



City of Palmer
Planning and Zoning Commission Packet

January 19, 2023



PLANNING & ZONING COMMISSION
REGULAR MEETING
6 PM, THURSDAY, JANUARY 19, 2023
CITY COUNCIL CHAMBERS
231 W. EVERGREEN AVENUE, PALMER
www.palmerak.org



CHAIR CASEY PETERSON
VICE CHAIR LISBETH JACKSON
COMMISSIONER LINDA COMBS
COMMISSIONER PENNY MOSHER
COMMISSIONER JOHN MURPHY
COMMISSIONER KRISTY THOM BERNIER
VACANT

AGENDA

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Organization of the Commission
 - 1. Election of Chairman
 - 2. Election of Vice Chairman
- E. Approval of Agenda
- F. Minutes of Previous Meetings
 - 1. Regular Meeting of October 20, 2022
- G. Report
 - 1. Staff Report – Update on 2nd Railroad Public Open House
- H. Audience Participation
- I. Public Hearings
- J. Unfinished Business
- K. New Business
- L. Plat Reviews
 - 1. IM 22-019: Presentation of Matanuska-Susitna Borough Platting Process
 - 2. IM 23-001: Abbreviated Plat Request for Comments – To create one lot from Lot 2, Simplex, Plat No. 85-182 and Tax Parcel B35 in Section 33, Township 18 North, Range 2 East, to be known as Beaver subdivision, located inside Palmer city limits.
- M. Public Comments
- N. Commissioner Comments
- O. Adjournment



Minutes

I'm sorry



The minutes for the October 20, 2022 Planning and Zoning Commission meeting were not ready in time to be included with your packet.

When the minutes are received, a copy will be emailed to each Commissioner and will be available at the meeting.



Staff Report



**Downtown
Palmer**
PLANNING FOR
COMMUNITY SPACES



PALMER



Railroad Right-of-Way Proposed Improvements Project

- The City of Palmer Board of Economic Development (BED) passed a resolution identifying five prioritized projects for the Downtown Alaska Railroad Right-of-Way and requested the Palmer City Council fund a Downtown Concept Master Plan to evaluate the feasibility of development. The purpose of the improvements are to expand economic vitality and increase quality of life in downtown Palmer.
- The BED recognizes railroad reintroduction in downtown Palmer will require significant financial investment for reconstruction of the branch MP A5.1 – MP A6.7 and until this investment is made the community would benefit through utilization of this space with a permit from the AK Railroad Corporation. Where the railroad tracks are removed for improvements existing elements of the track will be preserved to protect their historical significance to Downtown Palmer.
- BED prioritized projects have been identified in the Palmer Comprehensive Plan, the Area Wide Plan – Eastern Downtown Palmer Study, and the Palmer Urban Revitalization plan, including.
 - Community Event Space (North of Depot)
 - Parking Enhancements on Colony Way and Valley Way
 - Motorized and Non-motorized connectivity
 - Park and Playground improvements in downtown
 - Branding and Signage recognizing Palmer's History



Project Element Description

Community Event Space (North of Depot)

Shared community event spaces can serve as the heart and soul of downtown. Either through the active programming of specific events, or through spaces tailored for individuals and small groups, a reimagined community area to the north of the existing Depot building will be one of the primary objectives for this plan. The community of Palmer already hosts several annual celebrations such as Colony Days during the summer and Colony Christmas in December. Subsequently, it will be important to develop a conceptual design for the community event space that is both flexible to varying sizes of gatherings and responds to the changing needs of the seasons.

As a northern climate community, Palmer has the unique opportunity to embrace outdoor activities that celebrate the coldest and darkest months of the year. Just as winter sports require adequate equipment and clothing for the winter elements, outdoor spaces also require specific design adaptations to create an environment that is welcoming, warm, and interesting during a season that may otherwise keep residents indoors. Winter City Design Guidelines provide a design framework for how these spaces can be developed. Considerations such as prevailing winds, solar exposure (or lack thereof), snow storage, heating elements, vegetation, lighting, and color are all aspects that can be integrated into the design of a community event space to help downtown thrive.

Parking Enhancements on Colony Way and Valley Way

Additional Community Event Spaces will attract both residents and visitors to Downtown Palmer. To accommodate increased activity in the area, as well as ongoing activities that are currently programmed, it will be necessary to address parking improvements on Colony Way and Valley Way. For both roadways, one-way pairs may be considered to improve traffic flow and to introduce a more efficient angled parking scheme for additional stalls. Additional parking areas may also be considered north of the Depot building (which can encroach into the existing railroad ROW) and may be integrated into parking improvements to be considered for the adjacent gravel parking lot. Through paving this surface and expanding it into the area to the north of the Depot, a more efficient and specific parking configuration can be delineated for additional stalls. This expanded parking area could be extended as far east to the existing trail as possible.

As advances in EV technology increase the number of electric vehicles in the community, EV charging stations should also be included at key locations in parking lots. While parking will be a priority in these areas, the design of these improvements should also address pedestrian connectivity and include opportunities for landscaping, signage, and artwork to tie in with the aesthetic and character of downtown.

Motorized and Non-Motorized Connectivity

Connectivity to spaces within downtown, for both motorized and non-motorized activity, will be important to support active use of these spaces. While this plan will keep Dogwood intact, it should consider reorienting Colony and Valley Way into complimentary one-way pairs to support circulation as well as parking for the area. Currently, existing railroad crossings (especially at Evergreen Avenue) are particularly cumbersome and visibility, along with pedestrian accessibility, is an issue at this intersection.

Improvements to this intersection, either through improving the tracks or filling them in, will need to be considered.

Given the long, linear configuration of the community spaces adjacent to the Depot (between Colony Way and Valley way) it's necessary to consider how pedestrian connectivity can also be supported. The current pedestrian trail that extends along the entire eastern edge of this area should continue to remain, and additional pedestrian crossings between proposed parking areas as well as across major roadways, should be addressed to promote connectivity and walkability to surrounding neighborhoods. The existing trail should also be extended over Fireweed to provide greater connectivity to outdoor spaces that host Friday Fling events during the summer months. Just as winter city design guidelines play a role in the design of outdoor gathering areas, they will also need to be considered for pedestrian improvements to support a comfortable and safe walking environment.

The railroad is a key feature of the Palmer that plays homage to the history of the community as well as to the visual identity of the area. However, long-term viability is questionable and should be considered as improvements are addressed. While the existing ROW may remain, it is imperative that the City consider whether it's feasible to maintain the existing tracks in their current capacity. Full removal is an opportunity to completely address improvements, and integration into proposed design elements is another way to maintain the character of the area while also improving the pedestrian experience.

Park and Playground Improvements in Downtown

Park and playground spaces can be very complimentary to community gathering areas like those under consideration for the space north of the Depot. While public plazas and gathering spaces often need specific programming or events to garner activity, green spaces (such as parks) and playground areas are attractive amenities regardless of other activity happening within the vicinity. In downtown spaces, particularly, parks and playgrounds can support patronage of downtown businesses by young families who may increase the duration of their trips to downtown businesses if there are other destinations and features to visit. Similarly, park areas can serve a similar purpose by including elements that incorporate artwork, signage and character elements that are authentic and unique to the community of Palmer.

Branding and Signage Recognizing Palmer's History

Just as artwork can contribute to the authenticity of a place, branding and signage are just as important to establish and reflect the identity of a community. Building on the wayfinding plan that was established for the City of Palmer, opportunities to include monument signs, vehicular wayfinding signs, pedestrian wayfinding signs and orientation kiosks will be identified within these concept plans for the downtown depot area. Orienting visitors to key locations such as points of interest, public venues and parking will be the primary goal of wayfinding signs, while 'announcing' a specific point of interest will be the objective of monument signs. Signage can also play a critical role in identifying social media opportunities through photos and tagging via social media. All these wayfinding opportunities should reflect the agricultural and indigenous heritage of the Palmer community which should be reflected by font, color, form, materials and symbology.



Proposed Projects

1. Expanded parking and street improvements on Colony Way
2. Create Community Event Space on the property between Depot and Dogwood, including non-motorized path connecting dogwood with parking on Colony Way and Shane Woods Trail extension to Glenn Highway
3. Remove Railroad siding and expand parking
4. Add handcart display
5. Remove track crossings to facilitate pedestrian and improve motorized connectivity
6. Library Courtyard improvements for amphitheater and plaza
7. Add play areas, historic features, public art and site furnishings to public spaces (benches, trash receptacles, bike racks, dog care stations)
8. Remove or improve existing tracks to reduce tripping hazards
9. Include stations for Electric Vehicle charging

** Branding and signage throughout the concept area



Create a Community Event Space and Maintain Historical Features

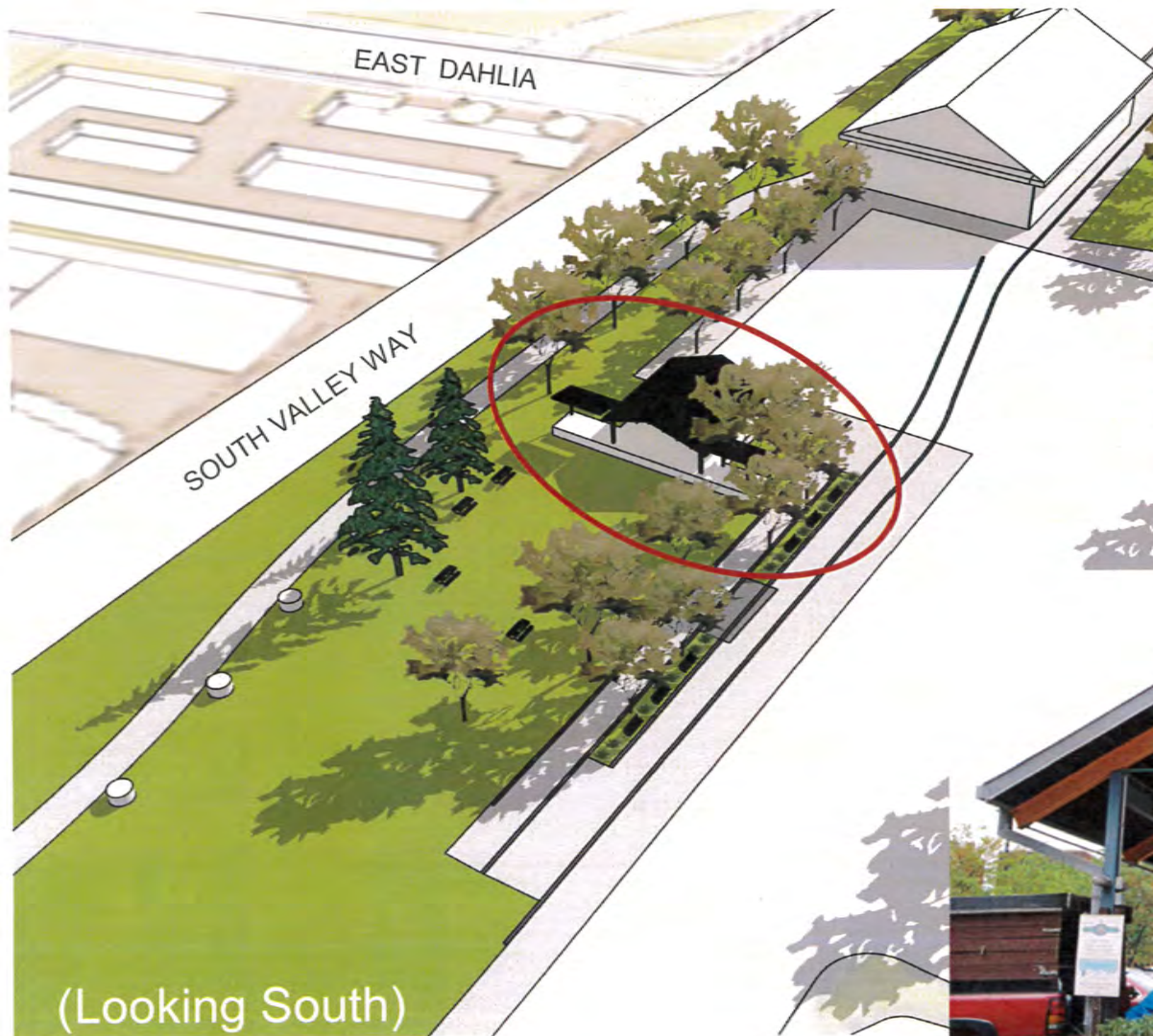


An Example of a Community Event Space With Historical Features



Mandan, ND

Reflect Railroad History in Architectural Features (stage)



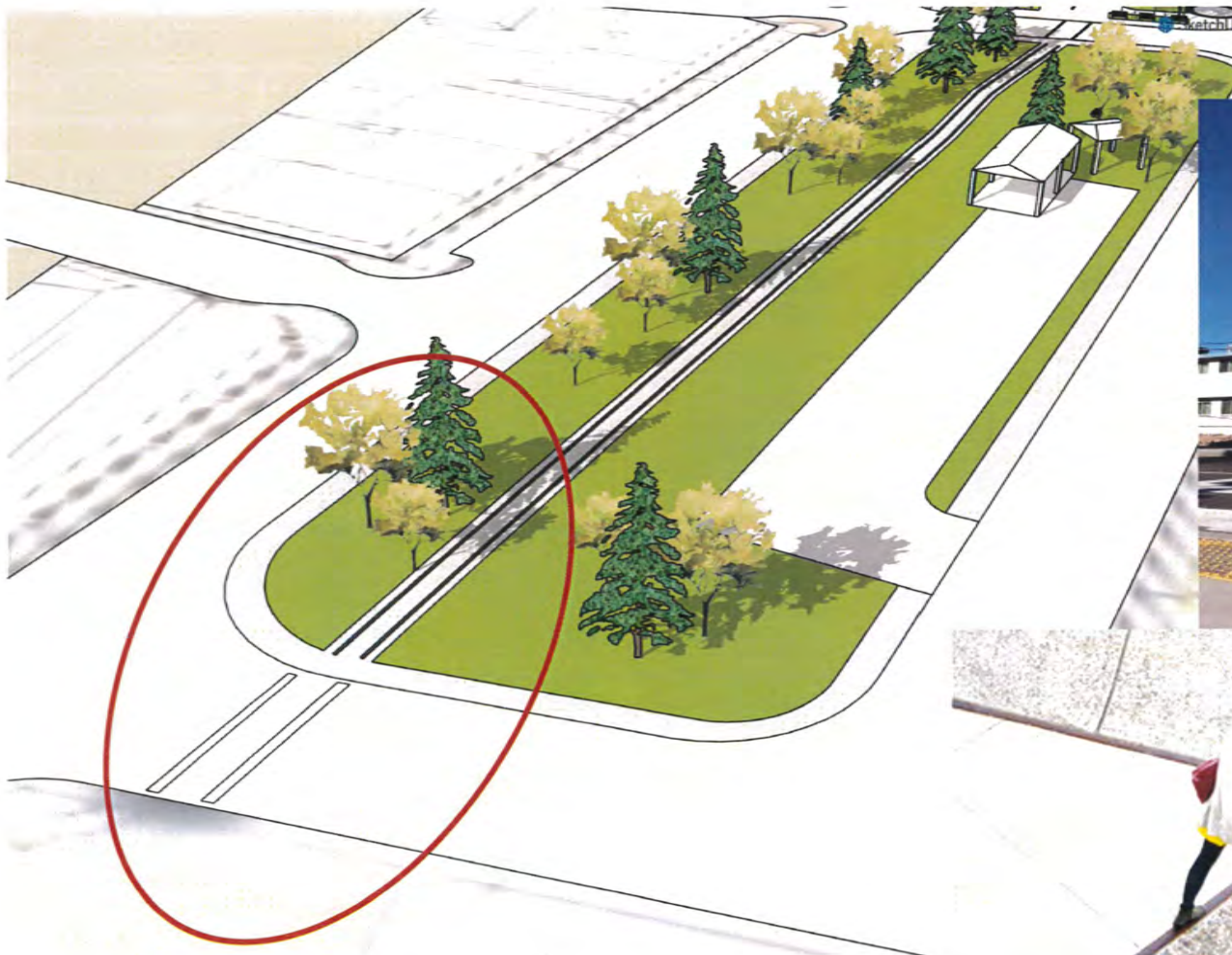
Parking Improvements to Colony Way



(Looking North)



Remove Track Crossing at Fireweed and Embed Existing Tracks in trail improvements Extending Shane Woods Trail South

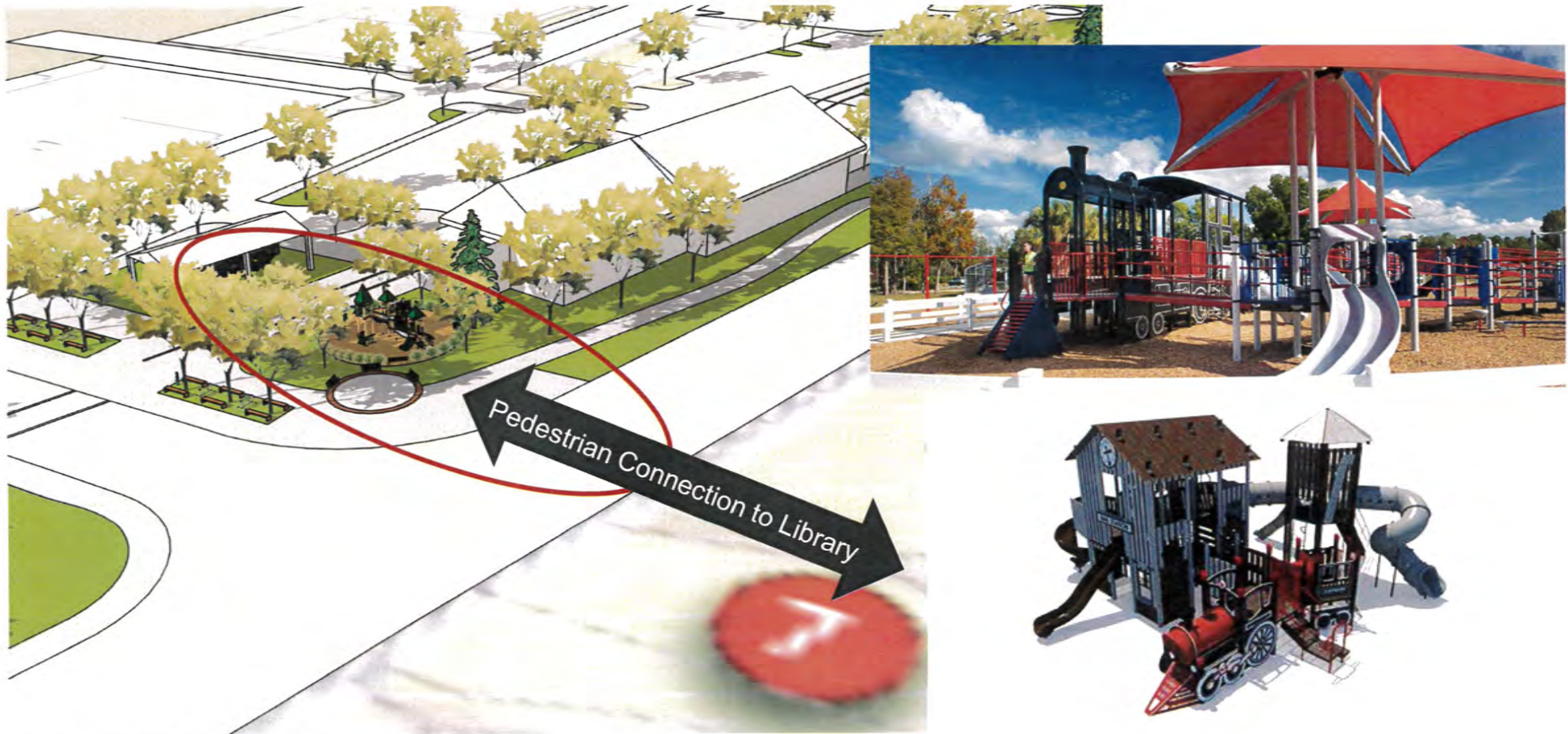


(Looking North)

Embed Historic Railroad Tracks for Pedestrian Path North of Depot



Park/Playground Improvements and Connection to Library Courtyard (railroad node)



(Looking North)

Site Furnishings (Places to Sit, Bike Racks, Trash Receptacles, Dog Waste Stations)



(Looking North)



Branding and Signage

Local History



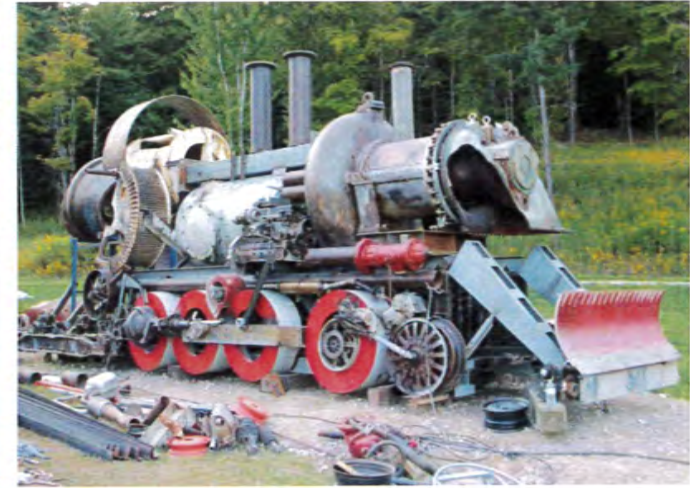
Regional Influences



Color & Texture



Incorporate Public Artwork that Reflects Railroad Heritage (repurpose tracks)



All Season Use



Public Participation

The Alaska Railroad Right-of-Way is an important corridor in Palmer both from a historical perspective and as a public space. The City Council recognized the importance by asking the community for feedback in a variety of ways. They included:

- Two public meeting conducted the Palmer Train Depot
- Online survey on the program elements and proposed track removal
- Social media posting on Palmer area sites
- Outline of project and opportunities for involvement on the City of Palmer Website
- Presentations to civic, boards and commissions, and community groups by city staff

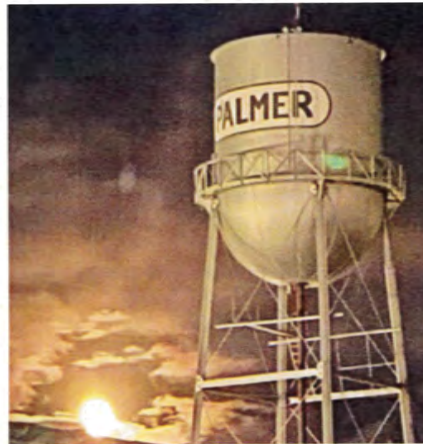
Future Public Participation

The community will have an opportunity to provide feedback once the final report have been generated.



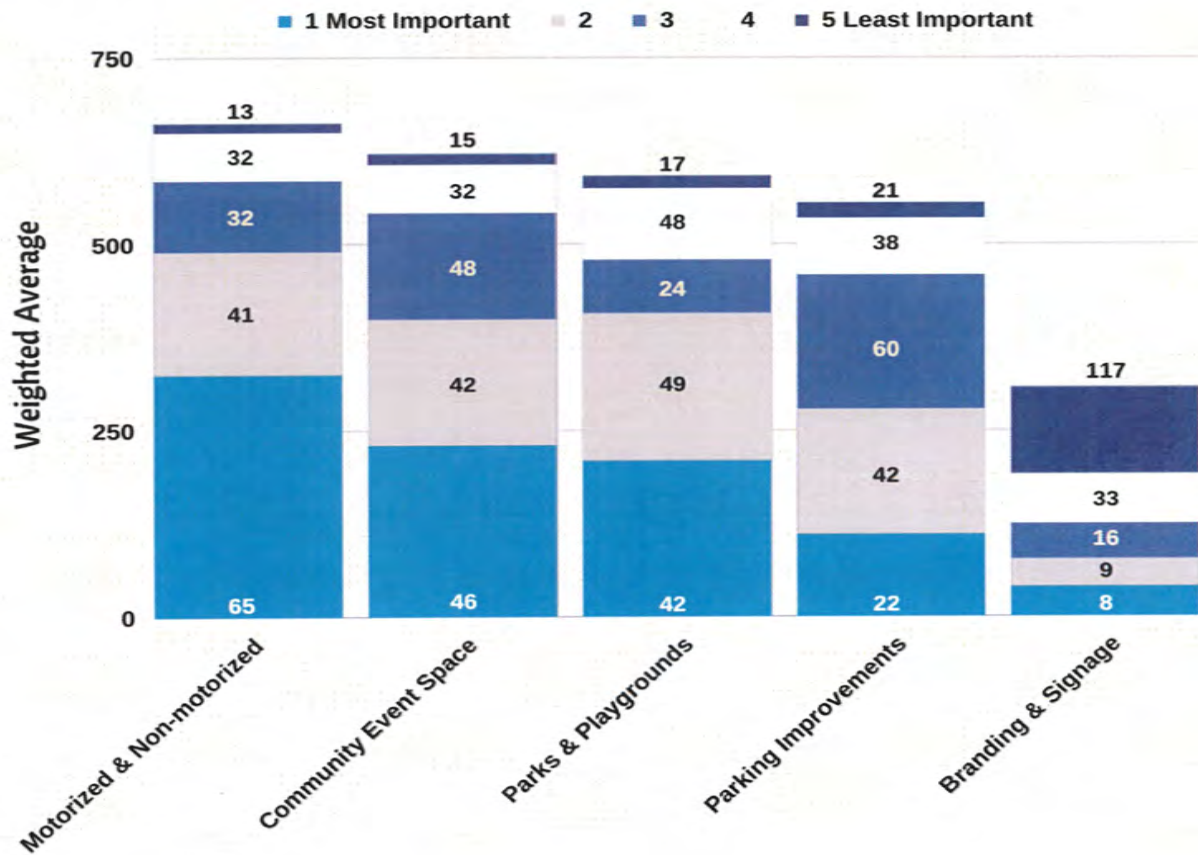
Survey Results

From Public Online Survey
conducted from October 26 –
November 25



Please rank these projects for importance to Palmer (1-5)

- a. Community Event Space (North of Depot)
- b. Parking improvements on Colony and Valley Way
- c. Motorized and non-motorized connectivity (Bike Path Extension, Pedestrian Crossing at Dogwood & Elimination of RR Fireweed Crossing).
- d. Parks & Playgrounds in downtown
- e. Branding & Signage



What other improvements can be made downtown that will enhance the quality of life for residents and visitors?

Top Responses

- Downtown Accessibility
- Greenspace / Playgrounds
- Remove Railroad Tracks
- Enhance Commercial Opportunities



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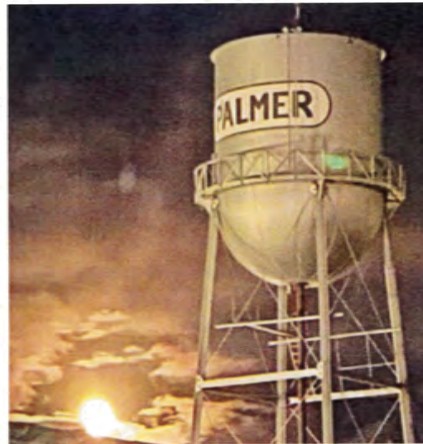
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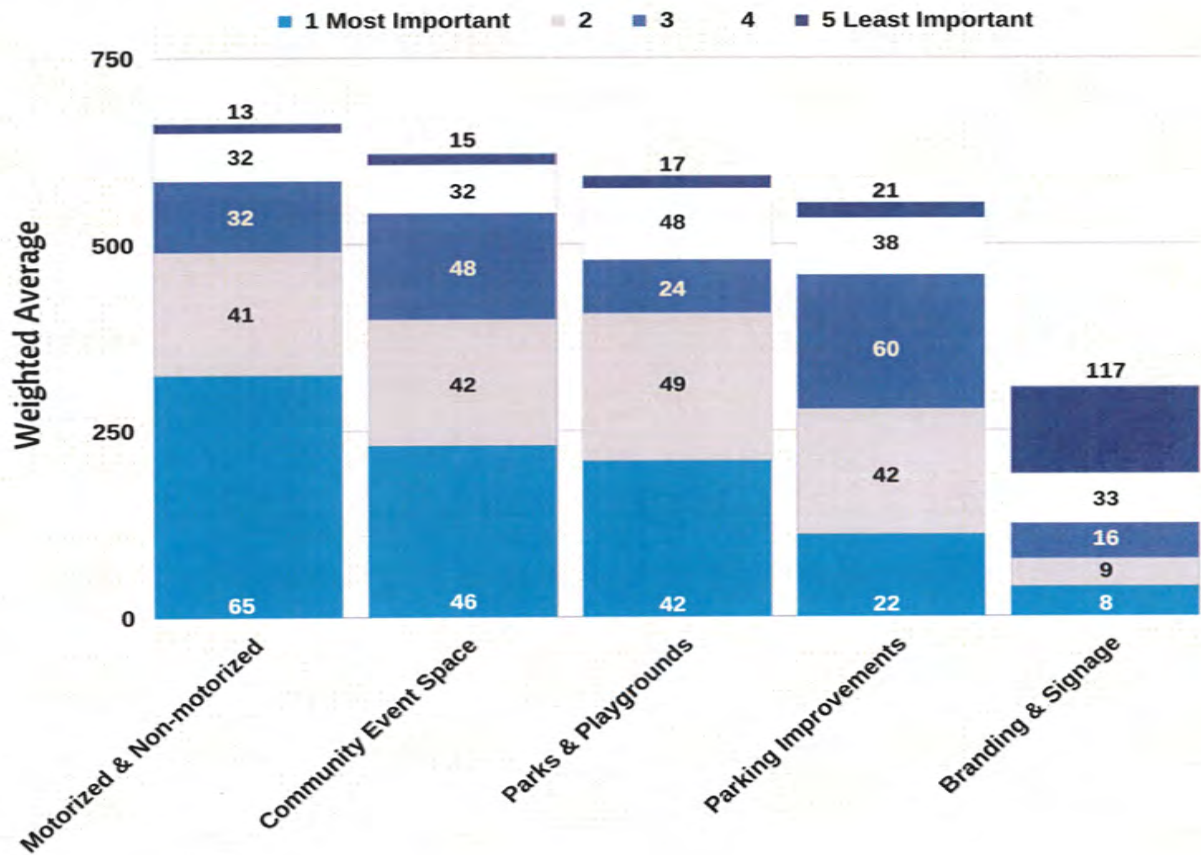
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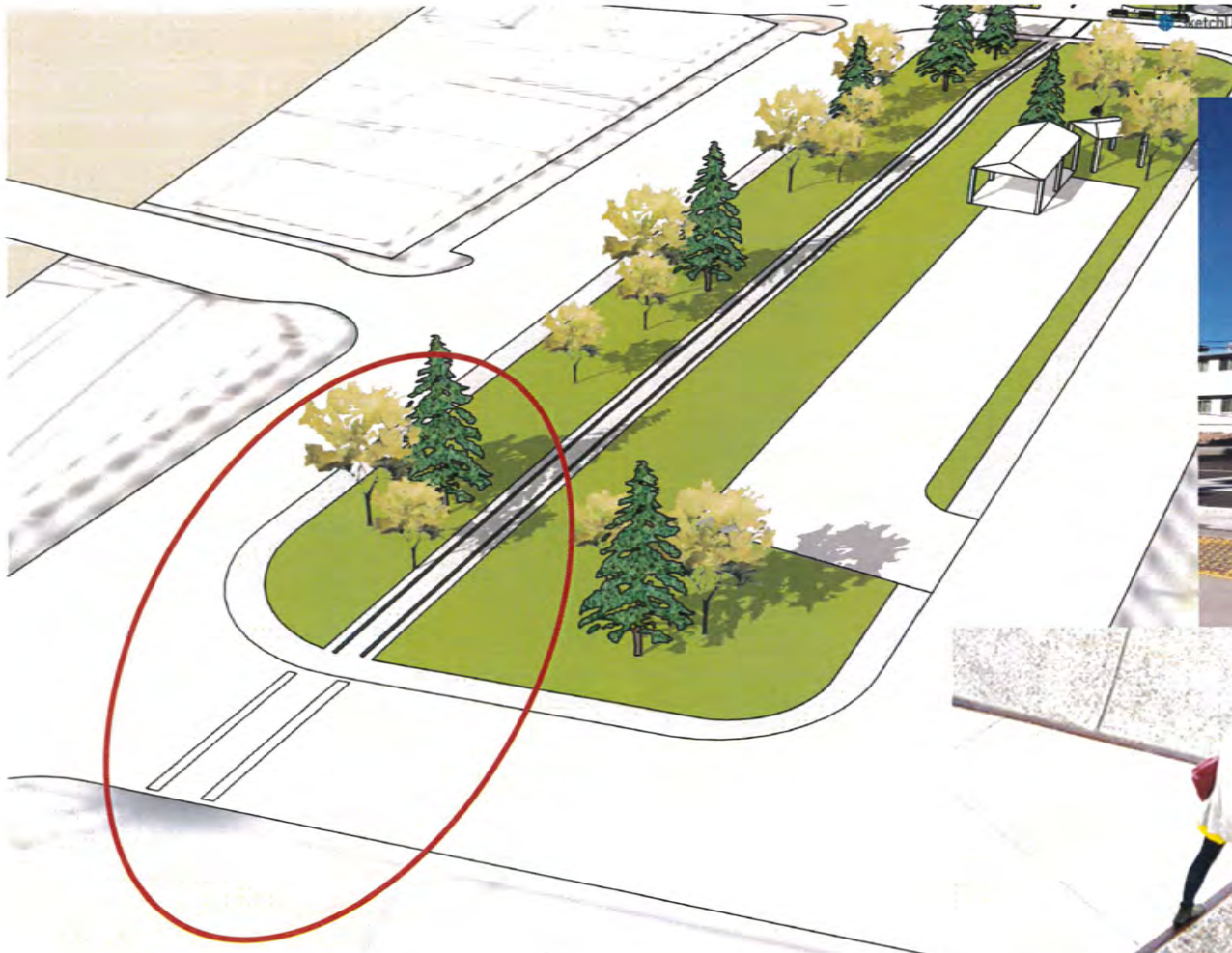
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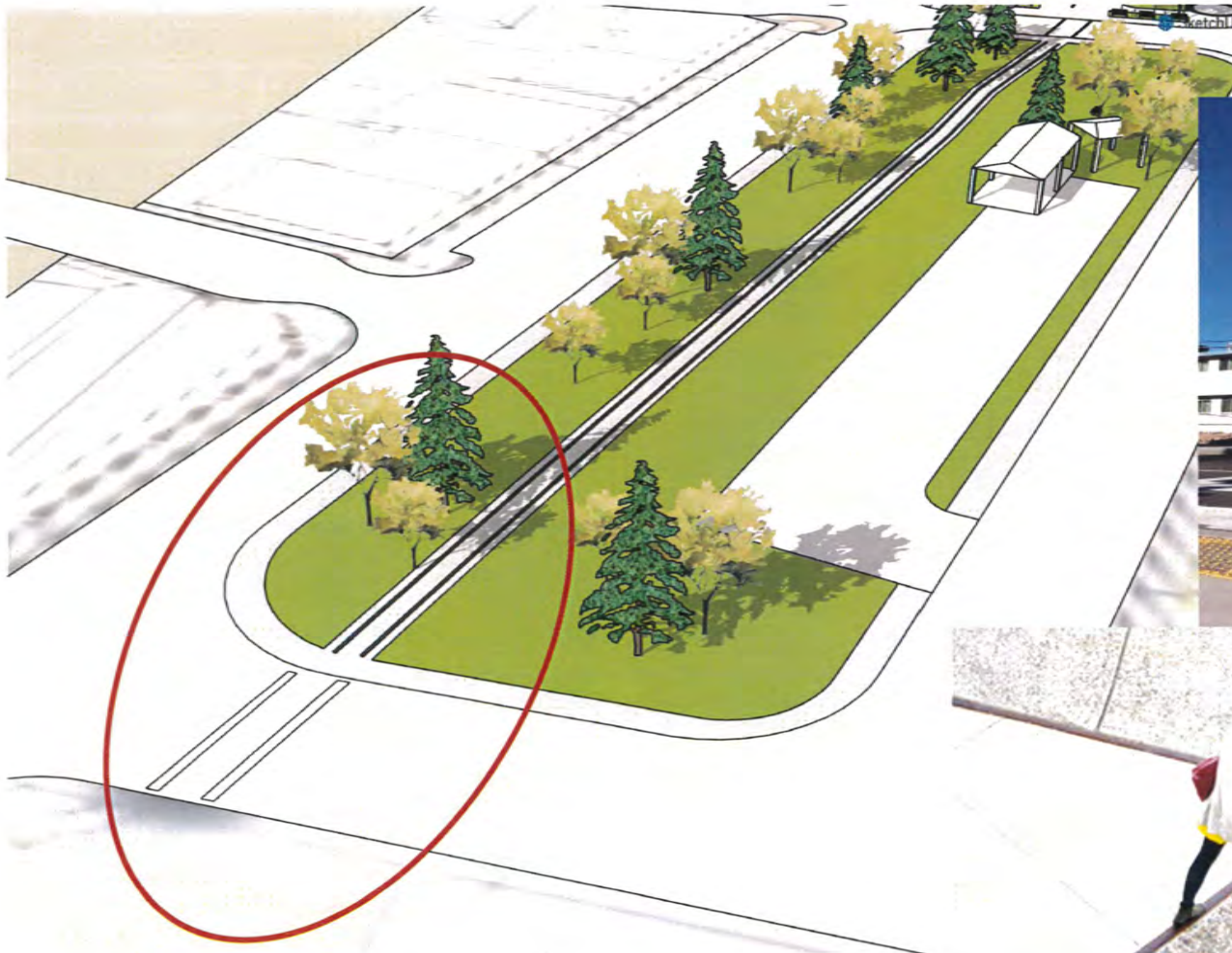


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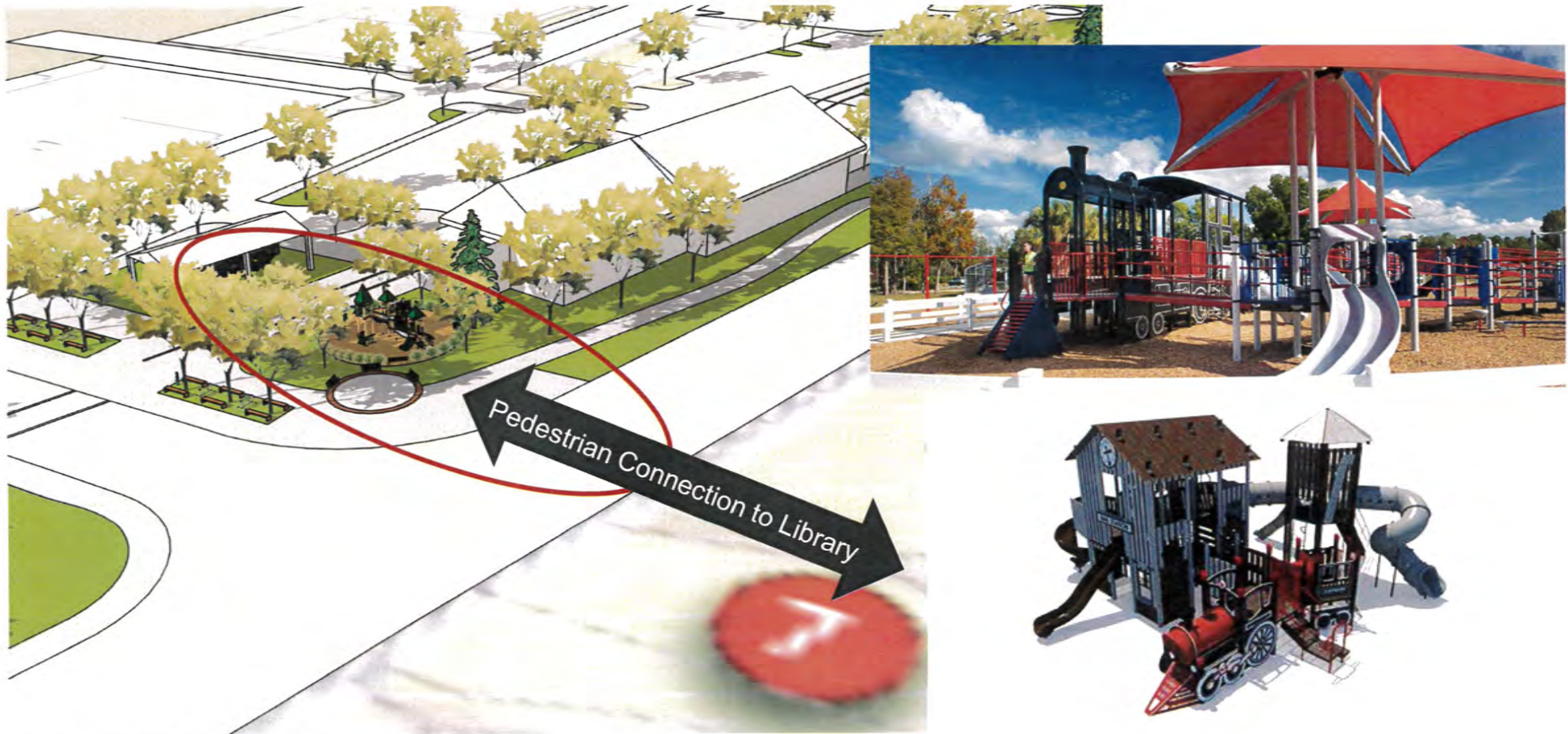


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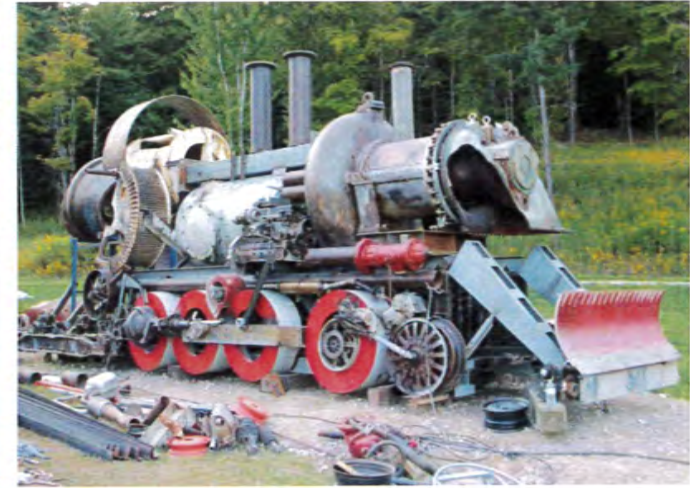
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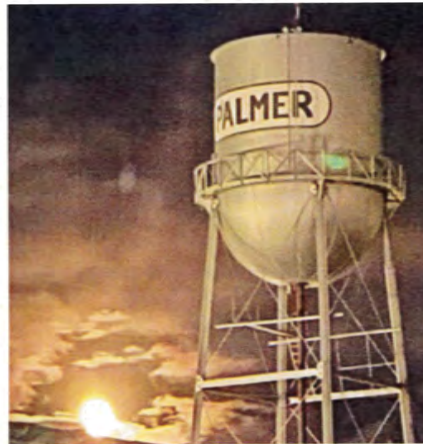
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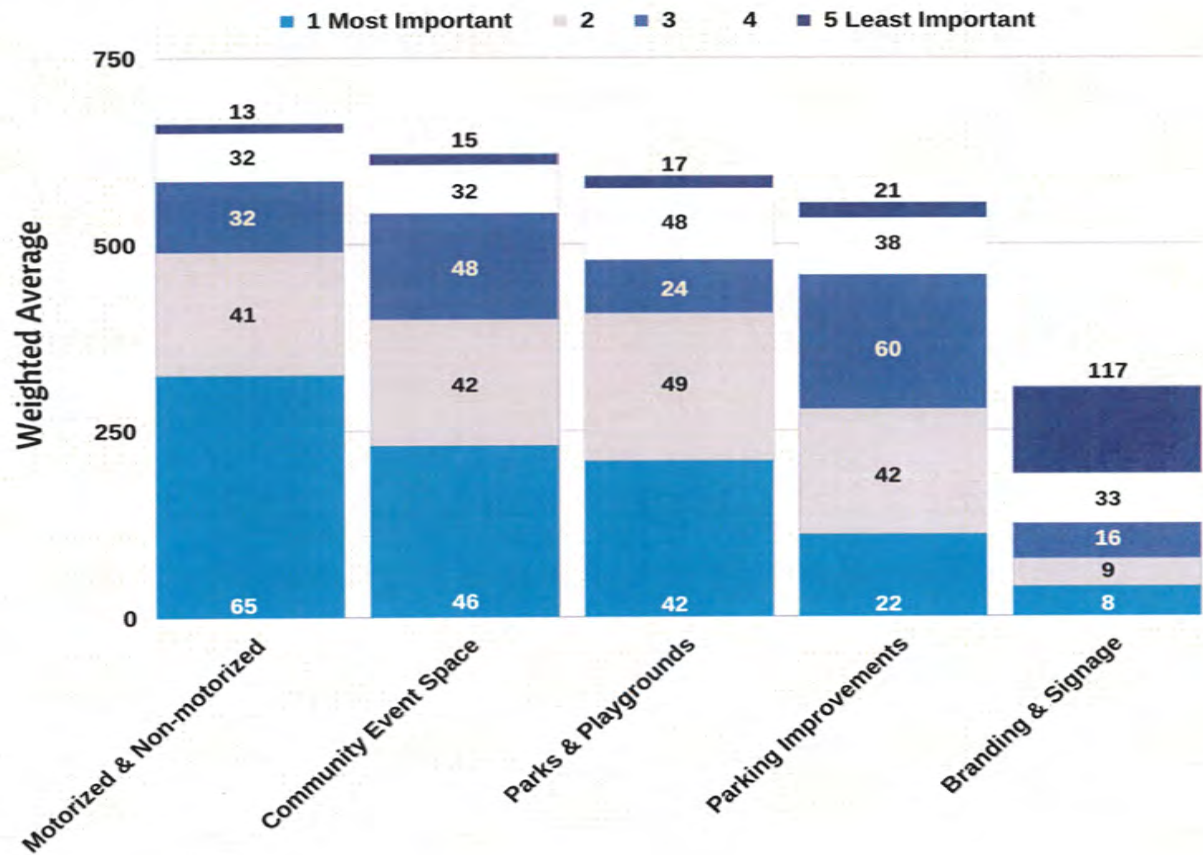
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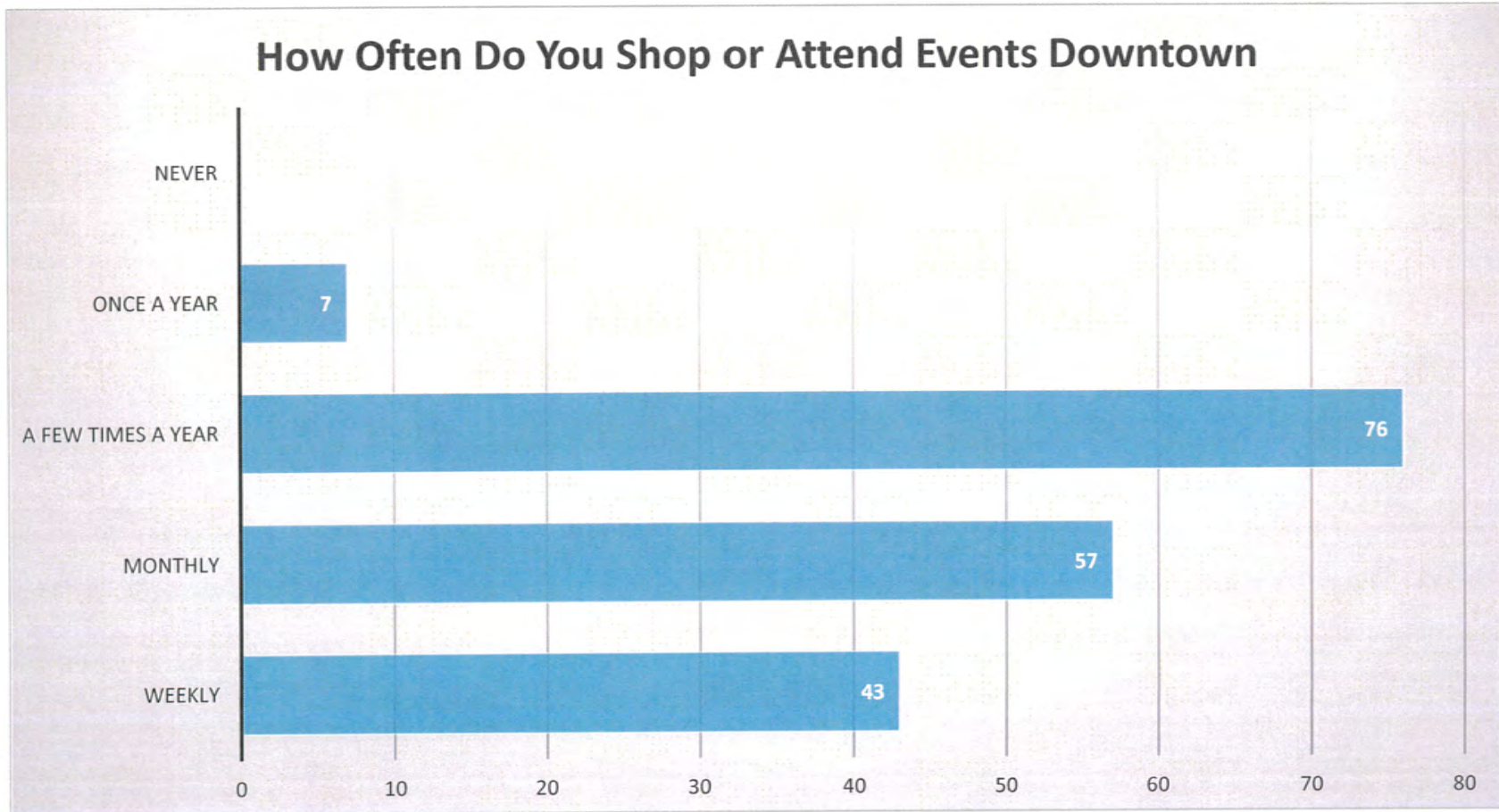
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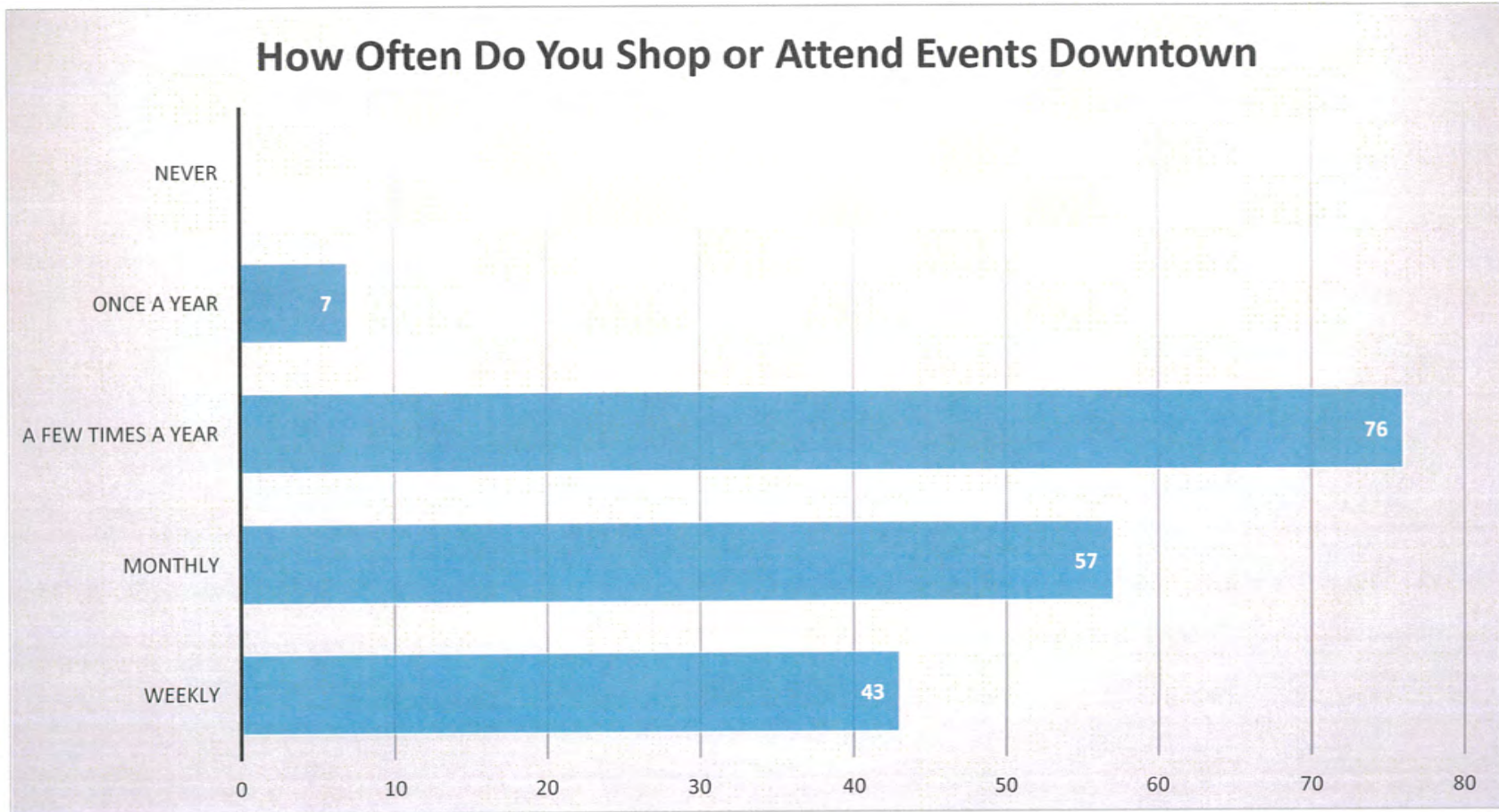
How often do you attend events in downtown that utilize the Railroad right-of-way?

- a. Weekly
- b. Monthly
- c. A few times a year
- d. Once a year
- e. Never



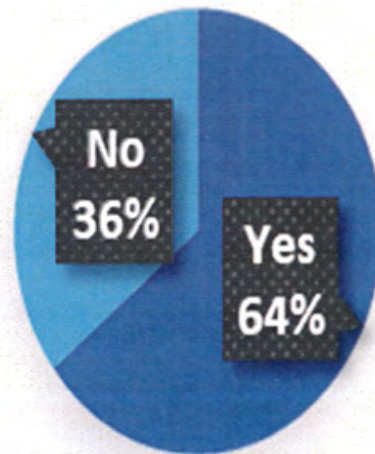
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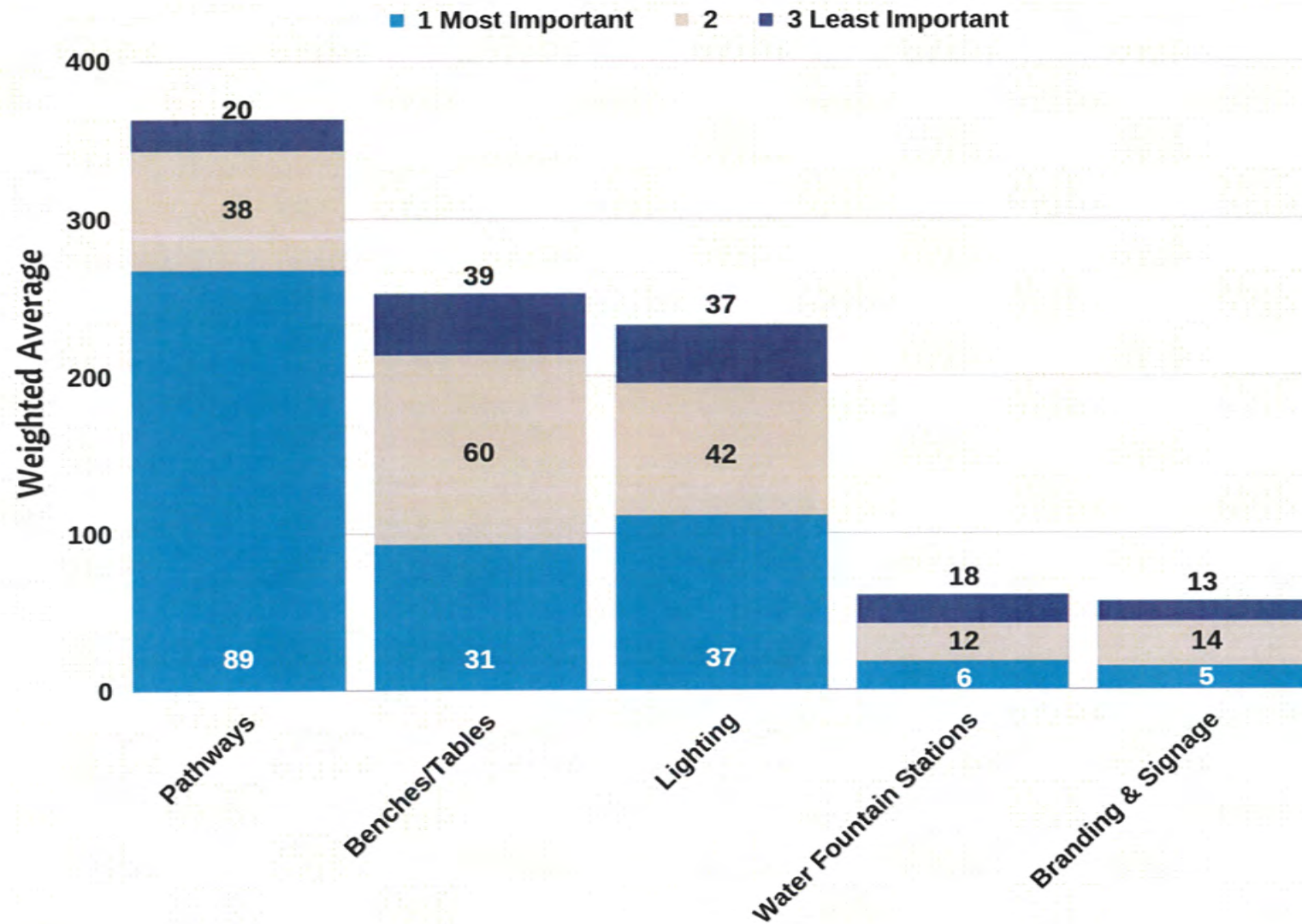
Do you utilize the downtown space for anything other than Shopping and Community Events? If yes, please elaborate.

Used for Anything other than Shopping or events

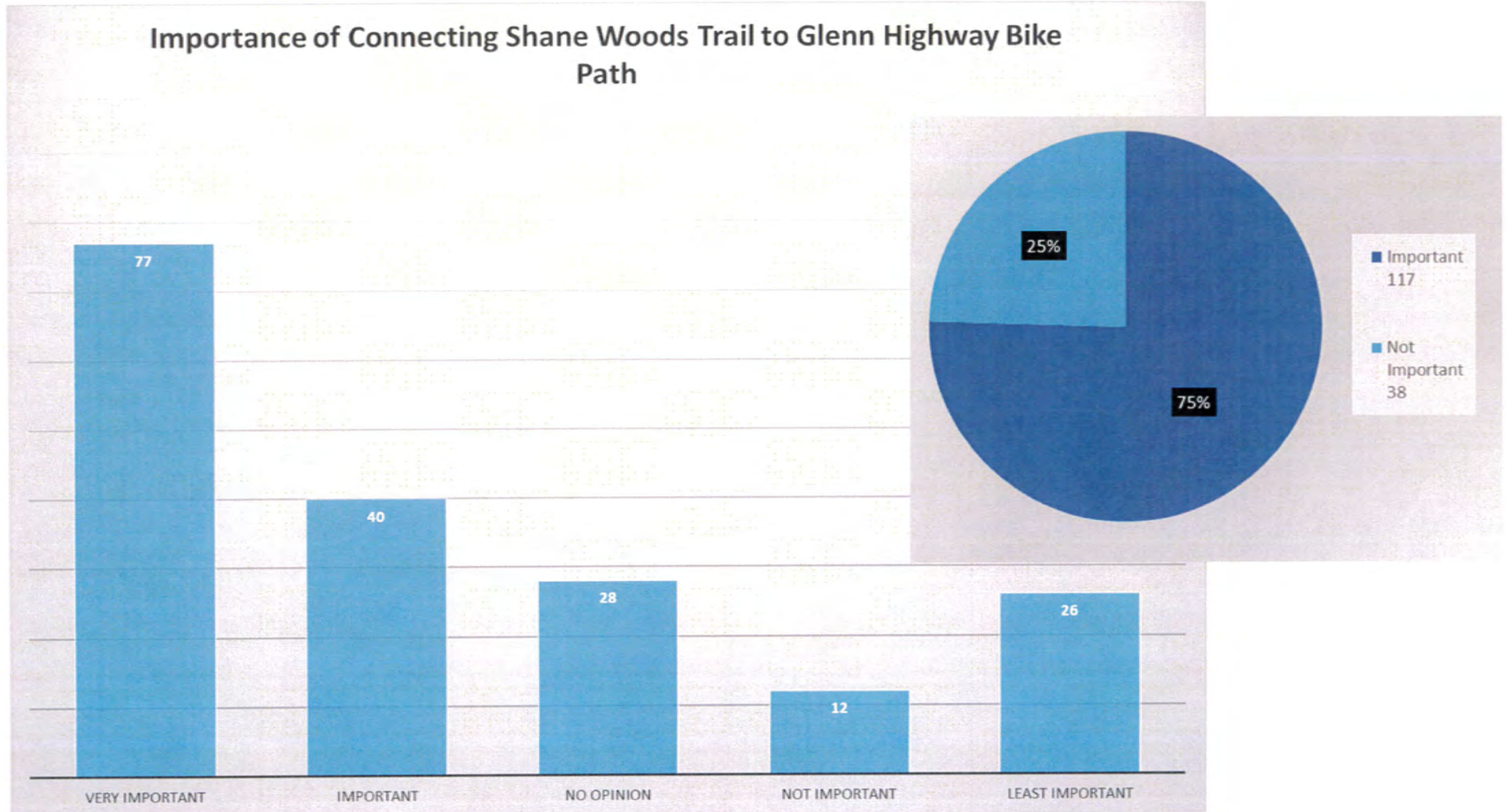


■ Yes
■ No

How should the city improve non-motorized accessibility for seniors and people with disabilities in downtown? (Select your top three)

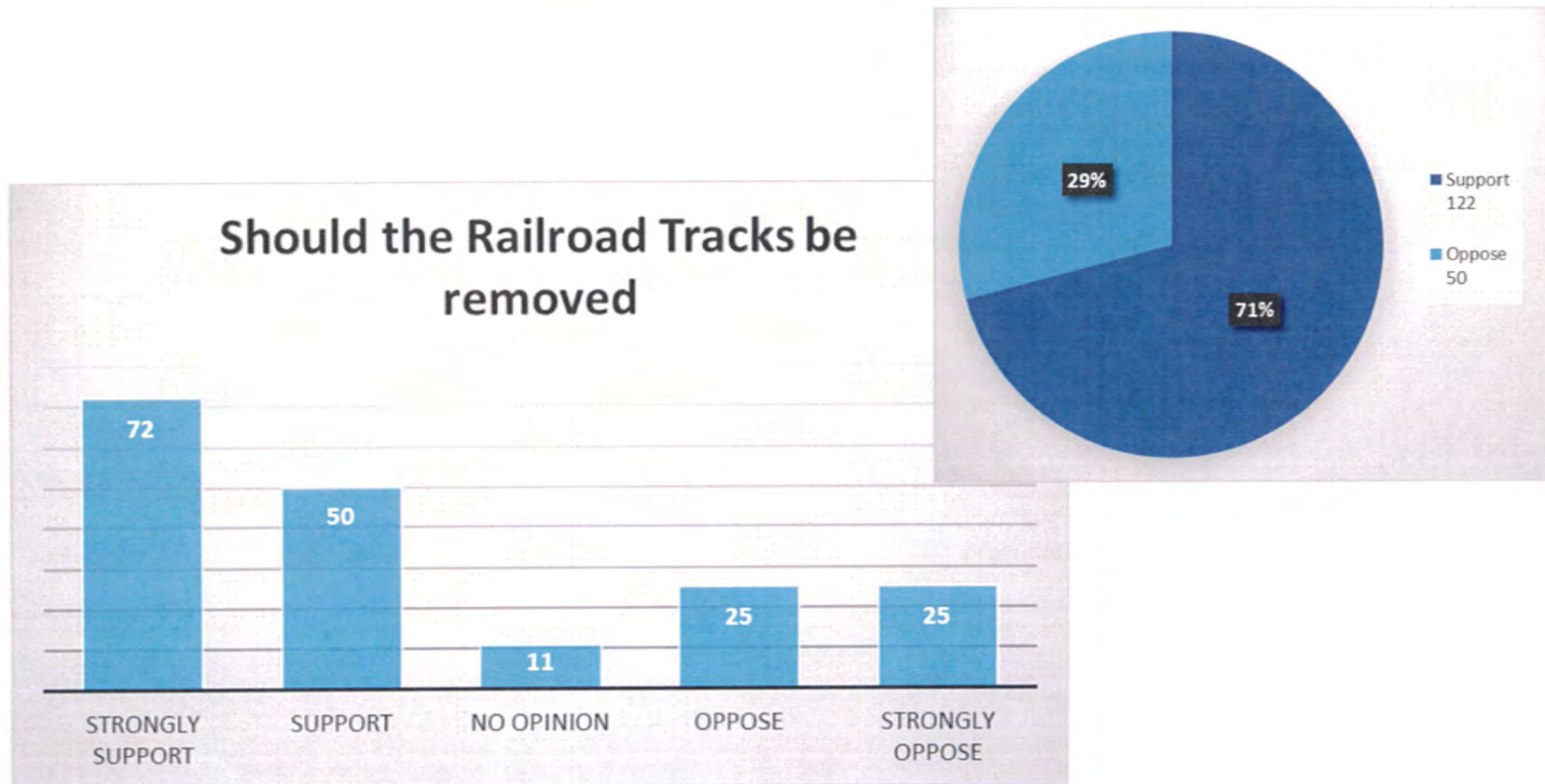


How important is connecting the Shane Woods Trail to the Glenn Highway bike path?



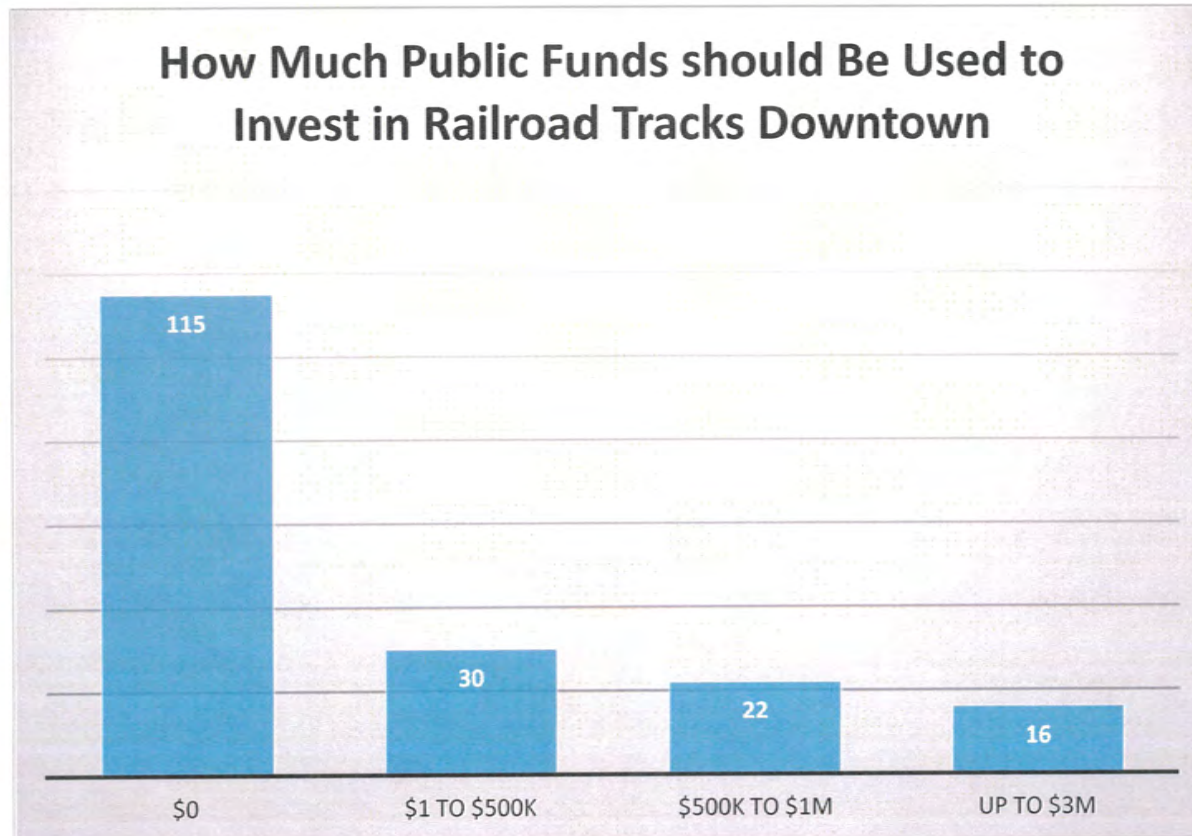
To address community improvements such as trail connections and community gathering areas, would you support the city of Palmer in the removal of railroad tracks in downtown from Fireweed Avenue to Arctic Avenue?

Strongly Support Support No Opinion Oppose Strongly Oppose

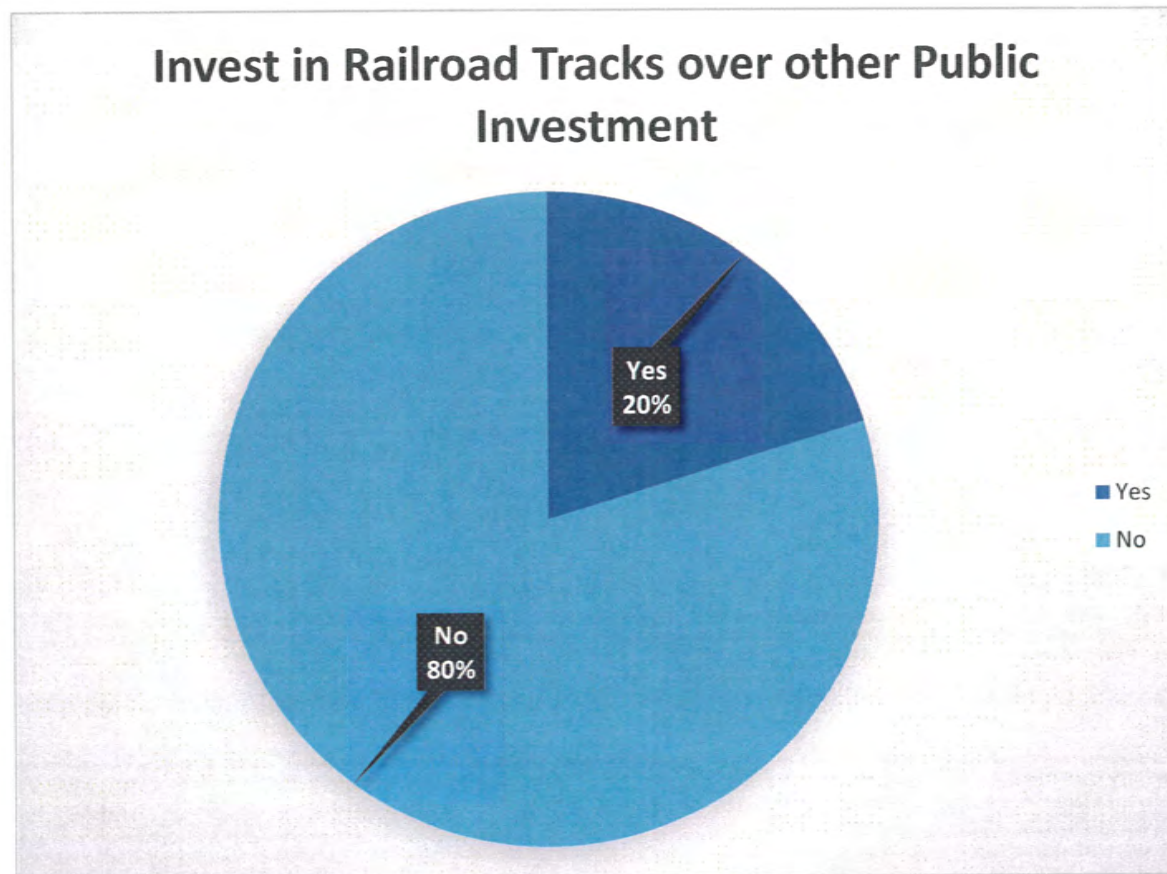


If you would like to see railroad activity in downtown, to what level of public investment would you support to keep active railroad trains in downtown Palmer?

- a. \$0
- b. \$1 to \$500,000
- c. \$500,000 to \$1,000,000
- d. Up to \$3,000,000



Would you prioritize investment in improvements of the railroad tracks over other community infrastructure improvements? (Yes or No)



What other improvements would you like to see downtown?

- More community spaces w/ benches & firepits
- Creating spaces for activities so roads do not need to be closed.
- More things for kids to do!
- Small Concert venue, outdoor ice rink, more space for food trucks, more winter lighting



What other improvements would you like to see downtown?

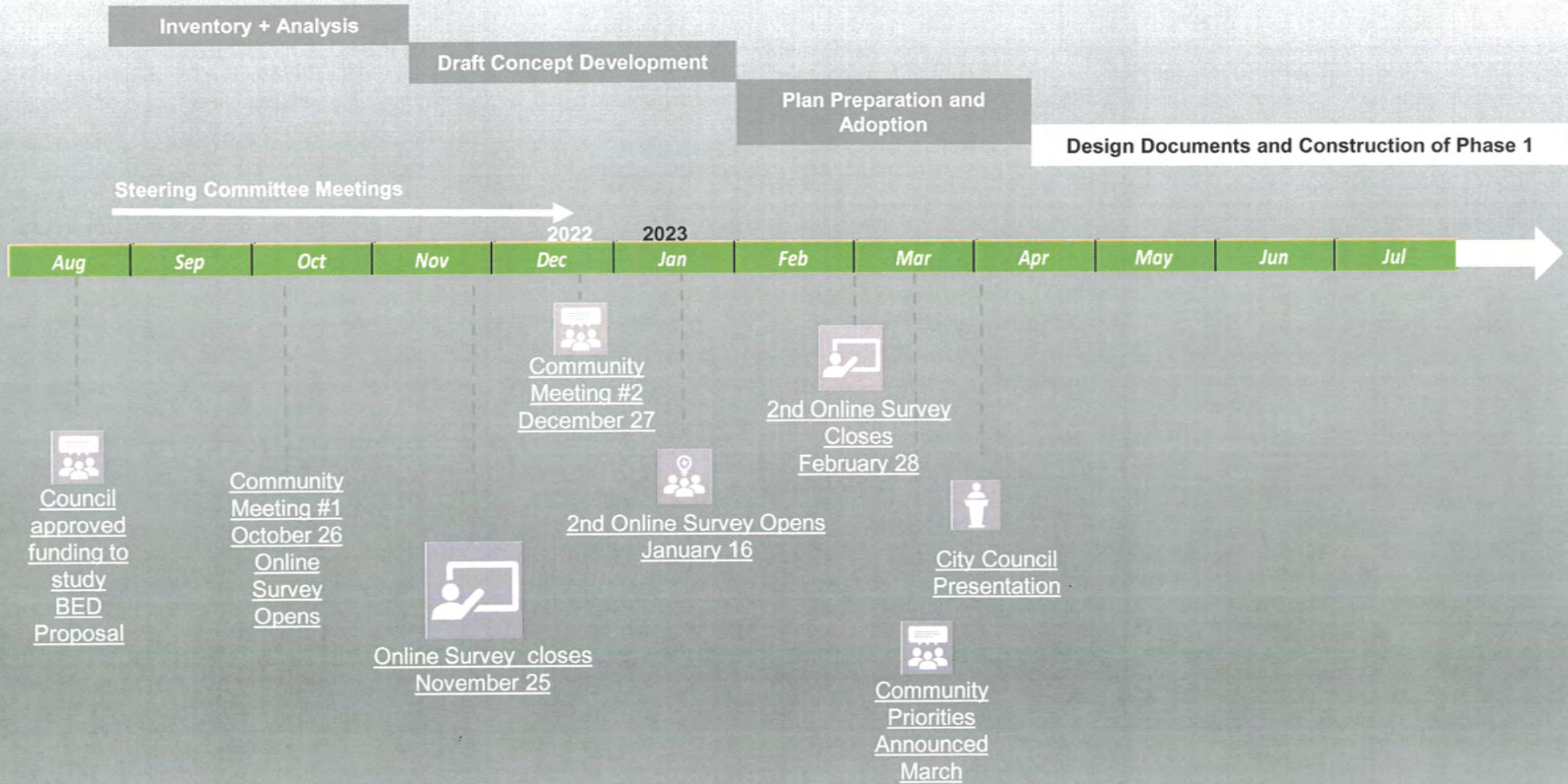
- Economic Growth! Increasing revenue through businesses and events
- Put a depot/platform by the pioneer home before the tracks cross Fireweed. Solves both issues.
- This survey is poorly designed. I would give examples, but this box is character limited.
- Better lighting for trail systems.
- Preserve historical artifacts within ROW





Next Steps

Timeline





Plat Reviews



**CITY OF PALMER
PLANNING & ZONING COMMISSION
INFORMATION MEMORANDUM 22-019**

SUBJECT: Presentation of Matanuska-Susitna Borough Platting Process

AGENDA OF: January 19, 2023

ACTION: Review and comment

Attachment(s): 1) Pertinent chapters of MSB Code Title 43 Subdivisions

Summary: To present a brief overview of MSB Platting process involving abbreviated plats, preliminary plats and subdivision development standards.

Recommendation: Review and discuss any questions regarding MSB Platting process.

CHAPTER 43.05: GENERAL PROVISIONS

Section

- 43.05.005 Definition of terms**
- 43.05.010 General**
- 43.05.015 Purpose and scope**
- 43.05.030 Penalties and remedies**
- 43.05.035 Fees**
- 43.05.040 Violations, enforcement, and penalties**
- 43.05.045 Procedure pamphlet [Repealed]*
- 43.05.050 Owner authorization**

43.05.005 DEFINITION OF TERMS.

(A) For the purpose of this title, the following definitions of terms shall apply in all cases:

- "Aliquot part" means a rectangular portion of a section created by midpoint protraction as defined by the BLM manual of survey instructions, unless historical records show otherwise.
- "Applicant." See "Petitioner."
- "Block" means a group of lots existing within well-defined and fixed boundaries, being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name by which it may be identified.
- "Block length" means the distance between intersections of through streets measured between the right-of-way lines of the intersecting streets, which distance is the longest dimension of a block.
- "Borough" means the Matanuska-Susitna Borough.
- "Commercial" means a land use or business enterprise for the purpose of buying or selling goods or services.
- "Days" means calendar days unless otherwise stated.
- "Dedication" means the appropriation of land, or an easement therein, by the owner, for the use of the public, and accepted for such use by or on behalf of the public.
- "Drainage easement" means an easement for the containment, construction, repair, or maintenance of storm or melt water drainage normally adjoining a public right-of-way and

- “Easement” means any strip of land reserved by the subdivider for public utilities, drainage, sanitation, or other specified use, the title to which shall remain in the property owner, subject to the right of use designated on the subdivision plat or other document. For the purpose of this title an easement shall not be interpreted to be a fee dedication when noted or granted on a plat.
- “Ex parte” means by or for one party; done for, on behalf of, or on the application of one party only; without notice to or the presence of the other party.
- “Fee simple” means an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited. Commonly, a synonym for ownership.
- “Final plat” means a drawing of a subdivision which complies with this title.
- “Flag lot” means a parcel of land shaped like a flag, with a narrow staff or pole extending to a road right-of-way or other access way.
- “Governing body” means the Matanuska-Susitna Borough Assembly.
- “Interconnectivity” means the provision for legal right of access granted to adjoining properties, at a location that is practical for future road construction, to plan or provide for a safe and efficient transportation system.
- “Land surveyor” or “surveyor” means a person currently registered as a professional land surveyor with the state of Alaska.
- “Lot” means the least fractional part of subdivided lands having fixed boundaries and having an assigned number, or other name through which it may be identified.
- “Meander line” means a traverse of a body of water for the purpose of determining the size and location of the body of water. For riparian owners, meander lines do not represent the boundary lines; the body of water where it exists represents the true boundary line. When meander lines are nonriparian, they may become land boundary lines.
- “Monument” means a fixed physical object marking a point on the surface of the earth for commencing or controlling a survey or to establish a property corner.
- “Municipality” means a political subdivision incorporated under the laws of the state that is home rule or general law city or borough.
- “Offeror.” See “Petitioner.”

- "Open space" means any land or area, the preservation of which in its present use would conserve scenic, cultural, or natural resources; protect water bodies or water quality; enhance neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or increase recreation opportunities.
- "Parcel" means a fractional part of land described by metes and bounds or aliquot parts that are five acres in size or larger and identified in waivers or 40-acre exemptions by document.
- "Petitioner" means a person or a person's representative who submits a formal request or application for a platting action.
- "Plat" means a map representing a tract or parcel of land showing the subdivision of such land into lots, blocks and streets, or other divisions, and other information in compliance with the requirements of all applicable sections of this title and of local ordinances, and may include the terms "replat" or "final plat."
- "Platting authority" means the platting board, platting officer, planning and land use director, or other person making a platting decision.
- "Preliminary plat" means a map or delineated representation of a tract or parcel of land showing the prominent features of a proposed subdivision of such land submitted to an approving authority for the purpose of preliminary approval.
- "Public improvements" can include but are not limited to: roads, drainage, ditching, signage, cut/fill slopes, trails, bike paths, walkways, public parks and recreation facilities, monumentation, authorized encroachments, utilities, and areas needed for snow storage and other improvements as necessary.
- "Public use easement" provides the rights for ingress, egress, roadways, rights-of-way, public utilities, and slopes for cuts and fills. The rights are to the public in general, and public utilities governed by permits required under federal, state, and local laws and regulations. May also be known as public access easements and rights-of-way.
- "Record owner" means the person or persons listed as the owner on the property tax records of the borough assessor.
- "Replat" means the redelineation of an existing lot, block, or tract of a previously recorded subdivision involving the change of property lines and, after vacation, the altering of dedicated streets, easements, or public areas.
- "Right-of-way" means a strip of land reserved, used or to be used for a street, alley, walkway, airport, railroad, or other public or private purpose.
- "Slope easement" means an easement for the construction, repair, or maintenance of a

- “Snow storage easement” means an easement for snow storage normally adjoining a road right-of-way.
- “Street” means and includes all access ways for common use, such as traveled ways, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts, and cul-de-sacs, and includes all the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved.
- “Subdivider” means a person holding any legal or equitable interest in land being subdivided. The term shall also include all heirs, assigns, or successors in interest, or representatives of the subdivider.
- “Subdivision” means the division of a tract or parcel of land into two or more lots, sites, or other divisions, or the combining of two or more lots, tracts, or parcels into one lot, tract, or parcel for the purpose, whether immediate or future, of sale, or lease for more than ten years including any re-subdivision, and, when appropriate to the context, the process of subdividing of the land actually subdivided.
- “Tract” means an area of land which has been defined, but has not been designated by lot and block numbers.
- “Trail” means a traveled way which provides recreational, aesthetic, alternate transportation, or educational opportunities and may also provide access for subdividing properties.
- “Usable building area” means area outside of minimum usable septic area and easements where building is prohibited, and outside of setbacks from the following: rights-of-way, easements for public use, section line easements, water bodies, and lot lines.
- “Usable open space area” means that portion within a plat-designated open space which meets the requirements of MSB 43.20.281.
- “Usable septic area” means that portion of a lot, tract, or parcel that provides septic function on the property and as further defined in MSB 43.20.281.
- “Utility easement” means an area in which the rights to construct, install, repair, and maintain utility distribution and service facilities are exercised.
- “Walkway” means a right-of-way or easement dedicated for pedestrian access.
- “Water body” means a discrete and significant element of surface water, including all or part of lakes, reservoirs, streams, rivers, canals, and coastal waters.

- “Watercourse” means a depression formed by water moving over the earth, any natural or artificial channel through which water flows perennially or intermittently. Includes natural waterways that have been channelized, but does not include manmade channels, ditches, or underground drainage and sewage systems.

(B) In instances where a word is not included in this section nor in the applicable section, reference will be made first to the most recent publication of “The Illustrated Book of Development Definitions,” then to “Webster’s New Universal, Unabridged Dictionary.”

(Ord. 17-033, § 2, 2017; Ord. 15-036, § 2, 2015; Ord. 11-072, § 3 (part), 2012)

43.05.010 GENERAL.

(A) This title shall be referred to and cited as the “Matanuska-Susitna Borough Platting Regulations.” The platting officer shall provide copies of this title and the department of public works Subdivision Construction Manual to any person upon request at a reasonable charge.

(Ord. 17-033, § 3, 2017; Ord. 11-072, § 3 (part), 2012)

43.05.015 PURPOSE AND SCOPE.

(A) This title is to promote the common good and welfare with regard to platting of subdivisions. This title establishes consistent minimum guidelines for the regulation of the subdivision and platting of lands within the borough. The purpose of this title is to incorporate AS 29.40.070, which includes but is not limited to the control of:

- (1) form, sizes, and other aspects of subdivision, dedications, and vacations of land;
- (2) dimensions and design of lots;
- (3) street width, arrangement, and rights-of-way, including requirements for public access to lots and installation of street paving, curbs, gutters, sidewalks, sewers, water lines, drainage, and other public utility facilities and improvements; and
- (4) dedication of streets, rights-of-way, public utility easements, and areas considered necessary by the platting authority for other public uses.

(B) The following list of documents are to be incorporated within this title as if fully set forth in this title:

- (1) BLM manual of survey instructions; and
- (2) *[Repealed by Ord. 17-033, § 40, 2017]*

(C) Each manual, excepting for the BLM manual of survey instructions, may be modified by the platting board subject to review by the planning commission and adoption by the assembly.

(Ord. 22-057, § 2, 2022; Ord. 20-015, § 2, 2020; Ord. 17-033, § 40, 2017; Ord. 11-072, § 3 (part), 2012)

43.05.030 PENALTIES AND REMEDIES.

(A) The owner or agent of the owner of land who publicly offers by any means to sell, transfer, or who sells or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved and filed in accordance with this title is guilty of an infraction, and upon conviction is punishable by a fine of not more than \$500 for each lot or parcel offered for sale, transferred, sold, or included in a contract to be sold.

(B) No person may file or seek to have a plat filed unless it has been approved in accordance with this title. A person who knowingly violates this subsection is punishable upon conviction by a fine of not more than \$500.

(C) The borough or any aggrieved person may bring a civil action to enjoin any violation of this title, any transfer or sale of an unlawfully subdivided parcel and the violation of any term or condition of any plat or other entitlement approved under this title, and to obtain damages for any injury the plaintiff suffered as a result of the violation. In addition to injunctive and compensatory relief, each violation shall be subject to a civil penalty not to exceed \$500. An action for injunction under this section may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of an existing or threatened violation, the superior court shall enjoin the violation.

(D) Each act or condition in violation of this title, or any term or condition of any plat or other entitlement under this title, and every day during which the act or condition occurs shall constitute a separate violation of this title.

(Ord. 11-072, § 3 (part), 2012)

43.05.035 FEES.

(A) The assembly shall establish a schedule of fees for applications and appeals under this title by resolution. The schedule of fees shall be posted in the borough offices and may be altered or amended only by the assembly.

(Ord. 17-033, § 4, 2017; Ord. 11-072, § 3 (part), 2012)

43.05.040 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

- (A) Except as otherwise specified in this title, violations of this title are infractions.
- (B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(Ord. 11-072, § 3 (part), 2012)

43.05.045 Procedure Pamphlet. [Repealed by Ord. 17-033, § 5, 2017]**43.05.050 OWNER AUTHORIZATION.**

- (A) All platting entitlement applications must be made by the owner, or authorized agent of the owner, of the property subject to the entitlement. The authorization must be in writing, executed by the owner, and include the names, mailing addresses, and telephone numbers for both the owner and the authorizing agent.
- (B) A certificate to plat or a preliminary commitment for title insurance prepared by a title company is to be submitted with an application for a vacation, abbreviated plat, preliminary plat, public use easement, waiver, or 40-acre exemption. The title report or preliminary commitment for title insurance must be current within 120 days of submittal of the application.
- (C) The platting action will be unaffected if ownership changes during the platting process; provided, that an updated certificate to plat, or preliminary commitment for title insurance, is received by the platting division.

(Ord. 16-018, §§ 2, 3, 2016; Ord. 11-072, § 3 (part), 2012)

CHAPTER 43.10: PLATTING BOARD

Section

[43.10.010 Board established; delegation](#)[43.10.015 Composition, appointment, and qualifications](#)[43.10.020 Term](#)[43.10.025 Vacancies](#)[43.10.030 Compensation](#)[43.10.035 Officers](#)[43.10.036 Seal](#)[43.10.037 Staff assistance](#)[43.10.040 Meetings: quorum](#)[43.10.045 Rule of procedure](#)[43.10.050 Action on application or appeal](#)[43.10.055 Conflict of interest; ex parte contact](#)[43.10.060 Platting authority procedure](#)[43.10.065 Notice; public hearing](#)**43.10.010 BOARD ESTABLISHED; DELEGATION.**

(A) There is established a platting board which, pursuant to A.S. 29.40.080, is delegated the platting function of the borough. The platting board shall hear and decide applications for approval of preliminary plats, variances, public use easements, plat note amendments, and vacations of public interest in accordance with this title.

(Ord. 16-018, § 4, 2016; Ord. 11-072, § 3 (part), 2012)

43.10.015 COMPOSITION, APPOINTMENT, AND QUALIFICATIONS.

(A) The platting board shall consist of seven members with two additional at-large alternates.

(B) The mayor shall appoint board members subject to assembly confirmation. Representation from as many

assembly districts as is feasible shall be sought on the board.

(C) Each board member shall be a registered voter of the borough.

(Ord. 11-072, § 3 (part), 2012)

43.10.020 TERM.

(A) A board member's term shall be three years, with staggered expiration dates. An unexpired term that began before the effective date of the ordinance codified in this title shall continue until the time for its expiration under the law in effect when the term began. A board member's term shall be governed by MSB 4.05.050.

(Ord. 11-072, § 3 (part), 2012)

43.10.025 VACANCIES.

(A) A vacancy on the board shall be filled as provided in MSB 43.10.015 for the remainder of the term of the former member.

(B) A vacancy occurs as provided in MSB 4.05.030(B).

(Ord. 11-072, § 3 (part), 2012)

43.10.030 COMPENSATION.

(A) Board members shall be compensated at a rate of \$100 per meeting for regular and special meetings, not to exceed four meetings in a calendar month. All requests for reimbursement shall be for actual expenses incurred on authorized board business.

(Ord. 21-112, § 3, 2021; Ord. 15-036, § 3, 2015; Ord. 11-072, § 3 (part), 2012)

43.10.035 OFFICERS.

(A) The board annually shall select from its membership a chairperson and vice-chairperson. The chairperson shall preside at meetings of the board and shall represent the board as directed by its membership. The vice-chairperson shall act in the absence of the chairperson. The platting officer shall act as secretary to the board.

(Ord. 11-072, § 3 (part), 2012)

43.10.036 SEAL.

(A) The board shall adopt a seal of two concentric circles within which appear the words "Matanuska-Susitna Borough Platting Board," "Seal," and "State of Alaska." It shall be retained in the custody of the platting officer.

(Ord. 11-072, § 3 (part), 2012)

43.10.037 STAFF ASSISTANCE.

(A) The platting board shall be assisted by the platting officer and the platting officer's staff.

(Ord. 11-072, § 3 (part), 2012)

43.10.040 MEETINGS; QUORUM.

(A) The platting board shall hold a regular meeting twice a month. The chairperson or three board members may call a special meeting of the board.

(B) A majority of the authorized membership of the board constitutes a quorum. All board actions shall be by vote of a majority of the board's authorized membership who are qualified to vote on the question under MSB 43.10.055.

(Ord. 11-072, § 3 (part), 2012)

43.10.045 RULE OF PROCEDURE.

(A) The board may, by resolution, adopt its own written rules of procedure, consistent with this title, governing the conduct of its proceedings. In all matters of procedure not governed by such rules or this title, the current edition of Robert's Rules of Order, Newly Revised, shall govern.

(Ord. 11-072, § 3 (part), 2012)

43.10.050 ACTION ON APPLICATION OR APPEAL.

(A) The board shall take formal action by voting on an application or to grant an appeal from the platting officer's decision. The board's decision shall be recorded in a notice prepared by the secretary to the board. The notice shall include separate finding of fact supporting the decision, based upon the facts presented to the board and the board's debate on the matter. A notice is adopted as a decision of the board when it is signed by the chairperson, or the board's authorized representative if the chairperson is not available.

(Ord. 17-033, § 6, 2017; Ord. 15-036, § 4, 2015; Ord. 11-072, § 3 (part), 2012)

43.10.055 CONFLICT OF INTEREST; EX PARTE CONTACT.

(A) A board member shall not participate in deliberation or vote on a question if:

(1) the board member or a member of the board member's immediate family has a substantial financial interest in any property affected by the decision; and

(2) the board member or a member of the board member's immediate family could foreseeably profit in any material way through a favorable or unfavorable decision.

(B) Board members shall be impartial in all administrative decisions, both in fact and in appearance. No board member may receive or otherwise engage in ex parte contact with the applicant or appellant, or other parties interested in the application or appeal, or members of the public, concerning the application or appeal or issues

presented in an application or notice of appeal, either before the hearing or during any period of time the matter is submitted for decision or subject to reconsideration.

(Ord. 11-072, § 3 (part), 2012)

43.10.060 PLATTING AUTHORITY PROCEDURE.

(A) The platting board shall act on an application for preliminary plat, variance, public use easement, plat note amendment, elimination or modification of platted utility, drainage, sanitation, slope, snow storage, buffer, and screening easements, or vacation of public interest only after holding a public hearing on the application. The platting board shall hear applications for vacations at the hearing on the preliminary plat to which they pertain if an application for plat approval has been filed or is required. The platting board shall consider any preliminary or final plat affected by the vacation of public interest.

(B) The platting authority shall, within 60 days of the submission of an application for preliminary plat approval, approve or disapprove the preliminary plat or return it to the applicant for modification or correction. If the platting authority fails to act within a 60-day period, the preliminary plat shall be considered approved and a certificate of approval shall be issued on demand, unless the applicant consents to an extension of the 60-day period. An application for preliminary plat approval is submitted to the platting authority when it is submitted in proper form in accordance with MSB 43.15.016.

(C) The platting authority shall approve an application after finding that the application conforms to the standards set forth in this title and other applicable statutes and ordinances. The findings of the platting authority shall be set forth in the notice approving or disapproving the application.

(D) The platting authority may approve an application subject to conditions that it finds necessary to implement the purposes of this title. The conditions shall be set forth in the motion and notice approving the application.

(E) Unless the conditions of approval resolve the violation, the platting authority shall not approve an application where it finds that the property that is the subject of the application currently is in violation:

- (1) of this title;
- (2) of any condition of approval of a variance;
- (3) of a subdivision plat;
- (4) of any other land use entitlement granted under this title;
- (5) of the terms of any other agreement with the borough;
- (6) except where multiple violations exist and the platting action is remedying one or more of these

violations.

(F) Written notification of platting authority's decision approving or disapproving an application shall be mailed to the applicant within ten days of the platting authority meeting at which the decision was made. If the application is approved, a final plat or a resolution setting forth the decision of the platting authority shall be filed with the district recorder after all conditions of approval have been met. The failure of any person to receive any notice required under this section, where borough records indicate the notice was mailed, shall not affect the validity of any proceeding under this title.

(Ord. 17-033 §§ 7, 8, 41, 2017; Ord. 16-018, § 5, 2016; Ord. 15-036, § 5, 2015; Ord. 11-072, § 3 (part), 2012)

43.10.065 NOTICE; PUBLIC HEARING.

(A) Notice of any public hearing required under this title shall be given in accordance with this section.

(B) Forms of notice are as follows:

(1) publication in a newspaper of general circulation in the borough one week prior to the public hearing.

(2) notices shall be mailed at least 21 days before the public hearing to:

(a) all record owners of property within a distance of 1,200 feet of the exterior boundary of the property that is the subject of the application, or to the record owners of at least the five tax parcels nearest the property that is the subject of the application, whichever is the greater number of persons; and

(b) if the property described in the application lies within a recorded subdivision, to all record owners within that subdivision.

(c) *Exception for abbreviated plats, right-of-way acquisition plats, waivers, or elimination or modification of easements described in MSB 43.15.032.* Public notices shall be mailed to all record owners of property within a distance of 600 feet of the exterior boundary of the property that is the subject of the application, or to the record owners of at least the five tax parcels nearest the property that is the subject of the application, whichever is the greater number of persons.

(i) Mailing notices to all record owners within a recorded subdivision is not a requirement for public hearings involving abbreviated plats, right-of-way acquisition plats, waivers, or elimination or modification of easements described in MSB 43.15.032.

(d) All notices shall be mailed to the record owner at the address stated in the current property tax record of the borough assessor.

- (3) When the property that is the subject of an application lies within the boundaries of a community council recognized by the assembly, notice shall be mailed to the community council at least 21 days before the public hearing.
- (4) The platting officer may direct that additional notice of the public hearing be given. The platting board, at its discretion, may also direct additional notice of the public hearing be given. However, the failure to give additional notice shall not affect the validity of any proceeding under this title.
- (C) Every notice required by this section shall state the date, time, and location of the public hearing, a description of the action requested, a description of the property that is the subject of the application, the names of the applicants, and owners of the subject property.
- (D) From the time of filing an application or an appeal until the time of the hearing on the application, the application or appeal, together with all plans, data, and other supporting material, shall be available for public inspection at the platting division.
- (E) The failure of any person to receive any notice required under this section, where the records of the borough indicate the notice was provided in a timely and proper manner, shall not affect the validity of any proceeding under this title.
- (F) Notice of vacation of a public right-of-way which has been approved and recommended by the platting board shall be sent to the public body having the jurisdiction to approve or veto the vacation. The public body shall make their finding within 30 days to approve or veto the platting board action or the action of the platting board shall automatically be approved.
- (G) Notice of right-of-way, public use easement, section line easement, or RS-2477 easement vacation requests shall be posted and maintained by the applicant 30 days prior to the public hearing. The notices shall state the date, time, and place of the public hearing and be located in a manner clearly visible to the public. These notices must be posted along the boundary of the property at all common points of access to that portion of the easement or right-of-way that is subject of the application. The notices shall be in the format approved by the platting officer. The applicant shall submit an affidavit verifying that this posting has been made.
- (Ord. 16-018, § 6, 2016; Ord. 15-036, § 6, 2015; Ord. 11-072, § 3 (part), 2012)