

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 09-11 (AM)**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING A REQUEST FROM DONNA M. HICKLE TO ALLOW A SECOND HORSE ON APPROXIMATELY .92 ACRE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT; LOT 03, BLOCK 02, TALLERICO SUBDIVISION.

WHEREAS, Donna M. Hickle submitted a Use Permit, UP 09-02, application to the City Planning Department to allow a second horse on her property located at 1580 Pipestone Drive, Wasilla, Alaska; and

WHEREAS, the Planning Office mailed notice to property owners within 1,200 feet of the subject property and to applicable agencies; and

WHEREAS, several of the neighbors that were contacted called the Planning Office and stated their discontent with the applicant's request; and

WHEREAS, several of the neighbors requested that a public hearing be held; and

WHEREAS, the City Planner elevated the applicant's request to keep a second horse on her property to the Planning Commission per WMC 16.12.040 and 16.16.020; and

WHEREAS, the Wasilla Planning Office mailed notices for the Planning Commission Public Hearing to property owners within 1,200 radial feet of the subject property and to applicable agencies; and

WHEREAS, the public hearing date and time was publicly advertised; and

WHEREAS, on April 14, 2009, the Planning Commission held a public hearing on this request; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the information submitted by the applicant, the evaluation and recommendations of the staff contained in the staff report, public testimony - both written and verbal comments, the applicable provisions of the Wasilla Comprehensive Plan, and other pertinent information brought before them; and

WHEREAS, after due consideration, the Planning Commission determines that this application substantially meets the applicable criteria of Wasilla Municipal Code.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this application with Findings of Fact, Attachment 'A' for the applicant to keep a second horse on her property located a 1580 Pipestone Drive, Wasilla, Alaska with the following conditions:

1. The applicant shall place a back flow device on any approved domestic water system being used to fill the horse trough.
2. The applicant shall cross fence the property so that, when the fence gate for the driveway is opened, there will be fence which keeps the horses confined in the yard so they do not escape.
3. An appropriate animal waste storage facility as approved by NRCS shall be constructed and utilized to address the effluent issue. Call NRCS at 373-6492 (Ext 105) for information about the availability of funding to help towards construction of an animal waste storage facility.

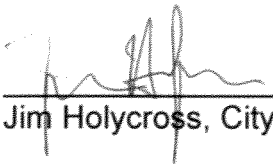
APPROVED by the Wasilla Planning Commission on April 14, 2009.

APPROVED:



Stan Tucker, Chairman

ATTEST:



Jim Holycross, City Planner

VOTE: Passed
 YES: Hall, Kelly, Laub-Elkins, Tucker, Wall
 NO: Buswell

Wasilla Planning Commission Resolution 09-11

FINDINGS OF FACT

The applicant previously applied for Use Permit 07- 08 for two horses but was approved on 8/31/07 for one horse by the City Planner. This application for a second horse was elevated by the City Planner for a decision by the Planning Commission because the Planning Office received a great deal of community interest that merits a decision from a broader representation of the community such as that represented by members of the Planning Commission. The Planning Commission shall decide if a second horse should be allowed.

- 1. STAFF FINDING:** For purposes of this application a horse is considered a 'farm animal' as defined in WMC 16.04.070 since it is an animal with a typical adult weigh of over 250 pounds.
- 2. STAFF FINDING:** The subject property has a single-family dwelling located on it and is located within the Tallerico Subdivision which is zoned R-1 Single-family Residential.
- 3. STAFF FINDING:** For purposes of this application horses are considered 'farm animals' that require an approved 'use permit' in the R-1 Single-family zone.
- 4. STAFF FINDING:** Several nearby property owners have requested that this application for a second horse be elevated to the Planning Commission for a public hearing because some believe the subject property is too small for keeping of two horses. Based upon these responses it is possible that the proposed use could have significant negative effects on or conflict with existing land uses adjoining the site in a manner or to a degree that warrants consideration by the commission as stated in 'A' of WMC 16.12.040. Therefore the City Planner has elevated this application to the Planning Commission for decision.
- 5. STAFF FINDING:** The City Planner elevated Use Permit 09-02 to the Planning Commission for a public hearing to be held on April 14, 2009. The Planning Department has published the agenda for the Planning Commission meeting on April 14, 2009 in newspapers of general circulation. The published agenda is a legal notice which states that a public hearing will be held before the Planning Commission beginning at 7 PM on April 14, 2009 at Wasilla City Hall, City Council Chambers, 290 E. Herning Avenue, and that a public hearing will be held on this elevated use permit application to decide if the applicant may have a second horse on her property. Notice was sent by the Planning Department to nearby property owners within 1,200 feet.
- 6. STAFF FINDING:** The applicant has an approved residential use on the R1 zoned property. The applicant was previously approved for UP 07-08 to keep one farm animal, a horse, on the subject .92 acre or 40,075 square foot property.

- 7. STAFF FINDING:** This parcel is not part of an adopted neighborhood plan therefore compliance with a neighborhood plan is not required and this criterion is not applicable.
- 8. STAFF FINDING:** The City Land Development code (aka zoning code) is the implementing code document that was adopted to implement the City's Comprehensive Plan. The Planning Commission shall determine if the proposed second horse is consistent with the goals and policies of the comprehensive plan.
- 9. STAFF FINDING:** The specific approval criteria under 16.16.060 apply to this application since 'E. Farm Animals' is what the applicant is applying for with this application. Staff find that the subject property is 40,075 square feet which is larger than the minimum parcel size of 40,000 square feet required as a special criterion in the R-1 zone for the keeping of one farm animal as an accessory use. Staff find that the applicant has constructed suitable fencing. The applicant has not indicated that the stable or building used for the horse is 25 feet or more from the property line. The Planning Commission shall determine if the site plan is adequate for the keeping of a second horse.
- 10. STAFF FINDING:** The City has sent 83 notices to 52 neighboring property owners within 1200' and the usual 24 agencies.

The following comments were received from notified agencies and are summarized below:

- MSB Code Compliance commented "not in a flood zone, no other comments."
- MSB Platting commented "no comment"
- Enstar commented, "Enstar Natural Gas has no objection regarding the addition of a second horse on this parcel."
- The Natural Resource Conservation Service District Conservationist commented by letter dated 3/23/09 that, "...this application should only be approved with a stipulation that an appropriate animal waste storage facility be constructed and utilized to address the effluent issue..."
- The Wasilla Soil & Water Conservation District wrote two letters dated 3/25/09 and 3/31/09 which are summarized below:

Letter of 3/25/09 – "We are concerned with the above referenced application to add another animal to a small residential lot ...We recommend that, should the application be approved, the landowner makes plans for adequate storage, disposal or transfer of manure to ensure that it does not become a source of pollution. Considering the possibility of parasite infestation, and the presence of weed seeds, all waste spread on fields grazed by horses should be composted. Regular testing of household well water would also be a good idea."

Letter of 3/31/09 – "We would like to add a comment to our letter of 3/25/09. Since that letter, landowner Donna Hinkle came in to our office

and met with our agency partner, Natural Resources Conservation Service (NRCS.) NRCS provides conservation planning and technical advice on land management. She signed up with Wasilla SWCD to make a voluntary conservation plan, including manure management for the horse or horses on her property. She has also provided us with a detailed description of her techniques. Her willingness to communicate, plan and seek technical advice are commendable. ... We still recommend that, should the application be approved, the landowner make plans for adequate storage, composting, disposal or transfer of manure to ensure that it does not become a source of pollution. We hope to work cooperatively with Ms. Hickle to maintain and improve her manure management system. ..."

The following comments from neighboring property owners within 1,200 feet of the subject property are summarized in the table below:

COMMENTS OF SUPPORT FROM NEIGHBORING PROPERTY OWNERS WITHIN 1,200 FEET			
NAME	ADDRESS	YES	NO
Craig Teich	Block 3, Lots 16, 17, 18, 19, North Country Estates	X	
Karl Bruquist		X	
Kim & Kevin Elgee		X	
Lester Baker		X	
Robyn Newby		X	
Diana Ost		X	
Truk Sederholm		X	
Andrea Garrod		X	
Audrey Bromley		X	
Jeff Signorino		X	
James Whitney		X	
Theodore Sayen		X	
Rodney Hansa		X	
Sally Jorgens		X	
Gwendolyn Blackburn		X	
Steve & Julie Baird		X	
Michael McCartney		X	
Chris Lund		X	
Sean McGuire		X	
Larry Bagley		X	
Charlen Satrom		X	
Barb Moore		X	
Bob Pettit		X	
Marvin Van Sickle		X	
Kevin Johnson		X	
Kevin Harris		X	

Roxie Weltz		X	
Robin Pettit			X
Dan & Lisa Feltz	1840 Itasca Cir.		X
Dennis & Arlene Hill	1860 Itasca Cir.		X
Jennifer Coughlin			X
Jola Robbennolt			X
Paul Bossart	1810 S. Redwing Cir.		X
Annette Jackson		X	
Andrea Hanson	1590 W. Minnetonka Dr.	X	
Clarence Roberts	1580 W. Kanabec Dr.		X
Michal Randall & Christina Mattson			X
Denise Bowlan	1650 W. Pipestone Dr.	X	
Ben Sanderlin		X	

- 11. STAFF FINDING:** This proposal shall be reviewed by State Fire Marshall's Office to determine if any action is necessary.
- 12. STAFF FINDING:** Traffic. The proposed addition of a second horse should not generate more traffic therefore this criterion is not applicable.
- 13. STAFF FINDING:** Dimensional Standards. The applicant has indicated how this proposal meets the height requirements of §16.24.010 as the maximum building height is less than 35'. The applicant has stated that the building is setback a minimum of 25' however an adequate site plan indicating adequate setbacks does not exist. The Planning Commission shall determine if dimensional standards have been met.
- 14. STAFF FINDING:** Parking is not an issue with this application for a second horse.
- 15. STAFF FINDING:** Utilities are not an issue with this application for a second horse. However, the City Planner finds from past experience that a back flow preventer is needed on a water system used for both domestic purposes and animal watering so that fecal bacteria or other contaminants from the horse trough do not siphon back up through the hose and contaminate the water of the residence.
- 16. STAFF FINDING:** Drainage. The applicant is required to work with and have the site approved by the City Public Works Director regarding site drainage.
- 17. STAFF FINDING:** Large Developments. Staff finds that this proposal for a second horse is not a large development.
- 18. STAFF FINDING:** Peak Use. Peak use is not a factor of consideration for a permit to allow a second horse.
- 19. STAFF FINDING:** Off-Site Impacts. The Planning Commission shall determine if this proposal for a second horse will generate off-site impacts that significantly impact surrounding properties negatively.


- 20. STAFF FINDING:** Landscaping. Landscaping is not a criterion of approval for consideration of a second horse.
- 21. STAFF FINDING:** Walkways, sidewalks and bike paths. These are not part of the criteria for approval of a second horse on the property however a trail where the applicant could ride her existing horse and second horse if approved would be of interest to anyone keeping a horse or horses.
- 22. STAFF FINDING:** Water, Sewage and Drainage Systems. The Public works department shall determine if water, sewerage and drainage systems are needed to support a second horse.
- 23. STAFF FINDING:** Historic Resources. Historic resources are not an issue that needs to be considered for decision on this application for a second horse.
- 24. STAFF FINDING:** Appearance. The Planning Commission shall determine if the applicant's proposal is of the appropriate appearance for two horses in this location..
- 25. STAFF FINDING:** Open space and facilities. Open space and facilities are not applicable criteria for consideration of approval of a second horse on the property.
- 26. STAFF FINDING:** Winter Hassles. No foreseeable problems associated with winter conditions are anticipated as existing buildings and horse have not significantly increased impact on surrounding area from glaciation or drifting snow.

ADOPTED: April 14, 2009



Stan Tucker, Chairman

ATTEST:



Jim Holycross, City Planner

