

By: Mark Whisenhunt
Introduced: March 7, 2021
Public Hearing: March 21, 2022
Action: Adopted

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-12**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW TO SUPPORT DENIAL OF RESOLUTION 22-04.

WHEREAS, Resolution 22-04 was for approval of a Conditional Use Permit to operate a commercial use (horse and wagon rides) at 10578 East Walter Harper Way (Tax ID# 29N05W33D012 & 29N05W33D028), within Township 29 North, Range 5 West, Section 33, Seward Meridian; and

WHEREAS, the Planning Commission conducted a public hearing on March 21, 2022 on this matter; and

WHEREAS, the Planning Commission's vote on the motion failed to garner a majority vote on March 21, 2022.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission denies the Conditional Use Permit to operate a commercial use at 10578 East Walter Harper Way (Tax ID# 29N05W33D012 & 29N05W33D028), within Township 29 North, Range 5 West, Section 33, Seward Meridian, based on the following findings of fact and conclusions of law:

1. According to the applicant, D & S Alaskan Trail Rides, LLC began commercially offering horse and wagon rides to the public in 1997.

2. MSB 17.17.030 defines "Commercial use" as any activity other than a home occupation where goods or services are offered or provided for sale or for profit.
3. The site plan included with the application material is insufficient. The site plan is not to-scale and does not meet the minimum requirements of MSB 17.17.150(B).
4. MSB 17.17.150(B) states the application shall include "a detailed site plan showing the proposed location of all buildings and structures on the site, access points, visual screening, buffering, drainage, vehicular and pedestrian circulation patterns, parking areas and the specific location of the proposed land use or uses, together with other information as may be required to comply with the standards for a conditional use listed in this chapter and in other pertinent sections of this chapter."
5. Without all of the required application material, staff cannot determine if the commercial use meets all the requirements of MSB 17.17 - Denali State Park Special Land Use District.
6. The 2020 imagery and parcel data show the barn structure to be more than forty feet over the common lot line in both directions.

7. Photos taken by staff on September 24, 2020 and March 1, 2022 show that Mr. Van Troba has removed a portion of the barn structure.
8. The applicant has not provided a survey to confirm the barn structures meet the minimum setback requirements.
9. The application material does not provide any information related to proposed or existing signage for the commercial use.
10. Staff sent the applicant a written request for additional information on February 6, 2019, March 13, 2019, and on July 16, 2021.
11. In December 2021, the applicant requested a public hearing in front of the Planning Commission, despite having an incomplete application.
12. According to the application narrative, the commercial use provides horse and wagon rides to tourists staying at the McKinley Princess Lodge.
13. According to the applicant, the horse rides leave the property and proceed onto private property owned by the Boy Scouts of America and onto Denali State Park lands.
14. On February 22, 2022, staff sent a written request asking the applicant to provide information showing the commercial use is authorized to operate on lands owned by others.

15. According to the applicant, the commercial use does not have written approval to operate on property owned by the Boy Scouts of America.
16. The applicant has not provided any written agreements that authorize the commercial use to operate on properties owned by others.
17. The State of Alaska requires a permit be obtained for commercial activities on State Park lands, in accordance with AS 41.21.020 and 11AAC 18.030.
18. The applicant has not provided any documentation showing the commercial use is permitted to operate on State Park lands.
19. The commercial use has developed in accordance with the building height requirements (MSB 17.17.090).
20. The application material does not provide information demonstrating the commercial use has developed in accordance with the setback requirements (MSB 17.17.110).
21. The application material does not provide information demonstrating the commercial use has developed in accordance with the signage requirements (MSB 17.17.130).
22. The application material did not provide information demonstrating the commercial use does not detract from

the value, character or integrity of Denali State Park (MSB 17.17.180(A)(1)).

23. The application material does not meet all of the requirements of this chapter (MSB 17.17.180(A)(2)).

24. The application material did not provide information demonstrating the commercial use will not be harmful to the public health, safety, convenience and welfare (MSB 17.17.180(A)(3)).

25. The application material did not provide information demonstrating the commercial use provides sufficient access, setbacks, lot area, parking space, buffers, and other safeguards (MSB 17.17.180(A)(4)).

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 21st day of March, 2022.



STAFFORD GLASHAN, Chair

ATTEST



KAROL RIESE, Planning Clerk

(SEAL)

YES: (6) Commissioner Chesbro, Rubeo, Glashan, Glenn, Allen, and Scoggin

NO: (0)