this property are as follows:

- **Natural Vegetation/Site Disturbance** – Encourage retention of existing natural vegetation and replant disturbed areas. Grading and clear-cutting of the entire parcel prior to selling or developing land is strongly discouraged.
- **Protection of Water Quality** – Use of land adjoining waterbodies should be designed to minimize impacts on water quality. Actions to achieve this goal include minimizing removal of natural vegetation along the majority of the edge of lakes, streams or wetlands, to keep lawn chemicals, silt, and septic effluents out of the watershed, to inhibit bank erosion and provide habitat for wildlife such as ducks and loons, while providing some screening of development.
- **Building Setbacks from Waterbodies (new structures)** – require at least the MSB 75' minimum development setback from streams, lakes, wetlands and other waterbodies; "development" is defined as habitable structures. Non habitable structures, such as boathouses, shed, decks or saunas can be built within 75' of lakes and streams, but these improvements should be designed to have minimal environmental and visual impact on the adjoining waterway.
- **Building Setbacks from Waterbodies (existing non-compliant structures)** – for buildings developed after the date (1987) of the setback ordinance (Chapter 17.55 of the Borough Code of Ordinances) and prior to the adoption of the Borough's land use permit (2007), special consideration should be given, in keeping with state statutes, to approving setback violation appeals caused by inadequate information and communications of that information to property owners. This is not advocating blanket approvals of setback violations but rather that leeway be given to approving violations that have no adverse impact on surrounding properties and waterbodies, and which occurred as honest mistakes and not as overt violations of the criteria by people who knew or should have known better. The plan recommends these approvals contain restrictions on expanding the encroachment or rebuilding a destroyed structure. However, all requests for variances must be considered in accordance with Alaska Statute 29.40.040(B).

Within the Big Lake Comprehensive Plan Update (August 2009), the introduction is a statement discussing the authority of the plan.

“A comprehensive plan is a legally recognized document, with the authority to guide decisions on land use, public facilities and services, transportation and other issues. At the same time, comprehensive plans are intended to set broad goals that will remain relevant over multiple years. Consequently, by design, this plan does not set out precise binding rules on development, such as might be established in a Special Use District. Nor does it make final decisions on the specific locations of new roads or public facilities. What it does do is present general goals on the type of place the community wants to be in the future and then outline general strategies on how to reach these goals.”

The Big Lake Comprehensive Plan Update (August 2009) does not eliminate the possibility of acquiring a variance to MSB 17.55. Still, it encourages thoughtful and considerate use of the property, considering the environment, surrounding use, surrounding development, and freedom to enjoy life on Big Lake.

The Matanuska-Susitna Borough Comprehensive Plan (2005 Update) also pertains to this property. Two of the land use goals state:

Goal (LU-1): Protect and enhance the public safety, health, and welfare of Borough residents.

Policy LU1-1: Provide for consistent, compatible, effective and efficient development within the borough.

This plan does not expressly address variance requests. It does include goals to protect the environment and the surrounding areas. Variance requests are not inconsistent with the policies and goals of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update).

Findings of Fact:

1. MSB Chapter 17.65 – Variances was written to grant relief to property owners whose lots are impacted by existing land use regulations, thereby making the lot undevelopable.
2. The Big Lake Comprehensive Plan (2009 update) contains a list of development guidelines, one of which states, “Require at least the MSB 75’ minimum development setback from streams, lakes, wetlands and other water bodies; “development” is defined as habitable structures.”
3. The Big Lake Comprehensive Plan (2009 update), by design, does not set out precise binding rules on development but instead provides general goals on the type of place the community wants to be in the future and then outlines general strategies to reach those goals.
4. Goal (LU&E-3) of the Big Lake Comprehensive Plan Update (August 2009) is to “Protect the natural environment.”
5. Goal (LU&E-4) of the Big Lake Comprehensive Plan Update (August 2009) is to “Provide for freedom to enjoy our properties.”
6. The Big Lake Comprehensive Plan recognizes four types of residential areas. The subject property is in the “Dispersed Residential” area, defined as “Rural residential areas, where lots are larger and the natural setting is more dominant. This is the primary current land use type in the Big Lake area.”
7. Goal (LU-1) of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) states: Protect and enhance the public safety, health, and welfare of Borough residents.
8. Policy LU1-1 of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) states: Provide for consistent, compatible, effective, and efficient development within the Borough.
9. Goal (LU-2) of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) states: Protect residential neighborhoods and associated property values.
10. The variance request is consistent with the policies and goals of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) as the residential structure cannot be constructed on the lot without a setback variance, the structure is placed as far back on the property as possible, and the structure is similar to surrounding development.
11. The 75-foot setback requirement of MSB 17.55.020 encompasses the entire property. As a result, there is no legal buildable area on the property.
12. The subject parcel does not conform to the current Borough subdivision standards for lot size.

13. In 2005, the Matanuska-Susitna Borough Assembly adopted voluntary best management practices (BMP) for development around waterbodies.
14. According to the application material, the subject parcel has 350 feet of shoreline on Big Lake.
15. Based on the application materials, the applicant proposes preserving the natural shoreline and maintaining a buffer of undisturbed vegetation along 322 feet of the shoreline, which accounts for 92% of the total shoreline of 350 feet.
16. According to the application materials, the applicant will work with Alaska Fish & Game to repair the current dock to meet their requirements.
17. According to the application material, the proposed structure will be 10 feet from the eastern property line and 21.9 feet from Big Lake.
18. According to the application material, the proposed single-story cabin has an 896-square-foot footprint.
19. After conducting an analysis, the Planning staff found that there are 86 lakefront parcels with dwellings that appear to meet the 75-foot setback criteria, and these dwellings have an average size of 1,495 square feet.
20. According to the Planning staff's analysis, constructing an 896-square-foot dwelling is compatible with the surrounding area.

Discussion: Based on the Big Lake Comprehensive Plan, staff suggests a condition of approval that the lot may not be clear-cut, and the property owners maintain a 10-foot wide buffer of undisturbed vegetation along approximately 322 feet of the shoreline.

Conclusion of Law:

Based on the above findings, the proposed variance is consistent with the applicable comprehensive plans and does meet the intent of MSB 17.65 (MSB 17.65.020(A)(4)).

(5) The deviation from the requirement of this title that is permitted by the variance will be no more than is necessary to permit a reasonable use of the property.

Findings of Fact:

1. According to the application material, the subject parcel is approximately 0.3 acres.
2. According to the application material, the property at its widest point east to west is 65.8'.
3. The 75-foot setback requirement of MSB 17.55.020 encompasses the entire property. As a result, there is no legal buildable area on the property.
4. Planning staff analyzed 181 parcels with lake frontage on the southern portion of Big Lake, which are within 6,500 feet of the subject parcel.
5. Planning staff found the lakefront properties within the analysis area vary in size from 0.16 to 21.5 acres.
6. Development within the analysis area ranges from 270 square foot cabins to structures exceeding 4,000 square feet.

7. After conducting an analysis, the Planning staff found that there are 86 lakefront parcels with dwellings that appear to meet the 75-foot setback criteria, and these dwellings have an average size of 1,495 square feet.
8. The dwellings that may violate the setback requirements were not included in the average dwelling size calculation.
9. According to Borough Assessment records, the existing 16' X 22' cabin was constructed on the subject parcel in 1960.
10. According to the application material, the 16' X 22' cabin is approximately 20.4' from the ordinary high water of Big Lake.
11. Based on the application material, the current cabin is dilapidated, and the applicant intends to remove it.
12. According to the application material, the applicant proposes building a 28' X 32' single-story structure.
13. According to the application material, the proposed structure will be 10 feet from the eastern property line and 21.9 feet from Big Lake.
14. According to the application material, the proposed single-story cabin has an 896-square-foot footprint.
15. According to the application material, the subject parcel has 350 feet of shoreline on Big Lake.
16. According to the Planning staff's analysis, constructing an 896-square-foot dwelling is compatible with the surrounding area.
17. In 2005, the Matanuska-Susitna Borough Assembly adopted voluntary best management practices (BMP) for development around waterbodies.
18. Based on the application materials, the applicant proposes preserving the natural shoreline and maintaining a buffer of undisturbed vegetation along 322 feet of the shoreline, which accounts for 92% of the total shoreline of 350 feet.
19. According to the application materials, the Alaska Department of Environmental Conservation granted Interim Approval to Operate and install an Advantex-type Advanced Treatment domestic wastewater disposal system.

Conclusion of Law: Based on the above findings, granting a variance will be no more than necessary to permit a reasonable use of the property (MSB 17.65.020(A)(5)).

Section 17.65.030 Cases Where Variance is Illegal

(A) A variance from this title may not be granted if:

- (1) Special conditions that require the variance are caused by the person seeking the variance.*

Findings of Fact:

1. The subject lot is part of the South Big Lake Alaska Subdivision and was initially platted in 1963 before Borough setback and lot size regulations were established.

2. According to the application material, the subject parcel is approximately 0.3 acres.
3. According to the application material, the property at its widest point east to west is 65.8’.
4. The South Big Lake Alaska subdivision consists of lots ranging from 2.29 to 0.323 acres in size.
5. The subject parcel does not conform to the current Borough subdivision standards for lot size.
6. Big Lake is located west and north of the subject parcel.
7. The 75-foot setback requirement of MSB 17.55.020 encompasses the entire property. As a result, there is no legal buildable area on the property.

Conclusion of Law: Based on the above findings, the person seeking the variance did not cause the need for the variance (MSB 17.65.030(A)(1)).

(2) The variance will permit a land use in a district in which that use is prohibited.

Findings of Fact:

1. The subject parcel is not in a special land use district.
2. Residential structures are allowed on this property.

Conclusion of Law: Based on the above findings, the variance, if granted, will not allow a land use in a district in which that use is prohibited, as residential structures are allowed on this site (MSB 17.65.030(A)(2)).

(3) The variance is sought solely to relieve pecuniary hardship or inconvenience

Findings of Fact:

1. The subject lot is part of the South Big Lake Alaska Subdivision and was initially platted in 1963 before Borough setback and lot size regulations were established.
2. According to the application material, the subject parcel is approximately 0.3 acres.
3. The subject parcel does not conform to the current Borough subdivision standards for lot size.
4. Big Lake is located west and north of the subject parcel.
5. According to the application material, the property at its widest point east to west is 65.8’.
6. The 75-foot setback requirement of MSB 17.55.020 encompasses the entire property. As a result, there is no legal buildable area on the property.

Conclusion of Law: Based on the above findings, the variance is not solely being sought to relieve pecuniary hardship or inconvenience (MSB 17.65.030(A)(3)).

STAFF RECOMMENDATIONS

Staff recommends approval of this variance request to allow the proposed 28' X 32' single-story residence to be constructed at 8126 South Big Lake Road, Tax ID# 6285000T001A, as referenced on the Lavender Survey & Mapping Plot Plan dated January 4, 2023.

The following conditions apply to the variance:

1. The lot may not be cleared of trees and vegetation.
2. The property owner(s) must maintain a 10-foot wide buffer of undisturbed vegetation along approximately 322 feet of the shoreline.

Should the Planning Commission deny the variance, the commission shall create findings supporting the denial and amend the resolution.

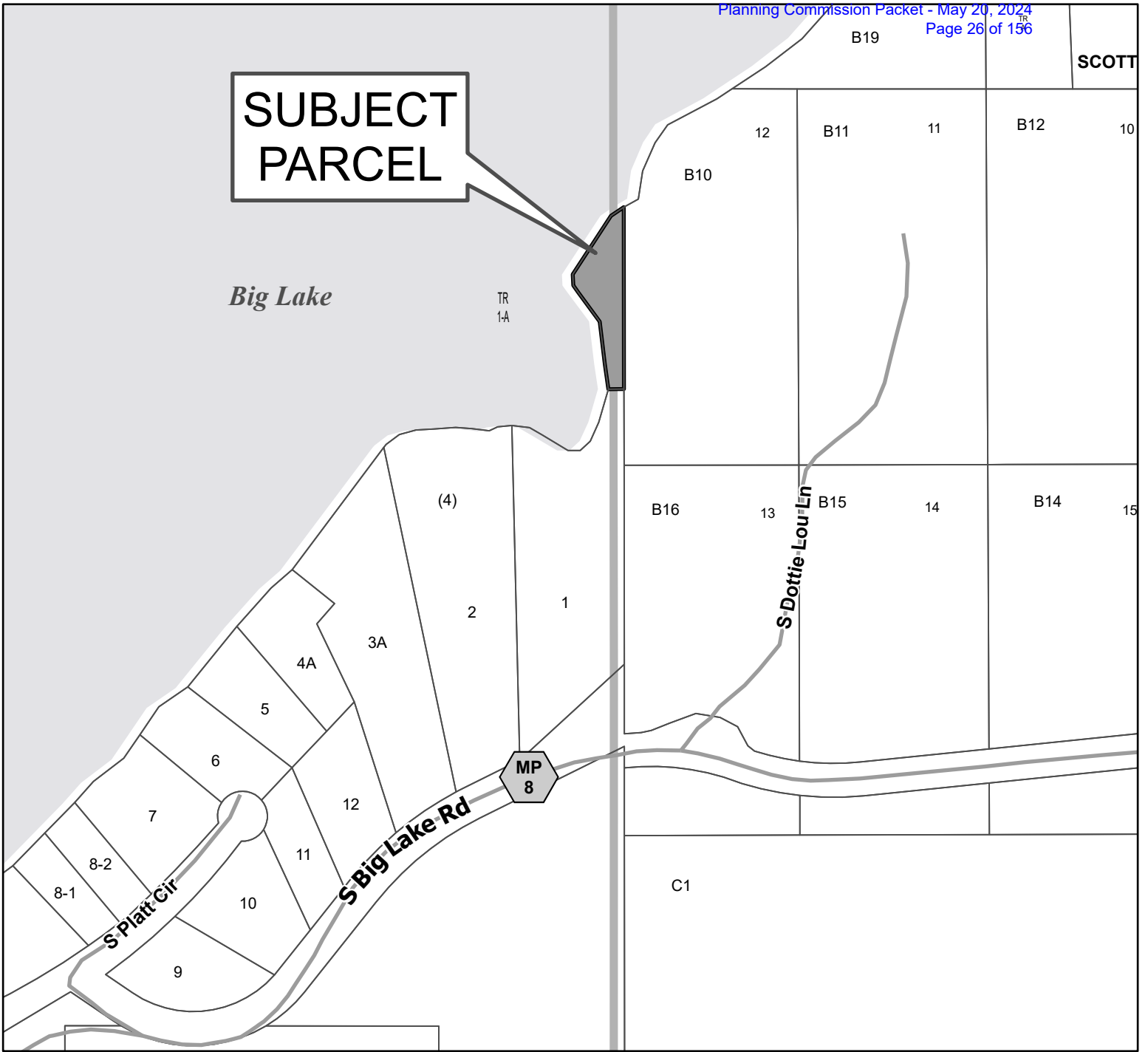
MAPS

SCOTT

**SUBJECT
PARCEL**

Big Lake

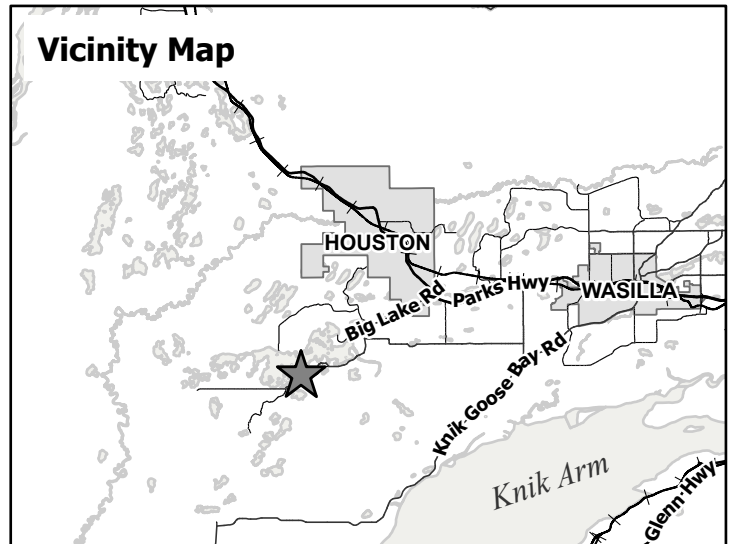
TR
1-A



6285000T001A



Vicinity Map

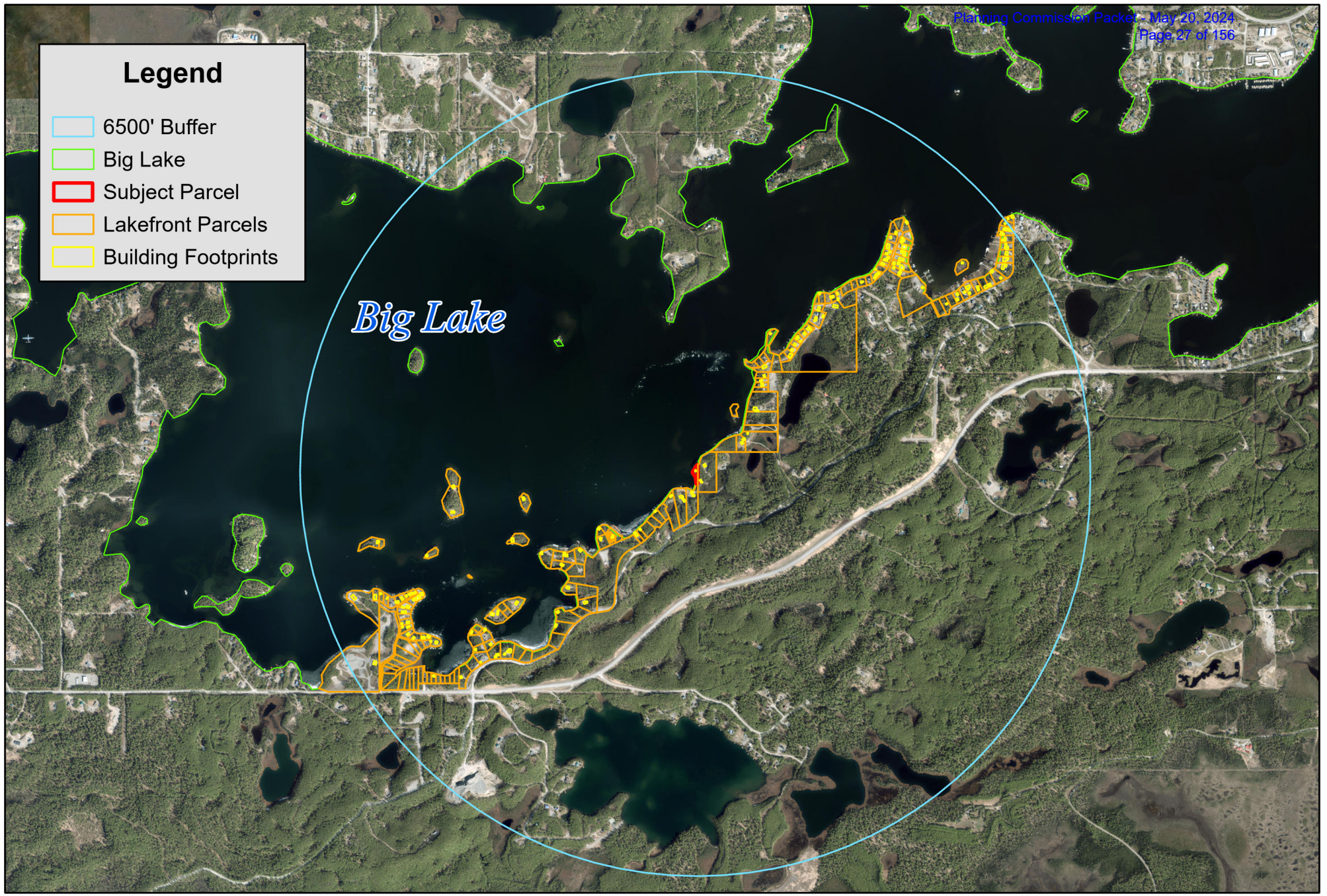


This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858.



Legend

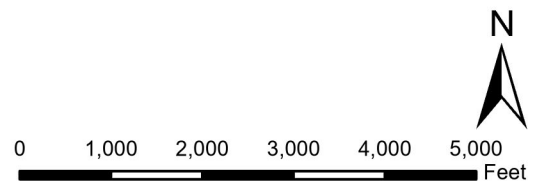
- 6500' Buffer
- Big Lake
- Subject Parcel
- Lakefront Parcels
- Building Footprints



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Luiten Variance Project



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PUBLIC NOTICING

From: [Peggy Horton](#)
To: [Corinne Lindfors](#)
Cc: [Karol Riese](#)
Subject: Mailing: Luiten Variance
Date: Tuesday, February 27, 2024 12:05:00 PM
Attachments: [Public Notice Mailing.DOCX](#)
[Vicinity Map.pdf](#)

Good afternoon,

Please prepare and send the attached mailing on or before Friday, March 15, 2024. The notice area is 600 feet and all owners within the subdivision South Big Lake Alaska abbreviated as South Bg Lk Ak in some of the systems.

Please also send it to the Big Lake Community Council

Big Lake Community Council
PO Box 520931
Big Lake AK 99652

Thank you,

Peggy Horton
Current Planner
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer AK 99645
907-861-7862



Certificate of Bulk Mailing — Domestic

Fee for Certificate

Up to 1,000 pieces (1 certificate for total number)

For each additional 1,000 pieces, or fraction thereof

Duplicate Copy

Use
Current
Price List
(Notice 123)

Postage: Mailers must affix meter, PC Postage[®], or (uncanceled) postage stamps here in payment of total fee due.

Acceptance employee must cancel affixed (by round-date) at the time of

If payment of total fee due is being paid by Permit Imprint, include the *PostalOne!*[®] Transaction Number here: _____



US POSTAGE TM **PITNEY BOWES**

ZIP 99645 **\$ 011.10⁰**
02 4W
0000368428 MAR 01 2024

Number of Identical Weight Pieces 58	Class of Mail 1st	Postage for Each Mailpiece Paid <input type="checkbox"/> Verified	Number of Pieces to the Pound 45
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Total Number of Pounds 11b 3.9oz	Total Postage Paid for Mailpieces 37.12	Fee Paid 11.10
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Mailed For Dev. Ser.	Mailed By IFodge
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Postmaster's Certification

It is hereby certified that the number of mailpieces presented and the associated postage and fee were verified. This certificate does not provide evidence that a piece was mailed to a particular address.

(Postmaster or Designee)



Tax Account	OWNER_1	MAILING_ADDRESS_LINE_B	MAILING_#	MAILING_#	MAILING_#	Buyer_Nan	Buyer_Mailing_Address_A
1 6362B03L002A	DEHART CHRISTOPHER & ANGELA	PO BOX 520642	BIG LAKE	AK		99652	
2 6285B01L010	CAMPBELL WM & MARY MOE	PO BOX 520066	BIG LAKE	AK		99652-0066	
3 6363B01L006A-1	TAYLOR GRETCHEN & DAVID ROBERTSON	6609 CHEVIGNY DR	ANCHORAC	AK		99502	
4 4299B02L004-A	DORRIS JASON & JOEY CATERINICHIO	2727 ILLIAMNA AVE	ANCHORAC	AK		99517-1217	
5 4360B04L003A	MAY JAMES & PATRICIA REV TR	12250 BROOKWOOD CIR	ANCHORAC	AK		99516-1992	
6 6285B01L003	POSTISHEK TROY	4778 S HOWDIE DR	WASILLA	AK		99654	
7 6285B01L016	SHERMAN MARY JANE TR TRE	92-1162-3 OLANI ST	KAPOLEI	HI		96707-4245	
8 9141000U00A	JOHNSON DAVID J	1640 CRESCENT DR	ANCHORAC	AK		99508	
9 6285B01L005	VARNELL BLAKE W C/O SUBURBAN REALTY	PO BOX 231729	ANCHORAC	AK		99523-1729	
10 4379B02L008-A	BERGSTEDT MACK & SHARON, CAREY REV TR, & KEVIN CAREY	4930 E 115TH AVE	ANCHORAC	AK		99516	
11 6285B04L002	DIETZ MICHAEL D& MICHELLE	PO BOX 521184	BIG LAKE	AK		99652-1184	
12 6285B03L001	WESTIN RAYMOND H & SANDRA C TR	5200 SECLUDED CIR	ANCHORAC	AK		99516-3038	
13 17N03W31B010	SCHMID KATHLEEN ELIZABETH	PO BOX 111096	ANCHORAC	AK		99511-1096	
14 6285B04L008-2	JOHNSON JOSH WILLIAM & CHARLES NOEL TR	1345 K ST	ANCHORAC	AK		99501	
15 6285B01L020	JAMES LYNDA RAE	1634 W 13TH AVE	ANCHORAC	AK		99501	
16 9141000U00D	WRIGHT GEOFFREY & CATHERINE	4070 WARWICK PL	ANCHORAC	AK		99508	
17 9141000U00H	ALASKA SAILING CLUB INC	PO BOX 92554	ANCHORAC	AK		99509-2554	
18 6285B02L007	ELLIS MATTHEW ELLIS MATTHEW	11508 TANGLEWOOD LAKES C	ANCHORAC	AK		99516	
19 6285B04L006	RADER LAURALYN	2901 UAA DR	ANCHORAC	AK		99508	
20 6285B01L004	WALKER ANNE-MARIE & JIMMY SHAW	11732 CLERKE CIR	ANCHORAC	AK		99515	
21 6285000T00D	HOLBROOK WALTER C & BARBARA J	8834 JEWELL TER	ANCHORAC	AK		99504	
22 6363B01L006A-2	LALONDE BRUCE A & TINA N	2215 ARBOR CIR	ANCHORAC	AK		99517-1342	
23 9141000U00G	HUNTER ELAYNE CHERYL	1640 CRESCENT DR	ANCHORAC	AK		99508	
24 6285000T00B	TOPOLSKI JIM K & JANET E	STE 193-994 800 E DIMOND BLVD D62-D25	ANCHORAC	AK		99515	
25 6285B01L008	REUTER CHAS E & PAMELA G LVG TR	3900 MARCY CT	ANCHORAC	AK		99502-2837	
26 6285B01L002	MILLER LOUIS III & B A	11050 HIDEAWAY LAKE CIR	ANCHORAC	AK		99507-6157	
27 6285B01L014	SHERWOOD KEN & LIZ LVG TR	1520 W 12TH AVE	ANCHORAC	AK		99501	
28 6285000T002B	ALASKA STATE OF DEPT OF NAT RES DIV OF FORESTRY	STE 1050A 550 W 7TH AVE	ANCHORAC	AK		99501	
29 9141000U00E	LEE BRUCE & LAREN LVG TR	512 W INTERNATIONAL AIRPO	ANCHORAC	AK		99518	
30 6285B02L002	ATTALA EDWARD & MOLLY	615 EVANS RD	SAN LUIS O CA			93401	
31 3390B01L006B	IGTANLOC MARK L & TAUNJA D	10701 PROSPECT DR	ANCHORAC	AK		99507	
32 6285B01L011	KNIKATNU INC	PO BOX 872130	WASILLA	AK		99687-2130	
33 6285B04L005	RADER MAXINE, RADER WM JOS REV TR TRE	2901 UAA DR	ANCHORAC	AK		99508-4632	
34 6285000T001A	LUITEN TONY X & JENNIFER M	11211 TULIN PARK LOOP	ANCHORAC	AK		99516	
35 6285B04L007	FOURNIER 2022 REV LVG TR	#4 4211 FLORINA ST	ANCHORAC	AK		99508	
36 6362B03L002B	LANDERS ROBERT & RACHEL	10744 BRIGGS CACHE CIR	EAGLE RIVE AK			99577	
37 6285B01L017	DUNLAP SARA	8700 E KLATT RD	ANCHORAC	AK		99508	
38 9141000U00C	STANBRO TL & TERESA G	3101 MARATHAN CIR	ANCHORAC	AK		99515	
39 6285B01L007	DENNIS MICHAEL B & JANE A	#221 5555 E SKYLINE DR	SAN TAN V. AZ			85140	
40 9141000U00F	DE LEY RAE	2350 NASH CIR	ANCHORAC	AK		99508-3792	
41 6285B04L009	LAWENDOWSKI JOSEPH R & TONJA HOTRUM	18600 KITTIWAKE CIR	ANCHORAC	AK		99516-6128	
42 6285B04L008-1	LAWENDOWSKI JOSEPH RONALD & TONJA HOTRUM	PO BOX 520311	BIG LAKE	AK		99652	
43 6285B01L009	SUMNER DANIEL R & PAULA D REV TR	PO BOX 521164	BIG LAKE	AK		99652-1164	
44 6285B02L003	MARQUARDT JAY J& DEANNA L	PO BOX 91494	ANCHORAC	AK		99509	
45 6285B04L012	BALCHEN MADELEINE & WILLIAM ANDRESEN	PO BOX 520853	BIG LAKE	AK		99652	
46 6285B01L001	LEWIS RUSSELL & WANDA LVG TR	#7 200 W 34TH AVE	ANCHORAC	AK		99503	
47 6285000T001-B1	ALASKA STATE OF DEPT OF NAT RES DIV OF LANDS	550 W 7TH AVE	ANCHORAC	AK		99501-3579	
48 6150000L004	BATTAS LISA & EDWARD HOYT	2612 SHELDON DR	RICHMONT CA			94803-2317	
49 9141000U00B	MEYERS DAVID & MARILYN SANFORD	11701 WOODBOURNE DR	ANCHORAC	AK		99516-2556	
50 6285B04L001	TRAILER DAVID EDW & KAY E	PO BOX 520223	BIG LAKE	AK		99652	

51 17N03W31B015 WILSON LON G
 52 6285B04L002 DIETZ MICHAEL D& MICHELLE
 53 17N03W31B010 SCHMID KATHLEEN ELIZABETH
 54 4360B04L004A MATANUSKA-SUSITNA BOROUGH
 55 17N03W31B016 WILSON LON G
 56 6285000T001-B2 KNIKATNU INC
 57 6285B04L001 TRAILER DAVID EDW & KAY E
 58 BIG LAKE COMMUNITY COUNCIL

11553 DISCOVERY HEIGHTS
 PO BOX 521184
 PO BOX 111096
 350 E DAHLIA AVE
 11553 DISCOVERY HEIGHTS
 PO BOX 872130
 PO BOX 520223
 PO BOX 520931

ANCHORAK AK 99515-2720
 BIG LAKE AK 99652-1184
 ANCHORAK AK 99511-1096
 PALMER AK 99645-6488
 ANCHORAK AK 99515-2720
 WASILLA AK 99687-2130
 BIG LAKE AK 99652
 BIG LAKE AK 99652

MSB Mailing List Application Instructions

8126 S Big Lake Rd, BIG L X

Show search results for 8126 S ...

Enhanced Search

By Shape By Value By Spatial Results

Features selected: 9

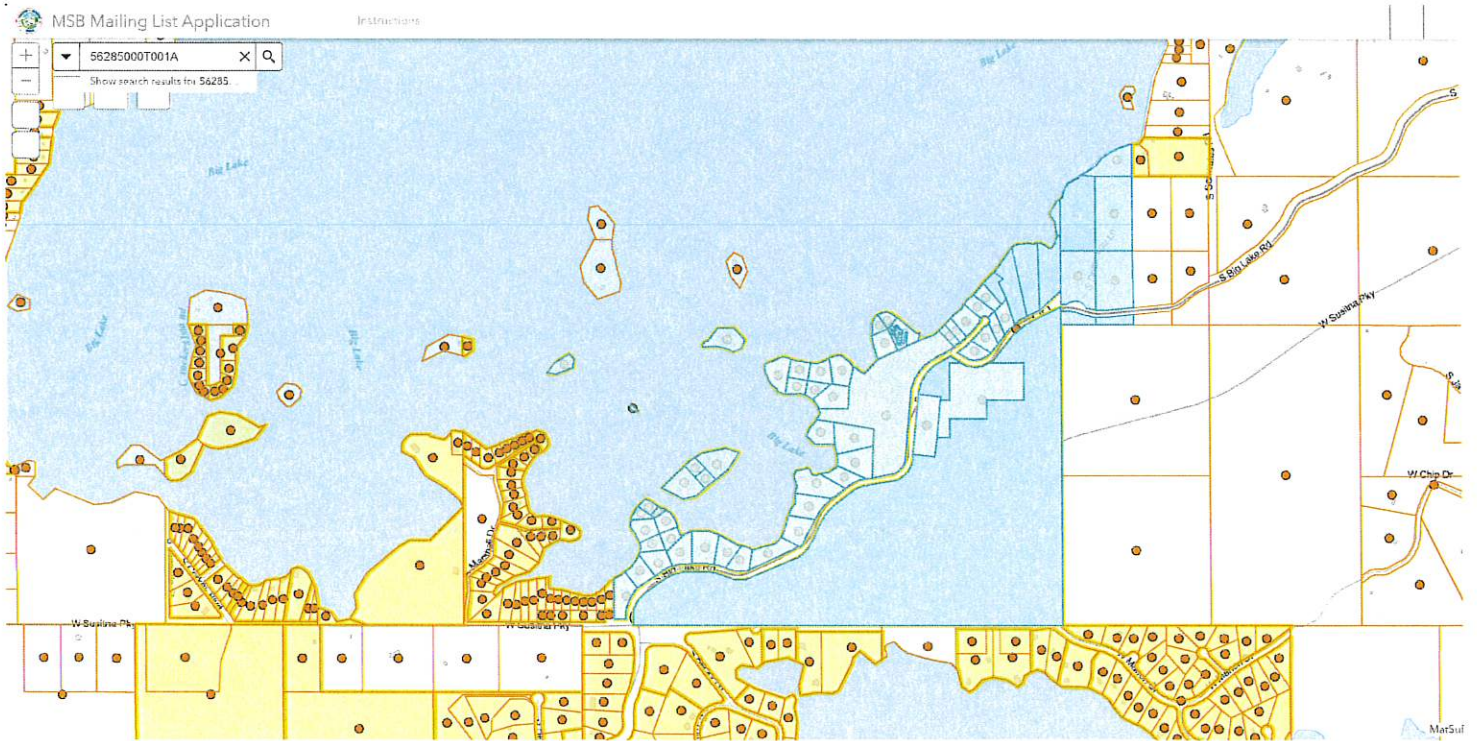
4360B04L003A
 General Ownership: PRIVATE
 Legal Description: SOUTH BG LK AK RSB B/4 L/3 & 4 BLC
 P_ID: 33884
 OWNER_1: MAY REV TR
 NAME_2: MAY JAMES R & PATRICIA ANNE TRES
 SUBDNUM: 4360
 MAILING_ADDRESS_LINE_B: 12250 BROOKWOOD CIR
 MAILING_ADDRESS_CITY: ANCHORAGE
 MAILING_ADDRESS_STATE: AK
 MAILING_ADDRESS_ZIP: 99516-1992
 LANDVALUE: 140300
 LANDASSD: 140300

App State
 Alaska's transition to the new government and how an
 established state is conducted



2/29/24, 3:05 PM

MSB Mailing List Application



Matanuska-Susitna Borough
Development Services Division
350 E. Dahlia Avenue
Palmer, Alaska 99645

«NAME»
«ADDRESS_1»
«ADDRESS_2»
«ADDRESS_3»

The Matanuska-Susitna Borough Planning Commission will consider the following:

MSB 17.65 – Variances. Todd and Jennifer Luiten are seeking a variance to the minimum shoreline setback of 75 feet and the public right-of-way setback of 25 feet, as per MSB 17.55, Setbacks. The variance is requested to construct a 28-foot by 32-foot cabin located 21.9 feet from Big Lake shorelands and 10 feet from the east property line. The east property line also serves as the west edge of a public right-of-way. The existing cabin will be removed. The property is a tract of land approximately 66 feet wide at its widest point and 13,940 square feet in size (0.32 acres). The property is located at 8126 South Big Lake Road, Tax ID 6285000T001A.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on **Monday, May 20, 2024, at 6:00 p.m.** in the Borough Assembly Chambers at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission, and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking “All Public Notices & Announcements.” For additional information, contact Peggy Horton, Planner II, at 907-861-7862. Provide written comments by e-mail to peggy.horton@matsugov.us or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

The public may provide verbal testimony at the meeting or telephonically by calling 1-855-290-3803. To be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for the definition of an interested party. The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk’s office, and at various libraries within the borough.

Comments are due on or before **April 22, 2024**, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report but will be provided to the Commission at the meeting.

Name: _____ Mailing Address: _____

Location/Legal Description of your property: _____

Comments: _____

Note: Vicinity Map Located on Reverse Side

From: [Peggy Horton](#)
To: [Ben Borg](#); [Petra Albecker \(petra.albecker@frontiersman.com\)](mailto:petra.albecker@frontiersman.com)
Cc: [Corinne Lindfors](#); [Karol Riese](#)
Subject: MSB Page Ad: Luiten Variance
Date: Tuesday, February 27, 2024 12:07:00 PM
Attachments: [Newspaper Ad.DOCX](#)
[Newspaper Ad Request.pdf](#)
[6285000T001A Ad Layout.pdf](#)
[image001.png](#)

Good afternoon,

Please see the attached ad, map, and ad request for publication on Wednesday, March 13, 2024.

Thank you,
Peggy Horton
Current Planner
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer AK 99645
907-861-7862



ADVERTISEMENT ORDER
MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue
Palmer, Alaska 99645

PUBLISHER	MANDATORY PUBLICATION DATES {By MSB Code}	PREFERRED PUB. DATES	DATES FOR FILLER ADS (space permitting)
FRONTIERSMAN (contract)	March 13, 2024		
Anchorage Daily News			
Talkeetna Good Times {publishes once a month}			

Borough Page Classified/Legal Display Ad Acct #(100.120.113.422.000)

**THE ATTACHED MATERIAL MUST BE PRINTED IN ITS ENTIRETY ON THE DATES SHOWN ABOVE.
AN AFFIDAVIT OF PUBLICATION IS REQUIRED PRIOR TO PAYMENT.**

A PROOF IS REQUESTED ON DISPLAY ADS FOR APPROVAL, PRIOR TO PUBLICATION.

Please email display ad proof to Attn: Peggy Horton Email: peggy.horton@matsugov.us
and Corinne Lindfors Email: clindfors@matsugov.us

See attached Advertisement

Requested by: _____
Emailed: _____ Diskette: _____

Approved by: _____
Date: _____

PUBLIC HEARING

MSB 17.65 – Variances. Todd and Jennifer Luiten are seeking a variance to the minimum shoreline setback of 75 feet and the public right-of-way setback of 25 feet, as per MSB 17.55, Setbacks. The variance is requested to construct a 28-foot by 32-foot cabin located 21.9 feet from Big Lake shorelands and 10 feet from the east property line. The east property line also serves as the west edge of a public right-of-way. The existing cabin will be removed. The property is a tract of land approximately 66 feet wide at its widest point and 13,940 square feet in size (0.32 acres). The property is located at 8126 South Big Lake Road, Tax ID 6285000T001A.

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Chapter 17.28 INTERIM MATERIA x Title 17 Matanuska-Susitna Borough - Pl x

https://matsugov.us/publicnotice/public-hearing-notice-for-a-variance-application

Planning Experience DNR Recorder's Off... Time & Attendance Parcel Viewer Matanuska-Susitna... MSB Code BldgLegHist - SQL... Assessments Bldg L... Drinking Water Sou... Home - OneDrive Waterbody Setback... Joomla Alaska Storm Water...

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Public Notice > Public Hearing Notice for a Variance Application

Notice Type Public Notice



MSB 17.65 – Variances. Todd and Jennifer Luiten are seeking a variance to the minimum shoreline setback of 75 feet and the public right-of-way setback of 25 feet, as per MSB 17.55, Setbacks. The variance is requested to construct a 28-foot by 32-foot cabin located 21.9 feet from Big Lake shorelands and 10 feet from the east property line. The east property line also serves as the west edge of a public right-of-way. The existing cabin will be removed. The property is a tract of land approximately 66 feet wide at its widest point and 13,940 square feet in size (0.32 acres). The property is located at 8126 South Big Lake Road, Tax ID 6285000T001A.

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Effective Date
Feb 27, 2024
Tax ID
6285000T001A
Documents
Variance Application Packet 
Vicinity Map 

From: [Peggy Horton](#)
To: dnr.scro@alaska.gov; [James Walker \(james.walker2@alaska.gov\)](mailto:James.Walker@alaska.gov); colton.percy@alaska.gov; [Sarah Myers \(sarah.myers@alaska.gov\)](mailto:sarah.myers@alaska.gov); msb.hpc@gmail.com; [Gerrit Verbeek](#); [MEA ROW - MEA \(mearow@mea.coop\)](#); [Right of Way Dept.](#); [Enstar ROW \(row@enstarnaturalgas.com\)](mailto:row@enstarnaturalgas.com); [Brian Davis](#); [Jeffrey Anderson](#); [Fire Code](#); [Land Management](#); regpagemaster@usace.army.mil; [Tom Adams](#); [Brad Sworts](#); [Daniel Dahms](#); [Tammy Simmons](#); [Jamie Taylor](#); [Katrina Kline](#); [Alex Strawn](#); [Planning](#); [Fred Wagner](#); [Permit Center](#); [Jason Ortiz](#); [Corinne Lindfors](#); [Michelle Olsen](#); [Taunnie Boothby](#); [John Aschenbrenner](#); [Bill Gamble](#); jlayne74@hotmail.com; lisa.behrens.msbak@gmail.com; cbiglake@yahoo.com; ben@battlegroundllc.com; davehaggard@gmail.com; 2qofishing@gmail.com; alaskayess@yahoo.com
Subject: Request for Reviews and Comments: Variance for Luiten on Big Lake
Date: Tuesday, February 27, 2024 2:45:00 PM
Attachments: [image001.png](#)

Good Afternoon,

MSB 17.65 – Variances. Todd and Jennifer Luiten are seeking a variance to the minimum shoreline setback of 75 feet and the public right-of-way setback of 25 feet, as per MSB 17.55, Setbacks. The variance is requested to construct a 28-foot by 32-foot cabin located 21.9 feet from Big Lake shorelands and 10 feet from the east property line. The east property line also serves as the west edge of a public right-of-way. The existing cabin will be removed. The property is a tract of land approximately 66 feet wide at its widest point and 13,940 square feet in size (0.32 acres). The property is located at 8126 South Big Lake Road, Tax ID 6285000T001A, within Township 17 North, Range 4 West, Section 36, Seward Meridian. RSA 21

The Planning Commission will conduct a public hearing on this request on May 20, 2024.

Application materials may be viewed online at www.matsugov.us by clicking on 'All Public Notices & Announcements.' A direct link to the application material is here:

<https://matsugov.us/publicnotice/public-hearing-notice-for-a-variance-application>

Comments are due on or before **April 22, 2024**, and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received after that date will not be included in the staff report to the Planning Commission. Thank you for your review.

Thank you,
Peggy Horton
Current Planner
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer AK 99645
907-861-7862

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Site Visit Photos



Pointing North. Entry blocked by fallen trees. Surveyor stake with red and pink ribbons near the photo's center. The owner's shed and dilapidated cabin in the distance.



Pointing North. The tree-lined entry with a shed and cabin in the distance.



Pointing northeast. Rear of the outhouse and hill behind it.



Pointing north. Showing the south and east sides of the cabin. The oil barrel is empty and has not been used for years, according to the owner.



Pointing Southwest. Showing the east and north sides of the shed with Big Lake in the background.



Pointing northeast. Showing the south side of the cabin, which is the entrance.



Pointing northeast. Showing the west side of the cabin.



Pointing east. Showing the north and west sides of the cabin.



Pointing east. Showing a small shed on the north side of the cabin and the hill behind the cabin.



Pointing east at the northwest corner of the house. Showing the hill behind the house.



Pointing northeast and at the northwest corner of the house. Showing the hill to the north and east of the house.



Pointing south. Showing the northwest corner of the cabin and Big Lake beyond.



Pointing south. At the northeast corner of the cabin, showing the hill to the east.



Pointing south. At the northeast corner of the cabin, showing the area behind the cabin and the shed beyond.



Pointing south. At the southeast corner of the cabin, showing the hill behind the cabin.

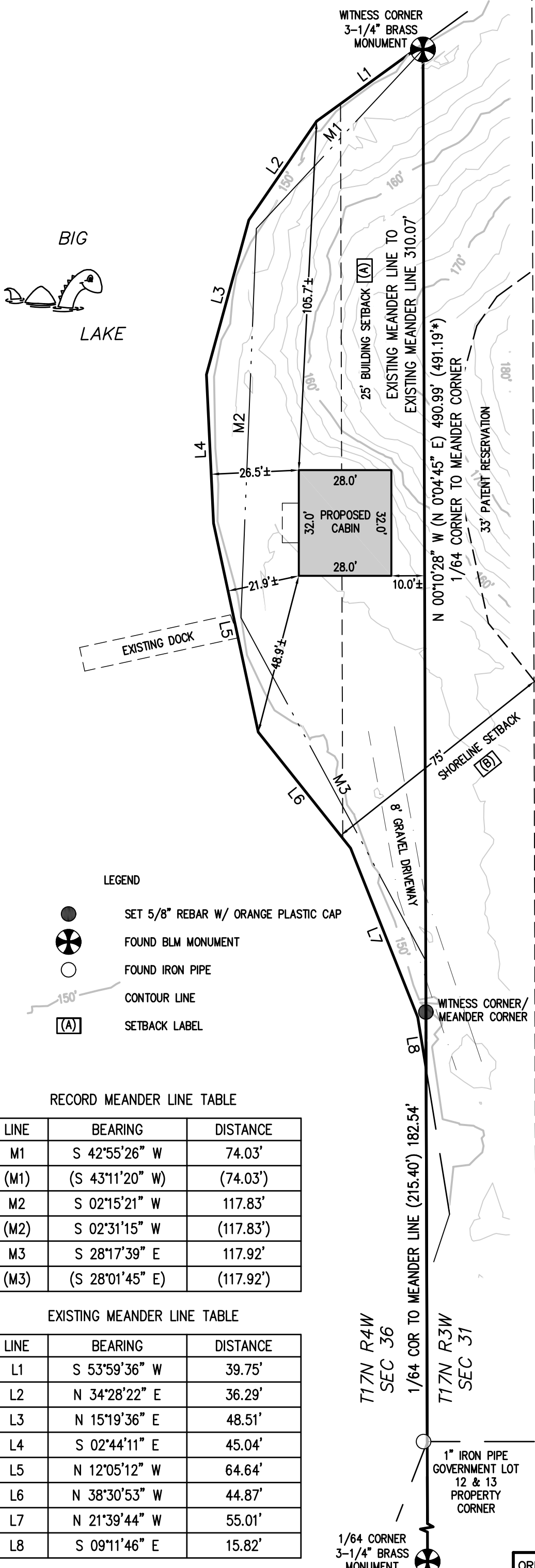
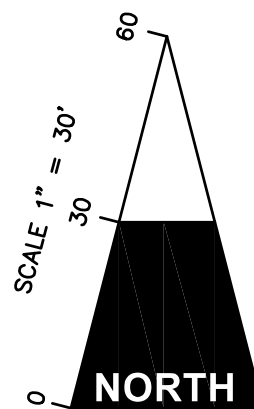


Pointing northwest. Looking at Big Lake



Pointing west. Showing the existing dock and Big Lake beyond.

SITE PLAN



GOVERNMENT LOT 12

NOTES:

1. BASIS OF BEARINGS IS ALASKA STATE PLANE ZONE 4.
2. () RECORD DIMENSIONS PER PLAT 66-4.
3. (491.19*) DENOTES COMPUTED RECORD DIMENSION.
4. UTILITIES OTHER THAN THOSE SHOWN MAY EXIST.
5. FIELD SURVEY WAS CONDUCTED AUGUST 29, 2022.
6. CONTOUR INTERVAL IN 2'.
7. THE 50' SECTION LINE EASEMENT ON TRACT 1A SHOWN ON PLAT NO. 66-4 WAS VACATED BY PLAT NO. 69-26.

MATANUSKA-SUSITNA BOROUGH CODE

- (A) 17.55.010 SETBACKS:
NO STRUCTURE OR BUILDING LINE SHALL BE PLACED WITHIN 25 FEET FROM THE RIGHT-OF-WAY LINE OF ANY PUBLIC RIGHT-OF-WAY, EXCEPT NO FURTHERMOST PROTRUDING PORTION OF ANY STRUCTURE SHALL BE PLACED WITHIN TEN FEET FROM THE RIGHT-OF-WAY LINE OF ANY PUBLIC RIGHT-OF-WAY WHEN THE PRE-EXISTING LOT:
- (2) COMPRISES A NONCONFORMING STRUCTURE ERECTED PRIOR TO JULY 3, 1973. THIS SETBACK SHALL BE KNOWN AS THE STRUCTURE OR BUILDING LINE SETBACK.
- (B) 17.55.020 SETBACKS FOR SHORELANDS.
(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, NO STRUCTURE OR FOOTING SHALL BE LOCATED CLOSER THAN 75 FEET FROM THE ORDINARY HIGH WATER MARK OF A BODY OF WATER. EXCEPT AS PROVIDED OTHERWISE, EAVES MAY PROJECT THREE FEET INTO THE REQUIRED SETBACK AREA.
(B) DOCKS, PIERS, MARINAS, AIRCRAFT HANGARS, AND BOATHOUSES MAY BE LOCATED CLOSER THAN 75 FEET AND OVER THE WATER, PROVIDED THEY ARE NOT USED FOR HABITATION AND DO NOT CONTAIN SANITARY OR PETROLEUM FUEL STORAGE FACILITIES. STRUCTURES PERMITTED OVER WATER UNDER THIS SUBSECTION SHALL CONFORM TO ALL APPLICABLE STATE AND FEDERAL STATUTES AND REGULATION

LEGEND

- SET 5/8" REBAR W/ ORANGE PLASTIC CAP
- FOUND BLM MONUMENT
- FOUND IRON PIPE
- CONTOUR LINE
- SETBACK LABEL

RECORD MEANDER LINE TABLE

LINE	BEARING	DISTANCE
M1	S 42°55'26" W	74.03'
(M1)	(S 43°11'20" W)	(74.03')
M2	S 02°15'21" W	117.83'
(M2)	(S 02°31'15" W)	(117.83')
M3	S 28°17'39" E	117.92'
(M3)	(S 28°01'45" E)	(117.92')

EXISTING MEANDER LINE TABLE

LINE	BEARING	DISTANCE
L1	S 53°59'36" W	39.75'
L2	N 34°28'22" E	36.29'
L3	N 15°19'36" E	48.51'
L4	S 02°44'11" E	45.04'
L5	N 12°05'12" W	64.64'
L6	N 38°30'53" W	44.87'
L7	N 21°39'44" W	55.01'
L8	S 09°11'46" E	15.82'



PLOT PLAN

I HEREBY CERTIFY THAT I HAVE PERFORMED A SURVEY OF

TRACT 1A, SOUTH BIG LAKE ALASKA SUBDIVISION, PLAT NO. 66-4, PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA,

AND THAT THE IMPROVEMENTS AS DEPICTED HEREON EXIST AS SHOWN IN RELATION TO THE PROPERTY LINES UNLESS OTHERWISE NOTED. EASEMENTS OF RECORD OTHER THAN THOSE SHOWN ON RECORDED PLAT No. 66-4 ARE NOT SHOWN HEREON UNLESS OTHERWISE NOTED.

DATE: 1/04/2023	FB: 2022-4
GRID: LS16	DRAWN: DJ/DMR
SCALE: 1" = 30'	FILE: 22-131PP

ORIGINAL 11" X 17"

APPLICATION MATERIAL

RECEIVED

By Peggy Horton at 2:20 pm, Dec 20, 2022



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

Email: permitcenter@matsugov.us

APPLICATION FOR A VARIANCE – MSB 17.65

NOTE: Carefully read instructions and applicable borough code. Fill out forms completely. Attach information as needed. Borough staff will not process incomplete applications.

Required Attachments:

- \$1,500 application fee
- Certified Site Plan – as defined in MSB 17.125
- Structural elevation drawings of the proposed development
- Narrative with all information required on Pages 1 and 2

Subject Property:

MSB Tax Account ID#(s): 6285000T001A
 Street Address: 8126 South Big Lake Road

Name of Property Owner

Tony and Jennifer Luiten
 Mailing: 11211 Tulin Park Ln
Anchorage AK 99516

Phone: Hm _____ Fax _____

Work _____ Cell 907 491 1166

E-mail: jennifer@alaskaminers.org

Name of Agent / Contact for application

Mailing: _____

Phone: Hm _____ Fax _____

Work _____ Cell _____

E-mail: _____

NARRATIVE – In order to grant a variance from MSB Title 17, the Planning Commission must find that each of the following requirements has been met (17.65.020). Explain how the request meets each requirement.	Attached
Identify the exact code standard(s) which the request for variance is related to.	✓
Provide a detailed written description as to why the variance is required.	✓
What unusual conditions or circumstances apply to the property for which the variance is sought?	✓

How the strict application of the provisions of this title will deprive you of the rights commonly enjoyed by other properties under the terms of this title.	✓
Why the granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.	✓
How will the granting of the variance be in harmony with the objectives of this title and any applicable comprehensive plans?	✓
How the deviation from the requirements of this title as permitted by the variance will be no more than is necessary to permit a reasonable use of the property.	✓
Explain what MSB adopted Voluntary Best Management Practices for Development around Waterbodies will be implemented into the proposed development.	✓

A variance may <u>not</u> be granted if any of the conditions listed below are true. Explain why each condition is <u>not</u> applicable to this application.	Attached
The special conditions that require the variance are caused by the person seeking the variance.	✓
The variance will permit a land use in a district in which that use is prohibited.	✓
The variance is sought solely to relieve pecuniary hardship or inconvenience.	✓

Drawings	Attached
A boundary survey and site plan of the proposed and/or existing development, of the particular parcel or parcels affected. The survey must be submitted under the seal of an Alaska Registered Land Surveyor.	✓
Structural elevation drawing(s) for the purpose of indicating the proposed height and bulk, view and other dimensions of the subject structure.	✓

Prior to the public hearing, the applicant must also pay the mailing and advertising fees associated with the application. Staff will provide applicant with a statement of advertising and mailing charges. Payment must be made **prior** to the application presentation before the Borough Planning Commission.

OWNER'S STATEMENT: I am owner of the following property:

MSB Tax parcel ID #(s) 6285000T001A and, I hereby apply for approval a setback variance on that property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.55 and MSB 17.65 and with all other applicable borough, state or federal laws.

I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorization may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health, safety and welfare and ensure the compatibility of the use with other adjacent uses.

I understand that it is my responsibility to identify and comply with all applicable rules and conditions, covenants, plat notes, and deed restrictions, including changes that may occur in such requirements.

I understand that this permit and zoning status may transfer to subsequent owners of this land and that it is my responsibility to disclose the requirements of this status to the buyer when I sell the land.

I understand that changes from the approved variance may require further authorization by the Borough Planning Commission. I understand that failure to provide applicable documentation of compliance with approved requirements, or violation of such requirements will nullify legal status, and may result in penalties.

I grant permission for borough staff members to enter onto the property as needed to process this application and monitor compliance. Such access will at a minimum, be allowed when the activity is occurring and, with prior notice, at other times necessary to monitor compliance.

The information submitted in this application is accurate and complete to the best of my knowledge.

 Jennifer Luiten 12/19/2022
Signature: Property Owner Printed Name Date

Signature: Agent Printed Name Date

Description

A variance from MSB 17.55 is being applied for and is specifically described.

Provide a detailed written description as to why the variance is required.

Tony and Jennifer Luiten are seeking a variance for Tract 1A South Big Lake Alaska Subdivision, plat 66-4, also identified as 8126 South Big Lake Road.

As stated in Chapter 17.55: Setbacks and Screening Easements:

17.55.010 SETBACKS (A) No structure or building line shall be placed within 25 feet from the right-of-way line of any public right-of-way, except no furthestmost protruding portion of any structure shall be placed within ten feet from the right-of-way line of any public right-of-way when the pre-existing lot:

(1) measures 60 feet or less in frontage on a public right-of-way, and is not located on a cul-de-sac bulb; or

(2) comprises a nonconforming structure erected prior to July 3, 1973. This setback shall be known as the structure or building line setback.

17.55.020 SETBACKS FOR SHORELANDS, (A) Except as provided in subsection (B) of this section, no structure or footing shall be located closer than 75 feet from the ordinary high water mark of a body of water. Except as provided otherwise, eaves may project three feet into the required setback area.

The property at its widest point (east to west) is 65.8 feet, this prevents us from meeting the current building setback requirements of 75 feet from the lake and the 25 feet setback to the public right-of-way on the neighboring property to the east. If we are unable to acquire a variance, the property is unbuildable.

Tony and Jennifer Luiten worked closely with Lavender Survey and Mapping and had a 50' PUE vacation approved on the property. Plat 2024-9 recorded on January 26, 2024.

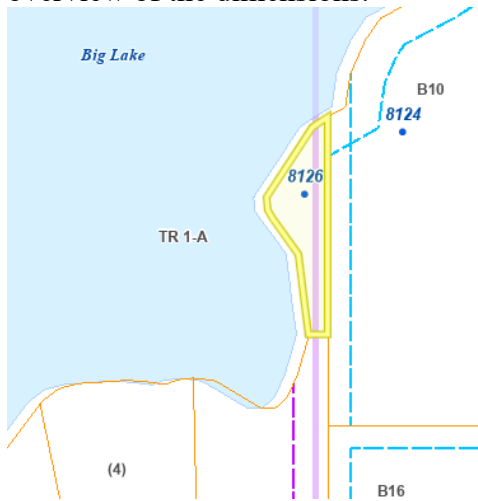
Drawings:

Attached.

In order to grant a variance from MSB Title 17, the Planning Commission must find that each of the following requirements has been met (17.65.020). Explain how the request meets each requirement. Include information such as physical surroundings, shape or topographical conditions of the property which would support the granting of a variance.

1. What unusual conditions or circumstances apply to the property for which the variance is sought?

This small piece of property does not allow development on the property to meet current setback requirements. The property is 0.323 acres (13,940 square feet) and its unique shape only provides a depth of 65.8 feet and its widest point. The property has 349.89 feet of shoreline, it is long and narrow. The property is also level at the narrow (south) point, but gets very steep on the northern end. Please see the below plat of the property and the attached survey for a detailed overview of the dimensions.

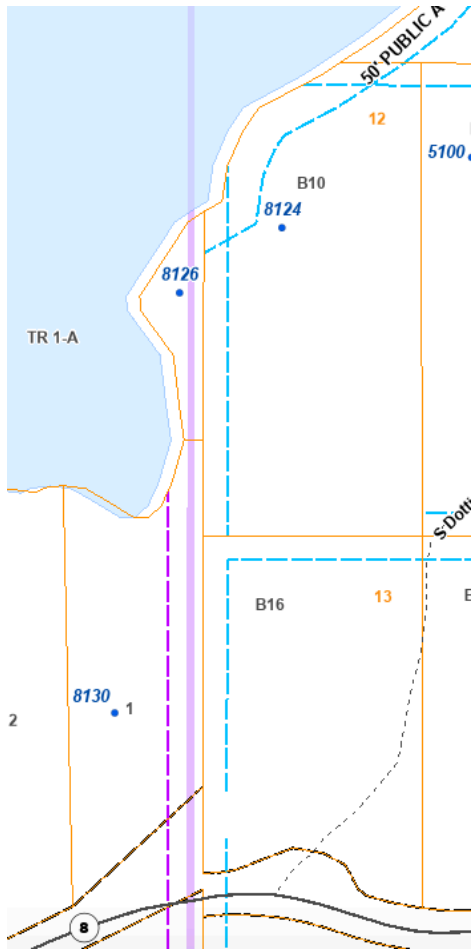


2. How the strict application of the provisions of this title will deprive you of the rights commonly enjoyed by other properties under the terms of this title.

If we are unable to obtain a variance, the property is unbuildable. Other properties have either been grandfathered into existing structures or have adequate property space to build meeting current setback requirements.

Tony Luiten inherited this property from his uncle, and it is our hope that we can build a recreational cabin for our family to enjoy and continue traditions.

The property is located on a quiet cove. To access the property, there is a locked gate on South Big Lake Road that we share with two other neighbors. We use a public rights-of-way driveway and cross in front of a cabin to access our property. This property is owned by Lon Wilson and is used on a recreation basis (plat B16). Kathleen Schmid recently built a new construction home at 8124 South Big Lake Road. This new construction building sits above the lake and is a single story home. David Trailer lives year-round at 8130 South Big Lake Road., he has a single story home with a detached garage and other out buildings.



The property is level where the current structure sits but quickly increases up a steep hill. Due to the incline of the property we would like to build the new construction cabin in a similar location of the current structure.

3. Why the granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.

Currently, this property is overgrown with trees, a run-down cabin and a dock that needs repair. By allowing the variance we will, in fact, eliminate an injurious environment and create an attractive, safe and welcoming addition to the Big Lake community. This property and cabin have not been used for the last 15 years and the alders have significantly taken over.

With the approval of this variance, we plan to remove trees and the current structure. We primarily will remove the overgrown alders and leave all larger trees. The new cabin will be a 28x32 structure and set as far back on the property as possible (adhering to the ten-foot setback from property lines).

Application for Variance
Luiten, 8126 South Big Lake Road

Trees will remain on the property ends to maintain a privacy from neighbors and allow for Alaska's nature and beauty to shine through. We have intentions of planting flowers and greenery on the property, as well. Currently, our property is by far the most overgrown. While each surrounding neighbor has trees on their property they have significantly cleared the land to accommodate yards, driveways and open space.

We are aware of the permitting systems for docks on Big Lake and will work with the State of Alaska Fish & Game to repair our current dock and meet their requirements. We are also aware of MSB Code 11.10.020 that requires a driveway permit and will work with the Permit Center to apply for the required permit.

We do understand that during the building process we may have an impact on our neighbors. We will be accommodating and provide updates and schedules of building plans and progress updates. We will be respectful of construction hours and noise levels during the building process. Once construction is complete, I do not foresee any negative effect on our neighbors. In fact, I believe having a new construction cabin that is maintained and well cared for will only be a positive addition to the neighbors and surrounding area of the cove.

It is our intent based on the Voluntary Best Management Practices for Development Around Waterbodies that we will maintain the natural shoreline and preserve a buffer of continuous, undisturbed native vegetation along the shoreline. The property has 350 feet of shoreline and the cabin will be 28 feet wide, leaving about 322 feet of undisturbed shoreline.

While we are asking for an exception to the rules, we ultimately want to build a cabin for our family to enjoy. We do not, in any way, foresee granting this variance to be injurious to nearby property, nor harmful to the public welfare.

Granting this variance will be beneficial to the overall beauty and public welfare of both neighbors and the Big Lake community.



Photo taken August 23, 2022

4. How will the granting of the variance be in harmony with the objectives of this title and any applicable comprehensive plans?

The Matanuska-Susitna – Big Lake Comprehensive Plan provided significant information on how to promote the type of environment the Big Lake community desires. It is our intent to be respectful to the vegetation, lake and animals/fish by keeping our footprint small, using the cabin on a recreational basis only, and teaching our children how to be respectful of the land and lake.

Granting this variance aligns in harmony with a vision where Big Lake develops land and supports the overall success of the community. We will use local contractors to efficiently construct a two-bedroom, one-bathroom recreational cabin. We are dedicated to taking necessary precautions to ensure safety and well-being during the construction phase, but this project goes much beyond that. This variance will allow for us to maintain the property and contribute to the charm of Big Lake for many years to come. It not only provides a location for our family to gather and enjoy the many benefits Alaska offers, but also contributes to the overall success of the community. We believe this variance should be supported with a comprehensive plan by improving available land, increasing community involvement, and providing financially to the Matanuska Susitna Borough.

5. How the deviation from the requirements of this title as permitted by the variance will be no more than is necessary to permit a reasonable use of the property.

The desired cabin is 28'x32' and 896 square feet. It is our goal to keep the cabin small and efficient, and we've placed it as far back from the lake as possible. With the 10-foot property line setback, we have 22.5 feet from the cabin to the lake. Additionally, we also face the 25-foot public right-of-way setback. We understand the numerous limitations to our property and appreciate your consideration of allowing us to build this proposed cabin. With approval, we will build a single-story cabin with two bedrooms (each bedroom is 12'x11') and one bathroom. We do not plan to build a large or obstructive building and there will not be a garage. We understand that our property has limitations and have designed a small single-story cabin to best accommodate the property restrictions.

A variance may not be granted if any of the conditions listed below are true. Explain why each condition is not applicable to this application.

1. The special conditions that require the variance are caused by the person seeking the variance.

The property is small and does not allow new development to meet setback requirements. At its greatest width the property is 65.8 feet, requiring a variance. We wish this property met setback requirements and respectfully ask for your consideration with these two variances. I do understand that I have mentioned numerous times the property width, but it is the sole limitation to our property.

2. The variance will permit a land use in a district in which that use is prohibited.

We'd like to build at 8126 South Big Lake Road. Building is adequately allowed, and we are taking all necessary steps to build within regulations, including the driveway permit for accessing public rights-of-way. We are seeking a variance solely for the depth of our property not meeting the 75-foot building setback requirement.

3. The variance is sought solely to relieve pecuniary hardship or inconvenience.

The variance is sought solely for the dimensions of our property. We wish we were able to conform to all setback requirements and could avoid having to ask for an exception.

Thank you for reviewing this application and your time dedicated to this request.
Tony and Jennifer Luiten

From: [Jennifer Luiten](#)
To: [Peggy Horton](#)
Subject: Re: Variance application
Date: Saturday, March 23, 2024 8:14:57 AM
Attachments: [WW Certificate Big Lake.pdf](#)
[8126 S. Big Lake Rd 1.pdf](#)
[8126 S. Big Lake Rd 3.pdf](#)
[8126 S. Big Lake Rd 2.pdf](#)

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hi Peggy, I hired Pannone Engineering, LLC to design a wastewater system, they submitted the design to DEC and we have approval for that - attached. Let me know if this is what you're looking for or if you need more info. There will be a well installed, as well.

Thank you,
Jennifer

Jennifer Luiten
jennifer@alaskaminers.org
cell/text: 907-491-1166

On Mar 22, 2024, at 10:53 AM, Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Good Morning,
I was reading the variance application over again as I write my staff report. I realized you intend to have a bathroom in the cabin. How do you intend to manage wastewater and sewage? Do you intend to have a well also? Have you discussed any options for a well and septic system with the Alaska Department of Environmental Conservation (ADEC)?

Respectfully,
Peggy Horton
Current Planner
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer AK 99645
907-861-7862
<image001.png>



STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CONSTRUCTION AND OPERATION CERTIFICATE
FOR
DOMESTIC WASTEWATER DISPOSAL SYSTEMS

A. APPROVAL TO CONSTRUCT PROJECT

Plans for the construction or modification of 8126 S Big Lake Rd, South Big Lake Alaska Subd., Tract 1A
Advantex type Advanced Treatment type domestic wastewater disposal system
located in Big Lake, Alaska, submitted in accordance with 18 AAC 72.210
by Steve Pannone P.E. have been reviewed and are

- approved.
- conditionally approved (see attached conditions).

BY  Environmental Engineer Assoc May 2, 2023
Oran Woolley TITLE DATE

If construction has not started within two years of the approval date, this certificate is void and new plans and specifications must be submitted for review and approval before construction.

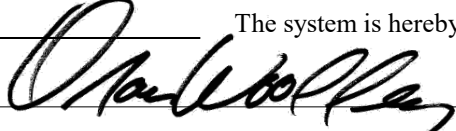
B. APPROVED CHANGE ORDERS

Change (contract order number or descriptive reference)	Approved by	Date

C. APPROVAL TO OPERATE

The "APPROVAL TO OPERATE" section must be completed and signed by the Department before this system is made available for use.

The construction of the Above referenced domestic wastewater disposal system was completed on . The system is hereby granted **interim** approval to operate for 90 days following the completion date.

BY  EEA
TITLE DATE

As-built/record drawings, submitted to the Department, or an inspection by the Department, has confirmed that the domestic wastewater disposal system was constructed in substantial conformance with the approved plans. **The system is hereby granted final approval to operate.**

BY Environmental Engineer Associate
TITLE DATE

- Distribution:
- 1. Retain original for project file
 - 2. Make copies for distribution



MEASURED MEANDER

INSTALL DRAIN FIELD (P)
 25LF x 5.0'W x 4.0'ED x 7.0'TD
 INSTALL MT AT EACH END.
 INSTALL 2" RIGID INSULATION
 OR FILL OVER FIELD TO CREATE
 MINIMUM 3.0' GROUND COVER.

INSTALL 1500-GALLON STEP TANK (P)
 W/ AX-20 POD AND AUXILIARY
 PUMP VAULT. INSTALL PF5005 OR SIMILAR
 EFFLUENT PUMP IN AUX PUMP VAULT.
 SEE DESIGN NOTES THIS SHEET.

DESIGN PARAMETERS
 PRIMARY/RESERVE SEPTIC SYSTEM
 NO. BEDROOM: 2(300 gpd)
 TANK SIZE: 1500gal STEP
 PERC RATE: 1-5 MPI
 SOIL RATING: 1.2 GPD/SF
 AREA RQD: 250 SF
 RF: 0.50
 ADJ AREA: 125 SF
 SYS. TYPE: WIDE TRENCH; 4.0'ED
 MIN LENGTH: 25 LF

USE:
 25LF x 5.0'W x 4.0'ED x 7.0'TD
 TOTAL AREA: 250 SF

DESIGN NOTES:

- DESIGN IS SUBJECT TO CHANGE PENDING THE RESULTS OF THE TEST HOLE, PERCOLATION TEST, AND GROUNDWATER MONITORING.
- PIPE MATERIALS SHALL BE AS FOLLOWS:
 - HOUSE TO SEPTIC TANK: SCHEDULE 40 ABS
 - SEPTIC TANK TO DRAIN FIELD: SCHEDULE 40 PVC.
 - DRAIN FIELD: SCHEDULE 40 PVC.
- SYSTEM SHALL BE INSTALLED PER THE ATTACHED PLANS AND DETAILS.
- SEE ATTACHED CALCULATIONS FOR TANK BUOYANCY CONTROL.
- EASTERN PROPERTY LINE IN THE AREA OF THE PROPOSED SEPTIC TANK AND DRAIN FIELD SHALL BE STAKED BY A REGISTERED LAND SURVEYOR PRIOR TO INSTALLATION.
- HOUSE LOCATION ON LOT APPROXIMATE AND SUBJECT TO CHANGE AND THEREFORE THE SEPTIC TANK AND DRAIN FIELD IS SUBJECT TO CHANGE.
- AX-20 POD SHALL NOT BE INSTALLED OVER THE STEP TANK. AND SHALL BE INSTALLED ABOVE THE WATER TABLE AND INSULATED ACCORDINGLY.

1. DATA PROVIDED
 This will serve to certify that these Record Drawings are a true and accurate representation of the project as constructed.
 CONTRACTOR: _____
 BY: _____
 TITLE: _____ DATE: _____

2. DATA TRANSFERRED
 BY: _____
 COMPANY: _____
 DATE: _____

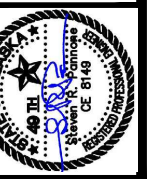
3. DATA TRANSFER CHECKED
 Based on periodic field observations by the Engineer (or on individual under this/her direct supervision), the Contractor-provided data appears to represent the project as constructed.
 BY: _____
 COMPANY: _____
 TITLE: _____ DATE: _____

OWNER/CLIENT:
 JENNIFER LUITEN
 11211 TULIN PARK LOOP
 ANCHORAGE, AK 99516
 907.491.1166
 jennifer@alaskaminers.org

SOUTH BIG LAKE ROAD TR 1A
SITE: 8126 S. BIG LAKE RD
 SITE PLAN

Pannone Engineering
 Services, LLC
 C.11088
 P.O. BOX 1807
 PALMER, AK 99645
 T: (907) 745-8200
 F: (907) 745-8201

NO.	DATE	DESCRIPTION



DRAWN	ACCP	CHECKED	SRP	GRID	DATE
					1/23/2023

SHEET
C1.0
 1 OF 3

1. DATA PROVIDED
 This will serve to certify that these Record Drawings are a true and accurate representation of the project as constructed.
 CONTRACTOR: _____
 BY: _____
 TITLE: _____ DATE: _____

2. DATA TRANSFERRED
 BY: _____
 COMPANY: _____
 DATE: _____

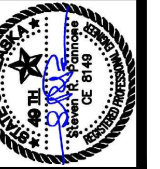
3. DATA TRANSFER CHECKED
 Based on periodic field observations by the Engineer (or on individual under this/her direct supervision), the Contractor-provided data appears to represent the project as constructed.
 BY: _____
 COMPANY: _____
 TITLE: _____ DATE: _____

OWNER/CLIENT:
 JENNIFER LUITEN
 11211 TULIN PARK LOOP
 ANCHORAGE, AK 99516
 907.491.1166
 jennifer@alaskaminers.org

SOUTH BIG LAKE ROAD TR 1A
SITE: 8126 S. BIG LAKE RD
 SECTIONS/DETAILS

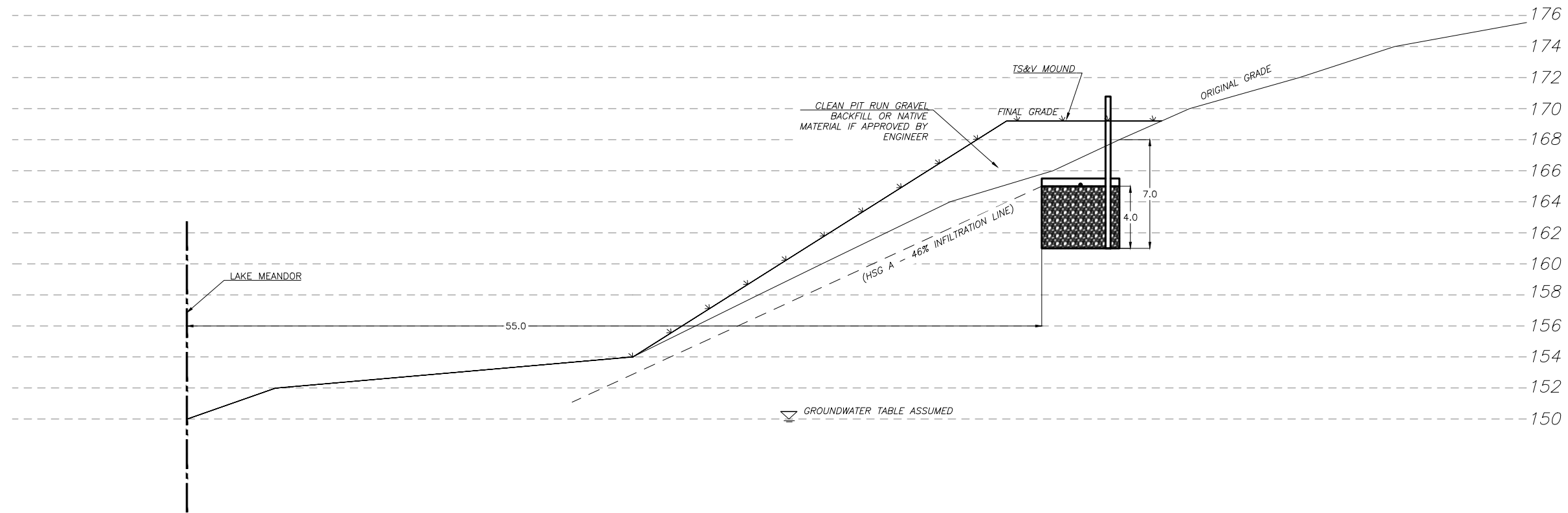
Pannone Engineering Services, LLC
 C.11088
 P.O. BOX 1807
 PALMER, AK 99645
 T: (907) 745-8200
 F: (907) 745-8201

REVISIONS

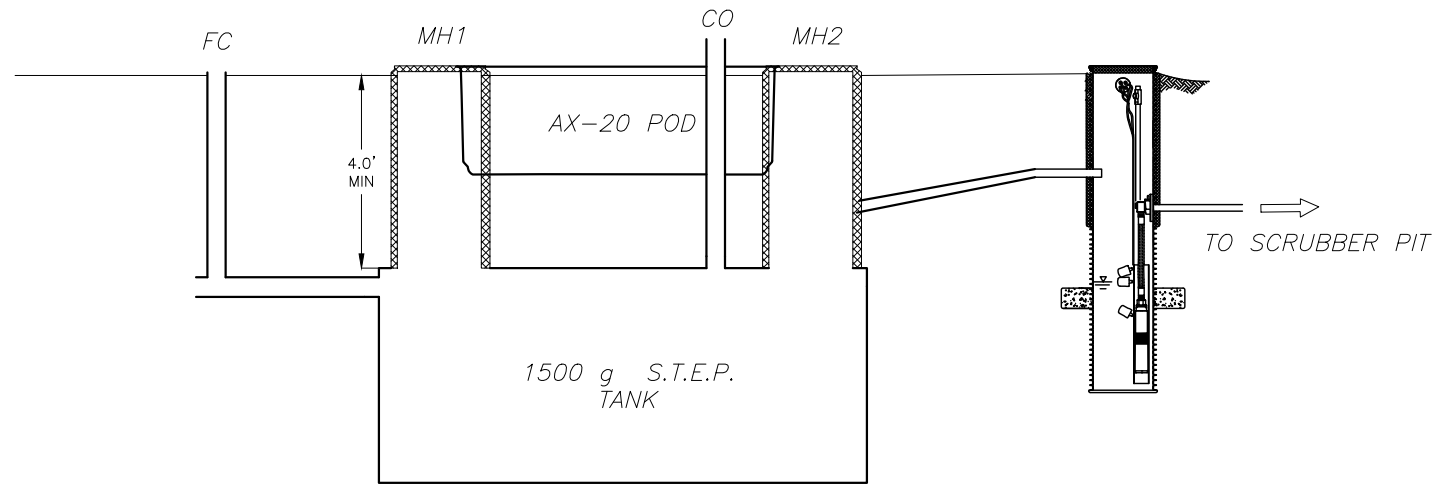


DRAWN	ACP	CHECKED	SRP	GRID	DATE
					1/23/2023

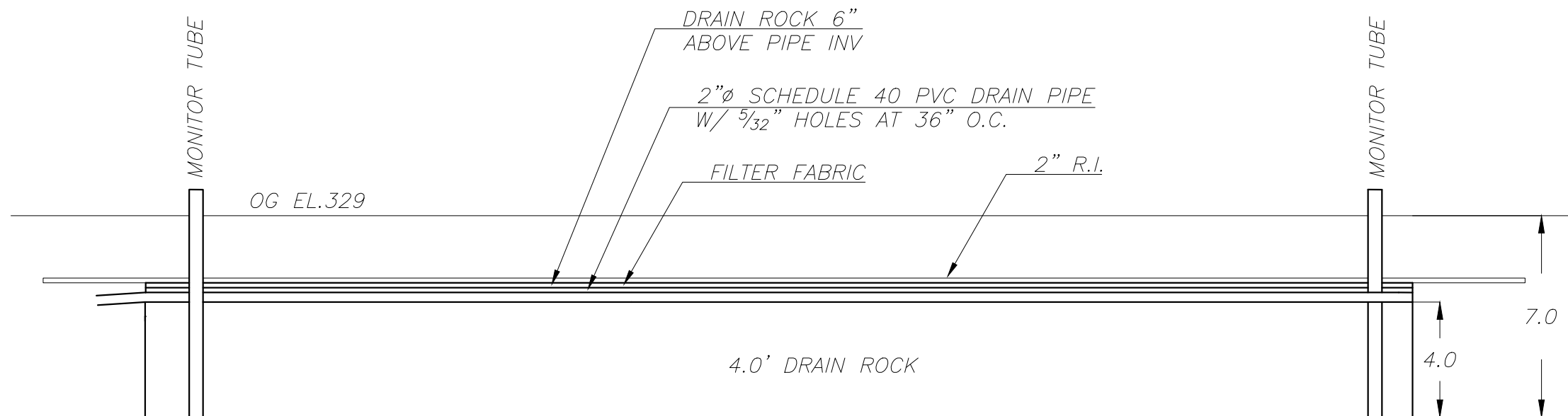
SHEET
C3.0
 2 OF 3



A SCRUBBER PIT & SLOPE SECTION
 SCALE: NTS



B STEP TANK & AX-UV DETAIL
 SCALE: NTS



C DRAIN FIELD PROFILE
 SCALE: NTS

1. DATA PROVIDED
 This will serve to certify that these Record Drawings are a true and accurate representation of the project as constructed.
 CONTRACTOR: _____
 BY: _____
 TITLE: _____ DATE: _____

2. DATA TRANSFERRED
 BY: _____
 COMPANY: _____
 DATE: _____

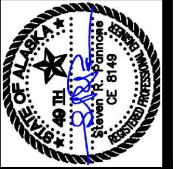
3. DATA TRANSFER CHECKED
 Based on periodic field observations by the Engineer (or on individual under this/her direct supervision), the Contractor-provided data appears to represent the project as constructed.
 BY: _____
 COMPANY: _____
 TITLE: _____ DATE: _____

OWNER/CLIENT:
 JENNIFER LUITEN
 11211 TULIN PARK LOOP
 ANCHORAGE, AK 99516
 907.491.1166
 jennifer@alaskaminers.org

SOUTH BIG LAKE ROAD TR 1A
SITE: 8126 S. BIG LAKE RD
 SECTIONS/DETAILS

Pannone Engineering Services, LLC
 C.11088
 P.O. BOX 1807
 PALMER, AK 99645
 T: (907) 745-8200
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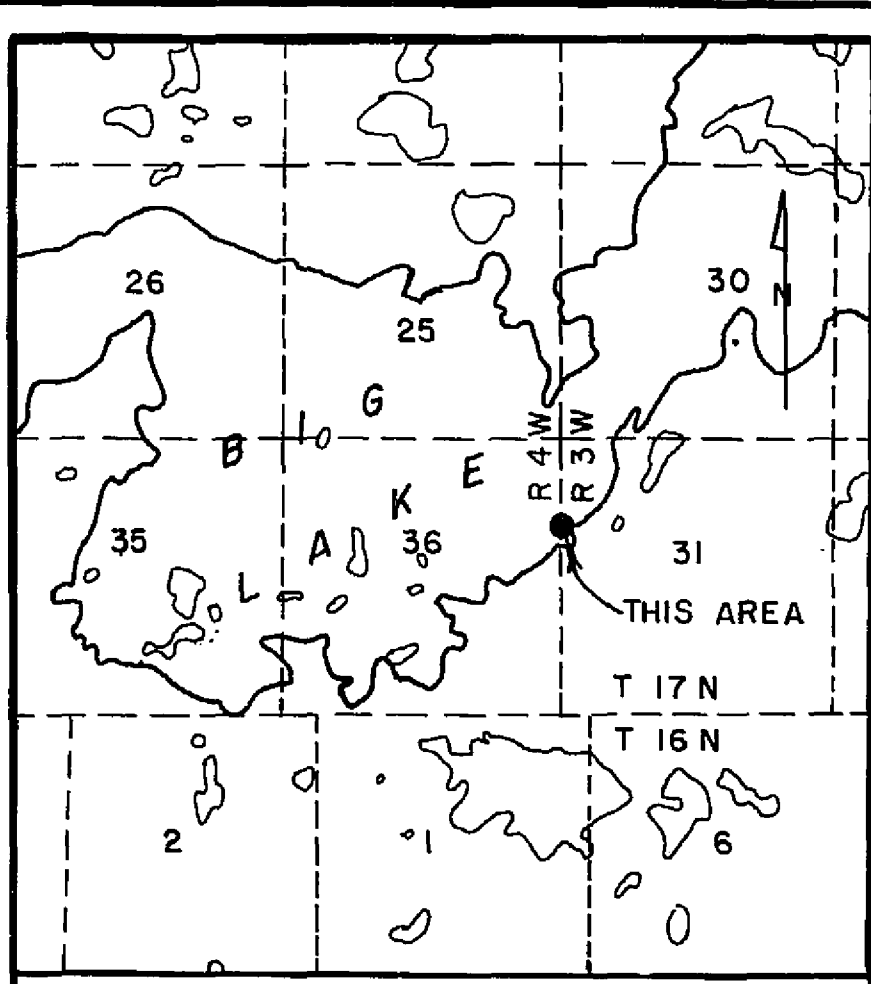
REVISIONS



DRAWN ACP	CHECKED SRP	DATE 1/23/2023
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SHEET
C3.0
 3 OF 3

DRAWING NUMBER
31-101 EV 1-19
PLAN HOLD CORPORATION - IRVINE, CALIFORNIA
REGISTERED BY NUMBER 070AR

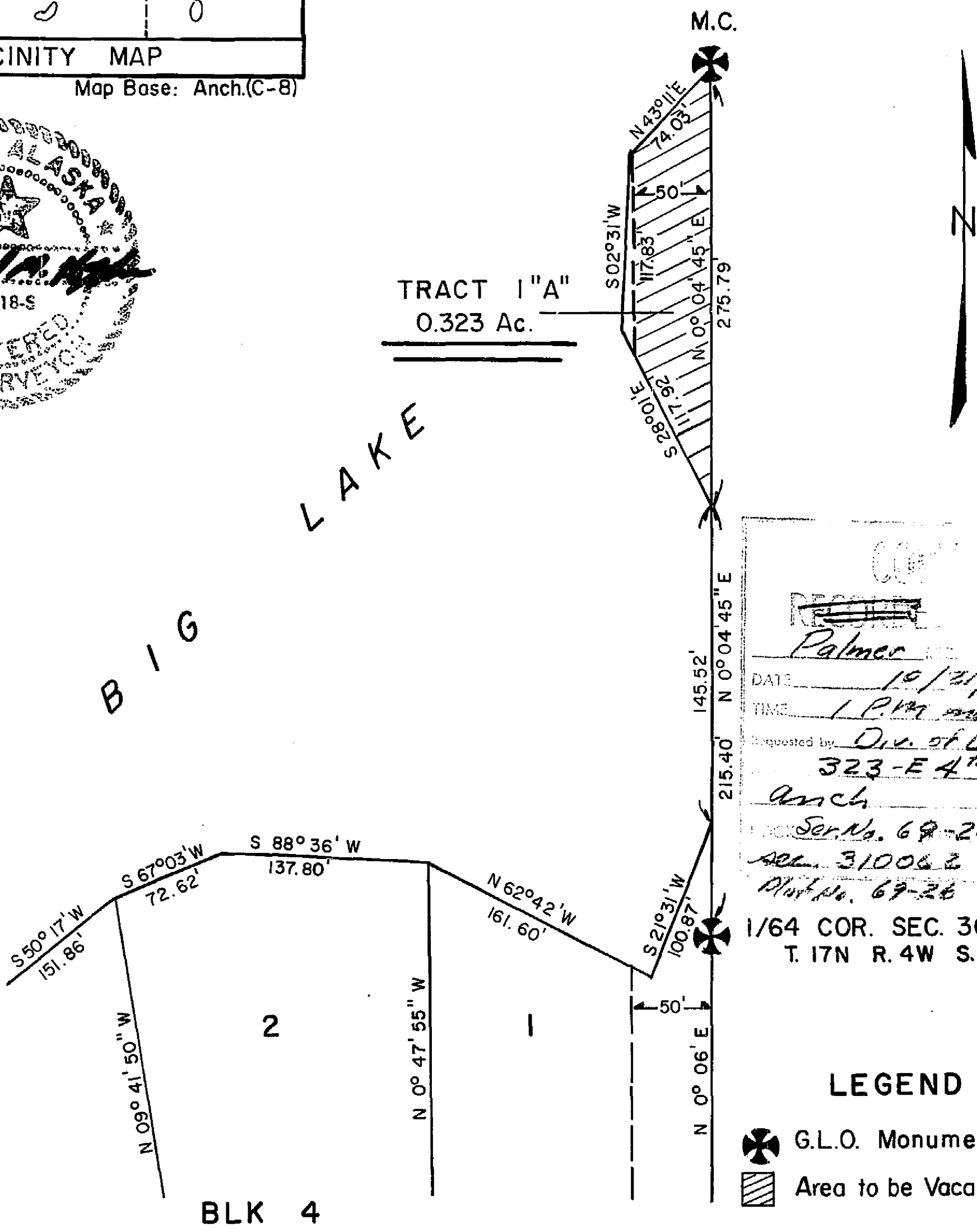


VICINITY MAP
Scale: 1" = 1 Mile Map Base: Anch.(C-B)



SECTION LINE EASEMENT VACATION CERTIFICATE
"THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES AND THE COMMISSIONER OF THE DEPARTMENT OF HIGHWAYS, DOES HEREBY STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES ALL RIGHT AND TITLE TO ANY AND ALL PORTIONS OF SECTION LINE EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER ALASKA STATUTE 19.10.010 WITHIN THE SUBDIVISION DEPICTED HEREIN."

APPROVED: *[Signature]*
DATE 14 August 1969 COMMISSIONER, DEPT. OF HIGHWAYS
APPROVED: *[Signature]*
DATE 15 August 1969 COMMISSIONER, DEPT. OF NATURAL RESOURCES

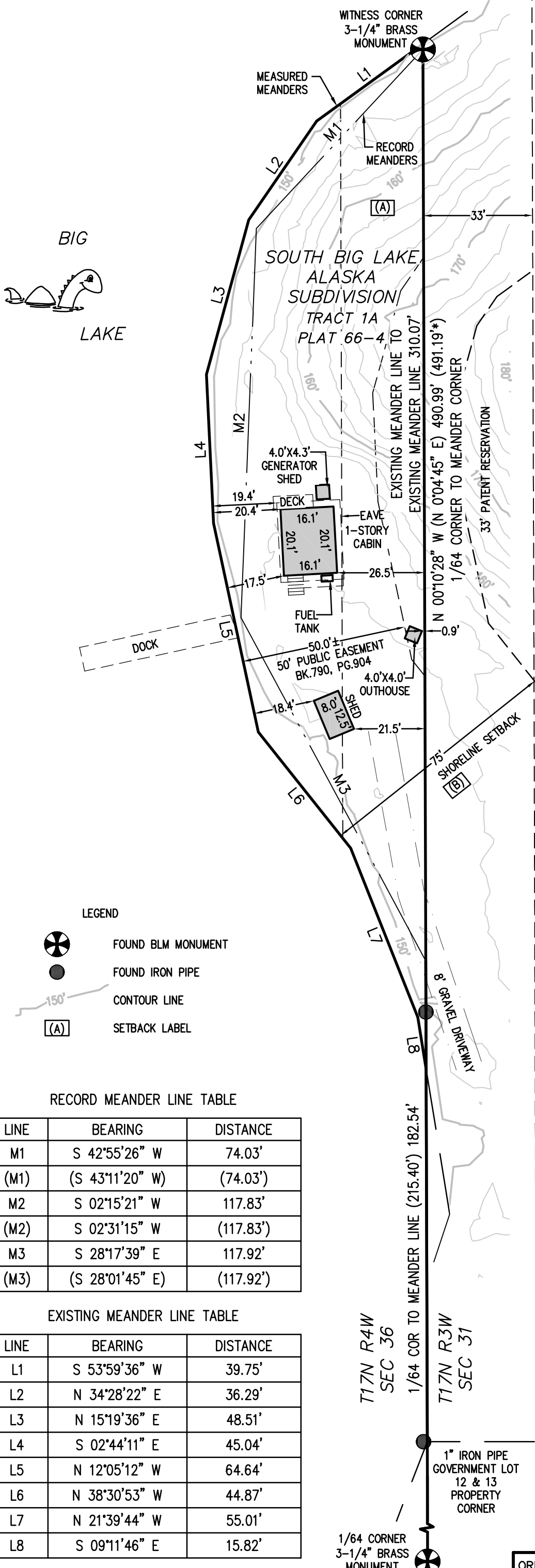


Palmer
DATE 10/21/69
TIME 1 P.M. mail
Requested by Div. of Lands
323-E 4th Ave
Anch
Ser. No. 69-2477
REL. 310062
Plat. No. 69-26
1/64 COR. SEC. 36/31
T. 17N R. 4W S.M.

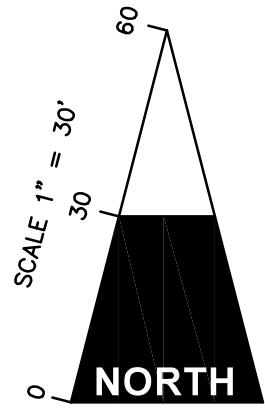
Section Line Vacation Plat
located within
Tract 1-A of the South Big Lake Alaska Subdivision

STATE OF ALASKA - DEPT. OF NATURAL RESOURCES DIVISION OF LANDS ANCHORAGE, ALASKA	
DRAWN P.O.	APP. RECOMMENDED <i>[Signature]</i> CHIEF CADASTRAL ENGINEER
CHECKED <i>[Signature]</i>	APPROVED <i>[Signature]</i> ACTING DIRECTOR OF LANDS
APPROVAL DATE	
SCALE: 1" = 100'	

LAS FILE EX 1-19



GOVERNMENT LOT 12



NOTES:

1. BASIS OF BEARINGS IS ALASKA STATE PLANE ZONE 4.
2. () RECORD DIMENSIONS PER PLAT 66-4.
3. (491.19*) DENOTES COMPUTED RECORD DIMENSION.
4. UTILITIES OTHER THAN THOSE SHOWN MAY EXIST.
5. FIELD SURVEY WAS CONDUCTED AUGUST 29, 2022.
6. THE MAIN CABIN WAS CONSTRUCTED IN 1968. THE DATE OF CONSTRUCTION OF THE ADDITIONAL OUTBUILDINGS IS UNKNOWN.
7. CONTOUR INTERVAL IN 2'.
8. THE 50' SECTION LINE EASEMENT ON TRACT 1A SHOWN ON PLAT NO. 66-4 WAS VACATED BY PLAT NO. 69-26.

MATANUSKA-SUSITNA BOROUGH CODE

(A) 17.55.010 SETBACKS:
NO STRUCTURE OR BUILDING LINE SHALL BE PLACED WITHIN 25 FEET FROM THE RIGHT-OF-WAY LINE OF ANY PUBLIC RIGHT-OF-WAY, EXCEPT NO FURTHERMOST PROTRUDING PORTION OF ANY STRUCTURE SHALL BE PLACED WITHIN TEN FEET FROM THE RIGHT-OF-WAY LINE OF ANY PUBLIC RIGHT-OF-WAY WHEN THE PRE-EXISTING LOT:

(2) COMPRISES A NONCONFORMING STRUCTURE ERECTED PRIOR TO JULY 3, 1973. THIS SETBACK SHALL BE KNOWN AS THE STRUCTURE OR BUILDING LINE SETBACK.

(B) 17.55.020 SETBACKS FOR SHORELANDS.
(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, NO STRUCTURE OR FOOTING SHALL BE LOCATED CLOSER THAN 75 FEET FROM THE ORDINARY HIGH WATER MARK OF A BODY OF WATER. EXCEPT AS PROVIDED OTHERWISE, EAVES MAY PROJECT THREE FEET INTO THE REQUIRED SETBACK AREA.

(B) DOCKS, PIERS, MARINAS, AIRCRAFT HANGARS, AND BOATHOUSES MAY BE LOCATED CLOSER THAN 75 FEET AND OVER THE WATER, PROVIDED THEY ARE NOT USED FOR HABITATION AND DO NOT CONTAIN SANITARY OR PETROLEUM FUEL STORAGE FACILITIES. STRUCTURES PERMITTED OVER WATER UNDER THIS SUBSECTION SHALL CONFORM TO ALL APPLICABLE STATE AND FEDERAL STATUTES AND REGULATION

- LEGEND
- FOUND BLM MONUMENT
 - FOUND IRON PIPE
 - CONTOUR LINE
 - SETBACK LABEL

RECORD MEANDER LINE TABLE

LINE	BEARING	DISTANCE
M1	S 42°55'26" W	74.03'
(M1)	(S 43°11'20" W)	(74.03')
M2	S 02°15'21" W	117.83'
(M2)	(S 02°31'15" W)	(117.83')
M3	S 28°17'39" E	117.92'
(M3)	(S 28°01'45" E)	(117.92')

EXISTING MEANDER LINE TABLE

LINE	BEARING	DISTANCE
L1	S 53°59'36" W	39.75'
L2	N 34°28'22" E	36.29'
L3	N 15°19'36" E	48.51'
L4	S 02°44'11" E	45.04'
L5	N 12°05'12" W	64.64'
L6	N 38°30'53" W	44.87'
L7	N 21°39'44" W	55.01'
L8	S 09°11'46" E	15.82'



ASBUILT - NO CORNERS SET THIS DATE

I HEREBY CERTIFY THAT I HAVE PERFORMED A SURVEY OF

TRACT 1A, SOUTH BIG LAKE ALASKA SUBDIVISION, PLAT NO. 66-4, PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA,

AND THAT THE IMPROVEMENTS AS DEPICTED HEREON EXIST AS SHOWN IN RELATION TO THE PROPERTY LINES. EASEMENTS OF RECORD OTHER THAN THOSE SHOWN ON RECORDED PLAT No. 66-4 ARE NOT SHOWN HEREON UNLESS OTHERWISE NOTED.

DATE: 2/21/2023	FB: 2022-4
GRID: LS16	DRAWN: DJ/DMR
SCALE: 1" = 30'	FILE: 22-131AB

GOVERNMENT LOT 13


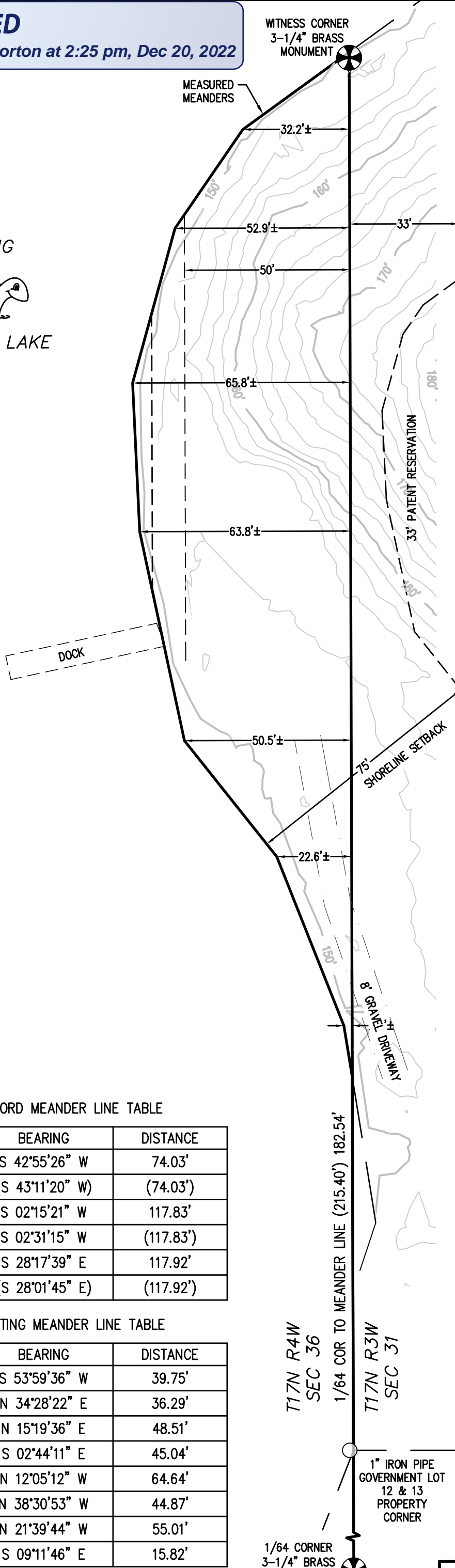
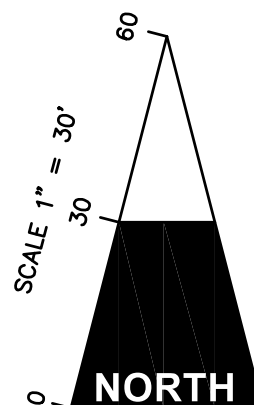
ORIGINAL 11" X 17"

RECEIVED

By Peggy Horton at 2:25 pm, Dec 20, 2022

LAVENDER
SURVEY & MAPPING
720 N. YETI STREET, PALMER, AK 99645
DAYNA@LAVENDERSURVEY.COM (907)301-5177





BIG
LAKE

GOVERNMENT
LOT 12

GOVERNMENT
LOT 13

LEGEND

-  FOUND BLM MONUMENT
-  FOUND IRON PIPE
-  CONTOUR LINE
-  SETBACK LABEL

NOTES:

1. BASIS OF BEARINGS IS ALASKA STATE PLANE ZONE 4.
2. () RECORD DIMENSIONS PER PLAT 66-4.
3. (491.19*) DENOTES COMPUTED RECORD DIMENSION.
4. UTILITIES OTHER THAN THOSE SHOWN MAY EXIST.
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7. CONTOUR INTERVAL IN 2'.

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ASBUILT - NO CORNERS SET THIS DATE

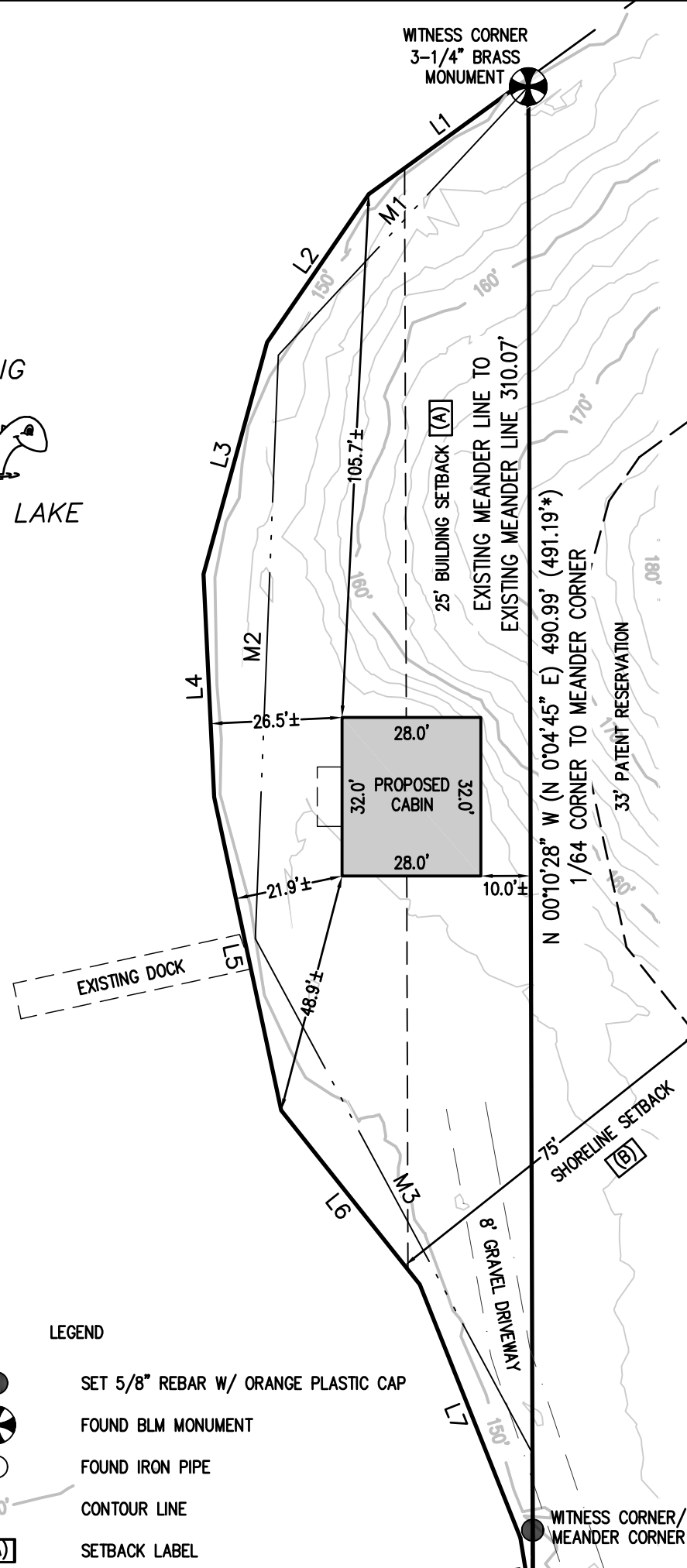
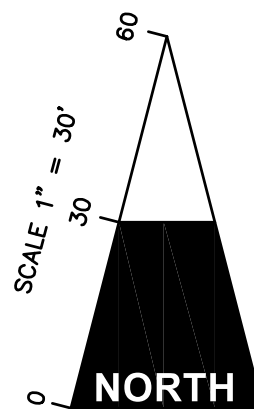
I HEREBY CERTIFY THAT I HAVE PERFORMED A SURVEY OF

TRACT 1A, SOUTH BIG LAKE ALASKA SUBDIVISION, PLAT NO. 66-4, PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA,

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DATE: 9/19/2022	FB: 2022-4
GRID: LS16	DRAWN: DJ/DMR
SCALE: 1" = 30'	FILE: 22-131AB

ORIGINAL 11" X 17"



GOVERNMENT LOT 12

NOTES:

1. BASIS OF BEARINGS IS ALASKA STATE PLANE ZONE 4.
2. () RECORD DIMENSIONS PER PLAT 66-4.
3. (491.19*) DENOTES COMPUTED RECORD DIMENSION.
4. UTILITIES OTHER THAN THOSE SHOWN MAY EXIST.
5. FIELD SURVEY WAS CONDUCTED AUGUST 29, 2022.
6. CONTOUR INTERVAL IN 2'.
7. THE 50' SECTION LINE EASEMENT ON TRACT 1A SHOWN ON PLAT NO. 66-4 WAS VACATED BY PLAT NO. 69-26.

MATANUSKA-SUSITNA BOROUGH CODE

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LEGEND

- SET 5/8" REBAR W/ ORANGE PLASTIC CAP
- FOUND BLM MONUMENT
- FOUND IRON PIPE
- CONTOUR LINE
- SETBACK LABEL

RECORD MEANDER LINE TABLE

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L6	N 38°30'53" W	44.87'
L7	N 21°39'44" W	55.01'
L8	S 09°11'46" E	15.82'



PLOT PLAN

I HEREBY CERTIFY THAT I HAVE PERFORMED A SURVEY OF

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DATE: 1/04/2023	FB: 2022-4
GRID: LS16	DRAWN: DJ/DMR
SCALE: 1" = 30'	FILE: 22-131PP

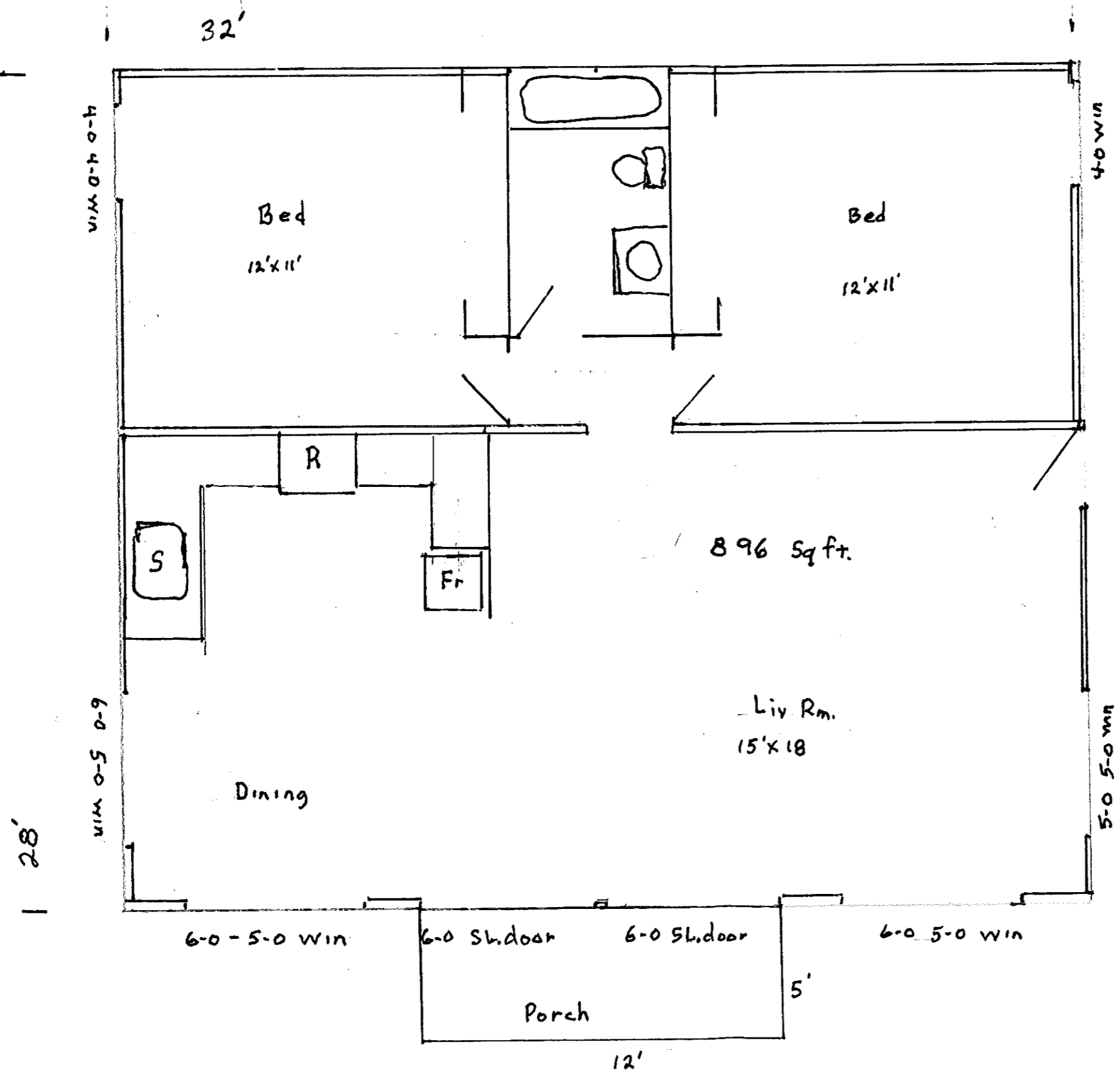
GOVERNMENT LOT 13

ORIGINAL 11" X 17"

T17N R4W SEC 36
1/64 COR TO MEANDER LINE (215.40') 182.54'
T17N R3W SEC 31

1/64 CORNER 3-1/4" BRASS MONUMENT

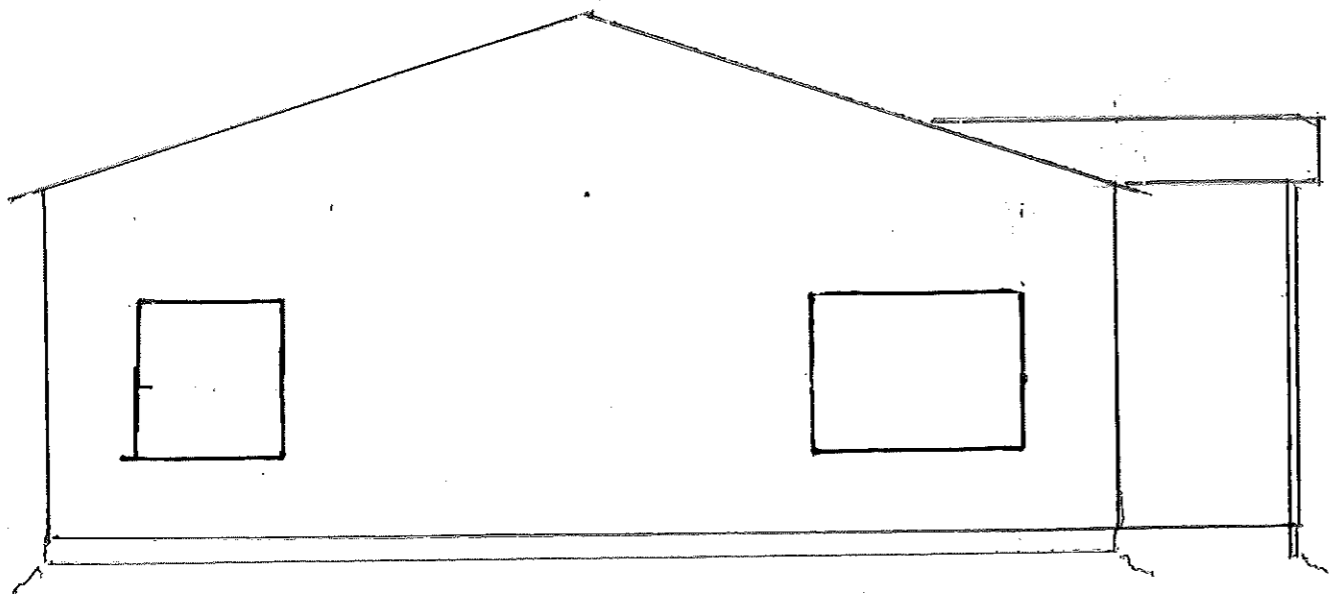
1" IRON PIPE GOVERNMENT LOT 12 & 13 PROPERTY CORNER



Drawn by Richard Worabel 907 362 1033

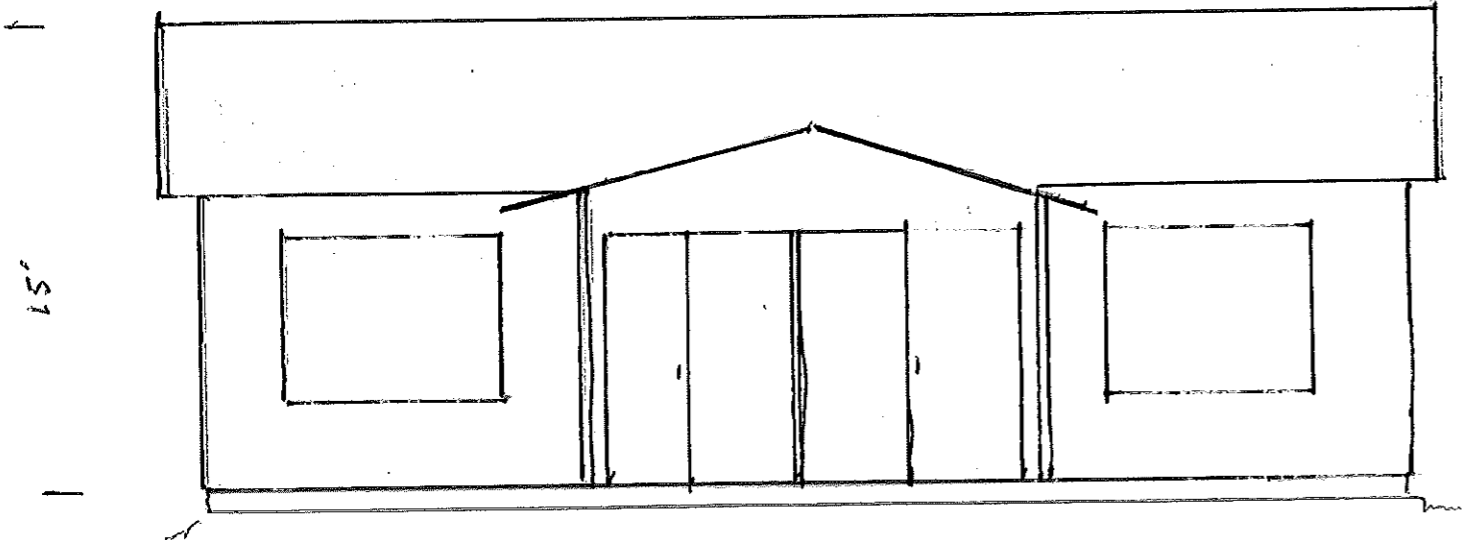
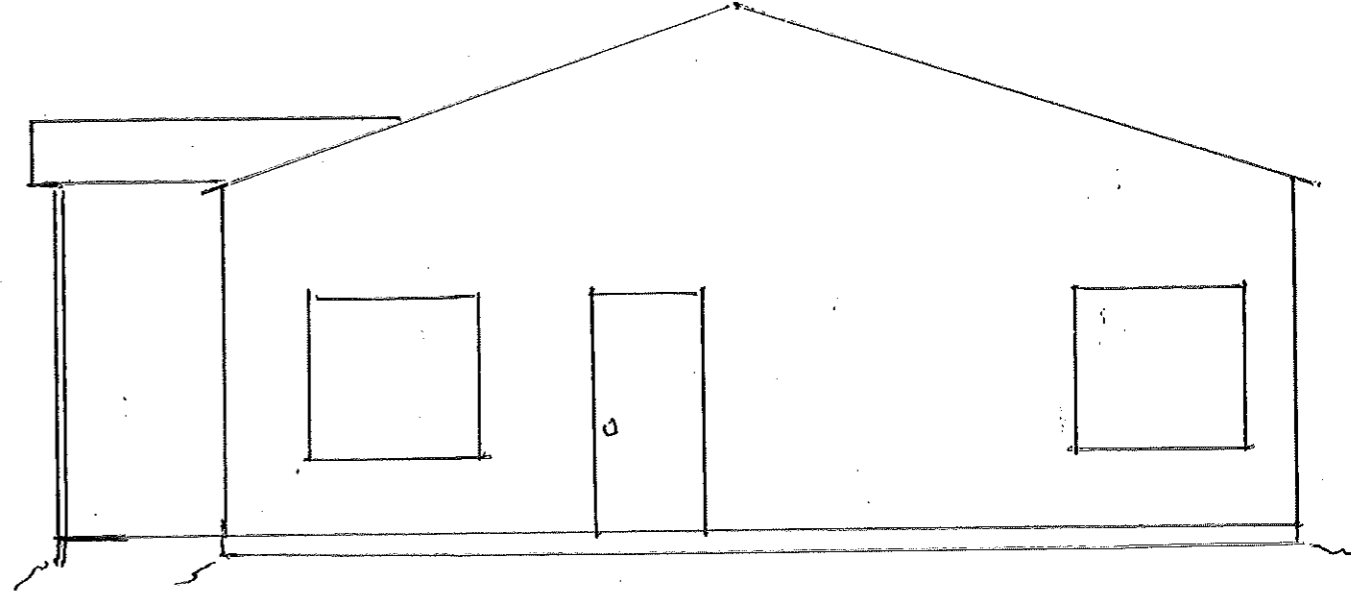
Rec Cabin for Tony and Jennifer Luiten. South Big Lake AK. tract 1A

N El.

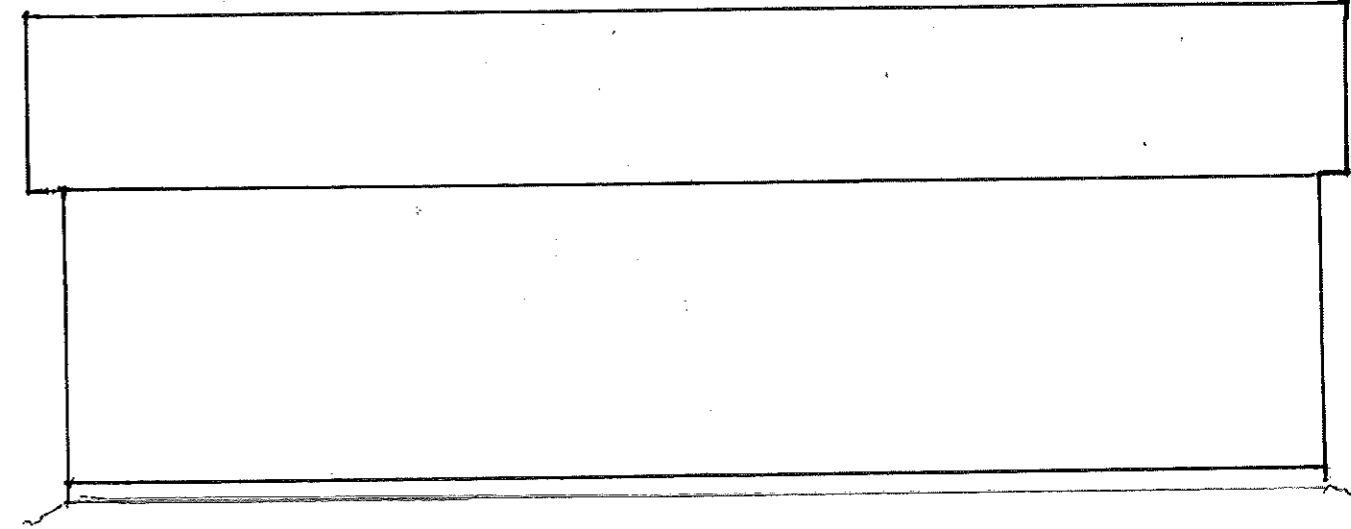


S. El.

3/16 = 1 ft.



West El.



East El.



720 N Yeti Street
Palmer, AK 99645

Matanuska-Susitna Borough
350 E. Dahlia Ave.
Palmer, AK 99645

February 19, 2024

Re: Section Line Determination for Tract 1A, South Big Lake Alaska Subdivision.

To Whom it may concern,

The following are the results of my research on Section Line Easements on Tract 1A, South Big Lake Alaska Subdivision, plat 66-4 PRD, Government Lots 12 and 13, T17N R3W, Section 31.

Tract 1A

Survey approved: November 29, 1915

Patent from the State to MSB: Bk 704, Pg 110, dated August 11, 1986

Section Line Easement Vacated in 1969 by Plat number 69-26.

50' Public Easement recorded in Book 790 at Page 904 vacated in 2024 by plat 2024-9

Conclusion: No Section Line Easement, No Easement Public Use Easement along the shoreline

Government Lot 12:

Survey approved: November 29, 1915 / Dependent Resurvey accepted April 30, 1952

Patent No.: 1136700

Patented from Federal Government to Louis E. Fessler, dated October 21, 1952.

"Patent is subject to an easement for roadway not exceeding 33 feet in width, to be constructed along the west boundary of said land."

I did not find any evidence of said patent reservation being vacated.

Conclusion: 33' patent reservation along west boundary

Government Lot 13:

Survey approved: November 29, 1915 / Dependent Resurvey accepted April 30, 1952

Patent No.: 1151944

Patented from Federal Government to Louis Oelschlaeger, dated April 28, 1955.

"Patent is subject to an easement for roadway not exceeding 33 feet in width, to be located along the north, west and south boundaries of said land."

I did not find any evidence of said patent reservation being vacated.

Conclusion: 33' patent reservation along west, north and south boundary

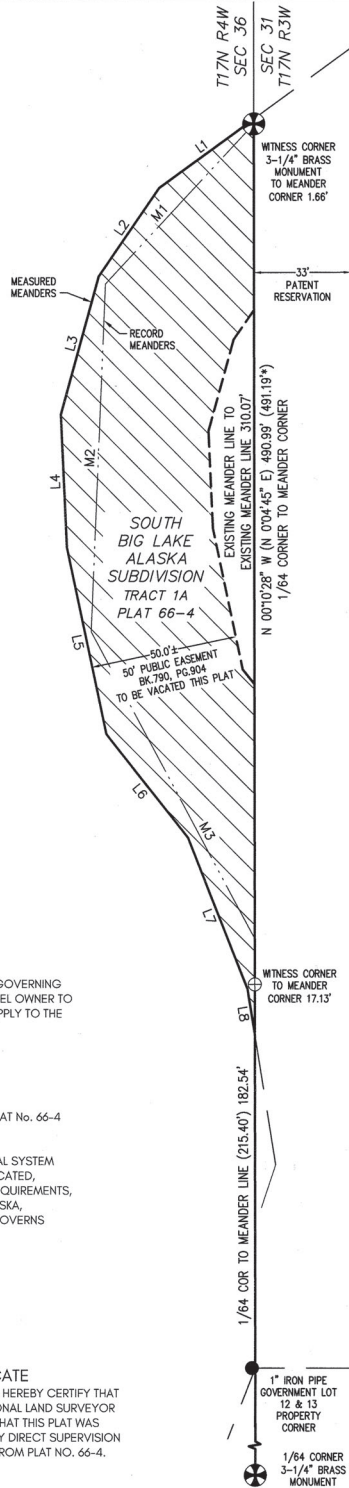
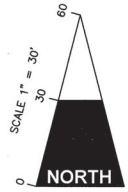


Access to Tract 1A, South Big Lake Subdivision is via the above-mentioned Section Line Easement and Patent Reservations.

Sincerely,

A handwritten signature in dark purple ink, appearing to read "Dayna Rumfelt".

Dayna Rumfelt, PLS CFedS
Lavender Survey & Mapping
Owner



LEGEND

- FOUND BLM MONUMENT
- FOUND IRON PIPE
- SET 5/8" X 30" REBAR WITH ORANGE PLASTIC CAP
- (S 43°11'20" W) (74.03') RECORD PER PLAT 66-4
- (491.19') COMPUTED PER 66-4
- EASEMENT VACATED THIS PLAT

LAVENDER
13322-S

RECORD MEANDER LINE TABLE

LINE	BEARING	DISTANCE
M1	S 42°55'26" W	74.03'
(M1)	(S 43°11'20" W)	(74.03')
M2	S 02°15'21" W	117.83'
(M2)	(S 02°31'15" W)	(117.83')
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L4	S 02°44'11" E	45.04'
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L6	N 38°30'53" W	44.87'
L7	N 21°39'44" W	55.01'
L8	S 09°11'46" E	15.78'

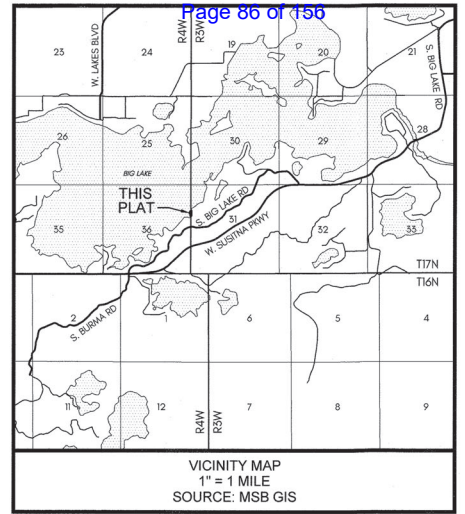
CERTIFICATION OF PAYMENT OF TAXES
I HEREBY CERTIFY THAT ALL CURRENT TAXES AND SPECIAL ASSESSMENTS, THROUGH 2023, AGAINST THE PROPERTY, INCLUDED IN THE SUBDIVISION OR RESUBDIVISION, HEREON HAVE BEEN PAID.

12/31/24 *Seela An*
DATE MATANUSKA-SUSTITNA BOROUGH TAX COLLECTION OFFICIAL

PLANNING & LAND USE DIRECTOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS SUBDIVISION PLAN HAS BEEN FOUND TO COMPLY WITH THE LAND SUBDIVISION REGULATIONS OF THE MATANUSKA-SUSTITNA BOROUGH, AND THAT THE PLAT HAS BEEN APPROVED BY THE PLATTING AUTHORITY BY PLAT RESOLUTION NO. 2024-007 DATE 10/16, 2023, AND THAT THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, IN WHICH THE PLAT IS LOCATED.

1/25/2024 *Carrie Curtis (acting)*
DATE PLANNING & LAND USE DIRECTOR

ATTEST: *Kadri K*
PLATTING CLERK



OWNER'S CERTIFICATE
I HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAN AND THAT WE ADOPT THIS PLAN OF SUBDIVISION BY OUR FREE CONSENT.

Tony X. Luiten 12-20-23
TONY X. LUITEN DATE
1221 TULIN PARK LOOP
ANCHORAGE, AK 99516

NOTARY ACKNOWLEDGMENT
SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF Dec, 2023 FOR TONY X. LUITEN.

Notary Signature
NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES 02-27-2027

Notary Signature 12/20/23
JENIFER M. LUITEN DATE
1221 TULIN PARK LOOP
ANCHORAGE, AK 99516

NOTARY ACKNOWLEDGMENT
SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF Dec, 2023 FOR JENIFER M. LUITEN.

Notary Signature
NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES 02-21-2027

- NOTES**
1. THERE MAY BE FEDERAL, STATE AND LOCAL REQUIREMENTS GOVERNING LAND USE. IT IS THE RESPONSIBILITY OF THE INDIVIDUAL PARCEL OWNER TO OBTAIN A DETERMINATION WHETHER SUCH REQUIREMENTS APPLY TO THE DEVELOPMENT OF PARCELS SHOWN HEREON.
 2. BASIS OF BEARING IS ALASKA STATE PLANE ZONE 4.
 3. FIELD SURVEY WAS CONDUCTED AUGUST 29, 2022.
 4. THE 50' SECTION LINE EASEMENT ON TRACT 1A SHOWN ON PLAT No. 66-4 WAS VACATED BY PLAT No. 69-26.
 5. NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS THE SYSTEM IS LOCATED, CONSTRUCTED AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHICH GOVERNS THOSE SYSTEMS.



SURVEYOR'S CERTIFICATE
I, DAYNA M. RUMFELT LS 13322, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION USING RECORD DIMENSIONS FROM PLAT No. 66-4.

2024-9
Plat #
Palmer
Rec Dist
Date **1/26** 20**24**
Time **9:32 A.M.**

EASEMENT VACATION PLAT

TRACT 1A
SOUTH BIG LAKE ALASKA SUBDIVISION,
PLAT No. 66-4, PALMER RECORDING DISTRICT

LOCATED WITHIN
NE 1/4 OF SECTION 36, TOWNSHIP 17 NORTH, RANGE 4 WEST,
SEWARD MERIDIAN, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

CONTAINING 0.296 ACRES, MORE OR LESS.

LAVENDER
SURVEY & MAPPING
270 N. YUKI DR., PALMER, AK 99645
(907)-301-6177-DAYNALAVENDERSURVEY.COM

DRAWN BY: DJ/SKT SCALE: 1" = 30' DWG: 22-131
CHECKED BY: DMR DATE: 12/12/2023 SHEET 1 OF 1



MAT-SU BOROUGH

[Back to Intranet \(https://intranet.matsugov.us/\)](https://intranet.matsugov.us/) [Home \(/kmm\)](#)

Other Permits Master (/kmm/Lists/OtherPermitsMaster)

Permit ID	1234
Date Created	12/19/2022 9:10 AM
Customer Name	Jennifer Luiten
Customer Id	
Order Number	
Order Placed On	
Order Total	\$1,500.00
ConfirmationNumber	
PermitCreatedDate	
Payment Status	Paid
PermitStatus	
PermitAmount	\$1,500.00
Order Item Id	
PermitObjectID	
Ordered Product Details	
Customer Phone	9074911166

Facility Name (Optional)

Content Type: Other Permits

Version: 3.0

Created at 12/19/2022 9:10 AM by Jennifer Luiten (/kmm/_layouts/15/listform.aspx?PageType=4&ListId={47131ed3-ca79-485a-807e-26d5f921a524}&ID=30858)

Last modified at 12/19/2022 9:28 AM by System Account (/kmm/_layouts/15/listform.aspx?PageType=4&ListId={47131ed3-ca79-485a-807e-26d5f921a524}&ID=1073741823)

Close

CORRESPONDENCE

From: [Peggy Horton](#)
To: [Jennifer Luiten](#)
Subject: RE: Tract 1A of South Big Lake Alaska
Date: Friday, December 16, 2022 9:38:00 AM

Hi Jennifer,

I think you're almost there. At the top of page 1 of the narrative, it should read "A variance from MSB 17.55, Setbacks..." MSB 17.65 is the regulation that gives the public the ability to ask for variances and lines out the process taken to achieve approval. There's a small issue with the survey and I'll include you in the email to Lavender Survey about that. Once that's fixed, we can move forward toward an application with fee payment.

Regards,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Jennifer Luiten <Jennifer@AlaskaMiners.org>
Sent: Thursday, December 15, 2022 4:26 PM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Subject: Re: Tract 1A of South Big Lake Alaska

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy, thank you very much for all of this information. I have updated the variance application and attaching it again for your review. I'm also attaching some of the survey and drawings which will be explain some of the answers better.

Welcoming all feedback - I appreciate your help.

Thank you, Jennifer
Jennifer Luiten
Membership & Fundraising Director
Alaska Miners Association
jennifer@alaskaminers.org
cell/text: 907-491-1166

On Nov 23, 2022, at 4:58 PM, Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Hi Jennifer,

Good job on your first try, you addressed some items quite well, and then there were some items that need quite a bit more.

Your answers to the different criteria should be written as a persuasive document, you want them to understand the property fully. They don't know what this property is like, where it is, or have any idea what you want to do.

The first question asks about how the property is unusual. The first sentence states the property does not meet setbacks. Properties don't meet setbacks, the buildings or development on the properties are what is required to meet setbacks. Stating the property is .323 acres (you may want to add square footage, as that may be more relatable to people), and an unique shape is great, so I suggest elaborating on that shape. What's the narrowest area, how long is it, how much water frontage is there, etc.

The reader knows nothing about this property, so elaborate on the location, what development is like in the area. Does everyone have a garage, are most of the cabins/houses one story or two, are there a mix of full time and part time residents, etc.? How are you being respectful and effective in your building plans? When I read that, I thought, wow, I'd like to know more! How does your being able to build this cabin support the overall success of the community (this is stated twice in your answer)?

State clearly what your develop intentions are. Where on the property are you intending to place the new structure? This is where a site plan and structural elevation drawings are necessary.

You talk about how the property is overgrown with trees and how you want to remove them. How much of the property will you clear? Is this about the same on the properties around you? There are Voluntary Best Management Practices for Development Around Waterbodies. Here's a link to those and you may want to add to your development description by describing which of these management practices you will put into place on the property. One of the reasons for the 75' distance from development to the shoreline is to protect the water quality and living things within the water. [Voluntary-BMPs-for-Water-Bodies-Development.pdf \(matsugov.us\)](#). This can help you with answer to number 3, public health and welfare.

For answer to number 3, think about how you are not harming your neighbors by what you're proposing. You're wanting to build a cabin, will this have any effect

on them? How close are the neighboring structures? Will you keep some visual buffer between your development and theirs?

Here's a link to the comprehensive plan for the Big Lake area. Read this to help expand your answer to number 4, and it may help you with wording in other areas too. [Matanuska-Susitna Borough - Big Lake Comprehensive Plan \(matsugov.us\)](https://matsugov.us). The comprehensive plan was created the community to put down on paper what they want to see for development in the community, to describe how they see this place where they live. Read the purpose statement and you'll get a good idea what it's about and how it can be helpful for you with this application.

The unsafe dock was mentioned in your submittal. There is a permitting system for docks on Big Lake, run by State of Alaska Fish & Game. Here's a link: [Apply for a Permit | Docks and Ramps | Habitat Permits, Alaska Department of Fish and Game](#). Being in compliance with the other regulations, like having a permit for a dock, will show your willingness to develop in line with existing development regulations.

In order to get to the property, you'll be traveling across public rights-of-way. MSB Code 11.10.020 requires driveway permits for any driveways onto borough roads, whether the roads are maintained by the borough or not. You will want to speak with the Permit Center at 907-861-7822 to apply.

So you've got a good start, keep at it. Remember that you're trying to persuade the Planning Commission to allow you to circumvent the rules, so be respectful, descriptive, and informative.

Regards,
Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Jennifer Luiten <Jennifer@AlaskaMiners.org>
Sent: Thursday, November 17, 2022 10:45 AM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Subject: Re: Tract 1A of South Big Lake Alaska

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy, great - thank you for the update.

Jennifer Luiten
Membership & Fundraising Director
Alaska Miners Association
jennifer@alaskaminers.org
cell/text: 907-491-1166

On Nov 16, 2022, at 11:15 AM, Peggy Horton
<Peggy.Horton@matsugov.us> wrote:

Hi Jennifer,

I haven't yet. I'm getting through the pile of items that are in my inbox and priorities my boss has given me. I hope to get to it this week, but definitely next week. It's a short week, so by Wednesday next week

Peggy

From: Jennifer Luiten <Jennifer@AlaskaMiners.org>
Sent: Tuesday, November 15, 2022 12:40 PM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Subject: Re: Tract 1A of South Big Lake Alaska

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hi Peggy,

Just wondering if you'd had a chance to look at this?
Thanks so much, Jennifer

Jennifer Luiten
Membership & Fundraising Director
Alaska Miners Association
jennifer@alaskaminers.org
cell/text: 907-491-1166

On Oct 24, 2022, at 10:13 AM, Peggy Horton
<Peggy.Horton@matsugov.us> wrote:

Hi Jennifer,

Thanks for this, I'll do my best to get this done prior to
Thursday. After that, I'm off for a couple of weeks.

Regards,
Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Jennifer Luiten <Jennifer@AlaskaMiners.org>
Sent: Sunday, October 23, 2022 1:04 PM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Subject: Re: Tract 1A of South Big Lake Alaska

**[EXTERNAL EMAIL - CAUTION: Do not open
unexpected attachments or links.]**

Hi Peggy,

We have chatted a couple of times regarding a small
piece of property my husband and I have at Big Lake.
Attached is the variance application I have prepared. If
you could look this over and provide any advice, edits,
etc. I would greatly appreciate it. With your feedback on
this, I will submit the full application including the
survey, drawings, application and check.

Thank you very much, Jennifer

<image001.png>

On Jul 25, 2022, at 3:18 PM, Peggy Horton
<Peggy.Horton@matsugov.us> wrote:

Hi Jennifer,
I've had a busy day with calls and people coming in, but finally able to send you this email.

You already know the limitations of your lot, but I've included the plat with this email, showing that the section line easement was vacated (or eliminated) within your property. Also included is the variance application form. Please gather the items necessary and let me know if you have questions about any of the items required on the form or what you have to do.

Regards,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

<Variance Application.PDF><311-1969-69-26.pdf>

From: [Jennifer Luiten](#)
To: [Peggy Horton](#)
Cc: [Dayna Rumfelt](#)
Subject: Re: Luiten surveys
Date: Monday, December 19, 2022 9:02:24 AM

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Dayna, thank you very much!

Peggy, can you give me a call when you have a minute to discuss the next steps? 907-491-1166.

Thank you!

Jennifer Luiten
Membership & Fundraising Director
Alaska Miners Association
jennifer@alaskaminers.org
cell/text: 907-491-1166

On Dec 19, 2022, at 8:51 AM, Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Thanks Dayna, I think that will take care of the survey part.

Peggy

From: Dayna Rumfelt <dayna@lavendersurvey.com>
Sent: Sunday, December 18, 2022 6:09 AM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Cc: Jennifer Luiten <Jennifer@alaskaminers.org>
Subject: Re: Luiten surveys

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy,

Here is the plot plan. Print with NO scaling on ledger.

Let me know if there is anything else I can do to help.

Dayna Rumfelt PLS
Lavender Survey & Mapping
907.301.5177

www.lavendersurvey.com
<https://www.facebook.com/lavendersurveyandmapping>

On Fri, Dec 16, 2022 at 3:52 PM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Thanks Dayna, this will work for the as-built.

Jennifer, in talking to Dayna I realized we don't have a surveyor's drawing showing the new location of the new cabin. The one you provided, see attached, needs to be a site plan from a surveyor in accordance with MSB 17.65.050(C)(4).

Regards,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Dayna Rumfelt <dayna@lavendersurvey.com>
Sent: Friday, December 16, 2022 3:42 PM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Cc: Jennifer Luiten <Jennifer@alaskaminers.org>
Subject: Re: Luiten surveys

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy,

If you print it with no scaling to tabloid size it will be to scale.

the second one was just the dimension of the lot. Does that need to be changed also?

Dayna Rumfelt PLS
Lavender Survey & Mapping
907.301.5177
www.lavendersurvey.com
<https://www.facebook.com/lavendersurveyandmapping>

On Fri, Dec 16, 2022 at 2:46 PM Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Hi Dayna,

I saw the shoreline setback, but thought you might want to expand the note you included about setbacks.

Digital signed copy is good, as long as I can print it to scale.

Thanks,
Peggy

From: Dayna Rumfelt <dayna@lavendersurvey.com>
Sent: Friday, December 16, 2022 2:38 PM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Cc: Jennifer Luiten <Jennifer@alaskaminers.org>
Subject: Re: Luiten surveys

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Nice find Peggy, I looked and didn't find that. Thanks.

Also the shore setback is shown.

Do you need a wet stamp or can I send you a digital copy?

Thanks,
Dayna Rumfelt PLS
Lavender Survey & Mapping
907.301.5177
www.lavendersurvey.com
<https://www.facebook.com/lavendersurveyandmapping>

On Fri, Dec 16, 2022 at 10:28 AM Peggy Horton
<Peggy.Horton@matsugov.us> wrote:

Hi Dayna,

I just received the two survey drawings you did for Jennifer Luiten on Big Lake. There are 2 dashed lines on either side of the symbol M2. They run north and south. I found Plat 69-26 at the State Recorder's Office.

This shows the section line easement was vacated on this property. Now that leaves the dashed line on the west side of the property, which isn't labeled.

I understand the title block states that other easements (or the lack thereof) are not shown, but for the purpose of obtaining a variance, could these be fixed please? We don't want any confusion when this case is heard by the Planning Commission.

Another note: you mention setbacks on your survey. MSB 17.55.020 also spells out the 75' requirement for setbacks from shorelands, which is also

applicable here, but of course, optional to add on this survey.

One more thing: Matanuska needs an 'a' at the end.

Call me if needed,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: [Dayna Rumfelt](#)
To: [Jennifer Luiten](#); [Peggy Horton](#)
Subject: Re: 8126 South Big Lake Rd: Application for Variance
Date: Wednesday, January 4, 2023 5:37:37 AM
Attachments: [22-131-for plot plan 11X171-4-23.pdf](#)

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Here is an updated plot plan with the requested dimension.

Thanks,
Dayna Rumfelt PLS
Lavender Survey & Mapping
907.301.5177
www.lavendersurvey.com
<https://www.facebook.com/lavendersurveyandmapping>

On Tue, Jan 3, 2023 at 3:39 PM Jennifer Luiten <Jennifer@alaskaminers.org> wrote:

Hi Dayna, can you please see Peggy's email below. Is this something you can help with?
Please don't hesitate to invoice me for your time on this.

Thank you very much and Happy New Year!

Jennifer Luiten
Membership & Fundraising Director
Alaska Miners Association
jennifer@alaskaminers.org
cell/text: 907-491-1166

Begin forwarded message:

From: Peggy Horton <Peggy.Horton@matsugov.us>
Subject: RE: 8126 South Big Lake Rd: Application for Variance
Date: January 3, 2023 at 4:36:14 PM PST
To: Jennifer Luiten <Jennifer@AlaskaMiners.org>

Hi Jennifer, hope you had a good holiday season.

Looking at the proposed construction drawing, I need another measurement from the surveyor. I need to have the dimension from the shoreline to the closest point on the proposed building. Could you please ask Dayna for this? I've scribbled on the attached drawing to show where I think that is.

Thank you,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Peggy Horton
Sent: Tuesday, December 20, 2022 2:28 PM
To: Jennifer Luiten <Jennifer@AlaskaMiners.org>
Cc: <Tony.Luiten@ferguson.com> <Tony.Luiten@Ferguson.com>
Subject: RE: 8126 South Big Lake Rd: Application for Variance

Thank you, I'll have all this input in our system and get back to you with a public hearing date.

Happy Holidays,

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Jennifer Luiten <Jennifer@AlaskaMiners.org>
Sent: Tuesday, December 20, 2022 2:13 PM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Cc: <Tony.Luiten@ferguson.com> <Tony.Luiten@Ferguson.com>; Jennifer Luiten <Jennifer@AlaskaMiners.org>
Subject: 8126 South Big Lake Rd: Application for Variance

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy,

Please find the attached documents in support of our variance application for 8126 South Big Lake Road. Please let me know if you have any questions or need additional information.

Attachments:
Application
Narrative
Structural Elevations Drawings including Floor Plan, Elevations, Proposed Cabin Placement

Certified Site Plan including As-Built, Plot Plan with Widths, Surveys Research
Letter
Payment Receipt of Application Fee

Thank you and Merry Christmas,
Jennifer

Jennifer Luiten
Membership & Fundraising Director
Alaska Miners Association
jennifer@alaskaminers.org
cell/text: 907-491-1166

From: [Jennifer Luiten](#)
To: [Peggy Horton](#)
Subject: Re: Variance application
Date: Thursday, January 19, 2023 2:10:56 PM

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy, thank you. I couldn't do this without you!

Jennifer Luiten
Membership & Fundraising Director
Alaska Miners Association
jennifer@alaskaminers.org
cell/text: 907-491-1166

On Jan 19, 2023, at 2:06 PM, Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Hi Jennifer,

So I see that the title company missed two very important documents in the attachment you sent titled AK – Limited Liability Report-N. they missed the Section Line Easement Vacation, recorded at Plat 69-26 and the Mat-Su Borough deed to Kurt D. Luiten recorded at Page 790, Page 904. The last one was where the borough reserved the 50' easement. I've attached both documents to this email.

If working with that same title company when collecting the items necessary for the Platting Vacation Application, please show them these two documents so they can update their files.

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Jennifer Luiten <Jennifer@AlaskaMiners.org>
Sent: Thursday, January 19, 2023 1:55 PM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Subject: Re: Variance application

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Peggy, these are the documents I have.

Jennifer Luiten
Membership & Fundraising Director
Alaska Miners Association

jennifer@alaskaminers.org
cell/text: 907-491-1166

On Jan 19, 2023, at 9:05 AM, Peggy Horton
<Peggy.Horton@matsugov.us> wrote:

Good Morning Jennifer,

I got your message yesterday, and I was creating this email to you to explain what I've found while I was doing research for your property and the variance. I found a 1996 deed transferring ownership of the tract from the Borough to Kurt D. Luiten, and on the deed, reservation of a 50' wide public use easement along the shoreline of the property. This is what is called a 'to and along easement' as it runs to and along the shoreline. It encompasses most of your property, as you know the lot is only 66' wide at its widest point. You can call and I'll explain it or you can read on and call me later.

The history of this property is interesting. The existing structure and the first lease of the property appeared to happen at the same time. The State of Alaska leased this tract to a private party in 1963, then the State of Alaska finalized the subdivision, called South Big Lake Alaska in 1966. Then, in 1969, the State of Alaska vacated, or removed, the 33' Section Line Easement that overlaid Tract 1A. A Section Line Easement is a public right-of-way for roads and utilities. The vacation meant there was no longer a public right-of-way easement encumbering the tract. Mr. Kurt D. Luiten took over the lease in 1983. Then in 1986, the State of Alaska transferred, or deeded the property, with the leases intact, to the Mat-Su Borough.

Sometime later, Mr. Luiten and the Borough came to an agreement and Mr. Luiten purchased the property on November 8, 1994. When the Borough deeded the tract to Mr. Luiten, they added the 50' to and along easement onto the deed and therefore onto the property. When I spoke to our Land Management Division yesterday, I was told they were required to do this per Alaska 11 AAC 51.045 – Easements to and along navigable and public water. They provided me the final decision documents for the state to transfer ownership of the properties to the Borough and it essentially says the Borough will do this when they sell the properties. So now, there is a 50' wide public right-of-way easement where you want to place a new structure. This is not ideal. Placing a structure, such as a house, within a public right-of-way, is against code. I do not think we have a chance at getting Planning Commission approval for the variance with the new structure fully within this public easement.

One of the avenues I looked at, was to obtain an encroachment permit for the new structure. "Encroachment" means

- (1) any structure, object, material or physical disturbance of materials, including but not limited to, driveways, culverts, road repairs, wells, septic systems, drainage, and all types of structural improvements within, extending over or under:
 - (a) the borough's public right-of-way;
 - (b) a public easement;
 - (c) property dedicated to a public use which is operated or maintained by the borough; or
 - (d) land owned by the borough.

I spoke to the Borough's Right-of-Way Coordinator and the Permit Technician, both who process these kinds of permits.. They walked me through what the Borough code says about encroachment permits and they said a house would not be allowed because the code states, "An encroachment permit shall not grant the permittee exclusive right to use the area encroached upon." I'm sure you don't want persons traversing through the property, right up to your front or back door. The other thing is, the Borough, could, at any time, require the encroachment be removed. I'm sure that's also not in your long term plans.

There are options, all up to you.

Option #1 We can move forward with the variance process, with understanding that staff probably would not support this action. This is because you have other avenues to resolve the issue and it would mean we not only have two setback issues (75' waterbody and 25' public right-of-way), but also a future encroachment fully within a public right-of-way, which would not be able to get an encroachment permit..

Option #2 You can go to the Borough's Platting Division to vacate (remove) the entire easement or a portion of the easement. You may have better luck vacating a portion of the easement, leaving some along the lake shore, but that's up to you. I've included a pre-application form, so you can discuss the requirements for vacating the easement through the Platting process.

If (or when) the easement vacation is approved and recorded, then we could go through the variance process with the Planning Commission.

Let me know what you decide or if I can answer any other questions.

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

<Pre-Applicaton Request Form.pdf>

<State plat 69-26.pdf><Deed recorded at Book 790, Page 904.pdf>

From: [Jennifer Luiten](#)
To: [Peggy Horton](#)
Subject: Re: Preapplication Notes
Date: Wednesday, July 19, 2023 8:24:37 AM

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Yes, if we are able to vacate the easement that is our preference. Our application had already been submitted when I received your email on the 5th.

We hired our surveyor to do research on the property and the easement had been previously removed but then put back on when Kurt Luiten purchased the property from the MSB.

I'm going to forward you an email from her that has a lot more information regarding it.

On Jul 19, 2023, at 8:19 AM, Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Hi Jennifer,

Did you read my message sent July 5th? See attached.

Peggy

From: Jennifer Luiten <Jennifer@AlaskaMiners.org>
Sent: Wednesday, July 19, 2023 8:15 AM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Subject: Re: Preapplication Notes

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hi Peggy, thanks so much for keeping our property on your mind. We have submitted the application for vacating the easement and have a hearing date on September 7. I'm attaching the acceptance letter to this email. I'm wondering since this is scheduled, can we schedule the public hearing for the variance soon after?

Appreciate all your help and I hope you had a good vacation!

Jennifer Luiten
jennifer@alaskaminers.org
cell/text: 907-491-1166

On Jul 5, 2023, at 3:27 PM, Peggy Horton
<Peggy.Horton@matsugov.us> wrote:

Jennifer,

I spoke to one of my coworkers today, and the advice provided allows us to move forward with the variance. The fact that the lot is small and contains a public access easement does not mean it wouldn't be eligible for a variance, as is. It was suggested you not move forward to vacate the easement because for one thing, it would break the chain of "to and along" easements around the lake in this area. The reason for these easements is to make it easy and possible for the public to get around and along the shore of Big Lake, among other reasons written in legalese, not always easy to understand. For another, Land Management Division was directed to place this easement based on the process they had in place at the time, meaning they were directed to do this by a legislative body. Vacating the easement would be going against that legislative intent.

This would mean if we went forward with the variance and the Planning Commission approved it, you could be building the new cabin, but within a public access easement. Please think about this for a bit. The public would have the right to access your land. You may want to talk to an attorney about what this means for your property.

I'll get back to you when I return from vacation on July 17.

Regards,
Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Jennifer Luiten <Jennifer@AlaskaMiners.org>

Sent: Thursday, May 25, 2023 3:27 PM

To: Peggy Horton <Peggy.Horton@matsugov.us>

Subject: Fwd: Preapplication Notes

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Amy Otto is saying that I do have to do the Petition to Amend or Alter a Plat...

Jennifer Luiten
jennifer@alaskaminers.org
cell/text: 907-491-1166

Begin forwarded message:

From: Amy Otto-Buchanan <Amy.Otto-Buchanan@matsugov.us>
Subject: RE: Preapplication Notes
Date: May 25, 2023 at 3:24:11 PM AKDT
To: Jennifer Luiten <Jennifer@AlaskaMiners.org>

Jennifer: Proposed submittal name would be Vacation of Public Use Easement on Tract 1A, South Big Lake Alaska. Yes, you do need the Petition to Amend or Alter a Plat, as we are altering a plat of record. It does not matter that the easement was created by a separate document. Thanks, A.

From: Jennifer Luiten <Jennifer@AlaskaMiners.org>
Sent: Thursday, May 25, 2023 3:16 PM
To: Amy Otto-Buchanan <Amy.Otto-Buchanan@matsugov.us>
Subject: Re: Preapplication Notes

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Amy, on the Owner's Statement, is the Proposed Submittal Name the address?

I also don't think we need the Petition to Amend or Alter a Plat, since the vacation is of an easement that was not created on a plat. The easement was created by a separate document, it was reserved on the deed to the property from the Borough to Mr. Luiten in 1994.

Thank you

Jennifer Luiten

jennifer@alaskaminers.org
cell/text: 907-491-1166

On Mar 16, 2023, at 11:47 AM, Amy Otto-Buchanan <Amy.Otto-Buchanan@matsugov.us> wrote:

Please see attached. Your next step, if you wish to proceed, is to hire a surveyor. I have attached the Owner's Statement, Petition to Amend or Alter a Plat and the Petition for Vacation of Right-of-Way for your convenience. Thanks, A.

Amy Otto-Buchanan
Platting Specialist
amy.otto-buchanan@matsugov.us
907-861-7872

<Preapplication Notes.pdf><Owners Statement.DOC><Petition to Amend or Alter Plat.DOC><Vacation Request.DOC>

<mime-attachment>

From: [Peggy Horton](#)
To: [Jennifer Luiten](#)
Subject: RE: Luiten Vacation
Date: Thursday, February 1, 2024 2:05:00 PM
Attachments: [image001.png](#)

Hi Jennifer,

Great news! I'll put your variance back in the lineup and let you know next week.

Thanks for letting me know.

Peggy Horton
Current Planner
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer AK 99645
907-861-7862



From: Jennifer Luiten <Jennifer@AlaskaMiners.org>
Sent: Thursday, February 1, 2024 6:50 AM
To: Peggy Horton <Peggy.Horton@matsugov.us>
Subject: Re: Luiten Vacation

[**EXTERNAL EMAIL** - CAUTION: Do not open unexpected attachments or links.]

Hi Peggy, the vacation has finally recorded! What is the next step?

Thanks so much

Jennifer Luiten
jennifer@alaskaminers.org
cell/text: 907-491-1166

On Oct 30, 2023, at 8:23 AM, Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Hi Jennifer,

This is excellent news. It shouldn't be long before the vacation records. I suggest that we wait; there is always the possibility of a hiccup. We will need the recorded vacation to ensure the public notification information for the variance is complete. I'm pretty sure we were ready the last time until this PUE came up. I'll review the variance file this week and let you know if anything else is needed.

Peggy Horton
Matanuska-Susitna Borough
Development Services Division
Planner II
907-861-7862

From: Jennifer Luiten <Jennifer@AlaskaMiners.org>

Sent: Monday, October 30, 2023 7:16 AM

To: Peggy Horton <Peggy.Horton@matsugov.us>

Subject: Luiten Vacation

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hi Peggy, me again. We just got through the approval of the public use easement vacation. Dayna Rumfelt is submitting a final plat.

Can we start the process before the vacation plat is finalized? Need anything from me?

Thank you!

Jennifer Luiten
jennifer@alaskaminers.org
cell/text: 907-491-1166

<image001.jpg>

From: [Dayna Rumfelt](#)
To: [Jennifer Luiten](#)
Cc: [Peggy Horton](#)
Subject: Re: Big Lake Property Variance Application
Date: Monday, February 19, 2024 8:27:30 AM
Attachments: [SLE Reserach Letter-updated 20240219.pdf](#)

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Jennifer and Peggy,

Attached is the updated SLE research.

Let me know what I can do to help in the future!

Thanks,
Dayna Rumfelt PLS
Lavender Survey & Mapping
907.301.5177
www.lavendersurvey.com
<https://www.facebook.com/lavendersurveyandmapping>

On Mon, Feb 19, 2024 at 5:51 AM Jennifer Luiten <Jennifer@alaskaminers.org> wrote:

Hi Peggy, thank you.

I updated the 349.89 meander line and added the following to the narrative:

Tony and Jennifer Luiten worked closely with Lavender Survey and Mapping and had a 50' PUE vacation approved on the property. Plat 2024-9 recorded on January 26, 2024.

Does that sound okay?

Dayna will be in touch on the SLE.

Let me know what you need from me.

Thank you very much,
Jennifer

Jennifer Luiten
jennifer@alaskaminers.org
cell/text: 907-491-1166

On Feb 5, 2024, at 2:45 PM, Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Hello Jennifer,

I looked through the application for any modifications needed to move forward on the variance.

- a. The Section Line Easement (SLE) information needs to be updated by Lavender Surveys. Since it was submitted on 9/10/22, Dana determined there was a vacation of the SLE in 1969. It's optional, but she may wish to add more information concerning the recently vacated easement. The township survey for Sections 19 & 20 doesn't apply here, so it should be removed. Your property is several sections away from Sections 19 & 20.
- b. Would you please change the dimension of the shoreline within the last paragraph on Page 1 of the narrative? I added up all the meander lines on the easement vacation plat, and they add up to 349.89 feet. I think it's important for that info to be correct.
- c. If you'd like to add anything concerning the easement vacation you just went through, you can. It's optional. I will include the recent easement vacation plat in my staff report to the Planning Commission.

Let me know if you have any questions. I've developed the public notices and started drafting my staff report. As soon as these things get back to me, I'll schedule the public hearing for the Planning Commission.

Respectfully,

Peggy Horton
Current Planner
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer AK 99645
907-861-7862
<image001.png>

<SLE Reserach Letter.pdf><Narrative 1-6-23.docx>

From: [Peggy Horton](#)
To: [Jennifer Luiten \(Jennifer@AlaskaMiners.org\)](mailto:Jennifer@AlaskaMiners.org)
Subject: Public Notice Advertising and Mailing fee for Variance
Date: Friday, March 15, 2024 10:07:00 AM
Attachments: [image001.png](#)

Good Morning,

Planning staff have distributed a request for comments for the Variance at 8126 S. Big Lake Road. MSB 17.03 – Public Notification, requires the applicant to cover the cost of mailing and advertisements required by the ordinance. Please note the following charges:

Advertising: \$99.00
Mailing: \$37.12
TOTAL DUE: \$136.12

-
The advertisement was published in the March 13, 2024, Frontiersman. Public Notices were mailed to property owners within 600 feet of the subject property and within the South Big Lake Alaska Subdivision on March 1, 2024. Please pay the fees at your earliest convenience. The Borough has an online payment system. You can find it at this link: [MSB Payments Portal \(matsugov.us\)](https://matsugov.us). Should you have any questions or require additional information, please contact me.

Respectfully,
Peggy Horton
Current Planner
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer AK 99645
907-861-7862



Peggy Horton
Current Planner
907-861-7862

From: [Peggy Horton](#)
To: [Dayna Rumpfelt](#); [Jennifer Luiten](#)
Subject: RE: Information for Variance Staff Report
Date: Wednesday, March 20, 2024 4:46:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Thanks to both of you for that information.

Peggy Horton
Current Planner
907-861-7862

From: Dayna Rumpfelt <dayna@lavendersurvey.com>
Sent: Wednesday, March 20, 2024 3:04 PM
To: Jennifer Luiten <Jennifer@alaskaminers.org>
Cc: Peggy Horton <Peggy.Horton@matsugov.us>
Subject: Re: Information for Variance Staff Report

[**EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.**]

The 0.296 is the area of the lot with the current meanders as we measured them.

Dayna Rumpfelt PLS, CFedS
Lavender Survey & Mapping
907.301.5177

www.lavendersurvey.com

<https://www.facebook.com/lavendersurveyandmapping>

On Wed, Mar 20, 2024 at 3:00 PM Jennifer Luiten <Jennifer@alaskaminers.org> wrote:

Dayna, please see Peggy's email below.
Thank you!

Jennifer Luiten
jennifer@alaskaminers.org
cell/text: 907-491-1166

Begin forwarded message:

From: Peggy Horton <Peggy.Horton@matsugov.us>
Subject: Information for Variance Staff Report
Date: March 20, 2024 at 2:58:39 PM AKDT
To: "Jennifer Luiten (Jennifer@AlaskaMiners.org)" <Jennifer@AlaskaMiners.org>

Hi Jennifer,

I'm starting to compile information for the variance staff report, but I'm missing something. Danya made a plat for the vacation of the public use easement. That plat was recorded, and on it, she listed .296 acres on the title block of the plat. That may have been the easement area and not the entire parcel. Our assessment files show the parcel is .32 acres. Could you ask Danya for her definitive answer about the parcel's acreage? I think it wouldn't take her long since she has already surveyed the parcel.

Thank you,

Peggy Horton
Current Planner
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer AK 99645
907-861-7862



AY OF _____, 2023
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 2023
FOR JENIFER M. LUITEN.
NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES _____

RECEIVED
NOV 28 2023
PLATTING

1st FINAL

EASEMENT VACATION PLAT
 TRACT 1A
 SOUTH BIG LAKE ALASKA SUBSDIVISION,
PLAT No. 66-4, PALMER RECORDING DISTRICT
 LOCATED WITHIN
 NE 1/4 OF SECTION 36, TOWNSHIP 17 NORTH, RANGE 4 WEST,
SEWARD MERIDIAN, THIRD JUDICIAL DISTRICT, STATE OF ALASKA
CONTAINING 0.296 ACRES, MORE OR LESS.

LAVENDER
SURVEY & MAPPING
720 N. YETI CR., PALMER, AK 99645
(907)-301-5177-DAYNA@LAVENDERSURVEY.COM

DRAWN BY: DJ/SKT	SCALE: 1" = 30'	DWG: 22-131
CHECKED BY: DMR	DATE: 11/28/2023	SHEET 1 OF 1

move date up a little.

From: [Jennifer Luiten](#)
To: [Peggy Horton](#)
Subject: Re: Variance application
Date: Saturday, March 23, 2024 8:14:57 AM
Attachments: [WW Certificate Big Lake.pdf](#)
[8126 S. Big Lake Rd 1.pdf](#)
[8126 S. Big Lake Rd 3.pdf](#)
[8126 S. Big Lake Rd 2.pdf](#)

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hi Peggy, I hired Pannone Engineering, LLC to design a wastewater system, they submitted the design to DEC and we have approval for that - attached. Let me know if this is what you're looking for or if you need more info. There will be a well installed, as well.

Thank you,
Jennifer

Jennifer Luiten
jennifer@alaskaminers.org
cell/text: 907-491-1166

On Mar 22, 2024, at 10:53 AM, Peggy Horton <Peggy.Horton@matsugov.us> wrote:

Good Morning,
I was reading the variance application over again as I write my staff report. I realized you intend to have a bathroom in the cabin. How do you intend to manage wastewater and sewage? Do you intend to have a well also? Have you discussed any options for a well and septic system with the Alaska Department of Environmental Conservation (ADEC)?

Respectfully,
Peggy Horton
Current Planner
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer AK 99645
907-861-7862
<image001.png>

COMMENTS

Agency Comments

From: [Permit Center](#)
To: [Peggy Horton](#)
Subject: RE: Request for Reviews and Comments: Variance for Luiten on Big Lake
Date: Thursday, February 29, 2024 9:44:19 AM
Attachments: [image001.png](#)

No comments from permitting.

Thank you,

Jennifer Monnin, CFM
Permit Technician
350 E Dahlia Ave
Palmer, AK 99645
Jennifer.monnin@matsugov.us
907-861-7822

From: Peggy Horton <Peggy.Horton@matsugov.us>
Sent: Tuesday, February 27, 2024 2:45 PM
To: dnr.scro@alaska.gov; James Walker (james.walker2@alaska.gov) <james.walker2@alaska.gov>; colton.percy@alaska.gov; Sarah Myers (sarah.myers@alaska.gov) <sarah.myers@alaska.gov>; msb.hpc@gmail.com; Gerrit Verbeek <Gerrit.Verbeek@matsugov.us>; MEA ROW - MEA (mearow@mea.coop) <mearow@mea.coop>; Right of Way Dept. <row@mtasolutions.com>; Enstar ROW (row@enstarnaturalgas.com) <row@enstarnaturalgas.com>; Brian Davis <Brian.Davis@matsugov.us>; Jeffrey Anderson <Jeffrey.Anderson@matsugov.us>; Fire Code <Fire.Code@matsugov.us>; Land Management <Land.Management@matsugov.us>; regpagemaster@usace.army.mil; Tom Adams <Tom.Adams@matsugov.us>; Brad Sworts <Brad.Sworts@matsugov.us>; Daniel Dahms <Daniel.Dahms@matsugov.us>; Tammy Simmons <Tammy.Simmons@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Katrina Kline <katrina.kline@matsugov.us>; Alex Strawn <Alex.Strawn@matsugov.us>; Planning <MSB.Planning@matsugov.us>; Fred Wagner <Frederic.Wagner@matsugov.us>; Permit Center <Permit.Center@matsugov.us>; Jason Ortiz <Jason.Ortiz@matsugov.us>; Corinne Lindfors <Corinne.Lindfors@matsugov.us>; Michelle Olsen <Michelle.Olsen@matsugov.us>; Taunnie Boothby <Taunnie.Boothby@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; Bill Gamble <Bill.Gamble@matsugov.us>; jlayne74@hotmail.com; lisa.behrens.msbak@gmail.com; ccbiglake@yahoo.com; ben@battlegroundllc.com; davehaggard@gmail.com; 2gofishing@gmail.com; alaskayess@yahoo.com
Subject: Request for Reviews and Comments: Variance for Luiten on Big Lake

Good Afternoon,

MSB 17.65 – Variances. Todd and Jennifer Luiten are seeking a variance to the minimum shoreline setback of 75 feet and the public right-of-way setback of 25 feet, as per MSB 17.55, Setbacks. The variance is requested to construct a 28-foot by 32-foot cabin located 21.9 feet from Big Lake

From: [Fred Wagner](#)
To: [Peggy Horton](#)
Subject: RE: Request for Reviews and Comments: Variance for Luiten on Big Lake
Date: Tuesday, February 27, 2024 2:54:25 PM
Attachments: [image001.png](#)

Platting has no comments or concerns.

From: Peggy Horton <Peggy.Horton@matsugov.us>
Sent: Tuesday, February 27, 2024 2:45 PM
To: dnr.scro@alaska.gov; James Walker (james.walker2@alaska.gov) <james.walker2@alaska.gov>; colton.percy@alaska.gov; Sarah Myers (sarah.myers@alaska.gov) <sarah.myers@alaska.gov>; msb.hpc@gmail.com; Gerrit Verbeek <Gerrit.Verbeek@matsugov.us>; MEA ROW - MEA (mearow@mea.coop) <mearow@mea.coop>; Right of Way Dept. <row@mtasolutions.com>; Enstar ROW (row@enstarnaturalgas.com) <row@enstarnaturalgas.com>; Brian Davis <Brian.Davis@matsugov.us>; Jeffrey Anderson <Jeffrey.Anderson@matsugov.us>; Fire Code <Fire.Code@matsugov.us>; Land Management <Land.Management@matsugov.us>; regpagemaster@usace.army.mil; Tom Adams <Tom.Adams@matsugov.us>; Brad Sworts <Brad.Sworts@matsugov.us>; Daniel Dahms <Daniel.Dahms@matsugov.us>; Tammy Simmons <Tammy.Simmons@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Katrina Kline <katrina.kline@matsugov.us>; Alex Strawn <Alex.Strawn@matsugov.us>; Planning <MSB.Planning@matsugov.us>; Fred Wagner <Frederic.Wagner@matsugov.us>; Permit Center <Permit.Center@matsugov.us>; Jason Ortiz <Jason.Ortiz@matsugov.us>; Corinne Lindfors <Corinne.Lindfors@matsugov.us>; Michelle Olsen <Michelle.Olsen@matsugov.us>; Taunnie Boothby <Taunnie.Boothby@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; Bill Gamble <Bill.Gamble@matsugov.us>; jlayne74@hotmail.com; lisa.behrens.msbak@gmail.com; ccbiglake@yahoo.com; ben@battlegroundllc.com; davehaggard@gmail.com; 2gofishing@gmail.com; alaskayess@yahoo.com
Subject: Request for Reviews and Comments: Variance for Luiten on Big Lake

Good Afternoon,

MSB 17.65 – Variances. Todd and Jennifer Luiten are seeking a variance to the minimum shoreline setback of 75 feet and the public right-of-way setback of 25 feet, as per MSB 17.55, Setbacks. The variance is requested to construct a 28-foot by 32-foot cabin located 21.9 feet from Big Lake shorelands and 10 feet from the east property line. The east property line also serves as the west edge of a public right-of-way. The existing cabin will be removed. The property is a tract of land approximately 66 feet wide at its widest point and 13,940 square feet in size (0.32 acres). The property is located at 8126 South Big Lake Road, Tax ID 6285000T001A, within Township 17 North, Range 4 West, Section 36, Seward Meridian. RSA 21

The Planning Commission will conduct a public hearing on this request on May 20, 2024.

Application materials may be viewed online at www.matsugov.us by clicking on 'All Public Notices & Announcements.' A direct link to the application material is here:

<https://matsugov.us/publicnotice/public-hearing-notice-for-a-variance-application>

Comments are due on or before **April 22, 2024**, and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received after that date will not be included in the staff report to the Planning Commission. Thank you for your review.

Thank you,
Peggy Horton
Current Planner
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer AK 99645
907-861-7862



shorelands and 10 feet from the east property line. The east property line also serves as the west edge of a public right-of-way. The existing cabin will be removed. The property is a tract of land approximately 66 feet wide at its widest point and 13,940 square feet in size (0.32 acres). The property is located at 8126 South Big Lake Road, Tax ID 6285000T001A, within Township 17 North, Range 4 West, Section 36, Seward Meridian. RSA 21

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Thank you,
Peggy Horton
Current Planner
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer AK 99645
907-861-7862



From: [Tammy Simmons](#)
To: [Peggy Horton](#)
Cc: [Brad Sworts](#); [Jamie Taylor](#); [Daniel Dahms](#); [Tammy Simmons](#)
Subject: Re: Request for Reviews and Comments: Variance for Luiten on Big Lake
Date: Tuesday, April 16, 2024 3:35:17 PM
Attachments: [image001.png](#)

Hello,

PD&E has no comments or objections to this variance.

Thank you,

PD&E Review Group

From: Peggy Horton <Peggy.Horton@matsugov.us>
Sent: Tuesday, February 27, 2024 2:45 PM
To: dnr.scro@alaska.gov <dnr.scro@alaska.gov>; James Walker (james.walker2@alaska.gov) <james.walker2@alaska.gov>; colton.percy@alaska.gov <colton.percy@alaska.gov>; Sarah Myers (sarah.myers@alaska.gov) <sarah.myers@alaska.gov>; msb.hpc@gmail.com <msb.hpc@gmail.com>; Gerrit Verbeek <Gerrit.Verbeek@matsugov.us>; MEA ROW - MEA (mearow@mea.coop) <mearow@mea.coop>; Right of Way Dept. <row@mtasolutions.com>; Enstar ROW (row@enstarnaturalgas.com) <row@enstarnaturalgas.com>; Brian Davis <Brian.Davis@matsugov.us>; Jeffrey Anderson <Jeffrey.Anderson@matsugov.us>; Fire Code <Fire.Code@matsugov.us>; Land Management <Land.Management@matsugov.us>; regpagemaster@usace.army.mil <regpagemaster@usace.army.mil>; Tom Adams <Tom.Adams@matsugov.us>; Brad Sworts <Brad.Sworts@matsugov.us>; Daniel Dahms <Daniel.Dahms@matsugov.us>; Tammy Simmons <Tammy.Simmons@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Katrina Kline <katrina.kline@matsugov.us>; Alex Strawn <Alex.Strawn@matsugov.us>; Planning <MSB.Planning@matsugov.us>; Fred Wagner <Frederic.Wagner@matsugov.us>; Permit Center <Permit.Center@matsugov.us>; Jason Ortiz <Jason.Ortiz@matsugov.us>; Corinne Lindfors <Corinne.Lindfors@matsugov.us>; Michelle Olsen <Michelle.Olsen@matsugov.us>; Taunnie Boothby <Taunnie.Boothby@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; Bill Gamble <Bill.Gamble@matsugov.us>; jlayne74@hotmail.com <jlayne74@hotmail.com>; lisa.behrens.msbak@gmail.com <lisa.behrens.msbak@gmail.com>; ccbiglake@yahoo.com <ccbiglake@yahoo.com>; ben@battlegroundllc.com <ben@battlegroundllc.com>; davehaggard@gmail.com <davehaggard@gmail.com>; 2gofishing@gmail.com <2gofishing@gmail.com>; alaskayess@yahoo.com <alaskayess@yahoo.com>
Subject: Request for Reviews and Comments: Variance for Luiten on Big Lake

Good Afternoon,

MSB 17.65 – Variances. Todd and Jennifer Luiten are seeking a variance to the minimum shoreline setback of 75 feet and the public right-of-way setback of 25 feet, as per MSB 17.55, Setbacks. The variance is requested to construct a 28-foot by 32-foot cabin located 21.9 feet from Big Lake

shorelands and 10 feet from the east property line. The east property line also serves as the west edge of a public right-of-way. The existing cabin will be removed. The property is a tract of land approximately 66 feet wide at its widest point and 13,940 square feet in size (0.32 acres). The property is located at 8126 South Big Lake Road, Tax ID 6285000T001A, within Township 17 North, Range 4 West, Section 36, Seward Meridian. RSA 21

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<https://matsugov.us/publicnotice/public-hearing-notice-for-a-variance-application>

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Thank you,
Peggy Horton
Current Planner
Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer AK 99645
907-861-7862



From: [Gale, Laurel A CIV USARMY CEPOA \(USA\)](#)
To: [Peggy Horton](#)
Subject: Subject: [Non-DoD Source] Request for Reviews and Comments: Variance for Luiten on Big Lake
Date: Wednesday, February 28, 2024 7:10:45 PM

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

The Corps of Engineers (Corps) does not have any comments regarding the Variance for Luiten on Big Lake.

Department of the Army authorization is required if anyone proposes to place dredged and/or fill material into waters of the U.S., including wetlands and/or perform work in navigable waters of the U.S.

A copy of the DA permit application can be found online at

www.poa.usace.army.mil/Missions/Regulatory.

Sample drawings can also be found on our website at

www.poa.usace.army.mil/Portals/34/docs/regulatory/guidetodrawings2012.pdf.

Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including jurisdictional wetlands (33 U.S.C. 1344). The Corps defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for structures or work in or affecting navigable waters of the U.S. (33 U.S.C. 403). Section 10 waters are those waters subject to the ebb and flow of the tide shoreward to the mean high-water mark, and/or other waters identified by the Alaska District. Aquaculture structures and work would require Section 10 Authorization. Please note Big Lake is a Section 10 navigable waterway.

You are welcome to submit a preapplication meeting request, a jurisdictional determination request, or a permit application directly to our general mailbox (regpagemaster@usace.army.mil) and you will be assigned a project manager to assist you. Please feel free to contact our main line if you have any questions or concerns at 907-753-2712.

Sincerely,

Laurel Gale, Regulatory Specialist

Phone:

(907)347-6496

<https://regulatory.ops.usace.army.mil/customer-service-survey/>

Mail:

U.S. Army Corps of Engineers, Regulatory Division
North Central Section
1046 Marks Road
Ft. Wainwright, Alaska 99703

Physical Address:

4511 8th Street
Ft. Wainwright, Alaska 99703



Public Comments

Matanuska-Susitna Borough
Development Services Division
350 E. Dahlia Avenue
Palmer, Alaska 99645

RECEIVED
MAR 5 2024
Mat-Su Borough
Development Services

23 9141000U00G
HUNTER ELAYNE CHERYL
1640 CRESCENT DR
ANCHORAGE, AK 99508

The Matanuska-Susitna Borough Planning Commission will consider the following:

MSB 17.65 – Variances. Todd and Jennifer Luiten are seeking a variance to the minimum shoreline setback of 75 feet and the public right-of-way setback of 25 feet, as per MSB 17.55, Setbacks. The variance is requested to construct a 28-foot by 32-foot cabin located 21.9 feet from Big Lake shorelands and 10 feet from the east property line. The east property line also serves as the west edge of a public right-of-way. The existing cabin will be removed. The property is a tract of land approximately 66 feet wide at its widest point and 13,940 square feet in size (0.32 acres). The property is located at 8126 South Big Lake Road, Tax ID 6285000T001A.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on Monday, May 20, 2024, at 6:00 p.m. in the Borough Assembly Chambers at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission, and you are invited to attend. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application materials may be viewed online at www.matsugov.us by clicking “All Public Notices & Announcements.” For additional information, contact Peggy Horton, Planner II, at 907-861-7862. Provide written comments by e-mail to peggy.horton@matsugov.us or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

The public may provide verbal testimony at the meeting or telephonically by calling 1-855-290-3803. To be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for the definition of an interested party. The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: www.matsugov.us, in the Borough Clerk’s office, and at various libraries within the borough.

Comments are due on or before April 22, 2024, and will be included in the Planning Commission packet. Please be advised that comments received from the public after that date will not be included in the staff report but will be provided to the Commission at the meeting.

Name: ELAYNE HUNTER Mailing Address: 1640 CRESCENT DR, Anch AK

Location/Legal Description of your property: Alaska Sailing Club Unit G

Comments: I object to this variance request. There is sound reasoning for this requirement of 75'. Allowing variances on this case will result in other requests causing increased pollution + encroachment on the shoreline. We did a shoreline restoration for the health of the lake.

Note: Vicinity Map Located on Reverse Side

Matanuska-Susitna Borough
Development Services Division
350 E. Dahlia Avenue
Palmer, Alaska 99645



8 9141000U00A
JOHNSON DAVID J
1640 CRESCENT DR
ANCHORAGE, AK 99508

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Name: DAVE JOHNSON Mailing Address: 1640 Crescent dr Anch AK 99508

Location/Legal Description of your property: Alaska Sailing Club Condos Unit A

Comments: I oppose the variance! They bought the land knowing the rules just like I did, we must be consistent, IF this variance is approved others will also want to build closer to the lake, me included,

Note: Vicinity Map Located on Reverse Side which is NOT Good for our lake.

From: [MSB Planning Commission](#)
To: [Peggy Horton](#)
Subject: FW: Resolution 24-07 variance Luiten---south Big Lake Road
Date: Tuesday, April 23, 2024 10:41:10 AM

FYI

[Corinne Lindfors](#)
Matanuska-Susitna Borough
Development Services
Administrative Specialist
350 E. Dahlia Avenue
Palmer, Alaska 99645
Corinne.lindfors@matsugov.us
PH: (907)861-8574

From: Rosemary Ludvick <ludvickrts@yahoo.com>
Sent: Monday, April 22, 2024 8:50 AM
To: MSB Planning Commission <MSB.Planning.Commission@matsugov.us>
Subject: Resolution 24-07 variance Luiten---south Big Lake Road

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

NO
Rosemary Ludvick
1980 N Finger Cove Drive
Palmer AK 99645

Matanuska-Susitna Borough
Development Services Division
350 E. Dahlia Avenue
Palmer, Alaska 99645

Sorry For the
Coffee Spill

RECEIVED
MAR 20 2024
Mat-Su Borough
Development Services

38 9141000U00C
STANBRO TL & TERESA G
3101 MARATHAN CIR
ANCHORAGE, AK 99515

The Matanuska-Susitna Borough Planning Commission will consider the following:

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Sorry For the
Coffee Spill

Name: TL Stanbro Mailing Address: 3101 Marathan Circle
Location/Legal Description of your property: 8462 South Big Lake 99645
Comments: You Guy have Rules Please Follow Them
No Exceptions

Note: Vicinity Map Located on Reverse Side

DRAFT

PLANNING COMMISSION

RESOLUTION

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By: Peggy Horton
Introduced: May 5, 2024
Public Hearing: May 20, 2024
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 24-10**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A VARIANCE TO MSB 17.55.020 FOR THE CONSTRUCTION OF A DWELLING TO BE PLACED APPROXIMATELY 21.9 FEET FROM THE SHORELINE OF BIG LAKE ON TRACT 1A OF SOUTH BIG LAKE ALASKA SUBDIVISION, PLAT #63-33, PALMER RECORDING DISTRICT, STATE OF ALASKA, LOCATED AT 8126 SOUTH BIG LAKE ROAD, TAX ID 6285000T001A.

WHEREAS, Tony and Jennifer Luiten are requesting a variance to MSB 17.55.020 to construct an 896-square-foot dwelling approximately 21.9 feet from the shoreline of Big Lake on Tract 1A, South Big Lake Alaska Subdivision, located at 8126 South Big Lake Road, Tax ID # 6285000T001A; and

WHEREAS, to grant a variance, the Planning Commission must find that each requirement of MSB 17.65.020(A) has been met; and

WHEREAS, the subject lot is part of the South Big Lake Alaska Subdivision and was initially platted in 1963 before Borough setback and lot size regulations were established; and

WHEREAS, the subject parcel does not conform to the current Borough subdivision standards for lot size; and

WHEREAS, Big Lake is located west and north of the subject parcel. To the east is a residential property with a 33' wide patent reservation on its western boundary; and

WHEREAS, according to the application material, the subject parcel is approximately 0.3 acres; and

WHEREAS, according to the application material, the property at its widest point east to west is 65.8'; and

WHEREAS, the 75-foot setback requirement of MSB 17.55.020 encompasses the entire property. As a result, there is no legal buildable area on the property; and

WHEREAS, a 25-foot-wide public right-of-way setback restricts the building area of the subject property; and

WHEREAS, Planning staff analyzed 181 parcels with lake frontage on the southern portion of Big Lake, which are within 6,500 feet of the subject parcel; and

WHEREAS, Planning staff found the lakefront properties within the analysis area vary in size from 0.16 to 21.5 acres; and

WHEREAS, development within the analysis area ranges from 270 square foot cabins to structures exceeding 4,000 square feet; and

WHEREAS, after conducting an analysis, the Planning staff found that there are 86 lakefront parcels with dwellings that appear to meet the 75-foot setback criteria, and these dwellings have an average size of 1,495 square feet; and

WHEREAS, the dwellings that may violate the setback requirements were not included in the average dwelling size calculation; and

WHEREAS, according to the application material, the applicant proposes building a 28' X 32' single-story structure; and

WHEREAS, according to the application material, the proposed single-story cabin has an 896-square-foot footprint; and

WHEREAS, according to the application materials, the proposed structure is planned to be 10 feet away from the eastern property line and 21.9 feet away from Big Lake; and

WHEREAS, according to Borough Assessment records, the existing 16' X 22' cabin was constructed on the subject parcel in 1960; and

WHEREAS, according to the application material, the 16' X 22' cabin is approximately 20.4' from the ordinary high water of Big Lake; and

WHEREAS, based on the application material, the current cabin is dilapidated, and the applicant intends to remove it; and

WHEREAS, in 2005, the Matanuska-Susitna Borough Assembly adopted voluntary best management practices (BMP) for development around waterbodies; and

WHEREAS, according to the application material, the subject parcel has 350 feet of shoreline on Big Lake; and

WHEREAS, based on the application materials, the applicant proposes preserving the natural shoreline and maintaining a buffer of undisturbed vegetation along 322 feet of the shoreline, which accounts for 92% of the total shoreline of 350 feet; and

WHEREAS, according to the application materials, the applicant will work with Alaska Fish & Game to repair the current dock to meet their requirements; and

WHEREAS, according to the application materials, the Alaska Department of Environmental Conservation granted Interim Approval to Operate and install an Advantex-type Advanced Treatment domestic wastewater disposal system; and

WHEREAS, MSB Chapter 17.65 - Variances, was written to grant relief to property owners whose lots are impacted by existing land use regulations, thereby making the lot undevelopable; and

WHEREAS, the Big Lake Comprehensive Plan (2009 update) contains a list of development guidelines, one of which states, "Require at least the MSB 75' minimum development setback from streams, lakes, wetlands and other water bodies; "development" is defined as habitable structures"; and

WHEREAS, the Big Lake Comprehensive Plan (2009 update), by design, does not set out precise binding rules on development but instead provides general goals on the type of place the community wants to be in the future and then outlines general strategies to reach those goals; and

WHEREAS, Goal (LU&E-3) of the Big Lake Comprehensive Plan Update (August 2009) is to "Protect the natural environment"; and

WHEREAS, Goal (LU&E-4) of the Big Lake Comprehensive Plan Update (August 2009) is to "Provide for freedom to enjoy our properties"; and

WHEREAS, the Big Lake Comprehensive Plan recognizes four types of residential areas. The subject property is in the "Dispersed Residential" area, defined as "Rural residential areas, where lots are larger and the natural setting is more dominant. This is the primary current land use type in the Big Lake area"; and

WHEREAS, Goal (LU-1) of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) states: Protect and enhance the public safety, health, and welfare of Borough residents; and

WHEREAS, Policy LU1-1 of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) states: Provide for consistent,

compatible, effective, and efficient development within the Borough; and

WHEREAS, Goal (LU-2) of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) states: Protect residential neighborhoods and associated property values; and

WHEREAS, the variance request is consistent with the policies and goals of the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) as the residential structure cannot be constructed on the lot without a setback variance, the structure is placed as far back on the property as possible, and the structure is similar to surrounding development; and

WHEREAS, after conducting an analysis, the Planning staff found that there are 86 lakefront parcels with dwellings that appear to meet the 75-foot setback criteria, and these dwellings have an average size of 1,495 square feet; and

WHEREAS, according to the Planning staff's analysis, constructing an 896-square-foot dwelling is compatible with the surrounding area; and

WHEREAS, the South Big Lake Alaska subdivision consists of lots ranging from 2.29 to 0.323 acres in size; and

WHEREAS, the subject parcel is not in a special land use district; and

WHEREAS, residential structures are allowed on this property;
and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 24-10;

1. The 0.3-acre parcel has no legal buildable area due to the 75' building setback that encompasses the entire lot, which is an unusual condition (MSB 17.65.020 (A) (1)).
2. The strict application of the provisions of this title would deprive the applicants of rights commonly enjoyed by others, as the subject lot has certain unique conditions and circumstances that apply. The average size of dwellings within the analysis area is 1,495 square feet. The property is 0.3 acres of land, and there is no legal buildable area on the property due to the 75-foot shoreline setback. Therefore, constructing an 896-square-foot cabin on the property is a reasonable use of the land. (MSB 17.65.020 (A) (2)).
3. Granting a variance will not be injurious to nearby property nor harmful to the public welfare (MSB 17.65.020 (A) (3)).

4. The proposed variance is consistent with the applicable comprehensive plans and does meet the intent of MSB 17.65 (MSB 17.65.020 (A) (4)).
5. Granting a variance will be no more than necessary to permit a reasonable use of the property (MSB 17.65.020 (A) (5)).
6. The person seeking the variance did not cause the need for the variance (MSB 17.65.030 (A) (1)).
7. The variance will not allow a land use in a district in which that use is prohibited, as residential structures are allowed on this site (MSB 17.65.030 (A) (2)).
8. The variance is not solely being sought to relieve pecuniary hardship or inconvenience (MSB 17.65.030 (A) (3)).

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby approves the setback variance to construct a 28' X 32" single-story dwelling within Tract 1A, South Big Lake Alaska Subdivision, located at 8126 South Big Lake Road, Tax ID# 6285000T001A, as referenced in the application material.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 20 day of May 2024.

C J KOAN, CHAIR

ATTEST

CORINNE LINDFORS
Acting Planning Clerk

(SEAL)

DRAFT

YES:

NO:

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NGI KUNCVÆG'O CVVGTU

**Resolution No. PC 24-09 - South Knik River
Community Council**

(Page 145 - 154)

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MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 24-096

SUBJECT: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY DIRECTING STAFF TO ASSIST THE SOUTH KNIK RIVER COMMUNITY COUNCIL IN DEVELOPING A SPECIAL USE DISTRICT (SPUD).

AGENDA OF: Choose an item.

Assembly Action:

AGENDA ACTION REQUESTED: Present to the Assembly for consideration.

Route To	Signatures
Originator - A. Strawn	X
Department Director - A. Strawn	X
Finance Director	X
Borough Attorney	X
Borough Manager	X
Borough Clerk	X

ATTACHMENT (S) : South Knik River Community Council Resolution (1 pp)
Planning Commission Guidelines for the Development or Update of Community Based Comprehensive Plans and SpUDs (3 pp)
Planning Commission Resolution No. 24-07(2 pp)
Resolution Serial No. 24-052 (2 pp)

SUMMARY STATEMENT:

The Matanuska-Susitna Borough received a request from the South Knik Community Council to develop a Special Use District (SpUD). According to the process established by the Planning Commission, when a request is received for assistance developing a Special Use District, the request is forwarded to the Planning Commission for review and approval, and a planning staff member is appointed to

facilitate the process. A copy of that process is included with this legislation.

Should the Assembly approve this resolution, a staff member will be assigned to work with the community council according to the Special Use District guidelines.

RECOMMENDATION OF ADMINISTRATION: Respectfully request approving Planning staff to assist the South Knik River Community Council's effort to develop a Special Use District (SpUD).



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Planning Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 745-9833 • Fax (907) 745-9876

Guidelines for the Development or Update of Community Based Comprehensive Plans and SPUDS. Planning Commission Resolution 09-14 (AM)

Request: According to assembly policy, the request for development or update of a community comprehensive plan or Special Land Use District (SpUD) shall be initiated upon written request by the community council or its equivalent local representative body (for the remainder of this document, community council refers to the local representative body).

Scheduling: Community based planning efforts will be scheduled and will be prioritized to accomplish the communities planning goals.

Commission approval of start-up: Once the request is scheduled, staff assistance for the planning effort and the boundaries of the affected area shall be reviewed and approved by the commission. The boundaries of the affected area should generally be consistent with the community council boundaries (except that the Core Area comprehensive plan boundaries shall generally consist of the communities of Gateway, North and South Lakes, Tanaina, Farm Loop, and those areas generally between the cities of Palmer and Wasilla that are not within any community council).

Guidelines which have been formally adopted by the planning commission shall be utilized for the planning effort.

Notice and planning team appointment: Upon planning commission approval of a planning effort, a general notice will be mailed to the area's property owners and registered voters (if voter list is available) notifying them of the planning effort, the proposed schedule, purpose of the effort, request for planning team nominations, and the contact staff person. At the same time an advertisement will be placed in the newspaper of general circulation also requesting nominations for the planning team. The applications for planning team representatives will be reviewed by a subcommittee of the commission, consisting of the commissioner from the subject area, the council chair or designee, and the staff project manager. The subcommittee's recommendations will be forwarded to the commission for review and comment.

A planning team will be formed with the emphasis placed on ensuring a broad range of representation consisting of community representatives (i.e. property owners, local business owner, education/youth, real estate, etc.), borough staff and agency representatives if needed. The number of community representatives should range between six and 15 individuals unless otherwise approved by the commission. No more than two community council board members may hold both positions of board member

and planning team member. No more than one member of a household unit may be on the planning team.

Planning team members shall complete a commitment form, ensuring the following:

- Lives, owns property, owns a business or other community/agency representative within the planning area;
- Will make the voluntary commitment of time to be available for meetings during the planning effort;
- Will consider compromises that will help manage conflict between competing segments of the community;
- Will listen to and consider testimony from the public and other government agencies as it affects the comprehensive plan;
- Will commit to develop a comprehensive plan that will represent the entire planning area;
- Will commit to distribute accurate information to other community members and clarify misunderstandings.

If any appointed member of the planning team fails to meet the commitments outlined above, he/she may be removed by the subcommittee upon written request by a majority of the remaining planning team members.

Planning team meetings and public outreach methods: Once the planning project is underway, borough staff will conduct research, inventory resources, prepare background text, and prepare base maps. This information will be prepared in draft form prior to the first working meetings of the planning team. Once working meetings begin, the planning team will determine which public participation methods will be used (i.e. questionnaires, workshops, etc.) to identify major issues within the planning area.

All planning team meetings and other workshops shall be advertised, at a minimum, in the local newspaper and on the borough web-site. Additional notification efforts such as radio public service announcements, flyers posted at public locations, or other methods may be used.

Planning team meetings will be public meetings held in a facility within the community. They will be facilitated by borough staff and public input will be received at a designated time during the meeting. Decisions will be made by appointed team members only. The intent is to provide a forum in which team members can discuss issues, make decisions and reach consensus as necessary based on their understanding of the wishes of the community.

Workshops will be held at times determined by the planning team throughout the planning process. They will be public meetings in an open house format and will be held in a facility within the community. The workshops will be scheduled over a period of several hours to allow members of the public to stop in at their convenience and talk with team members and borough staff. The intent of the workshops will be to allow the team members to remain abreast of the community on key issues and more importantly to allow community residents to remain informed.

Draft document is produced: Once a draft document is prepared by the planning team, it will be made available at a minimum, at the nearest library and on the borough web-site. A second general notice will be mailed to all property owners and

registered voters (if voter list is available) of the area notifying them and requesting their comments on the draft. A notice will also be advertised in the newspaper of general circulation. At least one public meeting will be held to obtain comments on the draft plan or SpUD.

After the comment period closes on the draft document the planning team will review all comments and make appropriate changes to the plan or SpUD. The team will indicate how comments were either incorporated into the plan or explain why it chose not to incorporate such comments. The team will then forward the planning team approved draft to the community council.

Community Council Review: The community council shall thoroughly review and make a recommendation to the planning commission, on each specific chapter of the plan or SpUD.

Public Hearings: One or more public hearings will be held by the planning commission prior to making a recommendation to the assembly on a community plan or SpUD. The public hearing is to allow the public the opportunity to voice their support or objections prior to the commission's final decision.

Elevation: From time to time issues will arise that members of the planning team will not be able to agree upon. Due to limited resources it will be necessary to resolve the impasse. Upon reaching impasse, the borough project staff will notify the planning director of such and instruct representatives of each side of the issue to prepare briefing papers describing the issue and supporting their position. The briefing papers will be forwarded to the planning director and a meeting scheduled at which a representative of each side would make a presentation. The planning director will issue a written decision on the issue(s) with supporting rationale. The decision will be forwarded to the planning team and planning commission. The decision will be considered "final" for the purpose of preparing the draft plan or SpUD: that is, the issue will be open for public comment during the public comment stage of the draft plan or SpUD and during the planning commission and assembly's public hearing.

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By: Julie Spackman
Introduced: May 6, 2024
Public Hearing: May 20, 2024
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 24-07**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING THE ASSEMBLY DIRECT STAFF TO ASSIST THE SOUTH KNIK RIVER COMMUNITY COUNCIL IN DEVELOPING A SPECIAL USE DISTRICT (SPUD) .

WHEREAS, the South Knik River Community Council is recognized by the Borough as a community organization; and

WHEREAS, the South Knik River Community Council Comprehensive Plan was adopted by the Matanuska-Susitna Borough Assembly on June 17, 2014; and

WHEREAS, the South Knik River Community Council has requested assistance from the Borough Planning staff to develop a Special Use District; and

WHEREAS, the Planning Commission has established a process and guidelines for developing and updating Community Based Comprehensive Plans or Special Use Districts; and

WHEREAS, MSB 15.04.015(A) (7) requires the Planning Commission to review all requests for Special Land Use Districts.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission does hereby recommend that the Assembly approves the request for Planning staff to assist the

South Knik River Community Council to follow the Planning and Land Use Department guidelines to develop a Special Use District.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 20 day of May, 2024.

CJ KOAN, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

350 East Dahlia Avenue • Palmer, AK 99645


Phone (907) 861-7822

www.matsugov.us

MEMORANDUM

DATE: May 8, 2024

TO: Planning Commissioners

FROM: Alex Strawn, Planning and Land Use Director 

SUBJECT: Tentative Future PC Items

Upcoming PC Actions

Quasi-Judicial

- Houdini's Herbs – Marijuana Retail Facility; 6298B01L002 (Staff: Peggy Horton)
- The Aardvark – Alcoholic Beverage Dispensary; 1454000L001 (Staff: Peggy Horton)
- Smoke Out Point – Marijuana Retail Facility; 2209B02L001A (Staff: Rick Benedict)
- Craft Cannabis Cabin – Marijuana Retail Facility; 1842B01L007 (Staff: Rick Benedict)
- Ficklin Gravel Products LLC – Earth Materials Extraction; 16N04W03A009 (Staff: Rick Benedict)
- Mountain Gravel Investments – Earth Materials Extraction; 18N01E35C006 (Staff: Peggy Horton)
- Meadow Lakes Holiday – Alcohol Package Store; 17N02W09A014 & 17N02W09A022 (Staff: Rick Benedict)
- Butte Land Co. – Earth Materials Extraction; 17N02E35A024 (Staff: Peggy Horton)
- New Horizons Telecom – Tall Structure; 17N03E30A012 (Staff: Rick Benedict)
- Higher by Bad Gramm3r – Marijuana Retail Facility; 6932B01L001A (Staff: Peggy Horton)
- Shoreline Cannabis – Marijuana Retail Facility; 5274B03L007 (Staff: Rick Benedict)

Legislative

- Historic Preservation Plan (HPP) (Staff: Unfiled)
- MSB Borough-Wide Comprehensive Plan (Staff: Alex Strawn)
- Glacier View Comprehensive Plan Update (Staff: Leda Borys)
- Corridor Studies (Staff: Alex Strawn)
- Public Transit Plan (Staff: Alex Strawn and Maija DiSalvo)
- Amending MSB 17.59 Standardize definitions for lake management regulations (Staff: Alex Strawn)