

By: Peggy Horton
Introduced: August 7, 2023
Public Hearing: August 21, 2023
Action: **ADOPTED**

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 23-33**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR A COMMERCIAL USE WITHIN THE DENALI STATE PARK SPECIAL USE DISTRICT AT 10578 EAST WALTER HARPER WAY, TAX ID #29N05W33D012 & 29N05W33D028, WITHIN TOWNSHIP 29 NORTH, RANGE 5 WEST, SECTION 33, SEWARD MERIDIAN.

WHEREAS, Steve Van Troba, dba D & S Alaskan Trail Rides, applied for 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, MSB 17.17.060(A)(5) requires a Conditional Use Permit for commercial use within Denali State Park Special Land Use District; and

WHEREAS, commercial uses are prohibited from operating within the district without a lawfully issued Conditional Use Permit; and

WHEREAS, according to borough records, D & S Alaskan Trail Rides first received a conditional use permit in the Denali State Park Special Land Use District in 1997, offering commercial horse and wagon rides to the public; and

WHEREAS, according to borough records, D & S Alaskan Trail Rides 1997 Conditional Use Permit was approved for properties separate from the subject properties; and

WHEREAS, the subject property consists of two five-acre parcels; and

WHEREAS, the subject property includes those parcels currently identified as Tax ID #29N05W33D012 and #29N05W33D028, known as parcels D012 and D028; and

WHEREAS, according to the application material, the facility transports guests from Mt. McKinley Princess Lodge to the subject parcels for guided horse and wagon rides; and

WHEREAS, the proposed use will access East Walter Harper Way, a private road; and

WHEREAS, the surrounding area has a mixture of recreational, residential, and commercial uses; and

WHEREAS, the application material indicates that the maximum height of any structure on the property is approximately 25 feet above finished grade; and

WHEREAS, the subject property is more than 3,700 feet from the Parks Highway right-of-way; and

WHEREAS, according to the application material, the horse stables are located 123.6' from the western property line, approximately 100' from the creek shown on the site plan, approximately 550' from the northern property line, approximately 150' feet from the east property line, and approximately 0.4' from the common property line with parcel D012; and

WHEREAS, according to the application material, the structures on parcel D028, other than the horse stables, meet the setback requirements of MSB 17.55; and

WHEREAS, according to the application material, a single-story wood frame house and two sheds lie within parcel D012 and meet all setback requirements of MSB 17.55; and

WHEREAS, the closest public right-of-way is a 50' wide section line easement adjoining the south property line of parcel D012 and approximately 650' to the south of the single-story wood frame house; and

WHEREAS, according to the application material, no signs exist for the facility; and

WHEREAS, according to the application material, the operation is seasonal, May through September; and

WHEREAS, according to the application material, approximately three visitor trips are taken each day; and

WHEREAS, according to the application material, the operation will be open approximately eight hours a day, six days a week; and

WHEREAS, site visit photos taken by staff on August 5, 2023, confirm that Mr. Van Troba has begun dismantling that portion of the horse stables' south end that lies within the setback; and

WHEREAS, according to the application material, Diane L. Murray, the owner of five neighboring lands to the west, granted permission for D & S Alaskan Trail Rides to use her property for the commercial use; and

WHEREAS, according to the application material, the guided horse and wagon rides will remain on trails where permission has been granted to occur; and

WHEREAS, the applicant provided information fulfilling the requirements of this chapter pertaining to the conditional use permit for a commercial use; and

WHEREAS, the applicant is not proposing any outdoor amplified sound activities; and

WHEREAS, within the application material, the D & S Trail Rides map indicates the trails used during the guided horse and wagon rides; and

WHEREAS, the closest residential structure to the use is approximately 500 feet southwest of the single-story wood frame house on parcel D012; and

WHEREAS, the commercial site has sufficient parking area for their two commercial vans and employees; and

WHEREAS, according to the application material, sufficient parking is provided at Mt. McKinley Princess Lodge; and

WHEREAS, according to the application material, the applicant intends to keep the natural vegetation on the property, acting as a buffer; and

WHEREAS, the Planning Commission has reviewed this application with respect to the applicable standards set forth in MSB 17.17; and

WHEREAS, the Planning Commission conducted a public hearing on August 21, 2023, on this matter; 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 23-33:

1. The commercial use requires a Conditional Use Permit (MSB 17.17.060(A)(5)).

2. The commercial use is developed in accordance with the building height requirements (MSB 17.17.090).

3. The commercial use, with conditions, is developed in accordance with the setback requirements (MSB 17.17.110).

4. The commercial use is developed in accordance with the signage requirements (MSB 17.17.130).

5. The commercial use does not detract from the value, character, or integrity of Denali State Park (MSB 17.17.180(A)(1)).

6. The application material meets the requirements of this chapter pertaining to the conditional use permit for a commercial use (MSB 17.17.180(A)(2)).

7. The commercial use will not be harmful to the public health, safety, convenience, and welfare (MSB 17.17.180(A)(3)).

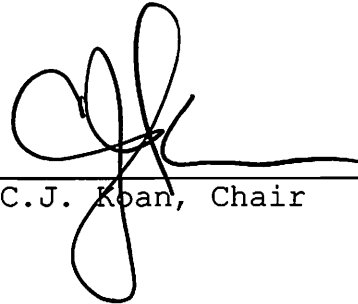
8. The commercial use, with conditions, provides sufficient access, setbacks, lot area, parking space, buffers, and other safeguards to meet the conditions (MSB 17.17.180(A)(4)).

BE IT FURTHER RESOLVED, the Planning Commission finds this application does meet the standards of MSB 17.17 and does hereby

approve the conditional use permit for the commercial use within the Denali State Park Special Use District, with the following conditions:

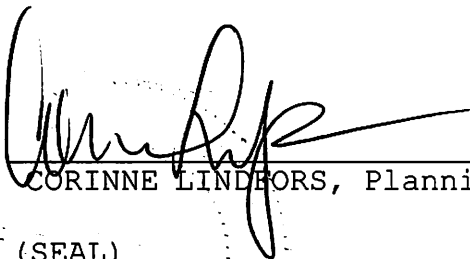
1. The operation shall comply with all other applicable federal, state, and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
3. The operation shall comply with the maximum permissible sound level limits allowed per the requirements of MSB 8.52 - Noise, Amplified Sound, and Vibration.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 21st day of August 2023.



C.J. Roan, Chair

ATTEST



CORINNE LINDFORS, Planning Clerk

(SEAL)

YES: Glenn, McCabe, Skaggin, Roan, ALLEN
NO: