

MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION AGENDA

Edna DeVries, Mayor

PLANNING COMMISSION

Doug Glenn, District 1
Richard Allen, District 2
Patricia Chesbro, District 3, Vice-Chair
Mike Rubeo, District 4
Chris Elder, District 5
Stafford Glashan, District 6, Chair
Curt Scoggin, District 7



Michael Brown, Borough Manager

PLANNING & LAND USE DEPARTMENT

Alex Strawn, Planning & Land Use Director
Kim Sollien, Planning Services Manager
Jason Ortiz, Development Services
Manager
Fred Wagner, Platting Officer
Karol Riese, Planning Clerk

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

March 21, 2022
REGULAR MEETING
6:00 p.m.

Ways to participate in the meeting:

IN PERSON: Should you wish to testify in person, please adhere to a 6-foot distance between yourself and others.

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

TELEPHONIC TESTIMONY:

(We are having intermittent technical difficulties with our software; if you would like to submit comments, please submit comments to the email address above by the Friday before the meeting.)

- 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.” (There may be a delay, please be patient with the system.)
- 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.

Ways to observe the meeting:

FACEBOOK LIVE at www.facebook.com/MatSuBorough

- Questions or comments will **not** be answered; please call the number above if you have a comment or concern.

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: 2/28/2022 and 3/7/2022

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

V. COMMITTEE REPORTS

VI. AGENCY/STAFF REPORTS

VII. 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 PC 22-04

A conditional use permit in accordance with MSB 17.17 – Denali State Park Special Land Use District: for the operation of a commercial use (horse and wagon rides) at 10578 E. Walter Harper Way, Tax ID # 29N05W33D012 & 29N05W33D028; within Township 29 North, Range 5 West, Section 33 Seward Meridian (Applicant: Steve Van Troba, dba D & S Alaskan Trail Rides; Staff: Mark Whisenhunt, Planner II).

X. PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution PC 22-07

A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance increasing the separation distance between gravel extraction and the seasonal high water table from four feet to ten feet (Staff: Alex Strawn, Planning and Land Use Director).

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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MINUTES

February 28, 2022

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MINUTES

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**SPECIAL MEETING
February 28, 2022**

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on February 28, 2022, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:01 p.m. by Chair Stafford Glashan.

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 *
Ms. Patricia Chesbro, Assembly District #3
Mr. Michael Rubeo, Assembly District #4
Mr. Stafford Glashan, Assembly District #6
Mr. Curt Scoggin, Assembly District #7

Planning Commission members absent and excused were:

Mr. Chris Elder, Assembly District #5

Staff in attendance:

Mr. Alex Strawn, Planning and Land Use Director
Mr. Jason Ortiz, Development Services Manager
Ms. Denise Michalske, Assistant Borough Attorney
Ms. Karol Riese, Planning Depart. Administrative Specialist/Planning Commission Clerk

*Indicates that the individual attended telephonically.

II. APPROVAL OF AGENDA

Chair Glashan 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 Mr. Alex Strawn.

IV. CONSENT AGENDA

(None)

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.)

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**SPECIAL MEETING
February 28, 2022**

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

(There were no persons to be heard.)

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS

(none)

X. PUBLIC HEARING LEGISLATIVE MATTERS

Resolution PC 22-02

A Resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance amending MSB 17.30 Conditional Use Permit for Earth Materials Extraction Activities to allow for an exemption of 20,000 cubic yards annually without a permit (Staff: Alex Strawn, Planning and Land Use Director).

Chair Glashan read the resolution title into the record.

Mr. Strawn provided a staff report.

Commissioners questioned staff regarding:

- Costs we are talking about for a CUP
- Extraction Operations under this proposal – eliminate setbacks and screenings

Chair Glashan opened the public hearing.

The following persons spoke regarding Planning Commission Resolution 22-02: Mr. Steve Colligan, Ms. Jill Adamson, Mr. Frank Sihlar, Ms. Claudia Sihlar, Mr. Chad Scott, Mr. Roger Oliver, Mr. Murph O'Brien, Mr. David Fraker, Ms. Kathleen Koeneman, Ms. Natalie Hanousek, Ms. Sara Gotschall, Ms. Sandra Phillips-Johnson, Ms. Amy Petite, Ms. Patricia Fisher, Mr. Mark Cottini, Mr. Jim Sykes, Mr. Mike Szymanski, Ms. Casey Elliott, Mr. Stewart Edwards, Ms. Rebecca Cozad,

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

MOTION: Commissioner Chesbro moved Planning Commission Resolution 22-02. The motion was seconded.

Discussion Ensued.

VOTE: Motion was denied.

Yes: (0)

No: (6) Commissioner Rubeo, Chesbro, Glashan, Glenn, Scoggin, and Allen.

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**SPECIAL MEETING
February 28, 2022**

MOTION: Commissioner Chesbro moved Planning Commission Resolution 22-06. The motion was seconded.

MOTION: Commissioner Chesbro moved an amendment to Planning Commission Resolution 22-06. The motion was seconded.

Whereas, the current ordinance was developed with significant public and professional input.

VOTE: Motion was approved.
Yes: (6) Commissioner Glashan, Rubeo, Chesbro, Scoggin, Glenn, and Allen.

MOTION: Commissioner Chesbro moved an amendment to Planning Commission Resolution 22-06. The motion was seconded.

Whereas, public testimony from individuals and industry support the current requirements of MSB 17.30.

VOTE: Motion was approved.
Yes: (6) Commissioner Glashan, Rubeo, Chesbro, Scoggin, Glenn, and Allen.

VOTE: Main Motion was approved as amended.
Yes: (6) Commissioner Glashan, Rubeo, Chesbro, Scoggin, Glenn, and Allen.

XI. CORRESPONDENCE AND INFORMATION
(There was no correspondence and information.)

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

XIII. NEW BUSINESS
(There was no new business.)

XIV. COMMISSION BUSINESS
(There was no commission business.)

XV. DIRECTOR AND COMMISSIONER COMMENTS

Commissioner Scoggin: I've seen this – often too broad – zoning. Understand the regulations.

Commissioner Glenn: This was not thought out.

Commissioner Chesbro: Appreciate the people coming out to testify.

Commissioner Glashan: Thanked everyone for showing up.

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**SPECIAL MEETING
February 28, 2022**

XVI. ADJOURNMENT

The regular meeting adjourned at 7:18 p.m.

STAFFORD GLASHAN,
Planning Commission Chair

ATTEST:

KAROL RIESE, Planning Commission Clerk

Minutes approved: _____

MINUTES

March 7, 2022

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MINUTES

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
March 7, 2022**

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on March 7, 2022, 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 Chair Stafford Glashan.

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
Ms. Patricia Chesbro, Assembly District #3
Mr. Michael Rubeo, Assembly District #4
Mr. Stafford Glashan, Assembly District #6
Mr. Curt Scoggin, Assembly District #7

Planning Commission members absent and excused were:

Mr. Chris Elder, Assembly District #5

Staff in attendance:

Mr. Jason Ortiz, Development Services Manager
Ms. Karol Riese, Planning Depart. Administrative Specialist/Planning Commission Clerk

*Indicates that the individual attended telephonically.

II. APPROVAL OF AGENDA

Chair Glashan 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 Chair Glashan.

IV. CONSENT AGENDA

A. Minutes February 7, 2022 – Regular Meeting

B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

Resolution PC 22-04

A conditional use permit in accordance with MSB 17.17 – Denali State Park Special Land Use District: for the operation of a commercial use (horse and wagon rides) at 10578 E. Walter Harper Way, Tax ID # 29N05W33D012 & 29N05W33D028; within Township 29 North, Range 5 West, Section 33 Seward Meridian, Public Hearing: March 21, 2022, (Applicant: Steve Van Troba, dba D & S Alaskan Trail Rides; Staff: Mark Whisenhunt, Planner II).

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
March 7, 2022**

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution PC 22-07

A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance increasing the separation distance between gravel extraction and the seasonal high water table from four feet to ten feet, Public Hearing: March 21, 2022, (Staff: Alex Strawn, Planning and Land Use Director).

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.)

(There were no persons to be heard.)

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS

(none)

X. PUBLIC HEARING LEGISLATIVE MATTERS

(none)

XI. CORRESPONDENCE AND INFORMATION

XII. UNFINISHED BUSINESS

(There was no unfinished business.)

XIII. NEW BUSINESS

XIV. COMMISSION BUSINESS

A. Upcoming Planning Commission Agenda Items

Commission Business was presented, and no comments were noted.

XV. DIRECTOR AND COMMISSIONER COMMENTS

Chesbro: Appreciated hearing how the ordinance came about. Encourage staff to give a history on Ordinances.

Glashan: Echo Commissioner Chesbro's comments.

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION MINUTES**

**REGULAR MEETING
March 7, 2022**

XVI. ADJOURNMENT

The regular meeting adjourned at 6:06 p.m.

STAFFORD GLASHAN,
Planning Commission Chair

ATTEST:

KAROL RIESE, Planning Commission Clerk

Minutes approved: _____

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PUBLIC HEARING QUASI-JUDICIAL

Resolution No. PC 22-04

Steve Van Troba d/b/a D&S Alaskan Trail Rides

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PUBLIC HEARING



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

www.matsugov.us

DEVELOPMENT SERVICES DIVISION STAFF REPORT

Date: March 10, 2022

File Number: 171720190001


Applicant: Steve Van Troba, dba D & S Alaskan Trail Rides


Property Owner: Steve Van Troba

Request: Planning Commission Resolution 22-04

Conditional Use Permit for the operation of a commercial use (horse and wagon rides) in accordance with MSB Chapter 17.17 – Denali State Park Special Land Use District

Location: 10578 E Walter Harper Way (Tax ID# 29N05W33D012 & 29N05W33D028); within Township 29 North, Range 5 West, Section 33, Seward Meridian

Reviewed By: Alex Strawn, Planning & Land Use Director 

Staff: Mark Whisenhunt, Planner II 

Staff Recommendation: Denial

EXECUTIVE SUMMARY

A conditional use permit application has been submitted for the operation of a commercial business that offers horse and wagon rides to the public. According to the applicant, the subject business has been operating at this location since 1997.

MSB 17.17 – Denali State Park Special Land Use District requires a conditional use permit for commercial uses within the district. The areas within the boundaries of this district are designated for recreational uses. Commercial uses are prohibited from operating within the district without a lawfully issued Conditional Use Permit.

HISTORY

The subject properties were originally a small portion of native allotment land in 1985, which at the time totaled approximately 140 acres. In 1993, the portions of the native allotment were sold to a private individual and no longer had native allotment status. In 1997, private use easements were recorded to construct access roads for the privately owned parcels. Also in 1997, the applicant began leasing the subject parcels (D012 and D028) for his commercial operation. In 2019, the applicant purchased said parcels.

In May 1997, the applicant obtained a Conditional Use Permit (#C9702) to operate this commercial use on two different Parcels (Tax ID# 29N05W33D006 & 29N05W33D021). The Conditional Use Permit was never exercised on Parcels D006 or D021; however, the commercial use began operating on the subject parcels.

In 2015, the Borough received a complaint related to D & S Alaskan Trail Rides. The complaint was related to blocking the road, building new unpermitted trails, trespassing, and operating the business within the Special Land Use District without a Conditional Use Permit. In August of 2018, the assigned Code Compliance Officer found the discrepancy of the location where the business operated and location approved by the 1997 Conditional Use Permit.

In January 2019, Mr. Van Troba submitted an incomplete application for Conditional Use Permit to operate a commercial use within the Denali Special Land Use District. Staff has worked with Mr. Van Troba requesting additional information related to this request, with little result. In December 2021, Mr. Van Troba requested a public hearing in front of the Planning Commission, despite having an incomplete application.

LAND USE

Existing Land Use:

The subject parcels are both five acres in size. The commercial use is centrally located within the two parcels. Aerial imagery taken in 2020 shows the barn structure to be located across the common lot line. The imagery and parcel data shows the building to be more than forty feet over the common lot line in both directions. The parcel data can be up to 10 feet off, so the exact location is not known.

Surrounding Land Uses:

Parcels to the north, east, and west are five acres in size. Some parcels are still undeveloped while other have been developed with recreational/residential structures. Further west, the McKinley Princess Lodge has developed on a parcel that is approximately 150 acres in size. Approximately 1,500 feet to the east, a telecommunication tower has been constructed. Both the lodge and tower have obtained a Conditional Use Permit. The parcel that abuts to the south is approximately 2,158 acres in size and is owned by the Boy Scouts of America.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification

On January 31, 2022 notices were mailed to all property owners within a 600-foot radius of the property. A total of 12 notices were mailed. The permit application notification was published in the January 28, 2022 issue of the Frontiersman. The application material was posted on the Borough website for public review on January 27, 2022. There is no Community Council for this area. Staff did not receive any written comments related to this request.

Section 17.17.060 Conditional Uses

(A) *The following uses may be permitted by obtaining a conditional use permit issued in accordance with MSB 17.17.140 through 17.17.180:*

- (1) *two-family dwellings;*
- (2) *multiple-family dwellings with three or more units;*
- (3) *group homes;*
- (4) *churches and related buildings;*
- (5) *commercial uses;*
- (6) *private campground;*
- (7) *recreational vehicle parks;*
- (8) *utility substations;*
- (9) *highway maintenance yards;*
- (10) *public gravel pits;*
- (11) *group camps.*

Findings of Fact:

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.

Conclusion of Law: Based on the above findings, the commercial use requires a Conditional Use Permit (MSB 17.17.060(A)(5)).

Section 17.17.090 Building Height Limits

The maximum building height shall be 35 feet above finished grade.

Findings of Fact:

1. The application material indicates the maximum height of any structure on the property is approximately 25 feet above finished grade.

Conclusion of Law: Based on the above finding, the commercial use has developed in accordance with the building height requirements (MSB 17.17.090).

Section 17.17.110 Setback Requirements

Except for signs, no structure shall be erected within 75 feet of the right-of-way of the George Parks Highway. In all other cases, the setback requirements specified in MSB 17.55 shall apply.

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.

(B) Except where specifically provided other-wise by ordinance, no furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line.

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.

Findings of Fact:

1. The subject parcels are more than 3,700 feet from the Parks Highway right-of-way.
2. 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).
2. 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.”
3. 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.
4. The 2020 imagery and parcel data show the barn structure to be more than forty feet over the common lot line in both directions.
5. 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.
6. The applicant has not provided a survey to confirm the barn structures meet the minimum setback requirements.
7. Staff sent the applicant a written request for additional information on February 6, 2019, March 13, 2019, and on July 16, 2021.

Discussion: Aerial imagery taken in 2020 shows the barn structure to be located across the common lot line. The imagery and parcel data show the building to be more than forty feet over the common lot line in both directions. The parcel data can be up to 10 feet off, so the exact location is not known. In an attempt to resolve the setback violation, Mr. Van Troba removed a portion of the barn structure. However, Mr. Van Troba refused to provide a survey to confirm the issue has been resolved. According to Mr. Van Troba, he did not want to pay for the survey. Site Visits by staff on September 24, 2020 and March 1, 2022 confirmed that Mr. Van Troba has removed a portion of the barn structure. However, staff does not possess the tools or expertise to determine/certify the location of the property line or building location.

Conclusion of Law: Based on the above findings, the application material does not provide information demonstrating the commercial use has developed in accordance with the setback requirements (MSB 17.17.110).

Section 17.17.130 Signs

The following types of signs are prohibited: portable signs; signs mounted on top of buildings; and flashing, rotating, animated or intermittent lighted signs. In no case shall any sign exceed 32 square feet in area. Signs within 660 feet of the right-of-way of the Parks Highway are regulated by the Code of Federal Regulations.

Findings of Fact:

1. The application material does not provide any information related to proposed or existing signage for the commercial use.
2. Staff sent the applicant a written request for additional information on February 6, 2019, March 13, 2019, and on July 16, 2021.

Conclusion of Law: Based on the above findings, the application material does not provide information demonstrating the commercial use has developed in accordance with the signage requirements (MSB 17.17.130).

Section 17.17.180 General Standards

(A) A conditional use may be approved only if it meets the requirements of this section in addition to any other standards required by this chapter.

- (1) the conditional use will not detract from the value, character or integrity of Denali State Park;*

Findings of Fact:

1. 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).
2. 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.”

3. 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.
4. The 2020 imagery and parcel data show the barn structure to be more than forty feet over the common lot line in both directions.
5. 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.
6. The applicant has not provided a survey to confirm the barn structures meet the minimum setback requirements.
7. According to the application narrative, the commercial use provides horse and wagon rides to tourists staying at the McKinley Princess Lodge.
8. The commercial site has parking for their two commercial vans and employees.
9. The surrounding properties have several different land uses including residential, recreational, undeveloped, and commercial.
10. There is no outdoor industrial equipment or any processes that generate noise associated with the proposed use.
11. 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.
12. 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.
13. According to the applicant, the commercial use does not have written approval to operate on property owned by the Boy Scouts of America.
14. The applicant has not provided any written agreements that authorize the commercial use to operate on properties owned by others.
15. 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.
16. The applicant has not provided any documentation showing the commercial use is permitted to operate on State Park lands.
17. Staff sent the applicant a written request for additional information on February 6, 2019, March 13, 2019, and on July 16, 2021.

Conclusion of Law: Based on the above findings, 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)).

(2) that the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in question;

Findings of Fact:

1. 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).

2. 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.”
3. 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.

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

(3) that granting the conditional use permit will not be harmful to the public health, safety, convenience and welfare;

Findings of Fact:

1. 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).
2. 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.”
3. 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.
4. The 2020 imagery and parcel data show the barn structure to be more than forty feet over the common lot line in both directions.
5. 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.
6. The applicant has not provided a survey to confirm the barn structures meet the minimum setback requirements.
7. According to the application narrative, the commercial use provides horse and wagon rides to tourists staying at the McKinley Princess Lodge.
8. The commercial site has parking for their two commercial vans and employees.
9. The surrounding properties have several different land uses including residential, recreational, undeveloped, and commercial.
10. There is no outdoor industrial equipment or any processes that generate noise associated with the proposed use.
11. 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.

12. 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.
13. According to the applicant, the commercial use does not have written approval to operate on property owned by the Boy Scouts of America.
14. The applicant has not provided any written agreements that authorize the commercial use to operate on properties owned by others.
15. 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.
16. The applicant has not provided any documentation showing the commercial use is permitted to operate on State Park lands.

Conclusion of Law: Based on the above findings, 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)).

(4) that sufficient access, setbacks, lot area, parking space, buffers, and other safeguards are being provided to meet the conditions;

Findings of Fact:

1. 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).
2. 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.”
3. 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.
4. 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.
5. 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.
6. According to the applicant, the commercial use does not have written approval to operate on property owned by the Boy Scouts of America.
7. The applicant has not provided any written agreements that authorize the commercial use to operate on properties owned by others.
8. 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.
9. The applicant has not provided any documentation showing the commercial use is permitted to operate on State Park lands.

Conclusion of Law: Based on the above findings, 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)).

STAFF RECOMMENDATIONS

The application material fails to demonstrate the commercial use meets the standards outlined in MSB 17.17 – Denali State Park Special Land Use District. As such, staff recommends denial of this permit.

If the Planning Commission chooses to approve this permit, findings for approval must be prepared by the Commission.

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Tuesday, February 22, 2022 2:22 PM
To: 'akrides@mtaonline.net'
Subject: D&S Alaskan Trail Rides

Importance: High

Thank you for your time on the phone today Mr. Van Troba,

Please provide information pertaining to the following two items:

- Are the roads which access your property public or private? Is there a deed recorded or some other written legal documentation if they are private? Please provide said document(s) if it exists.
- Where do the horse/trail rides take place? Do you have written approval cross privately owned land? Please provide written approval from the property owners.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Tuesday, January 11, 2022 12:42 PM
To: 'akrides@mtaonline.net'
Subject: D&S Alaskan Trail Rides: Public Hearing 3-21-22

Good Afternoon Mr. Van Troba,

Thank you for the phone call yesterday. As we have discussed previously, your application for Conditional Use Permit is not complete. However, per your request, we will move forward with a public hearing. As we discussed yesterday, I will schedule a public hearing at the March 21, 2022 Planning Commission meeting. The meeting will be held in the Borough Assembly Chambers. The address is 350 E. Dahlia Avenue in downtown Palmer

As I noted yesterday, I will conduct a site visit prior to the public hearing and let you know the findings of the visit. The date of my site visit has not been determined.

Please note: At the public hearing you will have a 15 minute period available to you. You may use this time as you wish. Some applicants choose to have a presentation to clarify any topics of concern, but most use it to just be available for questions the Planning Commission may have. In any event, it is available to you.

Public Notice Process: I will begin the public notice process this week. I will keep you posted on any public comments we receive. After I receive the costs for the mailing and advertising, I will send you a letter requesting payment of said costs. You can expect the request in about 3-5 weeks, via email.

Please let me know if you have any questions. Thank you for your time.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Thursday, August 19, 2021 4:01 PM
To: 'akrides@mtaonline.net'
Subject: Application for CUP
Attachments: 2021-RS-085.pdf

Greetings,

On August 5, 2021 Director Strawn mentioned to me that you would follow up with me via phone. Since I haven't heard anything since the Assembly's approval to waive your Conditional Use Permit fee, I thought I'd reach out to you.

I am in receipt of the document you submitted on July 22, 2021, which speaks to your site plans. However, I have not received an updated site plan which meets our standards. Please give me a call at your convenience so we can discuss your application further. Thank you.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-8158

www.permitcenter@matsugov.us

July 16, 2021

Steve Van Troba
PO Box 1437
Palmer, AK 99645

Subject: Conditional Use Permit Application for Denali State Park Special Land Use
District – Request for Additional Information

Location: Parcel Account # 29N05W33D012 and 29N05W33D028

Dear Mr. Van Troba,

Borough staff has reviewed the additional application material and the site plan(s) submitted on May 24, 2021 for a Conditional Use Permit to operate a commercial use under MSB 17.17 on the above referenced property.

It has been determined that the following information needs to be provided and/or clarified in order to process this request

1. Site Plans:

- a. An as-built survey will need to be submitted in order to process this request. As per our discussions on February 17, 2021, May 3 & 10, 2021, July 12, 2021, and indicated in a request for additional information letter emailed to you on February 6, 2019, and March 13, 2019 an as-built survey is required to properly establish lot lines and setback distances. After staff's review of the subject parcels, and as specified by you in our discussion on February 20, 2019, it appears a barn has been constructed that is located on both subject parcels (29N05W33D012 and 29N05W33D028). Our office understands that you have modified the building. However, an as-built survey and site plan are required to show building is no longer a setback violation.

Here is the relevant code pertaining to this situation:

MSB 17.17.110 Setback Requirements states: *"Except for signs, no structure shall be erected within 75 feet of the right-of-way of the George Parks Highway. In all other cases, the setback requirements specified in MSB 17.55 shall apply."*

MSB 17.55.010(B) states: *"Except where specifically provided other-wise by ordinance, no furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line."*

Even though the subject parcels share the same owner, structures must still meet the above referenced setbacks. Staff is tasked with processing conditional use permits and must do so based explicitly on the code. Staff makes a recommendation to the Planning Commission based on MSB code and the findings of fact of the use. Without an as-built survey to establish setback distances, rights-of-way, etc. staff would be unable to recommend approval of the conditional use in their staff report to the Planning Commission.

- b. Please provide a detailed site plan, drawn to scale, that includes the information required in the application and that meets the requirements as described in MSB 17.17.170(B)(3). 17.17.170(B)(3) states: *"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."*

Once the items above have been addressed and we have determined the application to be complete, staff can begin the public notice process. Should you have any questions or require additional information, please feel free to contact me at the above mailing address, phone: 861-8527, or email: mark.whisenhunt@matsugov.us. Thank you for your time and consideration on this matter.

Respectfully,



Mark Whisenhunt, Planner II
Development Services Division
Matanuska-Susitna Borough

Mark Whisenhunt

From: Mark Whisenhunt
Sent: Friday, July 16, 2021 3:57 PM
To: 'akrides@mtaonline.net'
Subject: Alaska Trail Rides: RFAI 7-16-21
Attachments: AK Trail Rides RFAI 7-16-21.pdf

Greetings,

Please see the attached letter requesting additional information pertaining to your application for Conditional Use Permit.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-8158

www.permitcenter@matsugov.us

March 13, 2019

Steve Van Troba
PO Box 1437
Palmer, AK 99645

Subject: Conditional Use Permit Application for Denali State Park Special Land Use District – Request for Additional Information

Location: Parcel Account # 29N05W33D012 and 29N05W33D028

Dear Mr. Van Troba,

Borough staff has reviewed the additional application material and the site plan(s) submitted on February 20, 2019 for a Conditional Use Permit to operate a commercial use under MSB 17.17 on the above referenced property.

It has been determined that the following information needs to be provided and/or clarified in order to process this request

1. Site Plans:

- a. An as-built survey will need to be submitted in order to process this request. As per our discussions on February 11, 2019, February 20, 2019, March 8, 2019, and indicated in a request for additional information letter emailed to you on February 6, 2019, an as-built survey is required to properly establish lot lines and setback distances. After staff's review of the subject parcels, and as specified by you in our discussion on February 20, 2019, it appears a barn has been constructed that is located on both subject parcels (29N05W33D012 and 29N05W33D028).

Here is the relevant code pertaining to this situation:

MSB 17.17.110 Setback Requirements states: *"Except for signs, no structure shall be erected within 75 feet of the right-of-way of the George Parks Highway. In all other cases, the setback requirements specified in MSB 17.55 shall apply."*

MSB 17.55.010(B) states: *"Except where specifically provided other-wise by ordinance, no furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line."*

Even though the subject parcels share the same owner, structures must still meet the above referenced setbacks. Staff is tasked with processing conditional use permits and must do so based explicitly on the code. Staff makes a recommendation to the Planning Commission based on MSB code and the findings of fact of the use. Without an as-built survey to establish setback distances, rights-of-way, etc. staff would be unable to recommend approval of the conditional use in their staff report to the Planning Commission.

If an as-built survey confirms that a structure or structures are in violation of the setbacks established in MSB 17.55 there are a couple of potential solutions to move forward so you are compliant with the code. One solution would be to move or alter the structure(s) so it would not be in violation of MSB code. Another option would be to involve the Platting department and submit an application to move the lot line, or you could apply to combine the two parcels into one.

- b. Please provide a detailed site plan, drawn to scale, that includes the information required in the application and that meets the requirements as described in MSB 17.17.170(B)(3). 17.17.170(B)(3) states: *"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."*

Once the items above have been addressed and we have determined the application to be complete, staff can begin the public notice process. Should you have any questions or require additional information, please feel free to contact me at the above mailing address, phone: 861-7862, or email: joseph.metzger@matsugov.us. Thank you for your time and consideration on this matter.

Respectfully,



Joseph Metzger, Planner II
Development Services Division
Matanuska-Susitna Borough



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-8158

www.permitcenter@matsugov.us

February 06, 2019

Steve Van Troba
PO Box 1437
Palmer, AK 99645

Subject: Conditional Use Permit Application for Denali State Park Special Land Use
District – Request for Additional Information

Location: Parcel Account # 29N05W33D012 and 29N05W33D028

Dear Mr. Van Troba,

Borough staff has reviewed the application material and the site plan(s) submitted on January 22, 2019 for a Conditional Use Permit to operate a commercial use under MSB 17.17 on the above referenced property. Conditional use permits are issued for the property where the use is taking place and do not follow a specific individual or business, but rather stay with the land. Therefore, a new conditional use permit is needed for your request because the use is proposed to take place on a separate property from where the original permit was issued.

It has been determined that the following information needs to be provided and/or clarified in order to process this request

1. Narrative/Statement of the Proposed Use:

- a. The statement of purpose that was submitted needs to be updated to reflect the current operation. While there is a lot of pertinent information in the narrative, it appears it is from 1997 and needs to be specific to the current location and proposed use. Using the old narrative as a template and updating it with the new information would be a great way to convey the purpose and nature of the use.

2. Site Plans:

- a. Please provide a detailed site plan, drawn to scale, that includes the information required in the application and that meets the requirements as described in MSB 17.17.170(B)(3). 17.17.170(B)(3) states: *“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."

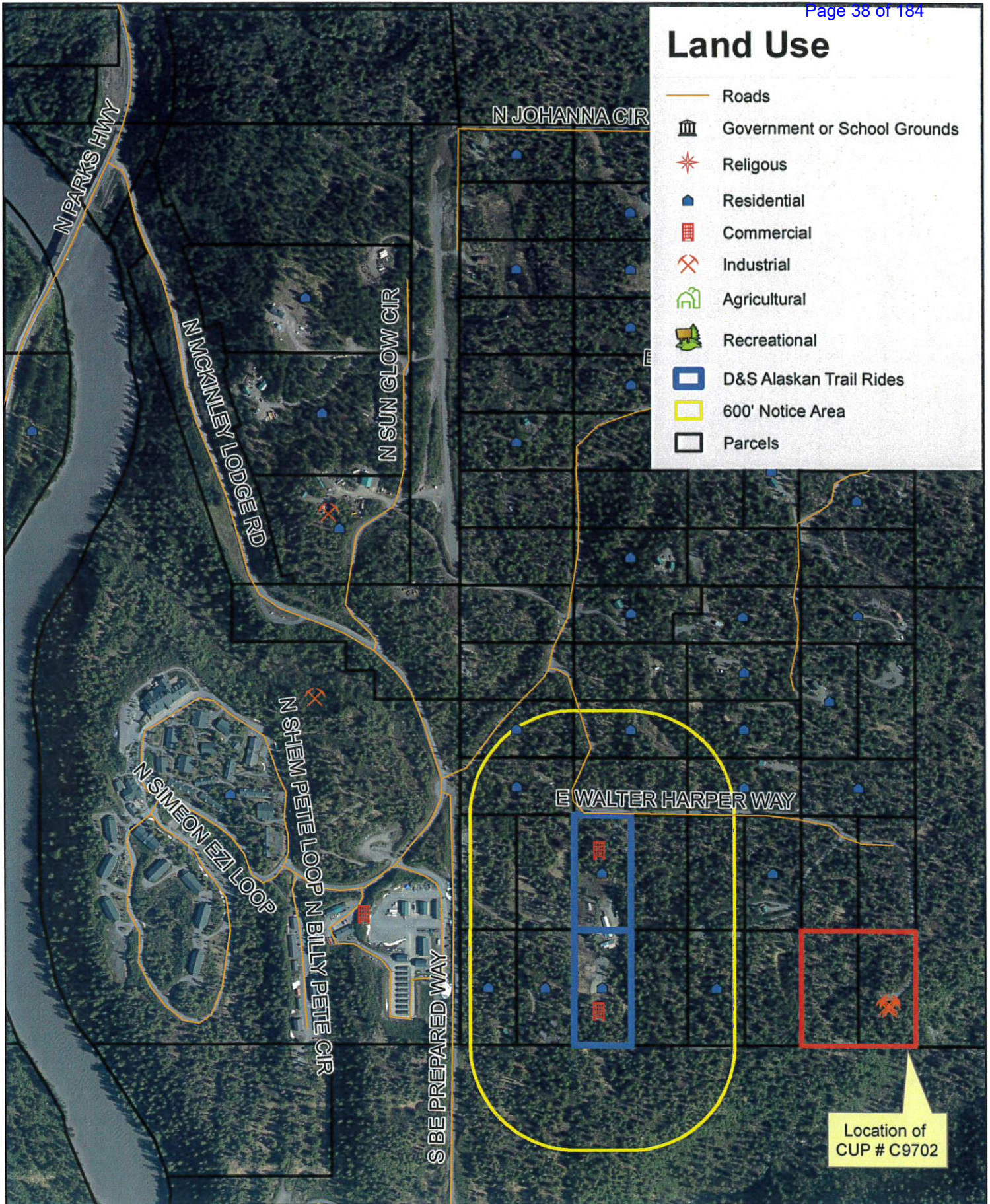
- b. After a review of the subject parcels and surrounding area, it appears a structure located on 29N05W33D028 may encroach on 29N05W33D012. Although the two parcels share the same owner, structures must still meet the minimum setbacks. 17.55.010(B) states: *"Except where specifically provided other-wise by ordinance, no furthestmost protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line."* Include setback distances in relationship to lot lines and rights-of-way on the site plan for all structures contained on the subject properties. An as-built survey will be needed to properly establish lot lines and setbacks distances. If a structure or structures do not meet the minimum setback requirements, staff will be available to discuss potential options.
3. Written authorization by the property owner must be submitted for an agent or contact person if the owner is using one for the application. Please submit written authorization from the landowner that the use is permitted. The application material indicates that the owner of the property Leonard Kragness (Denaliview Trust) is currently in Africa. If obtaining written authorization is unachievable at this time, please contact me and we can problem solve this issue.

Once the items above have been addressed and we have determined the application to be complete, staff will begin the public notice process. Should you have any questions or require additional information, please feel free to contact me at the above mailing address, phone: 861-7862, or email: joseph.metzger@matsugov.us. Thank you for your time and consideration on this matter.

Respectfully,



Joseph Metzger, Planner II
Development Services Division
Matanuska-Susitna Borough



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 907-861-7801.

Date: 3/10/2022
2020 Aerial Imagery

1 inch = 700 feet

0 700 1,400 Feet



E WALTER HART

2020 Imagery

- Roads
- D&S Alaskan Trail Rides
- Parcels



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 907-861-7801.

Date: 3/10/2022

1 inch = 150 feet

0 150 300 Feet



Mark Whisenhunt

From: Mark Whisenhunt
Sent: Friday, January 28, 2022 2:59 PM
To: 'allen.kemplen@alaska.gov'; 'melanie.nichols@alaska.gov'; 'judy.chapman@alaska.gov'; 'george.horton@alaska.gov'; 'usswcd@mtaonline.net'; 'mearow@matanuska.com'; 'row@enstarnaturalgas.com'; 'row@mtasolutions.com'; 'ospdesign@gci.com'; 'firecode@matsugov.us'; Jill Irsik; Eric Phillips; 'regpagemaster@usace.army.mil'; Terry Dolan (Terry.Dolan@matsugov.us); Jim Jenson; Jamie Taylor; Brad Sworts; Charlyn Spannagel; Theresa Taranto; Andy Dean; John Aschenbrenner (John.Aschenbrenner@matsugov.us); Ron Bernier
Subject: D&S Alaskan Trail Rides CUP

Date: January 28, 2022
To: Various Agencies
From: Mark Whisenhunt, Planner II
Subject: Request for Review and Comments
Project: Conditional Use Permit for a commercial use (horse and wagon rides) within the Denali State Park Special Land Use District.
Location: 10578 E Walter Harper Way (Tax ID# 29N05W33D012 & 29N05W33D028); within Township 29 North, Range 5 West, Section 33 Seward Meridian
Applicant: Steve Van Troba, dba D&S Alaskan Trail Rides

An application for a conditional use permit under MSB 17.17 – Denali State Park Special Land Use District, has been submitted to operate a commercial use (horse and wagon rides). **The Planning Commission will conduct a public hearing for this request on March 21, 2022.**

Application material 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://www.matsugov.us/publicnotice/d-s-alaskan-trail-rides-conditional-use-permit>

Written comments are due on or before **February 28, 2022** and will be included in the Planning Commission packet for the Commissioner’s review and information. 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.

Respectfully,

Mark Whisenhunt
Planner II
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us

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

tara0609
12
1/28/2022 1:31:27 PM

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

Applicant: Steve Van Troba, dba D&S Alaska Trail Rides
Location: 10578 E Walter Harper Way (Tax ID# 29N05W33D012 & 29N05W33D028);
within Township 29 North, Range 5 West, Section 33 Seward Meridian
Request: An application for a conditional use permit under MSB 17.17 – Denali State Park Special Land Use District, has been submitted to operate a commercial use (horse and wagon rides).

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on **Monday, March 21, 2022, at 6:00 p.m.** in the Borough Assembly Chambers located 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 on “All Public Notices & Announcements.” For additional information, you may contact Mark Whisenhunt, Planner II, by phone: 907-861-8527. Provide written comments by e-mail to mark.whisenhunt@matsugov.us, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

Please Note: Due to the ongoing Coronavirus/COVID-19 Pandemic, the method in which this meeting is being conducted may change. If a change to the meeting is necessary, it will be posted on the Borough Website. The public is encouraged to check the Borough website prior to attending the public hearing for any changes to the meeting schedule or method.

The public may provide verbal testimony in person at the meeting or telephonically by calling 1-855-290-3803. In order 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 “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 **February 28, 2022** 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

Frontiersman

Growing with the Valley since 1947.

5751 E. MAYFLOWER CT.
Wasilla, AK 99654

(907) 352-2250 ph
(907) 352-2277 fax

AFFIDAVIT OF PUBLICATION

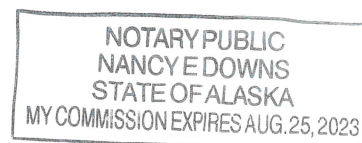
UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DIVISION
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY
PERSONALLY APPEARED BEFORE **BENJAMIN BORG** WHO, BEING
FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT HE IS THE
LEGAL AD CLERK OF THE **FRONTIERSMAN**
PUBLISHED AT WASILLA AND CIRCULATED THROUGH OUT MATANUSKA
SUSITNA BOROUGH, IN SAID DIVISION THREE AND STATE OF ALASKA
AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE
COPY, WAS PUBLISHED ON THE FOLLOWING DAYS:

01/28/2022

AND THAT THE RATE CHARGED THEREIN IS NOT IN EXCESS OF
THE RATE CHARGED PRIVATE INDIVIDUALS.

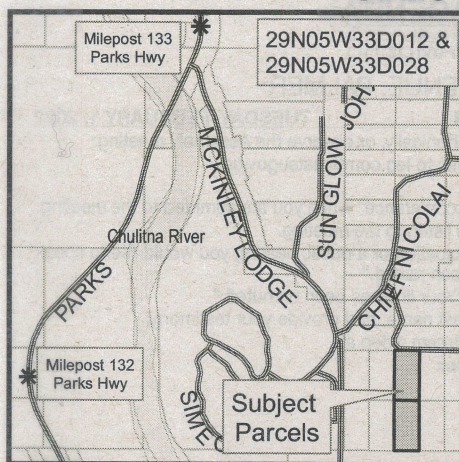

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 3rd DAY OF February, 2022.


NOTARY PUBLIC FOR STATE OF ALASKA



MAT-SU BOROUGH/PAGE
1.28
ACCOUNT NUMBER 405249

PUBLIC HEARING



MSB 17.17 – Denali State Park Special Land Use District. Steve Van Troba, dba D&S Alaska Trail Rides submitted an application for Conditional Use Permit to operate a commercial use (horse and wagon rides) at 10578 E Walter Harper Way (Tax ID# 29N05W33D012 & 29N05W33D028); within Township 29 North, Range 5 West, Section 33 Seward Meridian.

The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the application on **Monday, March 21, 2022, at 6:00 p.m.** in the Borough Assembly Chambers located 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 on "All Public Notices &

Announcements." For additional information, you may contact Mark Whisenhunt, Planner II, by phone: 907-861-8527. Provide written comments by e-mail to mark.whisenhunt@matsugov.us, or by mail to MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645.

Please Note: Due to the ongoing Coronavirus/COVID-19 Pandemic, the method in which this meeting is being conducted may change. If a change to the meeting is necessary, it will be posted on the Borough Website. The public is encouraged to check the Borough website prior to attending the public hearing for any changes to the meeting schedule or method.

The public may provide verbal testimony in person at the meeting or telephonically by calling 1-855-290-3803. In order 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 "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 **February 28, 2022** 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.

Publish Date: January 28, 2022

0122-28



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)

Number of Identical Weight Pieces 12	Class of Mail 1st	Postage for Each Mailpiece Paid	Number of Pieces to the Pound 45
Total Number of Pounds 402	Total Postage Paid for Mailpieces 6.35	Fee Paid 9.35	

Mailed For

Dev. Services

Mailed By

MUKU

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)

PS Form 3606-D, January 2016 PSN 7530-17-000-5548

Postage: Mailers must affix meter, PC Postage®, or (uncanceled) postage stamps based on amount of total fee due.



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

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



See Reverse for Instructions

55653000T00A-1 1
ALASKA HOTEL PROP INC
KRAGNESS LEONARD
ATTN MICHELLE PIPKIN
450 3RD AVE W
SEATTLE WA 98119-4002

229N05W33D010 4
GEERTSEN THOS M& MICHELLE
E
4303 NORTHWOOD
ANCHORAGE, AK 99517

229N05W33D015 7
MOLYNEUX VAL FAMILY TRUST
MOLYNEUX SANDRA TRE
UNIT 207
1110 W 6TH AVE
ANCHORAGE AK 99501

229N05W33D014 10
TURNER E LYNN
PO BOX 13125
TRAPPER CREEK, AK 99683-0125

229N05W33D030 2
BUCHANAN STEVEN J & JENNIFER L
2435 HILAND RD
EAGLE RIVER AK 99577-9400

56946000T00B 5
GREAT ALASKA COUNCIL
BOY SCOUTS OF AMERICA
3117 PATTERSON ST
ANCHORAGE AK 99504

229N05W33D007 8
MURRAY DIANE L
3707 RUNESTAD CIR
ANCHORAGE, AK 99502

229N05W33D031 11
UPCHURCH PARA D
PEYRALANS JACQUES RENIOR
PO BOX 13225
TRAPPER CREEK AK 99683

229N05W33D012 3
D&S ALASKAN TRAIL RIDES INC
PO BOX 1437
PALMER AK 99645

229N05W33D026 6
JGR TRUST
681 W LAZY K LN
WASILLA AK 99654

229N05W33D011 9
SCHIKORA FREDERICK J
528 EAGLE RIDGE RD
FAIRBANKS, AK 99712

229N05W33D016 12
WILLIAMS RANDALL S
2020 REVERE CIR
ANCHORAGE AK 99515

tara0609
12
1/28/2022 1:31:27 PM

**Photos taken by
Mark Whisenhunt during
March 1, 2022 site visit**











BOOK 0163 PAGE 709

PRIVATE USE EASEMENTS

WF-2439

THIS GRANT OF PRIVATE USE EASEMENTS is made as of this 8th day of August, 1997, and granted by K & T ENTERPRISES, a partnership, P.O. Box 13409, Trapper Creek, AK 99683, and Leonard Kragness, Individually, P.O. Box 13409, Trapper Creek, AK 99683, as Grantors (hereinafter referred to as "Grantors"), and FUTURE PROPERTY OWNERS of 26 5-acre parcels as illustrated on Exhibit A as Grantee(s)' (hereinafter referred to as "Grantee" or "Landowner").

WHEREAS, Landowner will acquire, on the date hereof, or on a later date, from Grantors 1 or more 5-acre parcels whose location is commonly known as Mile 133 George Parks Highway (State Highway 3), Alaska, and located within, and as more particularly described as follows:

26 Parcels (Parcels No. 39-64) each containing 5 acres more or less, all located within the SE1/4, except for the N1/2 NE1/4 SE1/4 and N1/2 S1/2 NE1/4 SE1/4, Section 33, Township 29 North, Range 5 West, Seward Meridian, Alaska, Talkeetna Recording District.

WHEREAS, with the Conveyance by Deed of each 5-acre parcel as described above, Grantors hereby grant to Landowner a perpetual easement, that will run with the land, for road access, and utility construction over Grantors' Property to Landowner's Property, more particularly described in Paragraph 1 below, ("Easement").

1. Easement The Easement will be from Mile Post 133 on the George Parks Highway to Landowner's Property as illustrated and described in Exhibit A and A1. Grantors hereby grant and convey in perpetuity from the effective date of this conveyance to all Landowners of Parcels 39-64, as more particularly described above, an easement from Mile Post 133 on the George Parks Highway to the Landowners property, for access, ingress and egress, and utility construction and use over and across Grantors' Property. Grantors also extend their rights to each Landowner over and across other Landowners' Properties as illustrated on the "Private Use Easements" map. See Map Exhibit A, and/or Metes and Bounds Description on Exhibit A-1 attached hereto.
2. Restrictions Landowner may not place any building or structure on or within 30 feet of the Easement, or otherwise block the Easement at any time.
3. Road Construction Fern Valley Road in its entirety, and the portion of Denali View Drive that connects Fern Valley Road to Mt. McKinley View Drive shall be constructed to standards and specifications that provide reasonable access for Landowners to their property. Said Road Construction will be

Return to:
K & T Enterprises
1817 Parkside Drive
Anchorage, AK 99501

BOOK 0163 PAGE 710

completed by Grantors at Grantors' sole cost and expense. Said Road Construction does not include future summer or winter maintenance after Road Construction is complete.

4. (a) Road Maintenance of Fern Valley Road in it's entirety. Landowners that require or prefer summer or winter maintenance of the Easement on Fern Valley Road, either individually or as a group, will be responsible for maintenance costs incurred for the maintenance on the Easement. Maintenance standards will be determined by, and provided by the Landowners who prefer or require said maintenance.

(b) Road Maintenance of a portion of Denali View Drive. The portion of Denali View Drive that exists between Fern Valley Road and Mt. McKinley View Drive is a shared access roadway with 38 other Landowners (5 acre parcels) whom are all located North of and beyond the intersection of Denali View Drive and Fern Valley Road. Each Landowner must claim active or inactive status in response to the costs incurred for both summer and winter maintenance on this portion of road. Active status means that the Landowner is using that portion and will pay an equal share based upon how many Landowners claim active status for summer or winter use. Inactive status means that the Landowner is not using that portion of road and will not have to pay a share for summer or winter maintenance.

(c) Road Maintenance of Mt. McKinley View Drive. Maintenance of Mt. McKinley View Drive from the Parks Highway to the intersection of Mt. McKinley View Drive and Denali View Drive is described in "GRANT OF EASEMENT, ROAD AND UTILITY CONSTRUCTION AND MAINTENANCE AGREEMENT" as recorded in Book 154, Pages 47-59, Talkeetna Recording District, August 2, 1995 and hereby is incorporated by reference.

5. Landowner's Right to Use Only the Landowner, for themselves and their heirs, successors, assigns, and invitees, shall have the right to use the Easements for the direct benefit of Landowner's Property. This right is subject to the terms and conditions illustrated in this "PRIVATE USE EASEMENTS" document and in "GRANT OF EASEMENT, ROAD AND UTILITY CONSTRUCTION AND MAINTENANCE AGREEMENT" as recorded in Book 154, Pages 47-59, Talkeetna Recording District.
6. Runs With the Land This grant of PRIVATE USE EASEMENTS shall run with land and shall be binding upon and shall inure to the benefit of the Landowner, their respective heirs, successors or assigns.
7. Governing Law This grant of PRIVATE USE EASEMENTS shall be governed by, construed, and enforced in accordance with the laws of the State of Alaska.

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8. Modification of this Grant of PRIVATE USE EASEMENTS Any modification of this grant and or additional obligation assumed by either party in connection with the grant shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

IN WITNESS WHEREOF, Grantors of this agreement has caused it to be executed at Anchorage, Alaska, on the date first above written.

K & T ENTERPRISES, an Alaskan Partnership

Leonard Kragness
by Leonard Kragness, Partner

8/20/97
Date

Samuel Turner
by Samuel Turner, Partner

8/20/97
Date

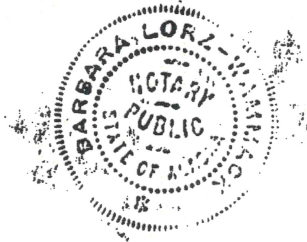
LEONARD KRAGNESS, Individually

Leonard Kragness
Leonard Kragness, Individually

8/20/97
Date

STATE OF ALASKA)
4th)
Judicial District)

The foregoing PRIVATE USE EASEMENTS grant was acknowledged this 20 day of Aug, 1997 by **LEONARD KRAGNESS and SAMUEL TURNER**, as Partners in K & T Enterprises, with authority to do so, and by **LEONARD KRAGNESS, Individually.**



Barbara L. Lutz
Notary Public in and for Alaska
My commission expires: 10 Sept 99

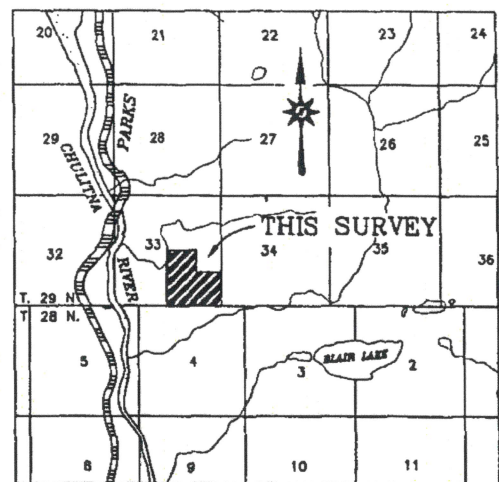
Page 1

Exhibit A-1

BOOK 0163 PAGE 712

A Private Use Easement located in the SE 1/4 of Section 33, T. 29 N., R. 5 W., S.M., Alaska, said easement being 50 feet in width, and lying 25 feet on each side of the centerline referred to as Fern Valley Road as referenced on the attached drawing EXHIBIT A, the center line of which is described as follows:

Beginning at the South quarter corner of said Section 33, being the original Bureau of Land Management, 3 1/4 inch brass cap monument marked SC S33 1/4 1968; Thence N 00°17'24" E along the N-S 1/4 line of said section a distance of 1576.52 feet; Thence N 47°32'02" E a distance of 85.23 feet; Thence N 36°51'06" E a distance of 284.50 feet; Thence N 43°16'06" E a distance of 376.51 feet to the True Point of Beginning; Thence N 66°56'50" E a distance of 61.94 feet; Thence S 70°16'32" E a distance of 84.22 feet; Thence S 17°20'24" E a distance of 446.63'; Thence S 26°12'45" W a distance of 232.45 feet; Thence S 02°04'15" E a distance of 90.68 feet; Thence S 38°27'30" E a distance of 85.07 feet; Thence S 87°44'52" E a distance of 588.77 feet to the SE 1/16 corner; Thence S 89°51'09" E along the S 1/16 line a distance of 1304.09 feet to the S 1/16 corner and the end of the easement.



VICINITY MAP U.S.G.S. TALKEETNA (C-1), ALASKA (1974)
Scale: 1 inch = 1 Mile

1. LEGAL DESCRIPTIONS SHOWN IN THE SE 1/4 SECTION REPRESENT PROPOSED ALIQUOT PARTS TO BE CONVEYED BY DEED FROM B.I.A.

(BLM)	BLM RECORD
(C)	COMPUTED
(M)	MEASURED
⊕	RESTORED 3.25" BRASS CAP ON 2" IRON PIPE FROM ORIGINAL BEARING TREES
⊕	RECOVERED 3.25" BRASS CAP ON 2" IRON PIPE
⊙	RECOVERED 2.5" ALUMINUM MONUMENT

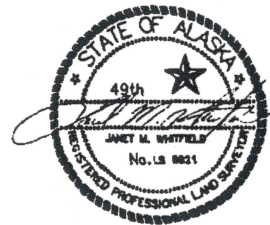


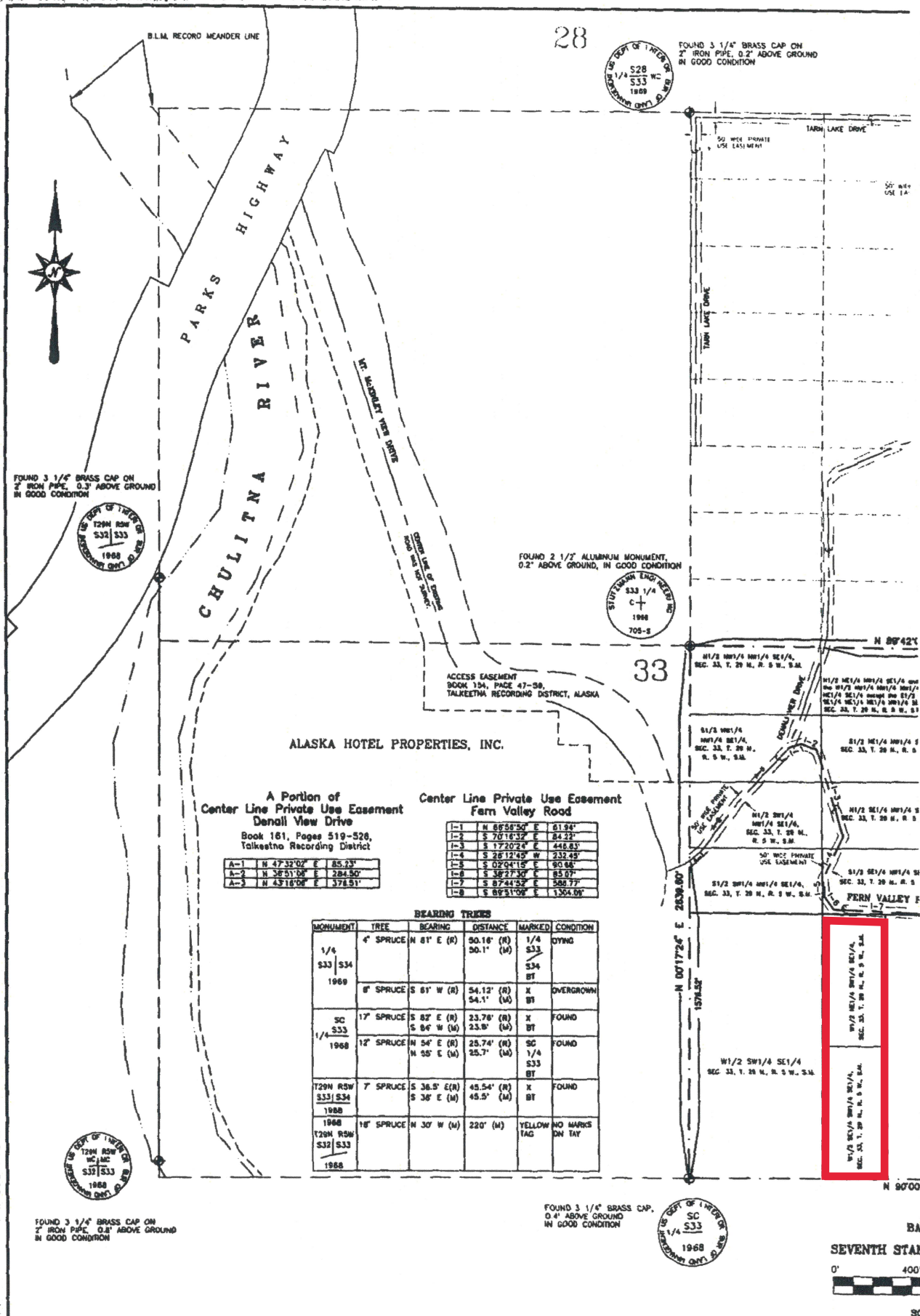
EXHIBIT A

APEX Surveying & Consulting
HCO1 Box 6214-G • Palmer, Alaska 99645 • (907) 746-LAND

**SUPPLEMENTAL DRAWING OF
PRIVATE USE EASEMENTS**

FOR
A PORTION OF THE SE 1/4,
SECTION 33, T. 29 N., R. 5 W.,
SEWARD MERIDIAN, ALASKA

Scale: 1" = 400'	Survey Date: 10/05/98 & 08/10/97	File Name: EXH2.dwg
Drawn / Checked: JMW / RLW	Job No.: 96-37	Sheet: 1 of 1



BOOK 0163 PAGE 715

97-001760
TALKEETNA REC 3066
DISTRICT
REQUESTED BY _____
ALASKA TEST TIME
137 E. ADON
PUNTER, AS 50045

'97 SEP 9 AM 11 25

Code Compliance Case Notes and Photos

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Page 3 - 3/3/2021 Inspection

Page 3 - 9/24/2020 Inspection

Page 4 - 9/24/2020 Inspection Attachments



MATANUSKA-SUSITNA BOROUGH
Code Compliance Case Report
350 East Dahlia Avenue ■ Palmer, AK 99645
Phone (907) 861-7822 ■ Fax (907) 861-8158
E-mail: ccb@matsugov.us

Case # 11028

Assigned Officer: Michael Johnson

Complaint Date: 10/10/2019 4:08 PM

Case Status: Active

Last Modified Date: 3/3/2021 3:37 PM

Complainant:

Name:

Email:

Address:

Phone:

Complaint Topic: Other

Potential Violation Description: (Submitted with Complaint)

Using the property for commercial use in the Denali SPUD without a CUP. Case opened late due to cyber attack July 2018
ness0607 - 1/10/2019 10:13:04 AM
ness0607 - 1/10/2019 10:14:30 AM

Violation Location:

Street Address: 10578 E WALTER HARPER WAY

Subdivision:

MSB Tax Account 29N05W33D028

Property Owner:

Name: D&S ALASKAN TRAIL RIDES INC

Address: PO BOX 1437

PALMER, AK, 99645

Phone:

Person Causing Violation (if different from Property Owner):

Name:

Address:

Phone:

COMPLAINT FORM

Name: _____ Email: _____
Address: _____ Home Phone: _____

Complaint Topic: Other _____

Location of the property where the possible violation exists.

(If you do not know the address, please provide owners name or directions to property.)

Street Address: 10578 E WALTER HARPER WAY
Subdivision: _____
MSB Tax Account 29N05W33D028

Property Owner:

Name: D&S ALASKAN TRAIL RIDES INC
Address: PO BOX 1437
PALMER, AK, 99645
Phone: _____

Person Causing Violation:

Name: _____
Address: _____
Phone: _____

Please provide a detailed narrative describing the possible violation (surveys, photos, video tapes or other documentation of the possible violation and a description of what has been provided) I make this statement freely and voluntarily to the Matanuska-Susitna Borough Code Compliance Office. I swear or affirm that this statement is true and correct to the best of my knowledge.

Using the property for commercial use in the Denali SPUD without a CUP. Case opened late due to cyber attack July 2018
ness0607 - 1/10/2019 10:13:04 AM
ness0607 - 1/10/2019 10:14:30 AM

Printed Name: _____ Date: 10/11/2019 12:08:39 AM

Signature: _____ MSB File# 11028

Providing Outstanding Borough Services to the Matanuska-Susitna Community.

3/1/2022 - Inspection

Complaint #: 11028 **Inspecting Officer:** Michael Johnson **Date:** 3/1/2022 1:24 AM

Inspection Notes:

SV. Mark and I visited the site and spoke to the PO on site. The shed and barn sustained damage due to the large amount of snow fall. Looking at the possible lot line markers (cone on the hill and pipe marked with flagging tape) it appears as the property line cuts in between the barn but does not meet setback requirements. Check back on PC meeting information.

3/3/2021 - Inspection

Complaint #: 11028 **Inspecting Officer:** Michael Johnson **Date:** 3/3/2021 3:16 PM

Inspection Notes:

Spoke to Mark about this case. He stated that the PO recently bought the land that the barn is on. The barn crosses over property boundaries. Marks stated the PO may have split the barn and put each side and ten feet away front the property line thus coming into compliance with the code. Visit to verify and close the case.

9/24/2020 - Inspection

Complaint #: 11028 **Inspecting Officer:** **Date:** 9/24/2020 12:57 PM

Inspection Notes:

Site visit structure dismantled has been moved back off from off the property line providing the required Setback.

Complaint #: 11028 Inspection Date: 9/24/2020 12:57 PM Name: Photo 5.jpg



Complaint #: 11028

Inspection Date: 9/24/2020 12:57 PM

Name:

Photo 2.jpg



Complaint #: 11028

Inspection Date: 9/24/2020 12:57 PM

Name: Photo 9.jpg



Complaint #: 11028

Inspection Date:

9/24/2020 12:57 PM

Name:

Photo 7.jpg



Complaint #: 11028

Inspection Date:

9/24/2020 12:57 PM

Name:

Photo 11.jpg



Complaint #: 11028

Inspection Date: 9/24/2020 12:57 PM

Name: Photo 13.jpg



Complaint #: 11028

Inspection Date:

9/24/2020 12:57 PM

Name:

Photo 3.jpg



Complaint #: 11028

Inspection Date:

9/24/2020 12:57 PM

Name:

Photo 4.jpg



Complaint #: 11028 Inspection Date: 9/24/2020 12:57 PM Name: Photo 12.jpg



Complaint #: 11028

Inspection Date: 9/24/2020 12:57 PM

Name: Photo 8.jpg



Complaint #: 11028 Inspection Date: 9/24/2020 12:57 PM Name: Photo 10.jpg



Complaint #: 11028

Inspection Date: 9/24/2020 12:57 PM

Name: Photo 6.jpg



Complaint #: 11028 Inspection Date: 9/24/2020 12:57 PM Name: Photo 1.jpg



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Page 1 - Complaint #10389 Report

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Page 3 - 9/24/2020 Inspection

Page 4 - 9/24/2020 Inspection Attachments



MATANUSKA-SUSITNA BOROUGH
Code Compliance Case Report
350 East Dahlia Avenue ■ Palmer, AK 99645
Phone (907) 861-7822 ■ Fax (907) 861-8158
E-mail: ccb@matsugov.us

Case # 10389

Assigned Officer: Michael Johnson

Complaint Date: 10/10/2019 4:08 PM

Case Status: Closed

Date Closed: 9/24/2020 12:49 PM

Complainant:

Name: Michael Gardino

Email:

Address:

Phone:

907-232-8457

Complaint Topic: Other

Potential Violation Description: (Submitted with Complaint)

Running a commercial Horse Trail Business without proper permit in Denali SPUD?
tt03995 - 4/23/2018 3:20:16 PM

Violation Location:

Street Address: 10788 E WALTER HARPER WAY

Subdivision:

MSB Tax Account 29N05W33D007

Property Owner:

Name: MURRAY DIANE L

Address: 3707 RUNESTAD CIR

ANCHORAGE, AK, 99502

Phone:

Person Causing Violation (if different from Property Owner):

Name:

Address:

Phone:

COMPLAINT FORM

Name: Michael Gardino Email: _____
Address: _____ Home Phone: 907-232-8457

Complaint Topic: Other _____

Location of the property where the possible violation exists.

(If you do not know the address, please provide owners name or directions to property.)

Street Address: 10788 E WALTER HARPER WAY
Subdivision: _____
MSB Tax Account 29N05W33D007

Property Owner:

Name: MURRAY DIANE L
Address: 3707 RUNESTAD CIR
ANCHORAGE, AK, 99502
Phone: _____

Person Causing Violation:

Name: _____
Address: _____
Phone: _____

Please provide a detailed narrative describing the possible violation (surveys, photos, video tapes or other documentation of the possible violation and a description of what has been provided) I make this statement freely and voluntarily to the Matanuska-Susitna Borough Code Compliance Office. I swear or affirm that this statement is true and correct to the best of my knowledge.

Running a commercial Horse Trail Business without proper permit in Denali SPUD?
tt03995 - 4/23/2018 3:20:16 PM

Printed Name: _____ Date: 10/11/2019 12:08:39 AM

Signature: _____ MSB File# 10389

Providing Outstanding Borough Services to the Matanuska-Susitna Community.

Complaint #: 10389**Inspecting Officer:** _____**Date:**9/24/2020 12:46 PM

Inspection Notes:

Site visit this property is a private cabin. The horse business is Steve VanTrobe's three properties to the west. No violation of code exists at this time case closed.

Complaint #: 10389

Inspection Date:

9/24/2020 12:46 PM

Name:

Photo 1.jpg



Complaint #: 10389

Inspection Date:

9/24/2020 12:46 PM

Name:

Photo 2.jpg



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Page 1 - Complaint #11029 Report

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Page 3 - 3/1/2022 Inspection



MATANUSKA-SUSITNA BOROUGH
Code Compliance Case Report
350 East Dahlia Avenue ■ Palmer, AK 99645
Phone (907) 861-7822 ■ Fax (907) 861-8158
E-mail: ccb@matsugov.us

Case # 11029

Assigned Officer: Michael Johnson

Complaint Date: 10/10/2019 4:08 PM

Case Status: Active

Last Modified Date: 8/2/2021 11:31 AM

Complainant:

Name: Harvey Bell

Email:

Address:

Phone:

202-679-9959

Complaint Topic: Setbacks

Potential Violation Description: (Submitted with Complaint)

Obnoxious odors.

tt03995 - 8/14/2017 10:14:15 AM

Violation Location:

Street Address: 10578 E WALTER HARPER WAY

Subdivision:

MSB Tax Account 29N05W33D028

Property Owner:

Name: D&S ALASKAN TRAIL RIDES INC

Address: PO BOX 1437

PALMER, AK, 99645

Phone:

Person Causing Violation (if different from Property Owner):

Name:

Address:

Phone:

COMPLAINT FORM

Name: Harvey Bell Email: _____
Address: _____ Home Phone: 202-679-9959

Complaint Topic: Setbacks

Location of the property where the possible violation exists.

(If you do not know the address, please provide owners name or directions to property.)

Street Address: 10578 E WALTER HARPER WAY
Subdivision: _____
MSB Tax Account 29N05W33D028

Property Owner:**Person Causing Violation:**

Name: D&S ALASKAN TRAIL RIDES INC Name: _____
Address: PO BOX 1437 Address: _____
PALMER, AK, 99645
Phone: _____ Phone: _____

Please provide a detailed narrative describing the possible violation (surveys, photos, video tapes or other documentation of the possible violation and a description of what has been provided) I make this statement freely and voluntarily to the Matanuska-Susitna Borough Code Compliance Office. I swear or affirm that this statement is true and correct to the best of my knowledge.

Obnoxious odors.

tt03995 - 8/14/2017 10:14:15 AM

Printed Name: _____ Date: 10/11/2019 12:08:39 AM

Signature: _____ MSB File# 11029

Providing Outstanding Borough Services to the Matanuska-Susitna Community.

Complaint #: 11029**Inspecting Officer:** Michael Johnson**Date:** 3/1/2022 1:27 AM**Inspection Notes:**

SV. Contacted PO with Mark about the setback issue. No horses on property thus no smell. Check back in spring.



Matanuska-Susitna Borough

350 E. Dahlia Ave, Palmer, Alaska 99645

Code Compliance Case Summary

G20190001

General Information:

Parcel #: **229N05W33D012**

Owner: DENALIVIEW TRUST
PO BOX 13409
TRAPPER CREEK AK 99683-3409

Request Date: 8/22/2018 12:00:00AM

Start Date:

Expiration Date:

Closed Date:

Reporting By:

Site Address:

Linked Names:

Code Comp Officer

Applicant

Owner

PAMELA NESS
DENALIVIEW TRUST
DENALIVIEW TRUST

Linked Parcels:

229N05W33D012

229N05W33D028

Notes and Responses:

Using the property for commercial use in the Denali SPUD without a CUP. Case opened late due to cyber attack July 2018

ness0607 - 1/10/2019 10:13:04 AM

ness0607 - 1/10/2019 10:14:30 AM

Forms Tab Information:

TRS: Tax ID: MSB Code:

Inspection ID: **36638**

Inspection Date: **No Date Assigned**

Status: c

Inspector: **PAMELA NESS**

Check Out:

Contact Date: 01/09/2019

Notes:

I received a phone message from Steve VanTroba (907)2322207 asking about his comprehensive permit. I spoke with George Hayes the Deputy Borough Manager who told me it was decided that Mr. VanTroba would need to submit for a new CUP for the Denali SPUD for the current location. where he was conducting business. The Development Services Manager Alex Strawn was supposed to write Mr. VanTroba and inform him the decision the Borough had come to regarding this matter. I called Steve VanTroba back and relayed to him what Mr. Hayes told me regarding the decision on this matter. Mr. VanTroba stated that was not what he was told he was told it was a simple clerical error on the Borough's part and could be easily fixed by changing the file to reflex where the business was occurring.

ness0607 - 1/10/2019 10:32:55 AM

ness0607 - 1/10/2019 10:35:43 AM



Matanuska-Susitna Borough

350 E. Dahlia Ave, Palmer, Alaska 99645

Code Compliance

Case Summary

J20170132

General Information:

Parcel #: **229N05W33D012**

Owner: DENALIVIEW TRUST
PO BOX 13409
TRAPPER CREEK AK 99683-3409

Request Date: 7/24/2017 12:00:00AM

Start Date:

Expiration Date:

Closed Date:

Reporting By:

Site Address:

Linked Names:

Code Comp Officer

Applicant

Owner

PAMELA NESS

DENALIVIEW TRUST

DENALIVIEW TRUST

Linked Parcels:

229N05W33D012

229N05W33D028

Notes and Responses:

Obnoxious orders.

tt03995 - 8/14/2017 10:14:15 AM

Forms Tab Information:

TRS: Tax ID:

MSB Code: 8.50

Complainant Name: Harvey Bell

Complainant Address: 133.5 Parks Hwy

Complainant Email:

Complainant Phone: 202-679-9959

Inspection ID: **36638**

Inspection Date: **No Date Assigned**

Status: c

Inspector: **PAMELA NESS**

Check Out:

Contact Date: 01/09/2019

Notes:

I received a phone message from Steve VanTroba (907)2322207 asking about his comprehensive permit. I spoke with George Hayes the Deputy Borough Manager who told me it was decided that Mr. VanTroba would need to submit for a new CUP for the Denali SPUD for the current location. where he was conducting business. The Development Services Manager Alex Strawn was supposed to write Mr. VanTroba and inform him the decision the Borough had come to regarding this matter. I called Steve VanTroba back and relayed to him what Mr. Hayes told me regarding the decision on this matter. Mr. VanTroba stated that was not what he was told he was told it was a simple clerical error on the Borough's part and could be easily fixed by changing the file to reflex where the business was occurring.

ness0607 - 1/10/2019 10:32:55 AM

ness0607 - 1/10/2019 10:35:43 AM



Matanuska-Susitna Borough

350 E. Dahlia Ave, Palmer, Alaska 99645

Code Compliance

Case Summary

G20150048

General Information:

Parcel #: **229N05W33D012**

Owner: DENALIVIEW TRUST
PO BOX 13409
TRAPPER CREEK AK 99683-3409

Request Date: 6/1/2015 12:00:00AM

Start Date:

Expiration Date:

Closed Date: 10/11/2016 12:00:00AM

Reporting By:

Site Address:

Linked Names:

Code Comp Officer

Applicant

Owner

PAMELA NESS

DENALIVIEW TRUST

DENALIVIEW TRUST

Linked Parcels:

229N05W33D012

229N05W33D023

229N05W33D028

Notes and Responses:

Road blockage and operating a commercial business within SPUD.

tt03995 - 6/9/2015 3:26:34 PM

Forms Tab Information:

TRS:

Tax ID:

MSB Code: 17.17 & 11.10

Complainant Name: Mark Gardino

Complainant Address: Mile 133 Parks Hwy

Complainant Email:

Complainant Phone: 232-8457

Inspections Link:

Inspection ID: **30217**
Inspection Date: **5/25/2016** Status: c
Inspector: **PAMELA NESS** Check Out:
Contact Date: 05/25/2016

Notes:

Site visit 10 photos. Walked the area of concern with Mr. Gardino. New trail being built by Alaska Trail Rides. After reviewing CUP file it appears that no conditions of the permit in violation. Case closed.
pn04478 - 10/12/2016 9:42:59 AM

Inspection ID: **36636**
Inspection Date: **8/22/2018** Status: c
Inspector: **PAMELA NESS** Check Out:
Contact Date: 08/22/2018

Notes:

Site visit. Met with Mr. VanTroba to discuss a violation with his CUP as it was issued for a different property than he was using in the Denali SPUD. Mr. VanTroba was told he would need to apply for a new CUP for the properties he was using for his business.
ness0607 - 1/10/2019 10:03:25 AM

Inspection ID: **36637**
Inspection Date: **No Date Assigned** Status: c
Inspector: **PAMELA NESS** Check Out:
Contact Date: 09/10/2018

Notes:

Met at the DSJ with Mr. VanTroba, Mr. Moose, George Hayes, Alex Strawn regarding the CUP violation. Meeting resulted in the Manager taking the matter under advisement and he will have someone get back to Mr. VanToba with a decision on the status of the CUP.
ness0607 - 1/10/2019 10:05:35 AM

Inspection ID: **36638**
Inspection Date: **No Date Assigned** Status: c
Inspector: **PAMELA NESS** Check Out:
Contact Date: 01/09/2019

Notes:

I received a phone message from Steve VanTroba (907)2322207 asking about his comprehensive permit. I spoke with George Hayes the Deputy Borough Manager who told me it was decided that Mr. VanTroba would need to submit for a new CUP for the Denali SPUD for the current location. where he was conducting business. The Development Services Manager Alex Strawn was supposed to write Mr. VanTroba and inform him the decision the Borough had come to regarding this matter. I called Steve VanTroba back and relayed to him what Mr. Hayes told me regarding the decision on this matter. Mr. VanTroba stated that was not what he was told he was told it was a simple clerical error on the Borough's part and could be easily fixed by changing the file to reflex where the business was occurring.
ness0607 - 1/10/2019 10:32:55 AM
ness0607 - 1/10/2019 10:35:43 AM



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

DIVISION OF PARKS AND OUTDOOR RECREATION

Director's Office
550 W 7th Ave, Suite 1380
Anchorage AK 99501
Main: 907-269-

January 1, 2022

Dear Applicant:

Thank you for your interest in an Alaska State Parks Non-Competitive Commercial Use Permit. **Please review this cover letter and the attached application materials carefully.** To apply for a 2022 permit, please complete and sign the enclosed application form. In addition, please enclose with the application a Certificate of Commercial Liability Insurance (see attached General Stipulations for more information on policy requirements). Where applicable, the application form will prompt you to list the license/registration/certificate numbers and expiration dates.

State law requires that anyone conducting commercial activities within a unit of the State Park system obtain, in advance, a permit issued by the Division of Parks and Outdoor Recreation. Examples of commercial activities include guided activities, charter services, transportation services, outfitting, supply, or equipment sales or rentals within a park. Any activity that meets the definition of commercial activity as found in 11 AAC 12.340(19) requires a permit.

11 AAC 12.340(19) "commercial activity" means the sale of, delivery of, or soliciting to provide, goods, wares, edibles, or services in exchange for valuable consideration through barter, trade, or other commercial means; a service offered in conjunction with another sale of goods, wares, edibles, or services, which service involves the use of state park land or water, is a commercial activity whether or not it is incidental to, advertised with, or specifically offered in the original sale; all guide, outfitter, and transportation services are commercial activities if any payment or valuable consideration through barter, trade, cash, or other commercial means is required, expected, or received beyond the normal and customary equally shared costs for food and fuel for any portion of the stay in the park.

All individuals operating under your permit are required to carry **a copy of page 1 of this permit and stipulations while operating in the park.** If your employees change during the year, you must submit an updated list to State Parks before new employees may operate within any state park unit.

Application Process:

Please return your completed application by email to parkpermitting@alaska.gov. Instructions for payment will follow.

Permit Fees:

- A non-refundable permit application processing fee of **\$100.00**
- Annual permit fee of **\$350**
- Client fees: Please utilize the online reporting website to submit your end of the season use report and per client fees at <https://dnr.alaska.gov/parks/commercialusepermits> by December 31.
(See attached General Stipulations for more information on filing requirements).

For more information please contact the Division at parkpermitting@alaska.gov or call 907-269-8400.

****Note: It may take up to thirty days to process your application so please plan accordingly****



STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PARKS AND OUTDOOR RECREATION
**NON-COMPETITIVE PERMIT FOR
COMMERCIAL ACTIVITIES**

AS 41.21.020 / 11 AAC 18.030

LAS Number: _____

Official Use Only
Application Received: _____

****A copy of this permit and stipulations must be carried by the Permittee and all employees while operating in a State Park****

APPLICANT INFORMATION

Full Name: _____ Title: _____
Physical Address: _____
City: _____ State: _____ Zip Code: _____
Mailing Address (if different than above): _____
City: _____ State: _____ Zip Code: _____
Email Address: _____ Phone: () _____
Emergency Contact: _____ Phone: () _____

BUSINESS INFORMATION

Business Name: _____
Alaska Business License Number: _____ Business License Expiration: _____
Per AS 43.70.020(a) a business license is required for the privilege of engaging in business in the State of Alaska.
Website: _____
Social Media: _____

PARK UNITS AND SERVICES

For each proposed service attach detailed trip itineraries, topographic or other maps showing trail routes (starting and ending points), camping locations, activity areas, etc.). List landing sites with GPS coordinates (for aircraft operations) and include other descriptive information as necessary. All permits must have an operating and trip itinerary for it to be processed.

Park Name: _____ Specific Facilities/Area: _____
Activities and Services Offered (highlight all that apply): Air Charter, ATV, Biking, Boat Rental, Camping, Dog Sled, Fishing, Helicopter, Historical Tours, Hunting, Hiking, Instructional Classes, Motorcoach, Outfitting, Scenic Tours, Water Taxi. Other activities not listed: _____

Park Name: _____ Specific Facilities/Area: _____
Activities and Services Offered (highlight all that apply): Air Charter, ATV, Biking, Boat Rental, Camping, Dog Sled, Fishing, Helicopter, Historical Tours, Hunting, Hiking, Instructional Classes, Motorcoach, Outfitting, Scenic Tours, Water Taxi. Other activities not listed: _____

Park Name: _____ Specific Facilities/Area: _____
Activities and Services (highlight all that apply): Air Charter, ATV, Biking, Boat Rental, Camping, Dog Sled, Fishing, Helicopter, Historical Tours, Hunting, Hiking, Instructional Classes, Motorcoach, Outfitting, Scenic Tours, Water Taxi. Other activities not listed: _____

For guided and transportation operations estimate number of clients: Per Day _____ Per Season _____

Does this activity require personnel to stay overnight in the park? ☐ YES / ☐ NO

Months of Operation (check all that apply):

JAN ☐ FEB ☐ MAR ☐ APR ☐ MAY ☐ JUN ☐
JUL ☐ AUG ☐ SEP ☐ OCT ☐ NOV ☐ DEC ☐

Alaska State Parks

Non-Competitive Permit for Commercial Activities

INDIVIDUALS OPERATING WITHIN PARK

List all individuals (owners, employees, operators, guides, etc.) that will be operating in a state park under this permit.

****If changes to this list occur during the year, send an updated list to: parkpermitting@alaska.gov ****

New employees are not authorized to operate in any state park unit until the Division receives the updated list.

You may substitute your own attachment (Word document, Excel spreadsheet, etc.) in place of this page, provided it includes all required information below.

Name	Title (owner, guide, pilot, captain, etc.)	Driver's License / ID (state / license #)	First Aid Certification Recognized by state or national org. (issuing agency / exp. date)	ADF&G fishing/hunting license #, Airman certificate and exp. date
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				

Attach additional pages as necessary (Page _____ of _____)

Alaska State Parks Non-Competitive Permit for Commercial Activities

VEHICLES, BOATS, AIRCRAFT, SNOWMOBILES, ATVS, ETC.

List all vehicles to be utilized for operations in a state park. (Attach additional pages if necessary)

Vehicle Type (Motorcoach, taxi, highway, boat, aircraft snowmobile, ATV, etc.)	Make, Model & Year	Color	State & License Plate #, Registration # (snow & boat), N Number (aircraft)	Passenger Capacity	Official Use Only Park Decal #
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

WOOD-TIKCHIK BOAT STORAGE: Will any boats be stored in Wood-Tikchik SP (check)? ☐ YES / ☐ NO (Additional fees apply.)

PERMITTEE HISTORY

Within the past 5 years, has the company (entity), it's owners, or any employees who have or will be expected to operate within the parks, been convicted, pled nolo contendere, forfeited collateral, or are currently under charges for any violations of any state, federal, or local law, or regulations related to fish and game or permit activities (check)? ☐ YES / ☐ NO ☐

If you answered yes, provide the individual's name, date of charge, charge(s), location of incident, court and action taken for each violation (Attach additional pages if necessary):

PERMITTEE ACKNOWLEDGEMENT

I attest the information submitted on this form and any attachments are true, complete and accurate to the best of my knowledge. By signing this form, the permittee, its agents and employees agree to conduct the authorized activities under this permit in accordance with the attached general stipulations and all special stipulations that are incorporated upon the issuance of this permit.

Permittee Signature Date

PERMIT AUTHORIZATION

(for State use only, permit not valid unless signed)

Application Filing Fee: _____ Annual Permit Fee: _____ (per 11 AAC 05.170 and Director's Order)

Signature of Authorized State Representative Date of Issuance Expiration Date

General Permit Stipulations for Commercial Use Permits
Alaska State Parks

The following stipulations apply to all Non-Competitive Park Use Permits for Commercial Activities issued by the Division of Parks and Outdoor Recreation (DPOR). Noncompliance with the terms described below may result in a citation being issued to the operator for violation of 11 AAC 18.030(c) and possibly the suspension or revocation of the permit.

1. **Payment of Commercial Use Permit Fees.** Commercial Use Permit fees must be paid in full prior to issuance of any permit. Permit fees are specified by Director's Order and available on the DPOR website dnr.alaska.gov/parks/.

2. **Payment of Per Client Fees / End of Season Reporting.** Permittee shall submit an End of Season Report by December 31st of the permit year, accurately documenting activities on lands and waters covered by this permit. The Division will assess per client fees based on number of client days, locations, and activities that have occurred on lands and waters covered by this permit and payment will be required on or before December 31. State law, AS 45.45.010(a), allows the State to charge interest in the amount of 10.5% annually on debts owed to the state. A 10.5% annual penalty fee will be assessed for any per client fees that are not received by DPOR by December 31. Permitter's annual commercial use permit will not be issued for subsequent years until the Division receives End of Season Reports and payment of all applicable per client fees for prior years. End of Season reporting is required whether or not you conducted commercial activities in a unit of the State Park system. No per client fee will be charged for persons who are transported by water or air taxi services directly to or from private property inholdings within a State Park or any government employee on official business who is transported by a commercial operator. If multiple commercial permittees (businesses) provide services to a single client, each permittee is responsible for payment of the use fees for the services they provide. Commercial permittees providing multiple services to a client on the same day will only be charged one fee per day per client. In this situation, the fee for the service with the highest fee applies. Report each individual only once for each one-day period. **Please utilize the online system to report park use and pay online at <https://dnr.alaska.gov/parks/commercialusepermits>.** A documented record of park per client use days must be sent to parkpermitting@alaska.gov for verification of use.

3. **Insurance Required.** Without limiting indemnification, the liability insurance required of commercial operators that provide guiding, outfitting, touring, education expeditions, equipment rentals or other recreational services in State Park Units shall be comprehensive (commercial) general liability insurance with coverage limits not less than \$100,000 per person / \$300,000 combined single limit per occurrence and annual aggregates where generally applicable, and shall include premise operation, independent contractor's products/completed operations, broad form property damage, blanket contractual and personal injury inducements. The director may require higher increments of liability insurance for activities that carry a higher degree of risk to the participants. The liability insurance policy must also list:

State of Alaska
Department of Natural Resources
Division of Parks and Outdoor Recreation
550 West 7th Ave., Suite 1380
Anchorage, AK 99501

as additional insured and provide for a 30-day notification to the State of cancellation, non-renewal, or material alteration of insurance.

4. **Term.** This permit is issued for the calendar year shown on the face of the permit.

5. **Preferential Rights.** No preferential rights to additional services of a proprietary interest right in the lands are attached to this permit.

6. **Assignment.** This permit may not be transferred, extended or assigned without prior written approval from the authorizing officer. The permittee shall not sub-let or enter into any third-party agreements involving the privileges authorized by this permit.

General Permit Stipulations for Commercial Use Permits
Alaska State Parks

7. **Lawful Operations/Documentation.** The permittee agrees to operate in accordance with all local, state, and federal laws and regulations. The issuance of this authorization does not alleviate the necessity of the permittee to obtain all required local, state and federal licenses, tags, permits, registrations and certifications that are applicable to the permittee's activities. Permittee shall ensure compliance by its employees, agents, contractors, subcontractors, licensees, or invitees. Permittee shall further require all individuals operating under this permit to have all such documentation in their possession while operating in the park and upon request shall present for inspection to any state park official or Peace Officer.
8. **First Aid Certification.** All individuals operating under this permit within a state park unit must hold a current first aid certification recognized by a state or national registration. Permittee shall provide the name of the issuing agency and the expiration date of each individual employee's first aid certification on the permit application. Permittee shall ensure that all individuals operating under this permit have proof of their first aid certification in their possession while operating in the park and upon request shall present for inspection to any state park official.
9. **Employee Identification.** The permittee shall list all individuals (including permittee's owners, employees, operators, and contractors) that will be operating in a state park unit under this permit. A form is provided on Page 3 of the permit application. The permittee shall provide each individual's name, driver's license (or ID) number, first aid certification and expiration date, and ADF&G sport fishing/hunting license number and expiration date (for sport fish and hunting guides only). Permittee shall submit to the Division any changes to this list. New employees are not authorized to operate in any state park unit until the Division receives the updated list. All individuals under this permit shall carry a photo ID and a copy of the signed permit at all times while operating in a state park unit.
10. **Non-Exclusive Use.** This permit shall not be construed as limiting the rights of the authorizing officer to issue similar permits for the same or similar activities in the area covered by this permit. The permittee, agents, or clients shall not interfere with free public use or other authorized use of roads, trails, lands or waters in the area of their activities.
11. **Geographic Limit.** This permit is applicable only for the use of the area designated on the permit. Further, this permit is not applicable to lands not owned or managed by state parks. Authority to use private land must be obtained in advance from the landowner. Violation of private property rights may result in the revocation of this permit.
12. **Advertising/Selling Prohibited.** This permit does not authorize the permittee to solicit business, advertise, collect any fees or sell any goods or services on lands authorized for use by this permit unless specified on this permit. The permittee shall not make any misrepresentation in his/her advertisements, signs, circulars, brochures, and letterhead or like materials regarding this permit.
13. **Structures.** No temporary structures shall be erected in the area under this permit without prior written permission of the authorizing officer. Under no circumstances will permanent structures be built. Temporary structures are permitted through DPOR regional offices with additional permit stipulations and fees.
14. **Indemnification.** The permittee shall indemnify, hold harmless and defend the State, its officers, agents, and employees from liability of any nature or kind, including costs and expenses for or on account of any and all legal actions or claims of any character whatsoever resulting from injuries or damages sustained by any person or persons or property as a result of any error, omission, or negligent act of the permittee relating to this permit.
15. **Service Standards.** The permittee shall observe such requirements respecting quality and standards of service as dictated by laws or regulations or as is necessary to protect the public health, safety and welfare.
16. **Protection of Public Health, Safety, and Welfare.** The permittee shall exercise diligence in protecting the health, safety, and welfare of clients and the general public. The Division may require the permittee to submit copies of

General Permit Stipulations for Commercial Use Permits
Alaska State Parks

applicable industry standards and require the permittee to adhere to those standards.

17. **Protection of Lands, Facilities, and Resources.** The permittee shall exercise diligence in protecting damage to lands, facilities and resources in the areas that are used in connection with this permit. Cultural resources, such as human remains, historic artifacts, archaeological materials, or paleontological resources shall be avoided and may not be disturbed, altered, destroyed, or collected. If human remains, historic resources, archaeological resources, or paleontological resources are encountered during permitted activities, all activities that may disturb or damage the site shall cease in the immediate area and you shall immediately (within one business day of discovery) notify the Park and the Office of History and Archaeology (907-269-8700).
18. **Repair of Damage.** The permittee shall be liable for the repair of any damages to lands, facilities or resources resulting from the activities of the permittee, his/her agents, employees or clients.
19. **Vessel Operations / Identification.** All vessels (including non-powered boats with auxiliary power units) used on any water of the state, including rivers, lakes and salt water within 3 miles of land, and all sport fishing and hunting guide boats (powered and non-powered) must be registered with the Division of Motor Vehicles (for more information see: <http://doa.alaska.gov/dmv/reg/boat.htm>). Permittee shall list and identify all vessels to be used in conjunction with this permit on page 2 of the application. The permittee is responsible for insuring that all vessels are equipped, maintained and operated in accordance with all applicable state and federal laws and regulations. This includes adherence to the U.S. Coast Guard manufacturer's capacity information plate.
20. **Motor Vehicle Operations / Identification.** All motor vehicles operated or parked on State Park lands and used for commercial activities shall be identified by a numbered Commercial Use Vehicle decal. This decal shall be affixed on the bottom left-hand corner of the vehicle windshield. Decals shall not be altered or affixed to unauthorized vehicles. State Park staff may confiscate decals that are altered or affixed to unauthorized vehicles. Commercial Use Vehicle decals are only valid for day use parking at state park facilities while conducting commercial activities in a state park.
21. **Report Abnormal Sightings.** The permittee shall notify the Division of Parks and Outdoor Recreation of any problems, abnormal conditions, or unusual conditions observed while operating on/over park lands and waters.
22. **Natural Hazards.** The permittee recognizes and understands that natural hazards are likely to exist within the area of his/her operation. The permittee agrees to take all reasonable precautions to make himself/herself aware of these hazards and to advise all clients of the hazards. The permittee is responsible for ensuring the safety of the clients under his/her supervision.
23. **Camps and Caches.** Unless otherwise authorized, the permittee agrees not to establish temporary or permanent camps or caches within the permit area. All property of the permittee is to be removed from park lands and waters upon completion of permitted activities.
24. **Storage Prohibited.** Unless otherwise authorized, the permittee may not store vehicles, boats, aircraft, or any other equipment or supplies on State Park lands or waters. Vehicles may be legally parked during operations in the park.
25. **Sanitation.** When toilets are not available, the permittee agrees to dispose of human waste at least two hundred (200) feet from surface water. All solid waste must be completely covered with soil or contained and removed to a legal disposal facility.
26. **Trash.** All trash and garbage must be removed from the park and appropriately disposed of. No trash is to be left behind, buried, or submerged or disposed of in fresh or saltwater of parks.
27. **Wildlife Interactions.** No wildlife species will be baited, harassed, or approached closely enough to disrupt the animal's natural activity or to endanger human life except for a legal hunt for game.

General Permit Stipulations for Commercial Use Permits
Alaska State Parks

28. **Accident and Injury Notification.** The permittee shall notify the nearest State Park area office immediately after completing any trip in which accidents have occurred involving personal injury, boat collision, overturning or swamping, or damage to the guide vessels, aircraft or other vessel; or any threatening incidents involving wildlife or of incidents involving the loss of equipment such as canoes, rafts, tents or other gear which could create the impression that someone may be lost or in danger. Injuries requiring immediate medical attention or evacuation shall be reported to State Parks or Alaska State Troopers immediately. The permittee is requested to immediately report to State Parks or Alaska State Troopers any knowledge of anyone injured, lost/overdue, or fatalities within the Park.
29. **Client Information.** The permittee agrees to provide clients with information regarding rules, regulations and other information pertaining to the area and with basic safety information relative to the client's visit.
30. **Cooperation and Professional Behavior.** The permittee agrees to cooperate with agency representatives for the purpose of permit compliance, operations evaluation, or to gather current information on the area for Park management purposes. The permittee shall not verbally or physically harass, assault, or abuse clients, employees, outfitters, other guides and their clients, members of the general public, or any state or federal agency representative. This includes the use of profanity, aggressive and disruptive behavior.
31. **Non-Discrimination in Employment and Services.** The permittee and his/her employees shall not discriminate against any employee providing services under this permit or applicant for employment to provide services under this permit because of race, color, religion, sex, national origin, age, or disability.
32. **Renewal.** The issuance of this permit does not confer any rights of renewal or references for renewal despite investments made by the permittee or for other reasons.
33. **Restitution for Unsworn Falsification.** The permittee agrees to provide restitution of per client fees owed to DNR/DPOR for any inaccurate reporting of commercial use. Restitution will be considered the monetary difference between fees paid and fees owed to the state under this permit. Subsequent permits will not be issued until restitution is made.
34. **Revocation/Suspension.** The making of a false statement or presenting false or purposefully altered documents is prohibited and grounds for immediate revocation of commercial use permit under 11 AAC 18.030(c). Failure to abide by any part of this use permit or the willful violation of any state regulation will be considered grounds for immediate suspension or revocation of this permit and may result in denial of future permits. The permittee has read and agreed to the terms of this permit and understands that the breach of any of the terms is cause for revocation or suspension. This provision applies to all persons working under the authority of this permit, including guides, assistant guides, employees, etc.
35. **Revocation by the State.** This permit may be revoked at any time at the discretion of the director or his/her designee without compensation to the permittee or liability to the State, including for failing to comply with permit stipulations.
36. **Cost Recovery and Monitoring Fees.** Any permit which creates unusual impacts, results in large amounts of waste, requires additional monitoring or enforcement, or creates other costs for the Division of Parks & Outdoor Recreation may be subject to additional fees such as Ranger time for traffic control, resource oversight, or field inspections, impacts on trash and toilet facilities or other resource impact mitigation measures.

Conditional Use Permit

#C9702



MATANUSKA-SUSITNA BOROUGH

350 East Dahlia Avenue, Palmer, Alaska 99645-6488

Planning and Land Use Department

Code Compliance Division (907) 745-9861

FAX (907) 745-9876

DENALI STATE PARK SPECIAL LAND USE DISTRICT CONDITIONAL USE PERMIT #C9702

Pursuant to MSB 17.17 Denali State Park Special Land Use District, the Planning Commission of the Matanuska-Susitna Borough granted this permit on April 21, 1997 by approval of Planning Commission Resolution No. 97-19.

PERMIT IS ISSUED TO: Steven K. Van Troba for D & S Alaska Trail Rides Inc.

This permit recognizes the right of the permittee or his lawful successor-in-interest to operate and use the following described premises:

T.R.S.M. Township 29 North, Range 5 West, Section 33, Seward Meridian

PARCEL ID: SE 1/4 SE 1/4 SE 1/4

for the following use: Construction of 20' x 64' pole barn, a horse corral, placement of storage vans and accessory structures for the operation of a seasonal trail and wagon ride business and tourist-oriented gold planning operation

in conformance with the approved application and site plan, and the conditions specific to Resolution No. 97-19. The site plan and Resolution No. 97-19 are attached.

The violation of any condition of approval of this permit or of applicable federal, state or borough laws governing the permitted use may constitute grounds for revocation of this permit or for other actions or penalties authorized by law. No use is authorized by this permit other than as specifically described, including all conditions and terms of this permit.

This decision may be appealed within 15 borough business days of the date approval by the Planning Commission in accordance with MSB 15.39 Board of Adjustment and Appeals.

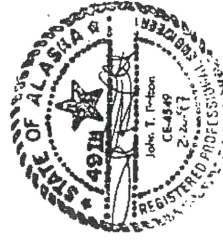
A handwritten signature in black ink, appearing to read "John Duffy".

John Duffy, Director
Planning and Land Use Department

A handwritten signature in black ink, appearing to read "May 6, 1997".

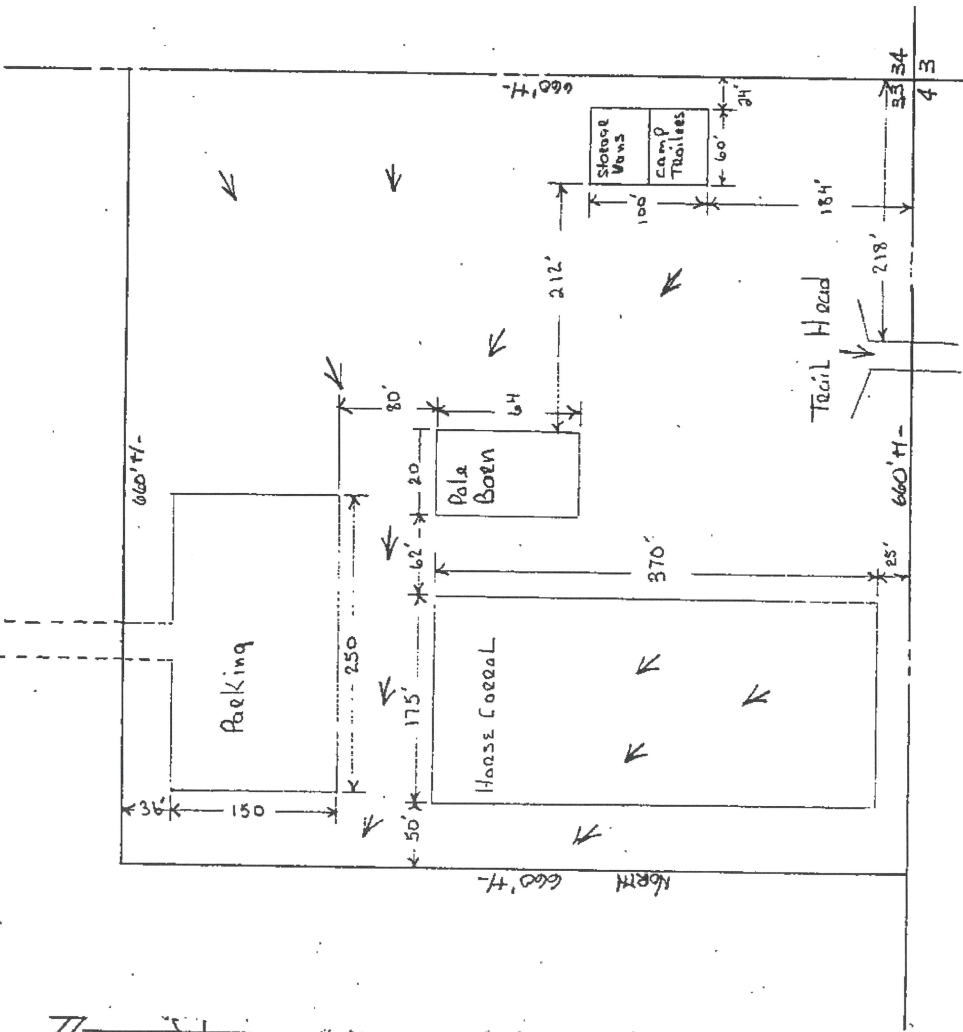
Date of Issuance

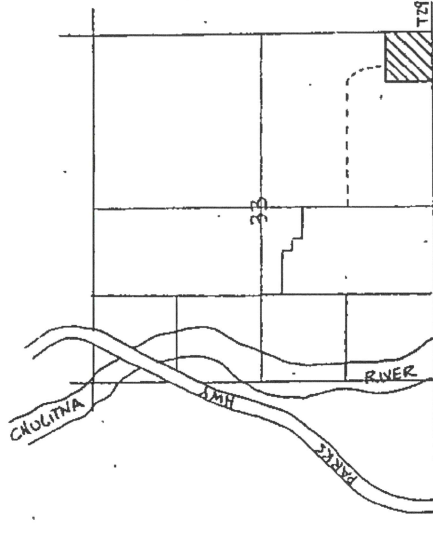
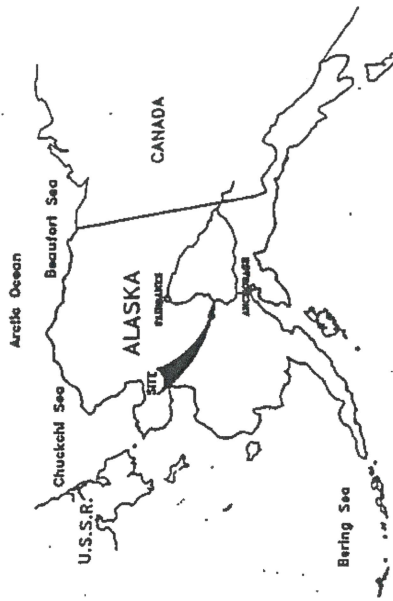
Note - Property is fully wooded



SITE PLAN -
 D & S ALASKA TRAIL RIDES, INC.

SCALE: 1" = 100'	APPROVED BY:	DRAWN BY
DATE: 2/18/97		REVISED
SE 1/4 SE 1/4 SE 1/4, S33, T29N, R5W, S.M.		
DRAWING NUMBER 2 OF 2		





VICINITY MAP
NOT TO SCALE

SITE PLAN -
D & S ALASKA TRAIL RIDES, INC.

SCALE: 1" = 400'	APPROVED BY:	DRAWN BY:
DATE: 2/10/97	REVISED:	
LOCATED IN: SE 1/4 SE 1/4 SE 1/4 S33 T29N R5W, S.M. MUSKIEPST 132- PARKS HIGHWAY SAMI TURNER PROPERTY		
DRAWING NUMBER		1 OF 2



NOTES:
1. ALL DIMENSIONS SHOWN ARE APPROXIMATE AND PROPERTY LINES HAVE NOT YET BEEN SURVEYED.
2. SECTION EASEMENT ALONG THE BOUNDARY BOUNDARY NEEDS TO BE RECONSIDERED.

C 1/4, S33

2640' +/-

PROPOSED ACCESS ROAD

2640' +/-

North

SE 1/4 SE 1/4 SE 1/4,
S33, T29N, R5W, S.M.
10 ACRES +/-

D & S ALASKA
TRAIL RIDES, INC.

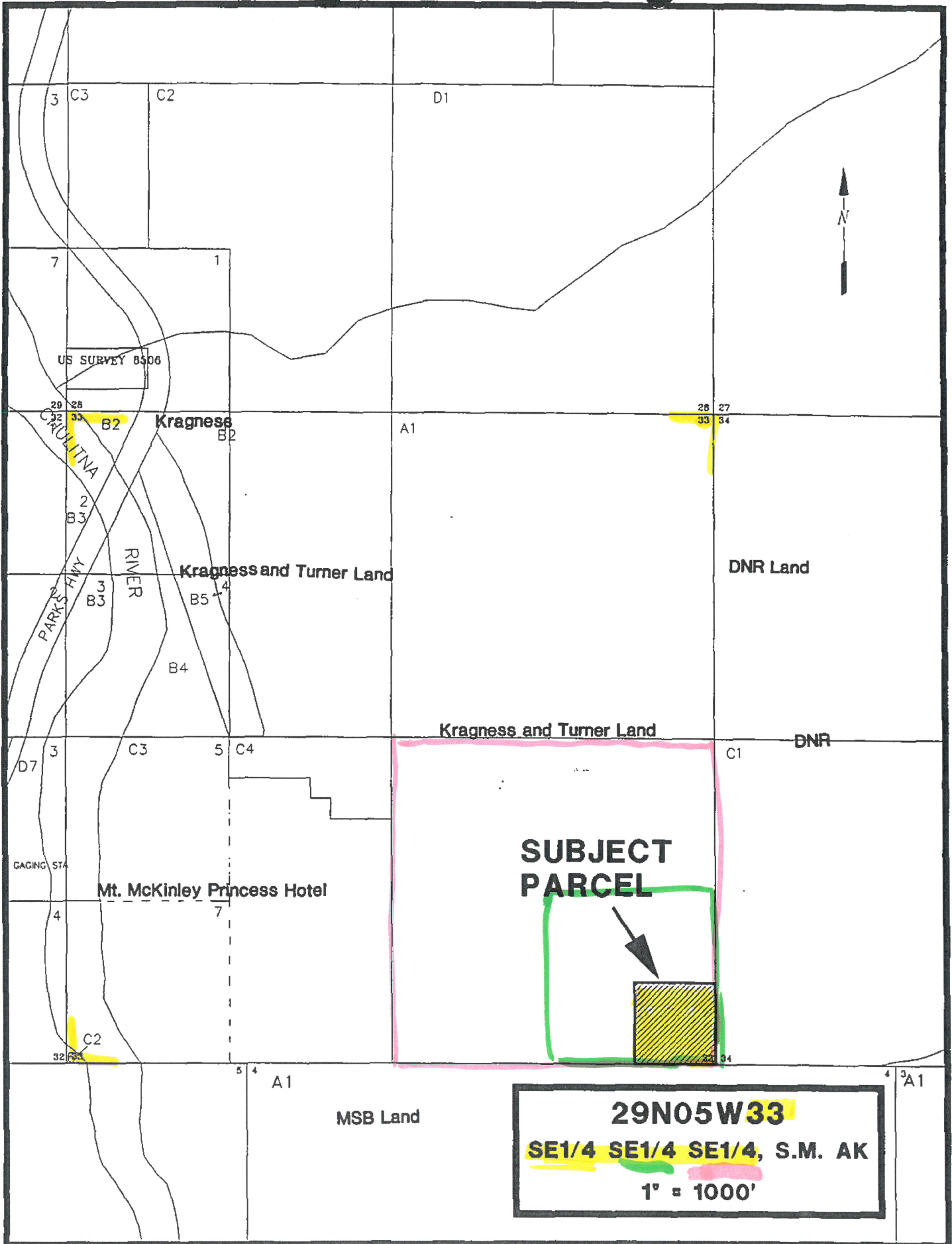
S 1/4, S33

T29N
T28N

33 34 4 3

660' +/-

2640' +/-



MATANUSKA-SUSITNA BOROUGH



350 East Dahlia Avenue, Palmer, Alaska 99645-6488

Planning and Land Use Department
Code Compliance Division (907) 745-9861
FAX (907) 745-9876

APPLICATION FOR A CONDITIONAL USE PERMIT WITHIN THE DENALI STATE PARK SPECIAL LAND USE DISTRICT

Please read application carefully and fill out forms completely

Parcel ID# 29N05WS33SE1/4SE1/4 Tax Map # CY Permit # C9702
Project Location: Section 33 Township 29N Range 5W, Seward Meridian, Alaska
Subdivision: _____ Block _____ Lot _____
(US Survey, Aliquot Part, etc.) _____
Street Address: Approx MP 132 Parks Highway Vicinity: Sam Turner & Sunny Kragness
Lot Size: 10 Acres Square Feet: 435,600

If the applicant is not the owner of record, a letter of authorization signed by the owner must be attached.

Owner: Sam Turner & Sunny Kragness Applicant: Steven K Van Treda
Address: P.O. Box 13125 Address: P.O. Box 1437
Phone: _____ (work) 745-2581 (home) Phone: _____ (work) 745-2207 (home)

Type of Project: Horseback Trail Rides / Wagon Rides facility
Describe: Horse corral / Pole Barn

Residential: _____ Commercial: X Industrial: _____
New Structure: ✓ Addition: _____ Alteration/Remodel: _____
Repair/Replacement: _____ Relocation: _____

Is a sign part of this project: N/A

Number of stories above finish grade 1 Height of structure above finish grade: 25

Total Gross Square Footage of Building 1280 sqft

Does the property have water frontage: NO Name of Waterbody: N/A

This project will have access to what street: Parks Highway to Private Rd.

Driveway permit required: State Borough X N/A

Wastewater Disposal System: Holding Tank Septic Tank

 Public/Community System Other Portable Latrines

Drinking Water System: Existing Proposed Public/Community System

 Well Classification in accordance with State of Alaska, Department of Environmental Conservation (ADEC) requirements

ADEC Certification required: Yes X No

Attach a site plan, prepared by a registered professional engineer/architect, indicating the following items:

- a. Scale
- b. North arrow
- c. Structures, new and existing
- d. Signs, fences, loading docks
- e. Parking areas and number of parking spaces
- f. Driveways
- g. Well
- h. Wastewater disposal system
- i. Lot lines
- j. All waterbodies
- k. Roads and rights-of-way (show names)
- l. Easements (utility, public access, etc.)
- m. Areas of excavation/fill
- n. Distance between: structures, structures and lot lines, structures and waterbodies at closest point
- o. Visual screening
- p. Buffering
- q. Drainage pattern
- r. Vehicular and pedestrian circulation patterns

A building elevation may be required.

Is a groundwater monitoring plan required: Yes X No

Is a reclamation plan required: Yes X No

There may be other federal, state and local requirements governing land use. It is the responsibility of the individual developer/land owner to obtain a determination whether such requirements apply to the development of their land.

Letter of Authorization attached: ✓ Yes No Not applicable

Application fee paid: 100.00 Date: 2-21-97

Application acceptance date:

CERTIFICATION

I certify that the representation made in this application and accompanying site plan(s) are true and I agree, should the permit be issued, to comply with conditions placed on the permit.

2/20/97
(Date)

Steven K. Van Treda
(Owner or Authorized Agent)

cc/duw\Borocode\DenliPer
10/12/93

FROM : Panasonic FAX SYSTEM

PHONE NO. :

May. 07 1996 06:14PM P1

K & T Enterprises

P.O. Box 13409
Trapper Creek, AK 99683

February 18, 1997

D & S Trails
P.O. Box 1437
Palmer, AK 99645

RE: Request To Lease With Option To Purchase Land In SE ¼, S. 33, T.29N., R. 5W., S.M.

Mr. Van Troba:

K & T Enterprises is willing to lease to D & S Trails with option to purchase an acreage within the above referenced ¼ Section contingent upon the following:

1. An agreement is reached that is satisfactory to both the Lessor and Lessee.
2. Said agreement is in compliance with the "First Right of Refusal and Restrictive Covenants" between Lessor and AHP regarding said property.
3. AHP does not exercise it's option to purchase said property.
4. D & S Trails use of property, whether business or personal, must be in compliance of any regulations, agreements, and or laws that presently apply to said acreage.

If you should need any further information regarding this matter, please contact myself or Sam Turner.

Happy Trails,

Leonard Kragness

Leonard Kragness

Leonard Kragness
Copy to AHP (Princes Tours)

*Steven K. Van Troba is
authorized to apply for a Conditional
Use Permit on this land.
Leonard Kragness*

Matanuska-Susitna Borough
Code Compliance

FEB 21 1997

D & S Alaska Trail Rides Inc.
P.O. Box 1437
Palmer, Alaska 99645
Tel/Fax (907)-754-2208

RECEIVED BY: _____

February 17, 1997

Matanuska-Susitna Borough
Planning Commission
Assembly Members
East Dahlia
Palmer, Ak 99645-6488

Reference: STATEMENT OF PURPOSE for Mat-Su Borough Planners and Assembly

Following is D & S Alaska Trail Rides Inc. application and documentation for a Conditional Use Permit in the Mat-Su Borough's, Denali State Park Special Land Use District. Our proposal is to establish a horse and wagon ride seasonal (May - September) operations facility at Mile 132 of the Parks Highway, just east of the Mt. McKinley Princess Lodge. The site is well situated for horse rides and wagon tours by visitors to Denali State Park and the Mat-Su Borough. The proposed site incorporates zoning requirements set forth by Borough Ordinance, Chapter 17.17.

D & S Alaska Trail Rides Inc. Plans conform to the requirement stated in Article 1, GENERAL PROVISIONS, Section 17.17.020, PURPOSE. - The area within the boundaries of this special land use district is zoned for recreational uses. D & S Alaska Trail Rides Inc. planned operations are of a recreational nature and for the support of like activities. Guided horse riding and wagon ride operations will include sightseeing and trail riding in remote locations of Denali State Park. The guests will be transported from Mt. McKinley Princess Lodge to the horseback riding trail head.

D & S Alaska Trail Rides Inc. permit application fulfills the requirement of; ARTICLE 11, Section 17.17.060 CONDITIONAL USES, A. 5, commercial uses; and all requirements of ARTICLE 11, SECTION 17.17.080 through SECTION 17.17.130, (see below), as well as meeting the requirements of ARTICLE 11 GENERAL STANDARDS, SECTION 17.17.180, A.2, the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in question; as follows:

SECTION 17.17.080 COMPLIANCE. - No building, structure, land or water area located within this special land use district shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, repaired, or structurally altered except in conformity with regulations in this chapter and D & S Alaska Trail Rides Inc. Plans conform with regulations in this chapter and D & S

Alaska Trail Rides Inc. does not propose any use stated in ARTICLE 11 SECTION 17.17.070, PROHIBITED USES.

SECTION 17.17.080 COMPLIANCE- D & S Alaska Trail Rides Inc. Plan is to haul five hundred gallons of water per day from Mt. McKinley Princess Lodge water system, for the use of watering the horses.

SECTION 17.17.090 BUILDING HEIGHT LIMITS. - The maximum building height shall be 35 feet above finished grade.

D & S Alaska Trail Rides Inc. plans a maximum height of 25 feet in our currently proposed buildings. The pole barn will be open sided with a roof, 20x64 with 1,280 square feet. Our storage vans and camp trailers are on wheels so they are moveable.

SECTION 17.17.100 LOT AREA. - The minimum lot area for any use shall be ten acres. The lot length to width ratio shall be a maximum of 1:3 and a minimum of 1:1. The site proposed by D & S Alaska Trail rides Inc. is approximately 10 acres in size with length and width measurements nearly equal.

SECTION 17.17.110 SETBACK REQUIREMENTS; - Except for signs, no structure shall be erected within 75 feet of the right-of-way of the George Parks Highway. Proposed site plans locate our ten acres two and half miles from the George Parks Highway.

SECTION 17.17.120 VEGETATION BUFFER; - A natural vegetation buffer shall be maintained for a minimum of 50 feet from the right-of-way of the George Parks Highway.

D & S Alaska Trail Rides Inc. proposed facility will be located on ten acres SE1/4 SE1/4 SE1/4 S33 T28N, R5W,5M corner of Sam Turner and Sunny Kragness 160 acres, to the east of Mt. McKinley Princess Lodge. This area has natural buffer vegetation which will remain to an acceptable extent. D & S Alaska Trail Rides Inc. plans to keep the natural buffer vegetation.

SECTION 17.17.130 SIGNS, - no signs: on top of building, flashing, rotating, animated, or intermittent lighted. Signs also cannot exceed 32 square feet in area and are regulated by CFR's.

D & S Alaska Trail Rides Inc. proposes two sign possibilities. Our first proposal is to seek placement within the Parks Highway right of way to place a sign near the Mile 132 and Mile 130, within view of highway motorists. D & S Alaska Trail Rides Inc. understands that an airspace lease must be secured through the Alaska State Department of Transportation.

D & S Alaska Trail Rides Inc. planned operations meets all of the requirements stated in Article 11 Section 17.17.180 GENERAL STANDARDS,A.;- the conditional use will not detract from the value, character, or integrity of Denali State Park:

Our proposed activities will add to the value, character, and integrity of Denali State Park (DSP) by creating a low impact means of access to acres of the park otherwise inaccessible. We anticipate using ten horses offering Denali State Park and Mat-Su Borough visitors sightseeing tours by guided horseback. Horses are an environmentally sound means of access to remote areas of the park. When compared to other means of access, long term impacts are negligible. Without the noise from a helicopter operations and other aircraft that would have flight paths over the remote reaches of Denali State Park and Denali National Park.

D & S Alaska Trail Rides Inc. proposal meets the requirement of ARTICLE 11 GENERAL STANDARDS, SECTION 17.17.180, A. 3; - granting the conditional use permit will not be harmful to the public health, safety, convenience and welfare; D & S Alaska Trail Rides Inc. proposed facility will enhance public health, safety, convenience, and welfare in several ways.

We would provide additional protection of sealed storage van to store our horse grain, making a safe place to store grain in without traction of bears.

We have the experience of fulfilling various needs for emergency response to the Denali State Park and Denali National Park. The addition of our horses based in this region of the would provide for an additional level of emergency response for residents as well as visitors to the northern reaches of the Mat-Su Borough. When weather prohibits helicopters and aircraft from flying.

D & S Alaska Trail Rides Inc. planned operations will provide several job opportunities for local residents. D & S Alaska Trail Rides Inc. prefers to hire locally if qualified applicants are available.

Local revenues will be realized by businesses in the area. D & S Alaska Trail Rides will seek local suppliers in the area for construction and operational requirements. Trickle down effects of revenue and wage earnings from D & S Alaska Trail Rides Inc. planned operations will provide economic benefits to the area indirectly.

D & S Alaska Trail Rides Inc. proposal meets all requirements of ARTICLE 11 SECTION 17.71.180, A.4; - sufficient access, setbacks, lot area, parking spaces, buffers, and other safeguards are being provided to meet the conditions; as follows:

Sufficient parking will be provided at Mt. McKinley Princess Lodge also and sufficient turnaround space will be provided at D & S Alaska Trail Rides Inc. ten acres trail head site.

Lot Area, Setbacks, and buffers are identified in previous descriptions above.

D & S Alaska Trail Rides Inc. proposal will meet the commissions requirements of ARTICLE 111, SECTION 17.17.180, A.5; - if the permit is for public use or structure,

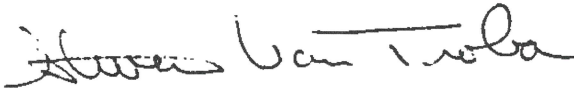
the commission must find that the proposed use or structure is located in a manner which will maximize public benefits; D & S Alaska Trail Rides Inc. will maximize public benefit increasing the tourism infrastructure in the area.

D & S Alaska Trail Rides Inc. proposed location benefits the public immensely through close proximity to overnight lodging at the Mt. McKinley Princess Lodge and Mary's McKinley View Lodge. Additional overnight facilities are speculated to develop in the vicinity as well. Horseback and wagon rides as an activity, is a fast growing experience of visitors to Alaska. Many highway travelers see Mt. McKinley at or near this location and desire taking horseback, or wagon ride in the untouched wilderness of Denali State Park and the Talkeetna Mountains. The proposed location will help to meet visitor expectations of an "experience of a lifetime" activity by enhancing this area of the Mat-Su Borough.

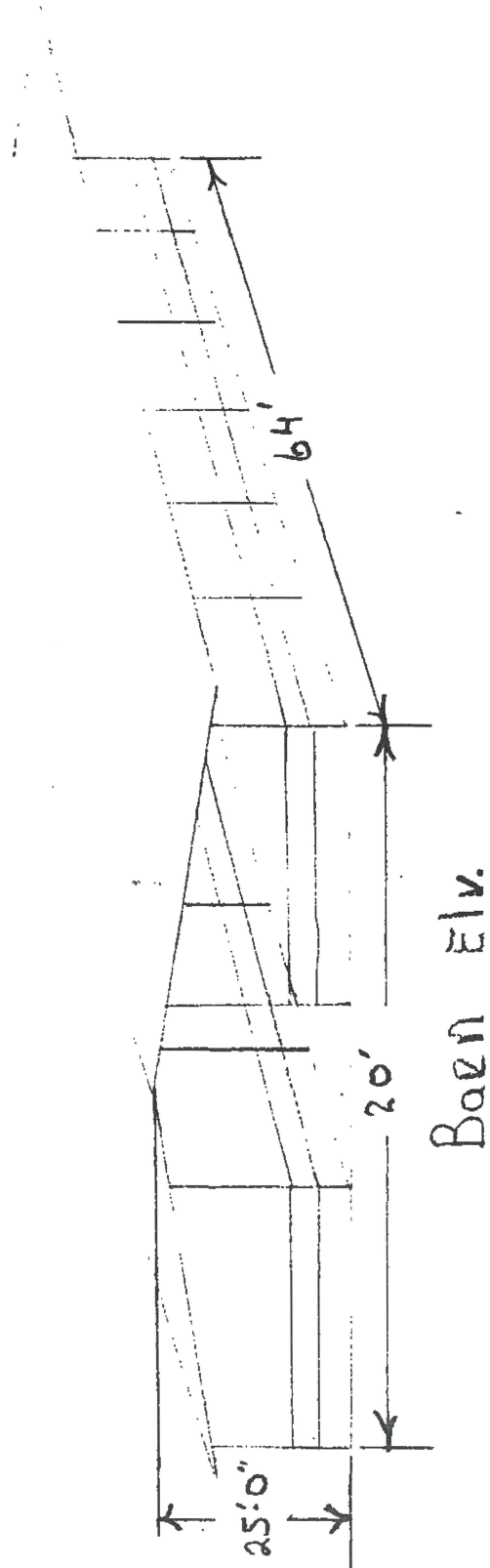
D & S Alaska Trail Rides Inc. proposed facility, by meeting the requirements of the Denali State Park Special Land Use District, will offer visitors quality experiences in the Mat-Su Borough which they seek.

If you have any questions about this statement of our proposed use or about the Conditional Land Use Permit Application, you can direct them to Steve Van Troba at (907)-745-2208

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Van Troba", written in a cursive style.

Steve Van Troba



not Scale

D & S Alaska Trail Rides Inc.
P.O. Box 1437
Palmer, Alaska 99645
Tel/Fax (907)-754-2208

April 2, 1997

Matanuska-Susitna Borough
Planning Commission
Assembly Members
East Dahlia
Palmer, Ak 99645-6488

Reference: STATEMENT OF PURPOSE for Mat-Su Borough Planners and Assembly

Following is D & S Alaska Trail Rides Inc. application and documentation for a Conditional Use Permit in the Mat-Su Borough's, Denali State Park Special Land Use District. Our proposal is to establish a horse and wagon ride with goldpanning offered seasonal (May - September) operations facility at Mile 133 of the Parks Highway, just east of the Mt. McKinley Princess Lodge. The site is well situated for horse rides and wagon tours by visitors to Denali State Park and the Mat-Su Borough. The proposed site incorporates zoning requirements set forth by Borough Ordinance, Chapter 17.17.

A handwritten signature in black ink, appearing to read "Steve Van Nola". The signature is fluid and cursive, with a large initial "S" and a long horizontal stroke extending to the right.

D & S Alaska Trail Rides Inc.
P.O. Box 1437
Palmer, Alaska 99645
Tel/Fax (907)-745-2208

February 19, 1997

Matanuska-Susitna Borough
Land Management Division
350 East Dahlia Avenue,
Palmer, Alaska 99645-6488

Reference: Statement of Purpose for Mat-Su Borough Land Management

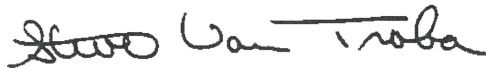
SECTION or MSB 11.10.010 through 11.10.110 - D & S Alaska Trail Rides Inc. a guided horse riding and wagon ride operations will include sightseeing and trail riding in remote locations of Denali State Park. (see attach map)

SECTION or MSB 11.10.010 through 11.10.110 - 1.- f. Trails and campsites shall be kept clean. All garbage and foreign debris shall be eliminated by removal and complete burning unless otherwise authorized. D & S Alaska Trail Rides Inc. trash policy, that is all trash will be pack out and deposited in trash bin at the trail head base site.

SECTION or MSB 11.10.010 through 11.10.110 -6.1-C. 4.- Any proposed use which will be potentially damaging to the environment or hazardous to the health, safety or welfare of the public must be carefully reviewed. Discretion should be used when coordination with other agencies which, by law or other authority, share jurisdiction over the use. Examples of these types of activities include storage of flammable or explosive materials, activities which may significantly affect anadromous fish habitat. D & S Alaska Trail Rides Inc. policy for horse manure, the horse corral and stalls will be clean on a daily base's and horse manure will be hauled to Van Troba's Tree Farm where it will be mixed with other organic material and made into organic compost.

SECTION or MSB 11.10.010 through 11.10.110-1.-b. Existing roads and trails shall be used wherever possible. Existing trail widths shall be kept to the minimum necessary. Trail surface may be cleared of down and dead timber, stumps, and snags. Due care shall be used to avoid excessive scarring or removal of ground vegetation cover. D & S Alaska Trail Rides Inc. proposal meets all requirements of SECTION or MSB 11.10.010 through 11.10.110, 1. b. - the horse path shall be no wider than 18" path surface, the horse path will go around all standing trees no tree will be cut down or removed, limbs under ten feet above the ground surface and two half feet on each side of the path will be cut back so that the rider will not be hit. The use of existing moose trails will be used, all wet ground will be avoided to protect ground vegetation cover, a bridge or board path will be build where ever the ground condition requires it. Dead timber laying across the horse path will not be removed unless the timber is too high that a horse is unable to step over it, we are trying to preserve the paths as natural as possible.

Sincerely:

A handwritten signature in black ink, appearing to read "Steve Van Troba". The signature is fluid and cursive, with a horizontal line extending from the end.

Steve Van Troba

**D & S Alaska Trail Rides Inc.
P.O. Box 1437
Palmer, Alaska 99645
Tel/Fax (907)-745-2208**

April 2, 1997

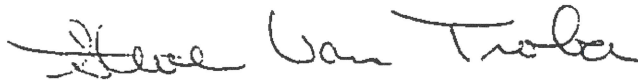
Matanuska-Susitna Borough
350 East Dahlia Avenue
Palmer, Alaska 99645-6488
Land Management Division

Dear Steve Cypra:

To answer the question on trail easement in Mat-Su Borough Land Management area for public use. D & S Alaska Trail Rides Inc. policy has been always to have our trails open to the public.

If you have and questions about this statement, you can direct them to Steve Van Troba at (907)-745-2208.

Sincerely:

A handwritten signature in cursive script that reads "Steve Van Troba".

Steve Van Troba

cc: Mat-Su Code Compliance Division



January 17, 1997

Mr. Steve Van Troba
D&S Alaska Trail Rides
P.O. Box 1437
Palmer, AK. 99645

Dear Steve:

We are pleased to inform you that we have selected D&S Alaska Trail Rides as our only Horseback riding vendor for our new property the "Mt. McKinley Princess Lodge" for the 1997 Alaska season.

As part of this service to our guests staying at our new lodge, it is agreed that you will provide a complete package to include round-trip transportation to/from the lodge and your facility. As a condition of this agreement you will need to have insurance with a minimum "B" rated carrier for a minimum passenger liability of U.S. \$1,000,000. per occurrence. In addition, you will need to provide Princess with a current Certificate of Insurance with Princess Cruises Inc., Princess Tours and Alaska Hotel Properties named as additional insured under your general liability and automobile liability insurance policies.

We are anticipating that our first guests will be arriving on May 13, 1997 and the last guests departing on September 18, 1997.

We look forward to a very successful season with D&S as one of our preferred vendors.

Sincerely,

Bob Stone,
Director of Operations, Interior & SouthCentral Alaska
Princess Tours

FROM : Panasonic FAX SYSTEM

PHONE NO. :

May. 07 1996 06:14PM P1

K & T Enterprises

P.O. Box 13409
Trapper Creek, AK 99683

February 18, 1997

D & S Trails
P.O. Box 1437
Palmer, AK 99645

RE: Request To Lease With Option To Purchase Land In SE ¼, S. 33, T.29N., R. 5W., S.M.

Mr. Van Troba:

K & T Enterprises is willing to lease to D & S Trails with option to purchase an acreage within the above referenced ¼ Section contingent upon the following:

1. An agreement is reached that is satisfactory to both the Lessor and Lessee.
2. Said agreement is in compliance with the "First Right of Refusal and Restrictive Covenants" between Lessor and AHP regarding said property.
3. AHP does not exercise it's option to purchase said property.
4. D & S-Trails use of property, whether business or personal, must be in compliance of any regulations, agreements, and or laws that presently apply to said acreage.

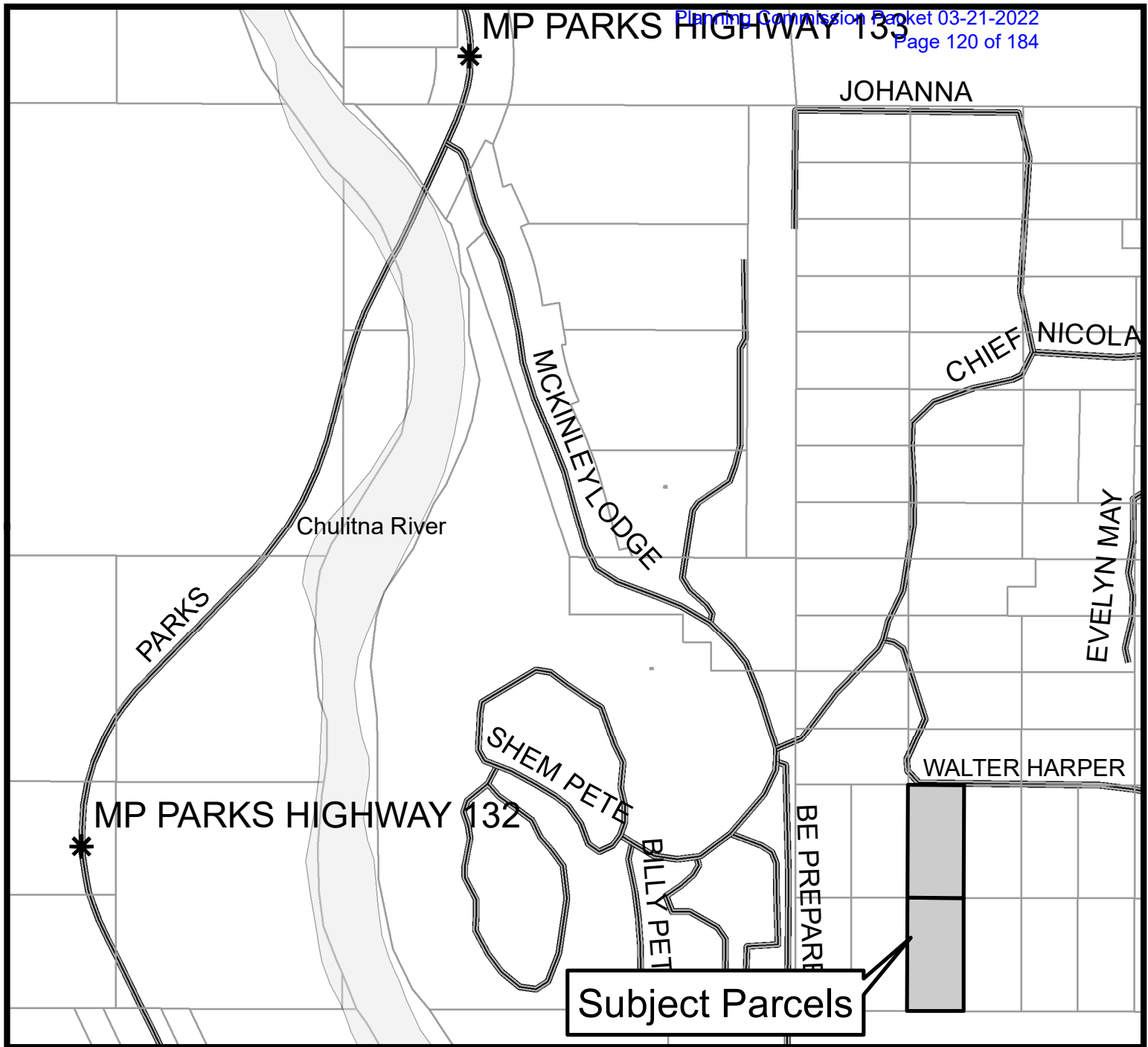
If you should need any further information regarding this matter, please contact myself or Sam Turner.

Happy Trails,


Leonard Kragness

Copy to AHP (Princes Tours)

VICINITY MAP



29N05W33D012 &
29N05W33D028

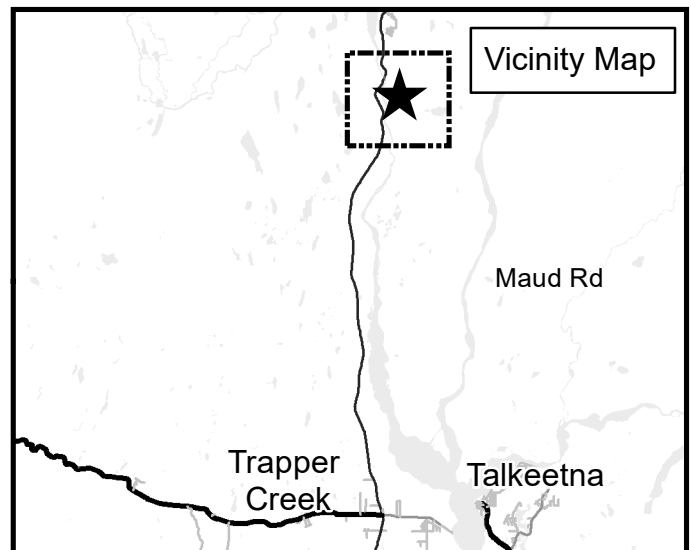


This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7801.



MSB Development Services
January 11, 2022

0 800 1,600 Feet



APPLICATION MATERIAL



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-7876

Email: permitcenter@matsugov.us

Matanuska-Susitna Borough
Permit Center

MAY 24 2021

Received

BASIC APPLICATION FOR A CONDITIONAL USE PERMIT

Carefully read instructions and applicable borough code. Fill out forms completely. Attach information as needed. Incomplete applications will not be processed.

Application fee must be attached:

\$1,000 for Conditional Use Permit

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

Subject Property Township: 29N, Range: 5W, Section: 33, Meridian 5M

MSB Tax Account # _____

SUBDIVISION: _____ BLOCK(S): _____, LOT(S): D028-D012

STREET ADDRESS: Parcel Account # 29N05W33D0124 29N05W33D028
(US Survey, Aliquot Part, Lat. /Long. etc) _____

Ownership A written authorization by the owner must be attached for an agent or contact person, if the owner is using one for the application. Is authorization attached? ☐ Yes ☐ No ☐ N/A

Name of Property Owner

Steve Van Troba

Address: P.O. Box 1437

Palmer AK 99645

Phne: Hm 745-2208 Fax same

Wk _____ Cell 232-2207

E-mail akrides@mtaonline.net

Name of Agent/ Contact for application

Steve Van Troba

Address: P.O. Box 1437

Palmer AK 99645

Phne: Hm 745-2208 Fax same

Wk _____ Cell 232-2207

E-mail akrides@mtaonline.net

PROJECT DESCRIPTION & APPLICABLE CODE

1. The proposed development requires a conditional use permit under MSB Code Chapter 17.17.
2. Attach a written, detailed project description.

Access/Driveway	Yes	No	Attached
1. This project will have access to what street(s)?	X		
2. Is the street Borough maintained, State (ADOT/PF) maintained, or Private?		X	
3. Will this project require a new or modified driveway to a street or road?		X	
4. Does this project have an existing driveway permit?		X	
5. Provide copy of driveway permit		X	

Water Supply	Yes	No
• None		
• Existing		
• Proposed		
• Private well/cistern	X	
• Public/Community		

Sewage Disposal	Yes	No
• None		
• Existing		
• Proposed		
• Pit Privy		
• Holding Tank	X	
• Septic Tank	X	
• Public/ Community		
• Other (specify)		

Nonconforming Uses and Structures	Yes	No	Attached
1. Is this an expansion of a pre-existing legal nonconforming use or structure?		X	
2. If yes, this use has lawfully existed in this location since what date?			n/a
3. If yes, has the nonconforming use been discontinued for more than 12 consecutive months since it began?		X	
4. If yes, list the date the used was discontinued and the date the use resumed.		X	
5. Describe the proposed expansion/increase of the pre-existing legal nonconforming use.		X	
6. To establish Grandfather Rights for a use, complete this form (including attachments), also include a copy of the earliest business license and other evidence of the continued existence of the use at this site since the date since the date the use became nonconforming.	X		yes

SITE PLAN – Attach a detailed site plan, drawn to scale, showing the following information: <i>(Some codes require site plans and drawings to be prepared by certified professionals)</i>	Attached
1. Setback distances of structure(s) from the lot lines, rights-of-way, and waterbodies.	✓
2. Adjacent streets, public easements and rights-of-way	✓
3. Existing and proposed buildings and structures (including tanks and chemical processing equipment)	✓
4. Access points	✓
5. Buffering – Visual and Sound	✓
6. Vehicular and pedestrian circulation patterns	✓
7. Location and dimensions of parking areas to be provided, including individual parking spaces	✓
8. Loading areas	✓
9. Storage and processing areas	✓
10. Lighting	✓
11. Topography	✓
12. Drainage management plan	
13. Sources of noise	
14. Fences	✓
15. Berms	
16. Landscaping	
17. Signage	
18. Scale and North Arrow	✓

DIMENSIONAL DRAWING(S) – Attach a dimensional drawing of the horizontal views of the structure(s), drawn to scale, showing the following information: <i>(*If more than one structure is proposed, attach requested information about each.)</i>	Attached
1. Dimensions of all structures	✓
2. Modifications	
3. Identify use areas with locations and dimensions	✓
4. Delineate areas of expansion or change in use	
5. Other details sufficient to adjudicate the application	
6. Fill – Cubic Yards	
7. Excavation – Cubic Yards	
8. Scale and North Arrow	✓

OTHER PERMITS, COVENANTS, PLAT NOTES, DEED RESTRICTION, ETC. <i>It is the responsibility of the owner and applicant to identify and comply with all applicable private restrictions such as covenants and plat notes, as well as all local, state and federal regulations applicable to this development and to obtain all necessary authorizations and permits. Any commercial use requires State and Borough business license. City business licenses may also be required. State Fire Marshall's review may be required for state fire and building codes.</i>	Attached	Applied For
Permit Name/#		
Permit Name/#		
Permit Name/#		
Permit Name/#		

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

MSB Tax parcel ID #(s) _____ and,
I hereby apply for approval conditional use permit on that property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB _____ 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 conditional use permit 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.

Steve Van Trosba Steve Van Trosba 5/24/21
Signature: Property Owner Printed Name Date

Steve Van Trosba Steve Van Trosba 5/20/21
Signature: Agent Printed Name Date

Adopted: 08/03/21

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 21-085**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY WAIVING THE FEE FOR A CONDITIONAL USE PERMIT WITHIN DENALI STATE PARK SPECIAL LAND USE DISTRICT.

WHEREAS, MSB 17.17 Denali State Park Special Land Use District was adopted in 1991; and

WHEREAS, a conditional use permit is required for all commercial uses within the boundary of the district; and

WHEREAS, in 1997 Steven K. Van Troba doing business as Alaska Trail Rides Inc. was issued a conditional use permit for operation of a seasonal trail wagon ride business and tourist-oriented gold panning operation within the boundary of the district; and

WHEREAS, the conditional use permit and associated application material were for Southeast 1/4 Southeast 1/4 Southeast 1/4 of Township 29 North, Range 5 West, Section 33, Seward Meridian; and

WHEREAS, the business was erroneously developed on a separate, unpermitted property, approximately 1000 feet west of the permitted property; and

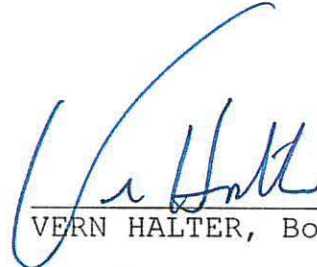
WHEREAS, the business operated nearly 20 years without complaint but the operator would like to modify the conditional use permit in order to accurately reflect the location of the business; and

WHEREAS, the fee for modification of a Denali State Park conditional use permit is \$1,500.

NOW, THEREFORE, BE IT RESOLVED, the fee for a conditional use permit for a commercial use within the Denali State Park Special Land Use District on parcels 29N05W33D012 and 29N05W33D028 is hereby waived.

BE IT FURTHER RESOLVED, this is a one-time fee waiver and shall expire two years from the date of adoption of this resolution.

ADOPTED by the Matanuska-Susitna Borough Assembly this 3 day of August, 2021.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Tew, Sumner, and Boeve

December 13, 2021

D & S Alaskan Trail Rides, Inc.

P. O. Box 1437

Palmer, Alaska 99645

Dear Mark Whisenhunt

To answer the question on Lot Lines at Mile 133 Parks Hwy.

Pamela Ness met me up at the stables and took pictures and said everything looked fine.

As far, as the survey aerial as belt, the pictures that you have are for reference purposes only, not for the survey.

If the borough doesn't agree with my measurements and that I have to move the barn. Which I have done this already for the lot lines. I have proved to the best of my ability the lot Lines, than the borough has to provide D & S Alaskan Trail Rides, Inc. with lot line markers.

Sincerely,

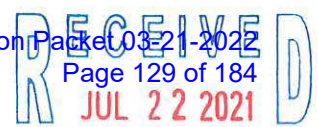
A handwritten signature in blue ink that reads "Steve Van Troba". The signature is fluid and cursive, with the first name "Steve" being more prominent.

Steve Van Troba

Owner D & S Alaskan Trail Rides, Inc

CC: file

RECEIVED
DEC 13 2021
Mat-Su Borough
Development Services

Mat-Su Borough
Development Services

July 21, 2021

Addressing issues for D & S Alaskan Trail Rides, Inc.

Parking:

D & S Alaskan Trail Rides, Inc. has no public parking. D & S Alaskan Trail Rides, Inc. uses 2 vans to pick up guest at the lodge and transport them back to the stables. There is company parking and employee parking on the north end of the barn out of the way of the vans and guest.

The wagon ride ~~picks~~ picks up the guest from the lodge and rides on the subdivision road to the Gazebo and then back to the lodge.

Buffer

The buffer area around the stables is heavy wooded and is not visible from any road.

Access

Access to the stable is off a subdivision road in which is maintained by D & S Alaskan Trail Ride, Inc. in the summer and Paul Kragness in the winter.

Drainage

Water drainage is to the west of the bunk house and the barn water drainage is managed by D & S Alaskan Trail I Rides to prevent any pooling or standing water around the stables and drains into the ground surface.

Horse Pasture

The horses are contained in an electric fence west of the barn. The Horses are kept in the barn during the day and out in the pasture at night. Also 1 wrangler is always in the lookout in case fence goes off.

Scale

The Scale used is Architect scale 3/32 of an inch.

Lot Lines

Barn has been moved so there is a 10' separation between the lot line and any structure indicated in the drawings.

Fees'

D & S Alaskan Trail Rides, Inc. is asking the borough to suspend the \$1,000.00 conditional use permit application fee. This fee was paid in 1997 and a mistake was made either by the borough or D & S Alaskan Trail Rides, Inc. in 1997. The borough found the mistake in 2019 after operating for 20 years, the current lots have been changed, to lot 55 and 56.

An As-Built Survey

The land that D & S has was native land and has not been in a survey, Craig Hanson Surveying Company informed D& S Alaskan Trail Rides, inc. that it would cost roughly between 14,000 to 16,000 to have it surveyed. D & S Alaskan Trail Rides, Inc. leased this property from Leonard Kragness who owned the property before selling Lot 55 and 56 to D & S Alaskan Trail Rides, Inc. in 2019. D & S Alaskan Trail Rides, Inc. has been closed for the past 2 years because of Covid 19. So money is very tight, D & S Alaskan Trail Rides, Inc. is using what money it has to feed the horses and pay D & S Alaskan Trail Rides Inc.

MAY 24 2021

Received

D & S Alaska Trail Rides Inc.
P.O. Box 1437
Palmer, Alaska 99645
Tel/Fax (907)-754-2208

RECEIVED
JAN 22 2019
PERMIT CENTER

Matanuska-Susitna Borough
Planning Commission
Assembly Members
East Dahlia
Palmer, Ak 99645-6488

Reference: STATEMENT OF PURPOSE for Mat-Su Borough Planners and Assembly

Following is D & S Alaska Trail Rides Inc. application and documentation for a Conditional Use Permit in the Mat-Su Borough's, Denali State Park Special Land Use District. Our proposal is to establish a horse and wagon ride seasonal (May - September) operations facility at Mile 132 of the Parks Highway, just east of the Mt. McKinley Princess Lodge. The site is well situated for horse rides and wagon tours by visitors to Denali State Park and the Mat-Su Borough. The proposed site incorporates zoning requirements set forth by Borough Ordinance, Chapter 17.17.

D & S Alaska Trail Rides Inc. Plans conform to the requirement stated in Article 1. GENERAL PROVISIONS, Section 17.17.020, PURPOSE. - The area within the boundaries of this special land use district is zoned for recreational uses.

D & S Alaska Trail Rides Inc. planned operations are of a recreational nature and for the support of like activities. Guided horse riding and wagon ride operations will include sightseeing and trail riding in remote locations of Denali State Park. The guests will be transported from Mt. McKinley Princess Lodge to the horseback riding trail head.

D & S Alaska Trail Rides Inc. permit application fulfills the requirement of; ARTICLE 11, Section 17.17.060 CONDITIONAL USES, A. 5, commercial uses; and all requirements of ARTICLE 11, SECTION 17.17.080 through SECTION 17.17.130, (see below), as well as meeting the requirements of ARTICLE 11 GENERAL STANDARDS, SECTION 17.17.180, A.2, the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in question; as follows:

SECTION 17.17.080 COMPLIANCE. - No building, structure, land or water area located within this special land use district shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, repaired, or structurally altered except in conformity with regulations in this chapter and D & S Alaska Trail Rides Inc. Plans conform with regulations in this chapter and D & S

Alaska Trail Rides Inc. does not propose any use stated in ARTICLE 11 SECTION 17.17.070, PROHIBITED USES.

SECTION 17.17.080 COMPLIANCE- D & S Alaska Trail Rides Inc. Plan is to haul five hundred gallons of water per day from Mt. McKinley Princess Lodge water system, for the use of watering the horses.

SECTION 17.17.090 BUILDING HEIGHT LIMITS. - The maximum building height shall be 35 feet above finished grade.

D & S Alaska Trail Rides Inc. plans a maximum height of 25 feet in our currently proposed buildings. The pole barn will be open sided with a roof, 20x64 with 1,280 square feet. Our storage vans and camp trailers are on wheels so they are moveable.

SECTION 17.17.100 LOT AREA. - The minimum lot area for any use shall be ten acres. The lot length to width ratio shall be a maximum of 1:3 and a minimum of 1:1.

The site proposed by D & S Alaska Trail rides Inc. is approximately 10 acres in size with length and width measurements nearly equal.

SECTION 17.17.110 SETBACK REQUIREMENTS; - no structure shall be erected within 75 feet of the right-of-way of the George Parks Highway. Proposed site plans locate our ten acres two and half miles from the George Parks Highway.

SECTION 17.17.120 VEGETATION BUFFER; - A natural vegetation buffer shall be maintained for a minimum of 50 feet from the right-of-way of the George Parks Highway.

D & S Alaska Trail Rides Inc. proposed facility will be located on ten acres ^{29N05} ^{W33 D0124 D028 ownr Steve Van Troka} 160 acres, to the east of Mt. McKinley Princess Lodge. This area has natural buffer vegetation which will remain to an acceptable extent. D & S Alaska Trail Rides Inc. plans to keep the natural buffer vegetation.

SECTION 17.17.130 SIGNS, - no signs: on top of building, flashing, rotating, animated, or intermittent lighted. Signs also cannot exceed 32 square feet in area and are regulated by CFR's.

D & S Alaska Trail Rides Inc. planned operations meets all of the requirements stated in Article 111 Section 17.17.180 GENERAL STANDARDS, A.;- the conditional use will not detract from the value, character, or integrity of Denali State Park:

Our proposed activities will add to the value, character, and integrity of Denali State Park (DSP) by creating a low impact means of access to acres of the park otherwise inaccessible. We anticipate using ten horses offering Denali State Park and Mat-Su Borough visitors sightseeing tours by guided horseback. Horses are an environmentally sound means of access to remote areas of the park. When compared to other means of access, long term impacts are negligible. Without the noise from a helicopter operations and other aircraft that would have flight paths over the remote reaches of Denali State Park and Denali National Park.

D & S Alaska Trail Rides Inc. proposal meets the requirement of ARTICLE 11 GENERAL STANDARDS, SECTION 17.17.180, A. 3; - granting the conditional use permit will not be harmful to the public health, safety, convenience and welfare; D & S Alaska Trail Rides Inc. proposed facility will enhance public health, safety, convenience, and welfare in several ways.

We would provide additional protection of sealed storage van to store our horse grain, making a safe place to store grain in without traction of bears.

We have the experience of fulfilling various needs for emergency response to the Denali State Park and Denali National Park. The addition of our horses based in this region of the would provide for an additional level of emergency response for residents as well as visitors to the northern reaches of the Mat-Su Borough. When weather prohibits helicopters and aircraft from flying.

D & S Alaska Trail Rides Inc. planned operations will provide several job opportunities for local residents. D & S Alaska Trail Rides Inc. prefers to hire locally if qualified applicants are available.

Local revenues will be realized by businesses in the area. D & S Alaska Trail Rides will seek local suppliers in the area for construction and operational requirements. Trickle down effects of revenue and wage earnings from D & S Alaska Trail Rides Inc. planned operations will provide economic benefits to the area indirectly.

D & S Alaska Trail Rides Inc. proposal meets all requirements of ARTICLE 11 SECTION 17.71.180, A.4; - sufficient access, setbacks, lot area, parking spaces, buffers, and other safeguards are being provided to meet the conditions; as follows:

Sufficient parking will be provided at Mt. McKinley Princess Lodge also and sufficient turnaround space will be provided at D & S Alaska Trail Rides Inc. ten acres trail head site.

Lot Area, Setbacks, and buffers are identified in previous descriptions above.

D & S Alaska Trail Rides Inc. proposal will meet the commissions requirements of ARTICLE 111, SECTION 17.17.180, A.5; - if the permit is for public use or structure,

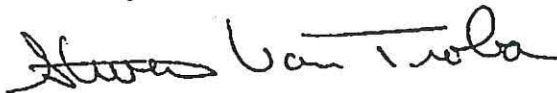
the commission must find that the proposed use or structure is located in a manner which will maximize public benefits; D & S Alaska Trail Rides Inc. will maximize public benefit increasing the tourism infrastructure in the area.

D & S Alaska Trail Rides Inc. proposed location benefits the public immensely through close proximity to overnight lodging at the Mt. McKinley Princess Lodge and Mary's McKinley View Lodge. Additional overnight facilities are speculated to develop in the vicinity as well. Horseback and wagon rides as an activity, is a fast growing experience of visitors to Alaska. Many highway travelers see Mt. McKinley at or near this location and desire taking horseback, or wagon ride in the untouched wilderness of Denali State Park and the Talkeetna Mountains. The proposed location will help to meet visitor expectations of an "experience of a lifetime" activity by enhancing this area of the Mat-Su Borough.

D & S Alaska Trail Rides Inc. proposed facility, by meeting the requirements of the Denali State Park Special Land Use District, will offer visitors quality experiences in the Mat-Su Borough which they seek.

If you have any questions about this statement of our proposed use or about the Conditional Land Use Permit Application, you can direct them to Steve Van Troba at (907)-745-2208

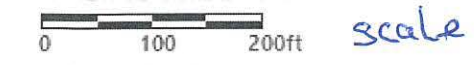
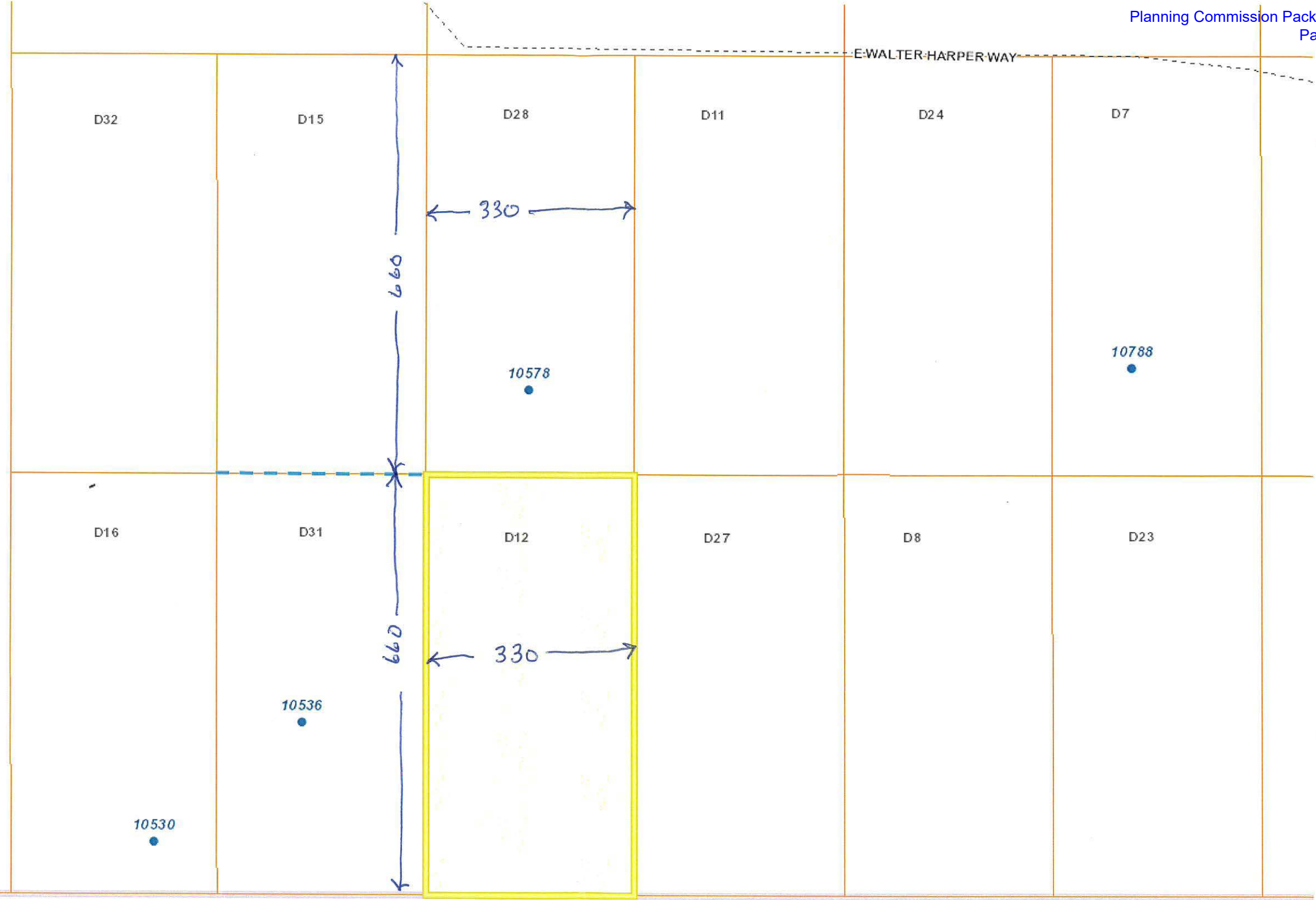
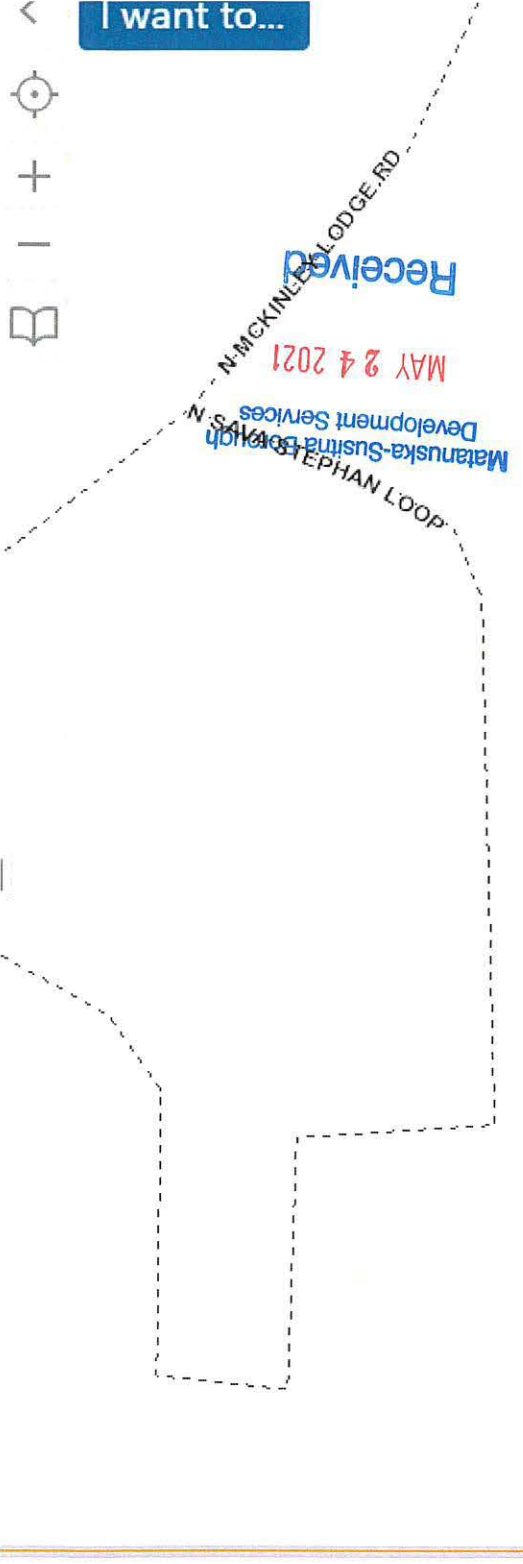
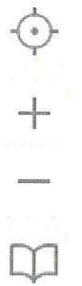
Sincerely,

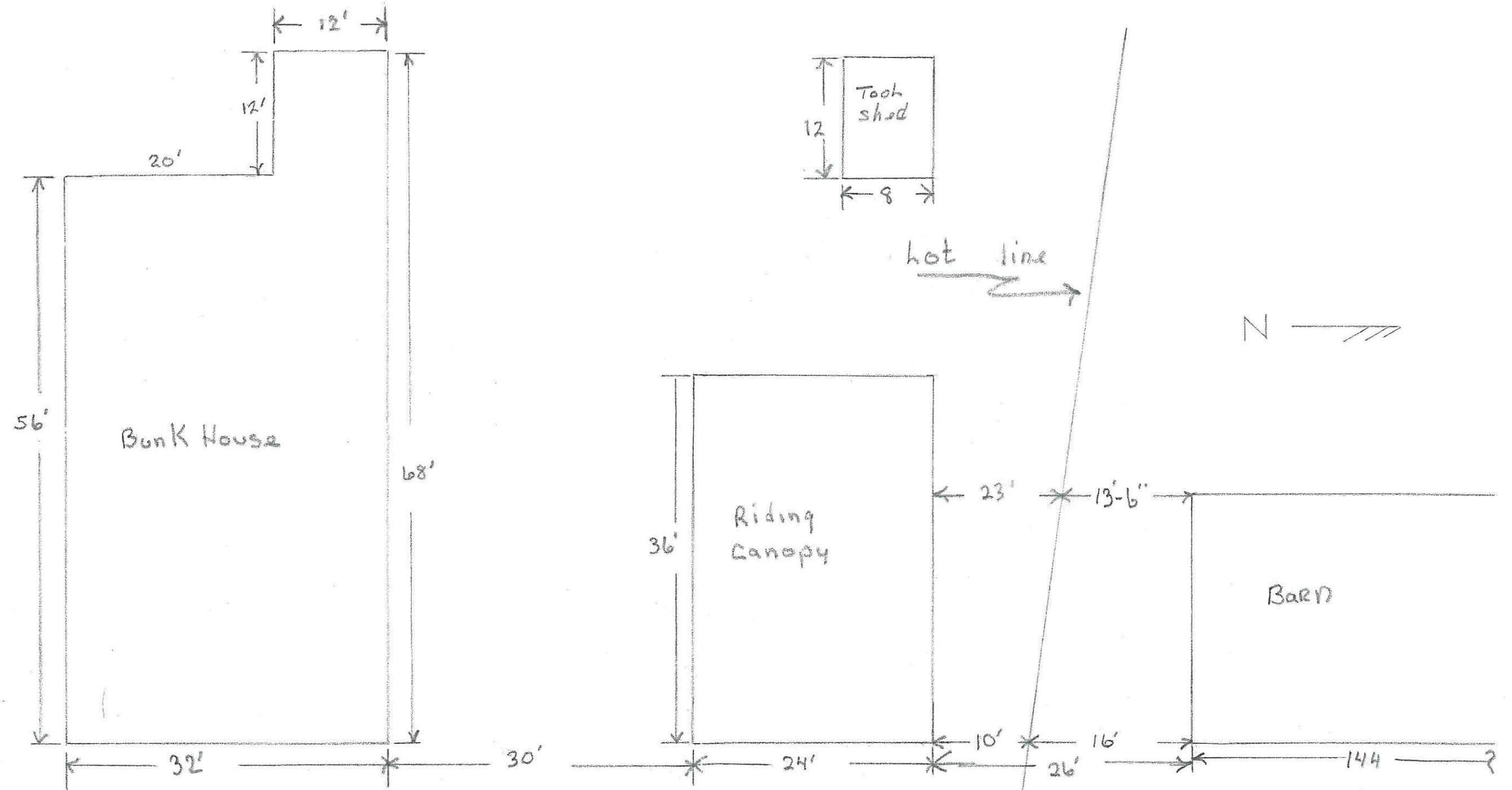
A handwritten signature in black ink, appearing to read "Steve Van Troba", written in a cursive style.

Steve Van Troba

SITE PLAN

I want to...



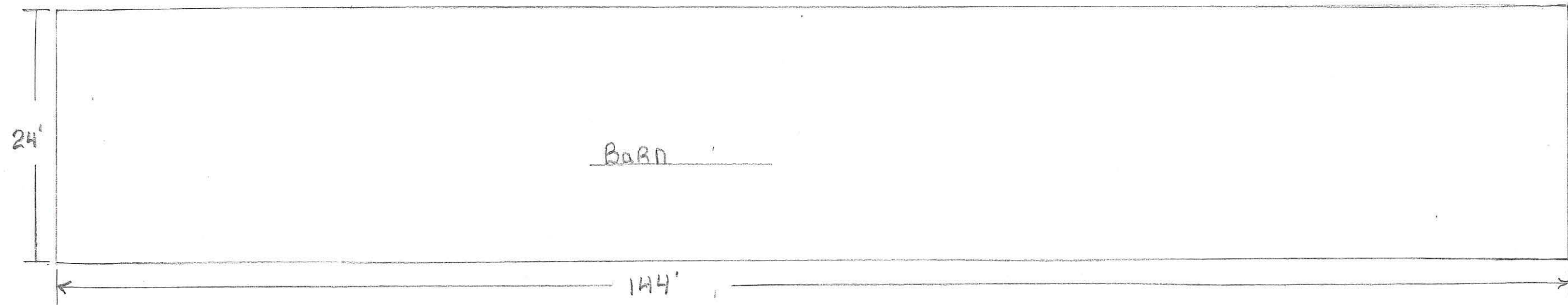


Matanuska-Susitna Borough
Development Services

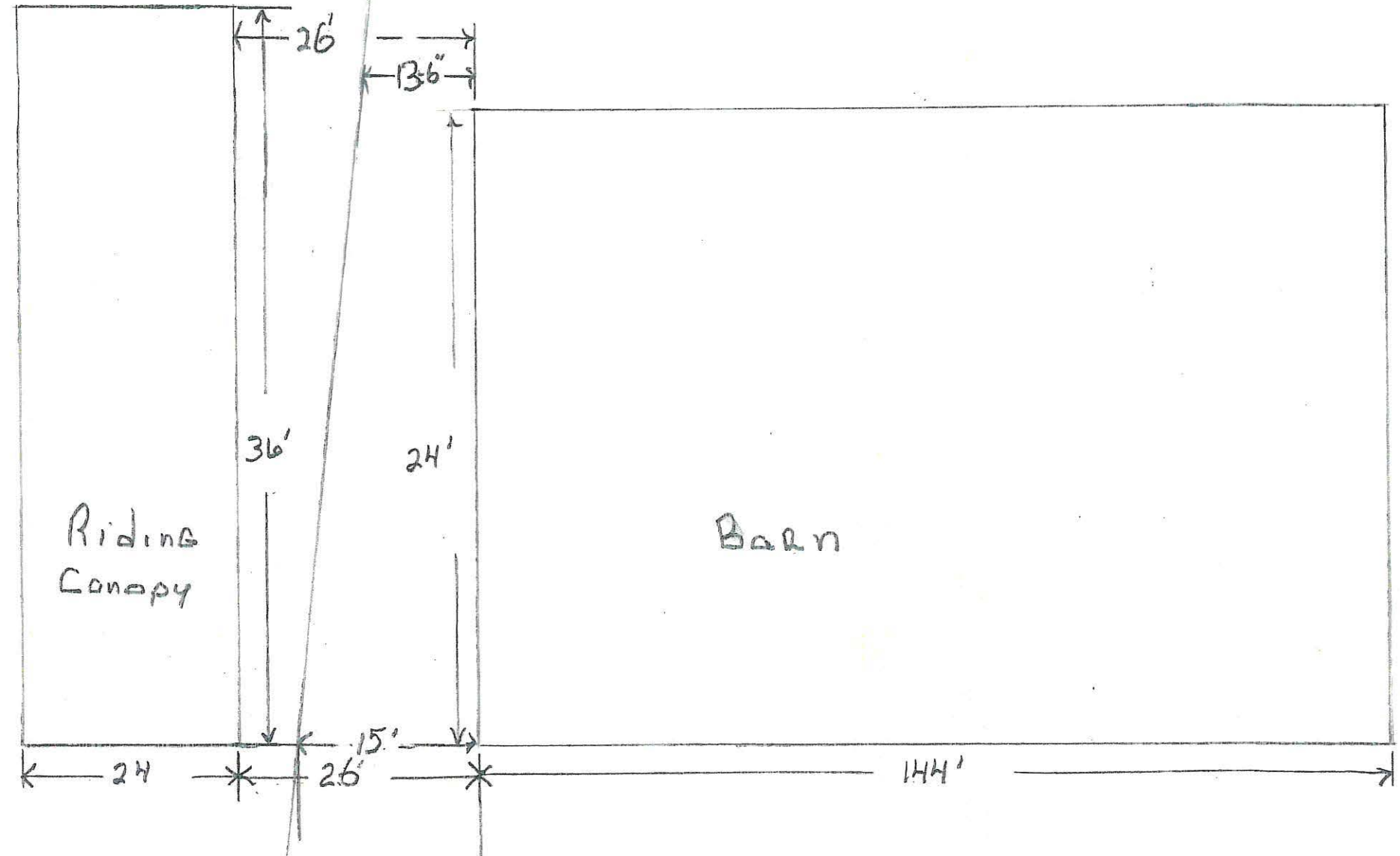
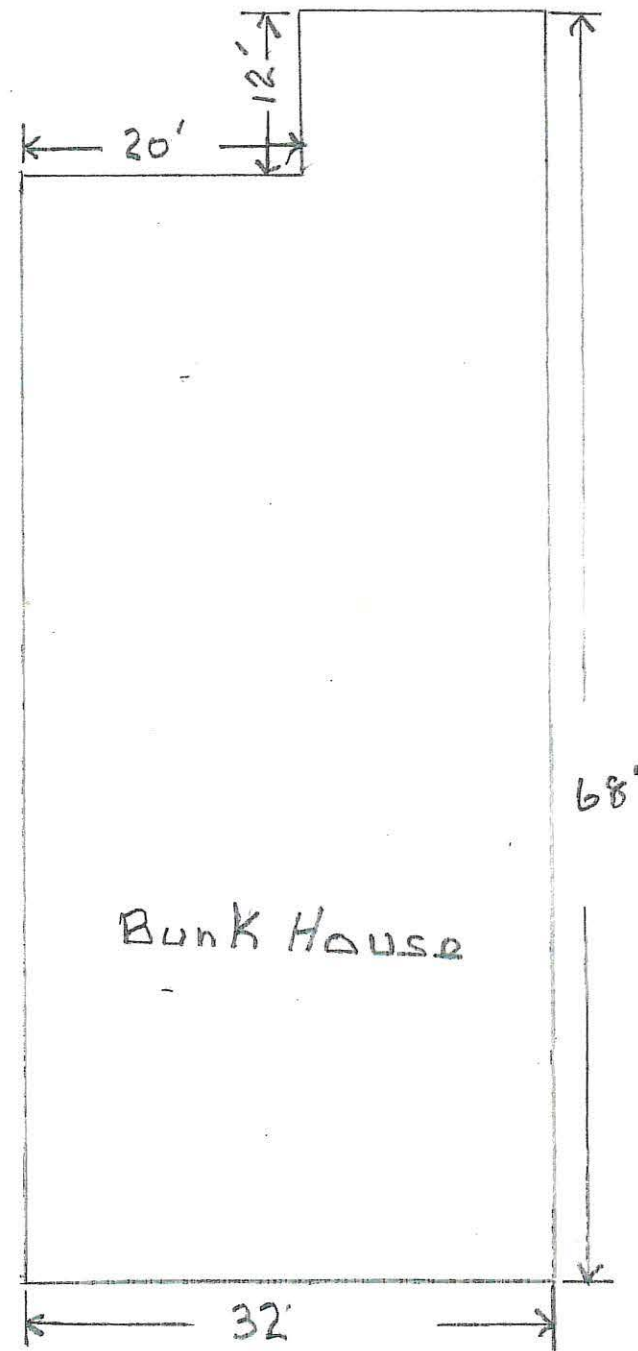
MAY 20 2021

Received

SCALE: 3/32" = 1'-0"		APPROVED BY:	DRAWN BY: J
DATE:			REVISED: J
D+S Alaskan Trail Ride Inc.			
			DRAWING NUMBER 2-2



SCALE: <u>3/32 scale</u>	APPROVED BY:	DRAWN BY <u>J</u>
DATE:		REVISED <u>J</u>
DAS Alaskan Trail Rides Inc.		
		DRAWING NUMBER <u>1-2</u>



Lot Line →

RECEIVED
FEB 17 2021
MATANUSKA-SUSITNA BOROUGH
DEVELOPMENT SERVICES

D+S Alaska Trail Rides Inc.		
SCALE: <u>N/A</u>	APPROVED BY: <u>Steve Van Teoba</u>	DRAWN BY
DATE:		REVISED
Lot 55 - 56		
		DRAWING NUMBER

COMMENTS

Agency Comments



ENSTAR Natural Gas Company
A DIVISION OF SEMCO ENERGY
Engineering Department, Right of Way Section
401 E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 277-5551
FAX (907) 334-7798

February 1, 2022

Matanuska-Susitna Borough, Planning Division
350 East Dahlia Avenue
Palmer, AK 99645-6488

To whom it may concern:

ENSTAR Natural Gas Company has reviewed the following conditional use permit and has no comments or recommendations.

- **D&S Alaskan Trail Rides**
(MSB Case # 17.17)

If you have any questions, please feel free to contact me at 334-7944 or by email at james.christopher@enstarnaturalgas.com.

Sincerely,

A handwritten signature in black ink that reads "James Christopher". The signature is written in a cursive, flowing style.

James Christopher
Right of Way & Compliance Technician
ENSTAR Natural Gas Company

Public Comments

Staff did not receive any comments from the public in reference to this request for Conditional Use Permit.

PLANNING COMMISSION RESOLUTION

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

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-04

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, an application submitted by Steve Van Troba, dba D & S Alaskan Trail Rides, 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 uses within Denali State Park Special Use District; and

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

WHEREAS, findings of fact and conclusions of law have been listed in the staff report; 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 finds the application material meets all of the requirements of MSB 17.17 and complies with all applicable local, state, and federal laws; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby approves the Conditional Use Permit for a commercial use within Denali State Park Special Use District.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ____ day of _____, 2022.

STAFFORD GLASHAN, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

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

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 ____ day of _____, 2022.

STAFFORD GLASHAN, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

PUBLIC HEARING LEGISLATIVE

Planning Commission Resolution No. 22-07

A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance increasing the separation distance between gravel extraction and the seasonal high water table from four feet to ten feet.

(Pages 153 - 180)

PUBLIC HEARING

MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 22-062

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY INCREASING THE SEPARATION DISTANCE BETWEEN GRAVEL EXTRACTION AND THE SEASONAL HIGH WATER TABLE FROM FOUR FEET TO TEN FEET.

AGENDA OF: April 18, 2022

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator		
	Community Development Director		
	Planning Director		
	Public Works Director		
	Finance Director		
	Borough Attorney		
	Borough Clerk		

ATTACHMENT (S) : Fiscal Note: YES ___ NO X
Alaska Administrative Code 18 AAC 72.020
Separation Distances (5 pp)
MSB 17.30 (13 pp)
Planning Commission Reso 22-07 (3 pp)
Ordinance Serial No. 22-031 (2 pp)

SUMMARY STATEMENT:

In 2011 the MSB Assembly enacted an ordinance requiring a conditional use permit for mining within four feet of the seasonal high water table in order to protect water quality and quantity.

The purpose of this proposed amendment is to increase the separation distance required from four feet to ten feet. This increase in separation between mining activity and the water table

is intended to provide additional protection to the water table against pollution from surface spills and to protect post-mining property values by ensuring the ability to install conventional onsite septic systems is maintained.

Alaska Administrative Code 18 AAC 72 regulates wastewater disposal systems through the Department of Environmental Conservation. A property that has been mined down to within four feet of the seasonal high water table cannot be developed with conventional onsite septic systems in accordance with DEC regulations.

Alaska Administrative Code 18 AAC 72.020 Separation Distances requires four feet vertical separation between the lowest part of a conventional soil absorption system and an additional four feet of ground cover for insulation above. The soil absorption system itself occupies approximately 18 inches in depth and needs to be situated at a lower elevation than the septic tank and associated pipes. Without a minimum ten feet of "in situ" soil above the water table to start with, a mounded system with a pump station or installation of an advanced treatment system will be required.

RECOMMENDATION OF ADMINISTRATION: Staff respectfully recommends approval of this ordinance.

18 AAC 72.020. Separation distances., 18 AK ADC 72.020

Alaska Administrative Code
Title 18. Environmental Conservation (Refs & Annos)
Chapter 72. Wastewater Treatment and Disposal (Refs & Annos)
Article 1. Domestic Wastewater Treatment and Disposal

18 AAC 72.020

18 AAC 72.020. Separation distances.

(a) A person who builds or installs a sewer, private sewer line, onsite system, or domestic wastewater treatment works shall comply with the applicable minimum separation distances set out

(1) in 18 AAC 80.020 for a public water system, unless the department has approved a lesser separation distance under that section; or

(2) in (c) of this section for a private water system.

(b) The minimum separation distance between the mean annual high water level of a lake, river, stream, spring, or slough, or the mean higher high water level of coastal waters, and a lift station, holding tank, septic tank, soil absorption system, seepage pit, pit privy, or other wastewater collection, treatment, or disposal system is 100 feet, measured horizontally.

(c) Except as otherwise provided in this section, the minimum separation distance between the source of the drinking water for a private water system and a

(1) domestic wastewater treatment works, onsite disposal system, pit privy, sewer manhole and lift station, or sewer cleanout is 100 feet, measured from the nearest edge of the treatment works, disposal system, pit privy, manhole, lift station, or cleanout to the private drinking water source;

(2) community sewer line, holding tank, sanitary landfill, industrial discharge line, or other potential source of contamination, such as domestic animal or agricultural waste, is 75 feet, measured from the nearest edge of the community sewer line, holding tank, sanitary landfill, industrial discharge line, or other potential source of contamination to the private drinking water source; or

(3) private sewer line, petroleum lines and storage tanks, or drinking water treatment wastes, such as backwash water

18 AAC 72.020. Separation distances., 18 AK ADC 72.020

from filters and water softeners and reject water from reverse osmosis units, is 25 feet; the minimum separation distance for petroleum storage tanks does not apply to

(A) tanks that contain propane; or

(B) above-ground storage tanks or drums that, in the aggregate, have a storage capacity of less than 500 gallons of petroleum products, and that store only petroleum products necessary for the operation and maintenance of pumps, power generation systems, or heating systems associated with a potable water well or other potable water source; for purposes of this subparagraph, "petroleum products" refers to fuel and lubricants.

(d) The department will require a greater separation distance than that required by (b) or (c) of this section if the department determines that distance to be necessary to protect surface water, groundwater, or a drinking water source. The department will make this decision after considering soil classifications, groundwater conditions, surface topography, geology, past experience, or other factors relevant to protection of surface water, groundwater, or drinking water.

(e) A request for a waiver of the separation distance required by (b) or (c) of this section, and for approval of a lesser separation distance, must include a report for each waiver that is sought, including multiple waivers for a single project. The report required under this subsection must

(1) be sealed by a registered engineer; the department will waive this requirement if the department determines that

(A) the site of the proposed system is remote from a community with access to professional engineering services; and that the resulting cost of bringing a registered engineer to the site would be overly burdensome; and

(B) public health, public and private water systems, and the environment are adequately protected without this requirement;

(2) justify the lesser distance and explain how the lesser distance does not threaten public health, public and private water systems, or the environment;

(3) describe soil classifications, groundwater conditions, surface topography, geology, and other environmental conditions that would assist the department in establishing a lesser separation distance; and

(4) include a set of plans, consisting of

18 AAC 72.020. Separation distances., 18 AK ADC 72.020

(A) record drawings if the department determines them necessary to evaluate the request;

(B) an accurate description, including the location, of potential sources of contamination, surface water, groundwater, and existing or potential drinking water sources in the area; and

(C) the details of the system design that

(i) address the physical and environmental conditions listed in (3) of this subsection; and

(ii) will prevent contamination of the surface water, groundwater, or drinking water sources identified in (B) of this paragraph at the lesser distance; and

(D) other information the department determines to be necessary to assess the effect of a lesser distance upon public health, public and private water systems, and the environment.

(f) In accordance with 18 AAC 72.060, the department will approve a waiver of the separation distance required by (b) or (c) of this section if the department finds, after review of the report submitted under (e) of this section, that a lesser separation distance does not threaten public health or the environment and protects surface water, groundwater, and existing or potential drinking water sources. As necessary to protect public health and the environment, and to protect surface water, groundwater, and existing or potential drinking water sources, the department will require changes to system design as a condition of approval, including increased depth of grout and changes to the pipe material, pipe bedding, joints, and pipe strength.

(g) A person may not install

(1) a septic tank or soil absorption system directly above or below a water line at any distance, or within 10 horizontal feet of a water line; or

(2) a sewer line directly above or below at any distance, or within 10 horizontal feet of a water line, unless

(A) the required location or separation distance cannot be met because of the site configuration, the system design, or the presence of other obstacles that have regulated separation distance requirements;

(B) the sewer line is designed and constructed in a manner equivalent to the requirements for a potable water pipe, and

18 AAC 72.020. Separation distances., 18 AK ADC 72.020

(i) is pressure tested to ensure watertightness; or

(ii) is enclosed in a carrier pipe of similar strength and rating as the actual pipe, or of a strength and rating approved by the department as protective of public health, public and private water systems, and the environment;

(C) the sewer line is in a separate trench from the water line; and

(D) at locations where sewer and water lines must cross,

(i) the sewer line is installed below the water line to the maximum length possible unless existing appurtenances, elevations, or depth-of-cover requirements prohibit such installation;

(ii) the sewer line uses a bedding that is specially designed to protect the integrity of the sewer line in places where the elevation of a water line is below a sewer line;

(iii) the sewer line joints are at least nine feet from the water line joints; and

(iv) the sewer line is at least 18 vertical inches from a water line.

(h) Upon determining that a waiver will not threaten public health, public and private water systems, or the environment, the department will waive the requirements of (g) of this section in accordance with 18 AAC 72.060

(1) for a utilidor, if the water line is above the sewer line, and

(A) for an above-ground utilidor, the utilidor will not flood if pipe failure occurs; or

(B) for an underground utilidor, the utilidor is drained to a low point within the utilidor and has an automatic pumping and alarm system; or

18 AAC 72.020. Separation distances., 18 AK ADC 72.020

(2) on a case-by-case basis, if design plans, reports, or drawings supporting a request for a lesser vertical and horizontal separation distance between water and sewer lines or for other configurations are sealed by a registered engineer.

(i) A person may not install a pit privy in an area subject to flooding. The vertical separation between the lowest point of a pit privy and the water table, measured during the season of the year with maximum water table elevation, must be at least four feet.

(j) The minimum vertical separation between the lowest part of a conventional soil absorption system and

(1) the water table, as measured during the season of the year with maximum water table elevation, must be at least four feet; and

(2) underlying bedrock, clay, or other impermeable strata must be at least six feet.

Credits

(Eff. 4/1/99, Register 149; am 3/25/2001, Register 157; am 5/12/2016, Register 218)

AUTHORITY: AS 44.46.020, AS 44.46.025, AS 46.03.020, AS 46.03.050, AS 46.03.070, AS 46.03.080, AS 46.03.100

Current with amendments received through the Quarterly Supplement, January 2022 (Register 240), and additional amendments from Register 241, received through January 25, 2022.

Alaska Admin. Code tit. 18, § 72.020, 18 AK ADC 72.020

End of Document

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CHAPTER 17.30: CONDITIONAL USE PERMIT (CUP) FOR EARTH MATERIALS EXTRACTION ACTIVITIES

Section

17.30.010 Intent and purpose

17.30.020 Applicability

17.30.025 Nonconforming uses

17.30.030 Types of permits available

17.30.035 Application procedures

17.30.037 Material extraction below or within four feet of the seasonal high water table

17.30.040 Criteria to qualify for an administrative permit

17.30.050 Planning commission approval

17.30.055 Required compliance with state and federal laws

17.30.060 General standards for approval

17.30.110 Amendment of conditional use permit

17.30.120 Transfer of a conditional use permit

17.30.130 Termination of permit

17.30.140 Violations, enforcement, and penalties

17.30.150 Appeal procedures

17.30.010 INTENT AND PURPOSE.

(A) It is the intent of the Matanuska-Susitna Borough to recognize the value and importance of promoting the utilization of natural resources within its boundaries. The purpose of this chapter is to allow resource extraction activities while promoting the public health, safety, order, prosperity, and general welfare of the Matanuska-Susitna Borough through regulation of land use to reduce the adverse impacts of land uses and development between and among properties. It is the further purpose of this chapter to promote compatible, orderly development. These purposes are accomplished by:

- (1) allowing for a public review process for earth materials extraction activities in the Matanuska-Susitna Borough;
- (2) enhancing the character and stability of residential, agricultural, business, commercial, and industrial areas, promoting the orderly and beneficial development of such areas by the owner/permittee in a manner that will not devalue the extraction site or neighboring properties for future beneficial uses upon completion of gravel extraction;
- (3) promoting diversified land use and economic opportunity;
- (4) encouraging the most appropriate uses of land;
- (5) enhancing the natural, manmade, and historical amenities of the Matanuska-Susitna Borough;
- (6) recognizing and preserving traditional uses of land within the Matanuska-Susitna Borough; and
- (7) protecting and enhancing the quality, peace, quiet and safety of the Matanuska-Susitna Borough neighborhoods.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.020 APPLICABILITY.

- (A) This chapter applies to all private and public lands in the borough except where the use is prohibited by ordinance within a special land use district. Where a special land use district regulates earth materials extraction as a conditional use, the granting of a conditional use permit shall require compliance with this chapter. Where this chapter is in conflict with the conditional use permit conditions of the special land use district, the more restrictive conditions shall apply.
- (B) This chapter does not apply within the cities of Houston, Palmer, or Wasilla, or the Port MacKenzie Special Use District.
- (C) This chapter applies to commercial earth materials extraction activities where the principal activity of use of the property is the extraction of earth materials.
- (D) This chapter does not apply when earth material extraction activity is not intended for sale or barter.
- (E) Annual extraction of more than 2,000 cubic yards of earth materials on property that has not been granted a permit or pre-existing legal nonconforming status as of the date of the enactment of this chapter is required to obtain a conditional use permit or administrative permit.
- (F) *[Repealed by Ord. 11-153, § 13, 2011]*

(G) Extraction of 2,000 cubic yards or less annually on any one parcel does not require an administrative or conditional use permit. Where a site is exempt under this subsection the exemption is revoked if operations proceed within four feet of the seasonal high water table.

(H) This chapter shall not apply to earth material extraction activities on land owned by the state of Alaska that are in existence as of the date of adoption of the ordinance codified in this chapter except for such operations that extract materials within four feet of the water table. Where a site is exempt under this subsection the exemption is revoked if operations proceed to within four feet of the water table.

(Ord. 16-102, § 10, 2016; Ord. 12-096, § 3, 2012; Ord. 11-153, § 13, 2011; Ord. 08-043, §§ 2, 3, 2008; Ord. 07-130, § 2, 2007; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.025 NONCONFORMING USES.

(A) At the date of adoption of the ordinance codified in this chapter, or amendments thereto, earth materials extraction activities that have been granted a permit or pre-existing legal nonconforming status are permitted to continue subject to the provisions of this section.

(B) *[Repealed by Ord. 11-153, § 14, 2011]*

(C) *[Repealed by Ord. 11-153, § 14, 2011]*

(D) Legal nonconforming extraction operations shall comply with MSB 17.28.067(A) through (D).

(E) Operations with pre-existing legal nonconforming status that extract material below or within four feet of the seasonal high water table shall conduct operations in accordance with the requirements outlined in MSB 17.30.037(D), except that MSB 17.30.037(D)(8)(b) through (d) shall not apply.

(F) Nonconforming status shall expire if material extraction or earth material processing activity ceases for longer than five years.

(Ord. 11-153, § 14, 2011; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.030 TYPES OF PERMITS AVAILABLE.

(A) There are two types of permits available for earth materials extraction:

(1) *Administrative permit* – a use permit approved by the director with public notification may be issued if the proposed development meets the minimum thresholds for an administrative decision.

(2) *Conditional use permit* – a conditional use permit granted by the planning commission after a public hearing, when the proposed development goes beyond the minimum threshold for an administrative permit.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.035 APPLICATION PROCEDURES.

(A) For all permits required under this chapter, the following shall be submitted to the department:

- (1) a completed application form provided by the department;
- (2) a site development plan in accordance with MSB 17.28.050 and 17.28.060;
- (3) the fee in the amount designated in MSB 17.99; and
- (4) reclamation plan in accordance with MSB 17.28.063.

(B) The director may reject any application which is incomplete or fails to meet the requirements of this section. The rejection shall be in writing and shall state the deficient items. Once the deficiencies have been corrected, the complete application will be processed.

(C) If the minimum criteria for an administrative permit can be met, the director will notify surrounding property owners in accordance with MSB 17.03, public notification, except that the notification area will be one-half mile. Within 30 days of acceptance of the application, the administrative permit will be issued with conditions to address concerns raised by neighboring property owners, and as deemed appropriate by the director, to protect the public health, safety and general welfare.

(D) *[Repealed by Ord. 11-153, § 15, 2011]*

(E) If the proposed development exceeds the minimum criteria for an administrative permit, a public hearing before the planning commission shall be conducted within 45 calendar days of the acceptance of a complete application in accordance with MSB 17.03, public notification, except that the notification area will be one-half mile. The applicant may waive the 45-day limit.

(F) The planning commission shall hear any interested parties and shall render a decision on the application for a conditional use permit within 30 calendar days from the date of public hearing, unless the applicant agrees to a time extension. In the granting of a conditional use permit, the planning commission shall state in writing the conditions of approval of the permit.

(Ord. 11-153, § 15, 2011: Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.037 MATERIAL EXTRACTION BELOW OR WITHIN FOUR FEET OF THE SEASONAL HIGH WATER TABLE.

(A) Extraction of material below or within four feet of the seasonal high water table requires a permit under this section except:

- (1) material extraction in navigable water performed under the authority of the state or federal

governments.

(B) Prior to application for a water table extraction permit, the following requirements shall be met:

(1) installation of a sufficient number of monitoring wells and test pits, as recommended by a qualified professional, to adequately determine groundwater flow direction, hydraulic gradient, water table and seasonal high water table elevation, and monitor groundwater quality upgradient and downgradient of the proposed activity on the property on which the activity will take place. Monitoring well and test pit locations must provide the qualified professional with adequate information to characterize the entire property that will be permitted for material extraction:

(a) Monitoring wells shall be installed, maintained, and decommissioned in accordance with 18 AAC 80.015.

(b) Well casing elevations shall be surveyed to a vertical accuracy of 0.01 feet by a registered land surveyor.

(c) Monitoring well logs and a report must be submitted to the Alaska Department of Natural Resources (ADNR) prior to time of application. The submittal to ADNR must comply with 11 AAC 93.140 by showing well construction parameters and information.

(2) collection of a sufficient number of representative groundwater samples, as recommended by a qualified professional, to determine baseline water quality.

(a) Baseline representative groundwater samples shall be collected biannually (either mid-summer and fall or fall and late winter) from monitoring wells, and at a minimum, be analyzed for arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, total nitrite/nitrates, phosphates, total dissolved solids, fecal coliform bacteria, benzene, toluene, ethylbenzene, and xylenes by appropriate methods approved by the state. Additional analytes shall be included if recommended by a qualified professional and based on review of regulated potential sources of contamination within one-half mile of the boundary of the property on which the activity will take place;

(b) Representative groundwater samples shall be collected under supervision of a qualified professional using sampling methods and analytical methods as defined by a state-certified laboratory. Sampling methods shall include documentation to assure acquisition of representative samples.

(3) Determination of seasonal high water table elevation, groundwater flow direction, hydraulic gradient, and water table elevation for the site shall be measured under supervision of a qualified professional.

(4) A written report shall be completed by a qualified professional that makes a determination about the potential adverse effects to groundwater and surface water body elevation, groundwater and surface water

quality, surrounding water users and adjacent properties. The determination shall be based on available data, interpretations of the data and knowledge of groundwater processes.

- (5) The report shall be submitted with the conditional use permit application and shall:
- (a) identify existing public water system sources (i.e., wells, springs, surface water intakes), as identified by the state, that are located within one-half mile of the boundary of the property on which the activity will take place;
 - (b) identify actual or presumed private drinking water wells located within one-half mile of the boundary of the property on which the activity will take place and include a copy of the available well logs. The qualified professional shall inspect ADNR well log records available for properties within one-half mile of the boundary of the property on which the activity will take place;
 - (c) identify public drinking water source capture areas less than or equal to the distance of the two-year-time-of-travel isochron as identified or approved by the state, located within one-half mile of the boundary of the property on which the activity will take place;
 - (d) identify existing regulated potential sources of contamination within at least one-half mile of the boundary of the property on which the activity will take place;
 - (e) contain maps at appropriate scales presenting the results of the well search, the setbacks required by subsection (D)(8) of this section, and illustrating wetlands and water bodies; at least one map shall show identified potential sources of contamination;
 - (f) include the water table elevation monitoring data, groundwater sampling analytical results, monitoring well logs and records of any test pits, and a discussion of the seasonal high water table determination;
 - (g) evaluate subsurface hydrologic conditions and identify potential adverse effects that may occur as a result of material extraction. The evaluation of the hydrologic conditions shall include identifying confining layers; and
 - (h) The report and all data relied upon in creation of the report shall be provided to the borough and shall be available to the public for inspection and review by members of the public.
- (6) A monitoring plan shall be completed by a qualified professional with appropriate action levels requiring additional investigation and monitoring to assess potential adverse effects to groundwater or surface water.
- (a) The monitoring plan shall include a field sampling plan; and

(b) The plan shall contain all well construction and development details.

(C) In addition to the application requirements for a conditional use permit for earth materials extraction, the application for a water table extraction permit shall include:

- (1) a description of the proposed extent and depth of material extraction beneath the seasonal high water table.
- (2) a written report that meets the requirements of subsection (B) of this section, a monitoring plan, and a spill prevention, control, and countermeasures plan as required by this section.
- (3) a fee in the amount designated by the assembly in accordance with this chapter.
- (4) a certificate of general liability insurance with limits not less than \$1,000,000 per occurrence/\$1,000,000 aggregate for operations involving less than 40 acres and \$2,000,000 per occurrence/\$2,000,000 aggregate for operations involving 40 acres or larger. Insurance shall insure liability for bodily injury and property damage and be written on the Insurance Services Office form number CG0001 12 07 or a form as broad as CG0001 12 07. The certificate of insurance shall include 30 days' notice of cancellation to the borough. The borough shall be named on the applicant's general liability policy as an additional insured and the applicant shall waive their rights of subrogation against the borough. Such insurance shall remain in full force and effect in the specified amounts for the duration of the permit period. Insurance coverage must include liability for providing comparable alternate sources of drinking water to all impacted parties served by any private or public water system adversely affected as a result of the activity.
- (5) a certificate of pollution liability insurance with limits of \$1,000,000 per occurrence/\$1,000,000 aggregate including third party bodily injury and property damage and cleanup costs. If the responsible party's pollution liability (environmental) insurance is written on a claims-made form, the responsible party shall provide insurance for a period of three years after expiration or termination of the permit. The policy(ies) shall evidence a retroactive date, no later than the effective date of the conditional use permit.

(D) Operating standards for extraction within or below four feet of the seasonal high water table are as follows:

- (1) Implement a monitoring plan that meets the requirements of this chapter. If existing wells will provide sufficient data, no additional wells are required;
- (2) Implement the spill prevention, control and countermeasures plan in accordance with Environmental Protection Agency's requirements for above ground storage tank operations regardless of the quantity of petroleum products on site;
 - (a) Fuel storage containers larger than 50 gallons shall be contained in impermeable berms and

basins capable of retaining 110 percent of the storage capacity;

(b) Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface;

(c) Locate above ground storage tanks farthest from the path of groundwater flow to private and public water systems and farthest from state-approved drinking water source capture areas, and outside the setbacks for all drinking water sources;

(d) Equipment operating within the area of excavation shall be maintained to minimize leaks of petroleum fluids. Equipment that releases petroleum fluids to the environment shall be repaired as soon as practical. The responsible party or owner shall contain the leaks immediately on discovery; and

(e) In the event of a reportable release of regulated contaminants, notification shall include the director and shall occur concurrently with the state and federal agencies, if applicable.

(3) Groundwater flow direction, hydraulic gradient, and groundwater table elevation for the subject parcel shall be measured at least monthly during active extraction. Monitoring wells must be maintained or replaced with equivalent monitoring wells.

(4) Collect groundwater samples biannually prior to seasonal excavation startup and within two weeks of seasonal shutdown from the down-gradient and cross-gradient monitoring wells. Sample collection shall be conducted in accordance with sampling methods defined by a state certified laboratory.

(a) Representative groundwater samples shall be analyzed, at a minimum, for benzene, toluene, ethylbenzene, xylenes, and total dissolved solids, by methods approved by a certified laboratory as well as any analyte identified in the water quality monitoring data with a concentration within 15 percent of the applicable water quality standards established by state regulation. Groundwater sample analysis shall include testing for analytes that may indicate water quality changes including, but not limited to, pH, conductivity, nitrates, sulfates, sodium, calcium, magnesium, bicarbonate, and potassium.

(b) Analytical sampling results and water elevation monitoring data shall be retained for two years following completion of reclamation activities and shall be provided to the director upon request.

(i) If the monitoring data indicates that a maximum contaminant level set under 18 AAC 80 has been exceeded, or if the water level measurements indicate a shift, beyond natural variability, in the elevation of the water table, the owner or responsible party shall report that result to the department within 48 hours of notification.

(c) A qualified professional shall annually submit a report to the department that includes:

- (i) a table of monitoring results;
 - (ii) water quality sample analytical results in a table that includes the appropriate maximum contaminant levels established under 18 AAC 80; and
 - (iii) water table elevation monitoring data.
- (5) Operations shall not breach or extract material from a confined aquifer or a confining layer beneath a perched aquifer currently used as a drinking water source.
 - (a) If evidence suggests a confined aquifer or confining layer has been breached, or if groundwater or surface water elevation changes rapidly or beyond natural variation, the director shall be notified within 24 hours.
 - (i) A hydrologic assessment, conducted by a qualified professional, to determine the affected area and the nature and degree of effects and a description of potential repair or mitigation options shall be submitted to the director within 14 calendar days of notification;
 - (ii) Repair or mitigation sufficient to address identified effects shall be initiated as soon as practical, not to exceed 45 calendar days from the date the assessment is received by the director;
- (6) Proof of insurance as required by subsection (C)(4) of this section to mitigate impacts arising from the extraction activity shall be maintained until completion and acceptance of reclamation activities.
- (7) Operations should be conducted in accordance with the current publication of the State of Alaska's User Manual Best Management Practices for Gravel Pits.
- (8) Operations shall maintain the following setbacks:
 - (a) sixty-five feet from the property line, except where operations encompass contiguous parcels and extraction within four feet of the seasonal high water table is proposed across adjoining lot lines;
 - (b) five hundred feet from the nearest downgradient drinking water source;
 - (c) three hundred fifty feet from the nearest cross-gradient drinking water source; and
 - (d) two hundred feet from the nearest upgradient drinking water source.
 - (i) Minimum separation distances shall not apply to drinking water sources constructed after a permit to extract material below the water table has been issued.

(Ord. 11-153, § 16, 2011)

17.30.040 CRITERIA TO QUALIFY FOR AN ADMINISTRATIVE PERMIT.

(A) To qualify for an administrative permit, all of the following criteria must be met:

- (1) *[Repealed by Ord. 16-102, § 11, 2016]*
- (2) extraction activities subject to the permit shall not exceed:
 - (a) twenty-four months. A one-time extension of six months may be granted administratively upon written request from the applicant; provided, that all conditions of the permit have been met; or
 - (b) annual volume of 7,000 cubic yards (one cubic yard equals one and one-half tons) or less; and
- (3) any proposed batch plant use shall not exceed 24 months.

(B) The director may also set basic conditions of approval for issuance of the administrative permit, as appropriate for the area in which the development is sited, for the following:

- (1) setbacks (no less than minimum setback requirements as established in MSB 17.55; however, may be increased as appropriate for existing surrounding development);
- (2) visual screening, noise mitigation, lighting restrictions and roads/access restrictions as appropriate for surrounding development and in accordance with development standards referenced in MSB 17.28.060, site development standards; and
- (3) road maintenance may be required by permittee.

(Ord. 16-102, § 11, 2016; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.050 PLANNING COMMISSION APPROVAL.

(A) *[Repealed by Ord. 16-102, § 12, 2016]*

(B) The commission may set conditions of approval for issuance of the conditional use permit, as appropriate for the area in which the development is sited, for the following:

- (1) setbacks (no less than minimum setback requirements as established in MSB 17.55; however, may be increased as appropriate for existing surrounding development);
- (2) visual screening, noise mitigation, lighting restrictions and roads/access restrictions as appropriate for surrounding development and in accordance with development standards referenced in MSB 17.28.060,

site development standards;

(3) road maintenance may be required of the permittee; and

(4) length of time of operation and location of batch plants.

(Ord. 16-102, § 12, 2016; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.055 REQUIRED COMPLIANCE WITH STATE AND FEDERAL LAWS.

(A) All applicants for permits for earth materials extraction are required to demonstrate compliance with state and federal law. Prior to final approval of the permit, the applicant or agent shall provide written documentation of compliance with the following:

(1) mining license as required by the Alaska State Department of Revenue, pursuant to A.S. 43.65;

(2) mining permit as required by the Alaska State Department of Natural Resources (ADNR) if extraction activities are to take place on state land;

(3) reclamation plan as required by ADNR, pursuant to A.S. 27.19;

(4) notice of intent for construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Department of Environmental Conservation (DEC) pursuant to the Alaska Pollutant Discharge Elimination System (APDES) requirements; and

(5) United States Army Corps of Engineers permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity is to take place within wetlands, lakes and streams.

(B) In addition to the requirements in subsection (A) of this section, all activity shall be conducted in compliance with state or federal regulations governing the items listed below. Written documentation of compliance with these regulations is not required. Complaints received by the borough of violations of requirements within this section will be forwarded to the appropriate agency for enforcement.

(1) *Air quality.*

(a) EPA air quality control permit is required for asphalt plants and crushers.

(b) ADNR burn permit is required for brush or stump burning. Combustibles shall be stockpiled separate from noncombustibles, and burn permit requirements shall be followed.

(c) ADEC dust control and air quality regulations pertaining to burning activities shall be followed.

(2) *Water quality.*

- (a) EPA or ADEC regulations controlling spills, spill reporting, storage and disposal of oil, anti-freeze and hydrocarbons.

(3) *Use and storage of hazardous materials, waste and explosives.*

- (a) EPA regulations controlling use of hazardous materials shall be followed.
- (b) Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (FBATFE) regulations shall be followed when storing or using explosives.

(C) Failure to comply with any of the requirements in subsections (A) and (B) of this section is a violation of the permit, and is subject to enforcement pursuant to MSB 17.30.140.

(IM 07-289, page 2 (part), presented 11-13-07; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.060 GENERAL STANDARDS FOR APPROVAL.

(A) In granting an administrative permit or a conditional use permit, the director or commission must make the following findings:

- (1) that the use is not inconsistent with the applicable comprehensive plan;
- (2) that the use will preserve the value, spirit, character, and integrity of the surrounding area;
- (3) that the applicant has met all other requirements of this chapter pertaining to the use in question;
- (4) that granting the permit will not be harmful to the public health, safety and general welfare; and
- (5) that the sufficient setbacks, lot area, buffers or other safeguards are being provided to meet the conditions listed in MSB 17.30.050(B).

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.110 AMENDMENT OF CONDITIONAL USE PERMIT.

(A) A conditional use permit may be amended by application to the department and approval by the planning commission. The applicant shall provide the department an update of all information required in the original permit, shall describe the proposed changes in detail, and shall provide copies of any additional state and federal permits which the amendments may require. The notice and hearing provisions of this chapter shall apply to an amendment to the permit.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.120 TRANSFER OF A CONDITIONAL USE PERMIT.

(A) A permit may be transferred subject to the conditions of MSB 17.60.180.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.130 TERMINATION OF PERMIT.

(A) A permit shall terminate under this chapter subject to the conditions in MSB 17.60.190.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.140 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Unless otherwise specified, any violation of this chapter is an infraction.

(B) It is a violation to conduct commercial earth material extraction activities without a permit issued under this chapter unless designated as an interim materials district or as a pre-existing legal nonconforming use in accordance with MSB 17.28 or MSB 17.30.025.

(C) It is a violation to operate with a permit issued under this chapter but in violation of any criteria or condition which was necessary for the issuance of the permit.

(D) Enforcement of the provisions of this chapter and associated penalties shall be consistent with the terms and conditions of MSB 1.45.

(Ord. 11-153, § 17, 2011; Ord. 05-124(SUB)(AM), § 2 (part), 2005)

17.30.150 APPEAL PROCEDURES.

(A) The provisions of MSB 15.39 govern appeals from a decision of the planning commission granting, denying, modifying, or revoking a conditional use permit under this chapter. The provisions of MSB 15.39 govern an appeal of a planning department enforcement action or decision.

(Ord. 05-124(SUB)(AM), § 2 (part), 2005)

CODE ORDINANCE

Sponsored by: J. Sumner
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-031**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY INCREASING THE SEPARATION DISTANCE BETWEEN GRAVEL EXTRACTION AND THE SEASONAL HIGH WATER TABLE FROM FOUR FEET TO TEN FEET.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of paragraph. MSB 17.30.020 (G) is hereby amended to read as follows:

(G) Extraction of 2,000 cubic yards or less annually on any one parcel does not require an administrative or conditional use permit. Where a site is exempt under this subsection the exemption is revoked if operations proceed within [FOUR] ten feet of the seasonal high water table.

Section 3. Amendment of section. MSB 17.30.037 is hereby amended to read as follows:

17.30.037 MATERIAL EXTRACTION BELOW OR WITHIN [FOUR] TEN FEET OF THE SEASONAL HIGH WATER TABLE.

(A) Extraction of material below or within [FOUR] ten feet of the seasonal high water table requires a

permit under this section except:

Section 4. Amendment of subsection. MSB 17.30.037(D) is hereby amended to read as follows:

(D) Operating standards for extraction within or below [FOUR] ten feet of the seasonal high water table are as follows:

.

(8) Operations shall maintain the following setbacks:

(a) sixty-five feet from the property line, except where operations encompass contiguous parcels and extraction within [FOUR] ten feet of the seasonal high water table is proposed across adjoining lot lines;

Section 5. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2022.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

DRAFT

By: A. Strawn
Introduced: March 7, 2022
Public Hearing: March 21, 2022
Action:

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-07

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING AN ORDINANCE INCREASING THE SEPARATION DISTANCE
BETWEEN GRAVEL EXTRACTION AND THE SEASONAL HIGH WATER TABLE FROM
FOUR FEET TO TEN FEET.

WHEREAS, in 2011 the MSB Assembly enacted an ordinance
requiring a conditional use permit for mining within four feet of
the seasonal high water table in order to protect water quality
and quantity; and

WHEREAS, the purpose of this proposed amendment is to increase
the separation distance required from four feet to ten feet; and

WHEREAS, increase in separation between mining activity and
the water table will provide additional protection to the water
table against pollution from surface spills; and

WHEREAS, this ordinance will protect post-mining property
values by ensuring the ability to install conventional onsite
septic systems is maintained; and

WHEREAS, Alaska Administrative Code 18 AAC 72.020 Separation
Distances requires four feet vertical separation between the
lowest part of a conventional soil absorption system and an
additional four feet of ground cover for insulation above; and

WHEREAS, the soil absorption system itself occupies approximately 18 inches in depth and needs to be situated at a lower elevation than the septic tank and associated pipes; and

WHEREAS, a property that has been mined down to within four feet of the seasonal high water table cannot be developed with conventional onsite septic systems in accordance with DEC regulations; and

WHEREAS, without a minimum ten feet of "in situ" soil above the water table to start with, a mounded system with a pump station or installation of an advanced treatment system will be required.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of an ordinance increasing the separation distance between gravel extraction and the seasonal high water table from four feet to ten feet.

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

STAFFORD GLASHAN, Chair

ATTEST

KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

COMMISSION BUSINESS


Future Agenda Items

COMMISSION BUSINESS



MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7822
www.matsugov.us

MEMORANDUM

DATE: March 9, 2022
TO: Planning Commissioners
FROM: Alex Strawn, Planning and Land Use Director 
SUBJECT: Tentative Future PC Items

Upcoming PC Actions

Quasi-Judicial

- Frontier Plaza Subdivision – Earth Material Extraction, 18N10E31A004 (Staff: Mark Whisenhunt)
- Talkeetna Connection – Marijuana Retail Facility, 24N04W29D002 (Staff: Peggy Horton)
- Valley Country Store #4 – Alcoholic Beverage Package Store CUP, 4928000L001 (Staff: Peggy Horton)
- Valley Country Store #4 – Core Area CUP, 4928000L001 (Staff: Peggy Horton)
- Dime Bag – Marijuana Retail Facility, 6298B01L002 (Staff: Peggy Horton)
- AK Legacy Genetics – Standard Marijuana Cultivation Facility, 6315B01L011 & L012 (Staff: Peggy Horton)
- Premier Homes – Earth Material Extraction, 17N02W34D003 (Staff: Peggy Horton)
- Green Jar – Hatcher Pass – Marijuana Retail Facility, 4316B01L0064 (Staff: Jason Ortiz)

Legislative

- Historic Preservation Plan (HPP) (Staff: Adam Bradway)
- Municipal Separate Storm Sewer System (MS4) (Staff: Kim Sollien)
- Pre-Metropolitan Planning Organization (MPO) Development (Staff: Kim Sollien)
- Bike and Pedestrian Plan (Staff: Kim Sollien)
- Capital Improvement Program (CIP) (Staff: Kelsey Anderson)
- Official Streets And Highway Plan (OSHP) (Staff: Kim Sollien)
- MSB Borough-Wide Comprehensive Plan (Staff: Kim Sollien)
- Marijuana Code Update (Staff: Alex Strawn)
- Glacier View Comprehensive Plan Update (Staff: Leda Borys)
- Coordinated Human Services Transportation Plan (Staff: Leda Borys)

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