

By: Planning
Public Hearing: 11/10/15
Adopted: 11/10/15

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 15-20(AM)**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING ADMINISTRATIVE APPROVAL AA15-109 AND USE PERMIT NUMBER UP15-04 TO ALLOW MATANUSKA ELECTRIC ASSOCIATION (MEA) TO CONSTRUCT NEW 115 KV DOUBLE CIRCUIT TRANSMISSION LINES WITH A THREE-PHASE UNDERBUILD DISTRIBUTION CIRCUIT ON NEW 60-100 FOOT TALL TRANSMISSION TOWERS WITHIN A 100 FOOT WIDE RIGHT-OF-WAY EASEMENT, EXTENDING FROM THE LAZELLE SUBSTATION ON HAY STREET GENERALLY SOUTH AND THEN WEST TO THE HERNING SUBSTATION ON SOUTH DENALI STREET WITHIN THE CITY LIMITS.

WHEREAS, the City of Wasilla (“the City”) has the authority to execute powers that have been granted to it through legislative action and voter mandate, which include planning, taxation and assessments, economic development, police, roads, airport, utilities (e.g. water and sewer), parks, recreation, museum and library; and

WHEREAS, the City established the Wasilla Planning Commission (“the Commission”) with duties that include hearing and deciding all land use permit applications that require a public hearing; and

WHEREAS, the City has a Mission Statement that the City is to “...provide optimum service levels to the public as cost effectively as possible to ensure a stable and thriving economy, promote a healthy community, provide a safe environment and a quality lifestyle, and promote maximum citizen participation in government”; and

WHEREAS, the City annually adopts long-range goals as part of the City’s budget that reflect the City’s commitment to provide the highest level of public service while tackling the complex issues that the City must address to preserve and enhance the quality of life for current and future residents of the City and for visitors to this community; and

WHEREAS, the City adopted the updated 2011 City of Wasilla Comprehensive Plan (“the Plan”) that contains policy statements, goals, objectives, actions, standards, and maps that are intended to guide the decision-making of the City’s elected officials, commissions, and staff regarding future development and quality of life; and

WHEREAS, the City adopted a Land Development Code (Title 16) in 1996 to implement the Plan and to ensure that future development and growth in the City is consistent with the values of its residents, to identify and avoid, mitigate, or prohibit the negative impacts of growth, and to ensure that development is of the proper type, design, and location; and

WHEREAS, the Matanuska Electric Association (MEA), submitted two land use permit applications, Administrative Approval Number A15-109 and Use Permit Number U15-04, on October 2, 2015 requesting approval to construct new 115 kV double circuit transmission lines with a three-phase underbuild distribution circuit on new 60-100 foot tall towers in a 100 foot wide right-of-way easement within the city limits on one of three alternative routes as described above and shown on the attached maps date stamped October 9, 2015; and

WHEREAS, the applicant submitted a request that the Commission waive the site plan requirements of WMC 16.08.015 as allowed in subsection(D)(2) with the recommendations of the Public Works Director and the City Planner; and

WHEREAS, the applicant is requesting the Commission approve the permits for two years instead of the one year approval period in WMC 16.08.010(A)(1); and

WHEREAS, the City Planner elevated the two land use permit applications to the Commission per WMC 16.12.040 and 16.16.020; and

WHEREAS, all public hearing dates and times were publicly advertised consistent with WMC 16.16.020; and

WHEREAS, the Wasilla Planning Office mailed 557 notices for the public hearing to property owners within a 1,200 foot radius of the three proposed routes and to 24 review agencies consistent with WMC 16.16.020; and

WHEREAS, the Commission conducted a public hearing on the two land use permit applications on November 10, 2015; and

WHEREAS, the Commission deliberated on the two land use permit applications, taking into account the information submitted by the applicant, evaluation and recommendations of staff contained in the staff report, the information included in the meeting packet for these permit applications (submitted as part of the public record), written comments from the public and review agencies, public testimony at all public hearing; and

WHEREAS, WMC 16.16.050, General Approval Criteria, states that an elevated administrative approval and/or elevated use permit may be granted by the Commission if all of the general approval criteria are complied with; and

WHEREAS, WMC 16.16.050, further states that the burden of proof is on the applicant to show that the proposed use meets the general approval criteria and that findings are made indicating that the proposed use can occur consistent with the Plan, harmoniously with other activities allowed in the district, and will not disrupt the character of the neighborhood; and

WHEREAS, the Commission acknowledges that MEA desires to create a redundant transmission loop within the Valley and improve and enhance the existing service between the Lazelle substation and the Herning (Wasilla) substation in order to provide power to accommodate future growth and to provide reliable power to the surrounding areas; and

WHEREAS, the Planning Commission has determined that the construction of 115 kV double circuit overhead transmission lines with a three-phase underbuild distribution circuit on 60-100 foot towers along the proposed route labeled Alternative #2 through the City is substantially consistent with the vision for the City as outlined in the City of Wasilla Comprehensive Plan and Land Development Code (Title 16) and meets the general approval criteria; and

WHEREAS, the Commission adopted Findings of Fact, attached as Exhibit A, summarizing the basic facts and reasoning of the Planning Commission.

NOW, THEREFORE BE IT FURTHER RESOLVED that based on the information referenced above and all of the information in the official record, the Planning Commission hereby approves Administrative Approval Number AA15-109 and Use Permit Number UP15-04 with the adopted Findings of Fact, attached as Exhibit A and incorporated herein, and waives the site plan requirements in WMC 16.08.015(D)(2), with the following conditions:

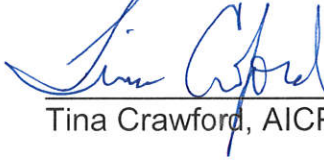
1. The transmission lines and underbuild distribution circuit must be installed within the corridor shown on the Alternative #2 route date stamped October 9, 2015, attached as Exhibit B.
2. No underbuild distribution circuit will be installed between the City of Wasilla wastewater treatment plant and Bayview Drive, which will eliminate/minimize impacts to scenic views from residential properties by allowing the transmission line to be placed on shorter poles along that portion of the route.
3. MEA must submit final design drawings and a map that identifies the centerline of the new transmission lines and the boundary of the 100' wide easement prior to any clearing or construction.
4. MEA must obtain all other necessary local, borough, state, and federal permits or approvals prior to any clearing or construction.
5. All power poles must have a rust colored finish.

ADOPTED by the Wasilla Planning Commission on November 10, 2015.

APPROVED:

 11-16-15
Glenda Ledford, Chairman Date

ATTEST:


Tina Crawford, AICP, City Planner

VOTE: Yes: Commissioner Barrett, Dean and Ledford
No: Commissioner Means

EXHIBIT A

Wasilla Planning Commission Resolution 15-20 FINDINGS OF FACT – Section 16.16.050, General Approval Criteria

An administrative approval, use permit, elevated administrative approval, elevated use permit or conditional use may be granted if the following general approval criteria and any applicable specific approval criteria of Section 16.16.060 are complied with. The burden of proof is on the applicant to show that the proposed use meets these criteria and applicable specific criteria for approval. An approval shall include a written finding that the proposed use can occur consistent with the comprehensive plan, harmoniously with other activities allowed in the district and will not disrupt the character of the neighborhood. Such findings and conditions of approval shall be in writing and become part of the record and the case file.

16.16.050(1)&(5) *Neighbors/Neighborhoods. Due deference has been given to the neighborhood plan or comments and recommendations from a neighborhood with an approved neighborhood plan.*

Finding:

There are no approved neighborhood plans for neighborhoods along the proposed transmission line route. However, comments have been received from affected property owners expressing concerns about impacts to residential and commercial uses from the proposed transmission line routes. The majority of the concerns are alleviated with the selection of the Alternative #2 route since it impacts the least number of residences (approx. 16 less homes and three less businesses within the city limits) than MEA's Preferred or Alternative #1 routes. The only concerns that apply to all three routes deal with usage of the transmission line easement for snow machines and ATVs and the associated trash, noise, vandalism, and theft that may be associated with this type of use.

Witnesses who reside in the Bay View Drive area opposed the Alternative #2 route, out of concern that the transmission line would have negative aesthetic effects on their properties and reduce the properties' value. The Commission finds that these negative effects are mitigated substantially by the condition that there be no distribution line underbuild in the gully and Bay View Drive areas, allowing the transmission line to be placed on shorter poles, and the condition that the poles have a rust colored finish. The transmission line will be substantially concealed from view in the Bay View Drive area by its placement in the gully and the height of surrounding trees.

Witnesses who reside on Hay Street and Jude Drive expressed concern that their properties would be taken for the transmission line right-of-way. The Commission finds that this is not the case, as the transmission line right-of-way will be located across the street from these properties.

Several witnesses expressed concern that the magnetic field generated by the transmission line would have negative health effects on people who reside close to the transmission line. The Commission finds no evidence in the record of such negative health effects.

16.16.050(2)

Plans. The proposal is substantially consistent with the city comprehensive plan and other city adopted plans.

Finding:

Although all of the proposed routes will impact some property owners, the proposed route designated as "Alternative #2" has significantly less impact to residential and commercial businesses while providing increased reliability, transmission capacity, redundancy, and reduces power outages and restoration times.

Alternative #2 impacts 16 less residential properties and three less commercial businesses (Wal-Mart, Valley Cinema, and Extreme Fun Center) within the city limits and 20 less residences within the Borough than MEA's Preferred Route or Alternative #1. A representative of an owner of property on the Palmer-Wasilla Highway testified that constructing the transmission line on the Alternative #1 route would substantially destroy the value of that property for commercial development. Alternative # 2 also minimizes or eliminates impacts to scenic views from residential properties since it mainly goes through the gully and it will not negatively impact the future development potential of undeveloped commercial properties along the Palmer-Wasilla Highway Extension.

Therefore, the Alternative #2 route is the most consistent with the 2011 City Comprehensive Plan of the three proposed routes since the over-arching vision of the Plan is to maintain and enhance the quality of life for City residents, enhance the visual attractiveness of the community, and ensure the City remains the region's major commercial center so that sufficient sales tax revenue will continue to be generated that provide the desired city services. Alternative #2 also addresses the majority, if not all, of the concerns expressed by both City and Borough residents about the proximity of the proposed transmission lines during MEA's public participation process this year (see comments in packet.)

Listed below are the applicable elements of the City's 2011 Comprehensive Plan (copies of the applicable sections are included in the packet):

- *Encourage development opportunities that support the City's role as a regional commercial center. (Chapter 4, Land Use, Goal 2)*
- *Encourage expansion of the City's major commercial areas to accommodate regional demands. (Chapter 4, Land Use, Goal 2, Objective 2.1)*
- *Promote and encourage development and redevelopment within the Downtown Area. (Chapter 5, Downtown, Goal 1)*
- *Preserve and enhance the City's unique community assets (Chapter 6, Community Assets, Goal 4)*
- *Enhance the City's visual appearance and identity. (Chapter 6, Community Assets, Goal 4, Objective 4.2)*
- *Continue to promote and enhance the City's future as the region's major center for commerce, services, visitor hospitality, culture and arts, transportation and industry. (Chapter 7, Economic Vitality, Goal 1)*
- *Adopt policies and programs that will ensure that the City remains the preferred place in the Valley for shopping, services, employment, arts, entertainment, sports, and culture. (Chapter 7, Economic Vitality, Goal 1, Objective 1.1)*
- *Encourage the development of new anchor developments, facilities, and attractions that generate economic activity. (Chapter 7, Economic Vitality, Goal 1, Objective 1.3)*
- *Continue to promote the awareness and involvement of the residents in the planning processes for the City. (Chapter 8, Intergovernmental Coordination, Goal 2)*

16.16.050(3) *Special Uses. The proposal is substantially consistent with the specific approval criteria of Section 16.16.060.*

Finding: This criterion is not applicable since there are no specific approval criteria for utility facilities.

16.16.050(4) *Reviewing Parties. Due deference has been given to the comments and recommendations of reviewing parties.*

Finding: The City mailed 557 notices to neighboring property owners within a 1200' radius from the proposed centerline of the three transmission line routes, 24 review agencies, the Wasilla City Council, and the Wasilla Planning Commission. In response to the notices (as of 10/22/15), City staff received seven comments; three were from city business owners, three from city residents, and two from MSB residents. Approval of Alternative #2 will address their concerns. MEA representatives testified that the Alaska Railroad does not want the transmission line to cross near the Palmer-Wasilla Highway Extension, as would be the case with the Alternative #1 route since it will impact the Railroad's maintenance operations.

16.16.050(6) *Fire Safety and Emergency Access. The proposal shall not pose a fire danger as determined by the State Fire Marshal or the fire chief of the district in which the proposed use is located. Adequate access for emergency and police vehicles must be provided.*

Finding: No comments were received from the Borough Fire Chief expressing concerns about a potential fire danger from the proposed transmission lines.

16.16.050(7) *Traffic. The proposed use shall not overload the street system with traffic or result in unsafe streets or dangers to pedestrians...*

Finding: This criterion is not applicable since the proposed transmission lines will not generate any additional traffic on the City's street system.

16.16.050(8) *Dimensional Standards. The dimensional requirements of Section 16.24.010 are met.*

Finding: The only dimensional requirement that applies to this request is a 75 feet required setback from the mean high-water mark of a water course or water body, including lakes, streams, and rivers. The code prohibits any building or footings within this setback area. The proposed route crosses over Cottonwood Creek but according to MEA, the 400' spans between poles would keep them out of the 75' setback.

16.24.050(9) *Parking. The parking, loading areas, and snow storage sites for the proposed development shall be adequate, safe and properly designed. The developer may be required to install acceptable lighting at pedestrian or vehicular access points.*

Finding: This criterion is not applicable since parking is not required for utility facilities.

16.16.050(10) *Utilities. The proposed use shall be adequately served by water, sewer, electricity, on-site water or sewer systems and other utilities.*

Finding: This criterion is not applicable since the proposed use is a utility facility.

16.16.050(11) *Drainage. The proposed use shall provide for the control of runoff during and after construction. All roads and parking areas shall be designed to alleviate runoff into public streets, adjoining lots and protect rivers lakes and streams from pollution. Uses may be required to provide for the*

conservation of natural features such as drainage basins and watersheds, and land stability.

Finding: MEA will be required to take appropriate precautions to prevent any runoff into Cottonwood Creek during construction and obtain any required permits/approvals from local, Borough, state, or federal agencies with jurisdiction over development in wetland areas.

16.16.050(12) *Large Developments. Residential development of more than four units or non-residential development of more than ten thousand (10,000) square feet gross floor area may be required to provide a site plan showing measures to be taken for the preservation of open space, sensitive areas and other natural features; provision of common signage; provision for landscaping and provisions for safe and effective circulation of vehicles, pedestrians and bicycles. Nonresidential large developments must be located with frontage on one of the following class of streets: interstate, minor arterial, major collector or commercial.*

Finding: This criterion is not applicable since this is not a large lot development.

16.16.050(13) *Peak Use. The proposed use shall not result in significantly different peak use characteristics than surrounding uses or other uses allowed in the district.*

Finding: This criterion is not applicable.

16.16.050(14) *Off-Site Impacts. The proposal shall not significantly impact surrounding properties with excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference in any radio or television receivers off the premises, or cause significant line voltage fluctuation off the premises. Radio transmitters and any electronic communications equipment regulated by the Federal Communications Commission is specifically excluded from regulation by this section. Welding, operation of electrical appliances or power tools, or similar activities that cause off site impacts as described above are specifically regulated by this subsection. Buffering may be required to ameliorate impacts between residential and nonresidential uses. The owner of the property upon which the buffer is constructed is responsible for the maintenance of the buffer in a condition that will meet the intent of these criteria.*

Finding: This criterion is met since the proposed transmission lines will not create excessive noise, fumes or odors, glare, smoke, light,

vibration, dust, litter, interference with radio or television receivers, or cause significant line voltage fluctuation off the premises.

- 16.16.050(15)** ***Landscaping. The proposed use shall be designed in a manner that minimizes the removal of trees and vegetative cover, and shall conform to the standards in this title concerning the provision and maintenance of landscaping, and any landscaping plan that is required for the proposed use under this title. The approval authority also may condition approval on the provision of the following:***
- a. A fenced storage area for common use, adequate to store boats, trailers, snowmobiles, recreational vehicles and similar items.***
 - b. Adequately sized, located and screened trash receptacles and areas.***

Finding: MEA stated that it will construct and maintain the project in compliance with WMC 16.33.030(F) and 16.33.030(I) and that it will apply for a waiver to the clearing limitation for the portion of the route that is within the 75' shoreline protection area once the final design is completed.

- 16.16.050(16)** ***Walkways, Sidewalks and Bike Paths. Pedestrian walkways or bicycle paths may be required where necessary to provide reasonable circulation or access to schools, playgrounds, shopping areas, transportation or other community facilities. Improvements must be constructed to standards adopted by the engineer.***

Finding: This criterion is not applicable to a utility facility.

- 16.16.050(17)** ***Water, Sewage and Drainage Systems. If a proposed use is within five hundred (500) feet of an existing, adequate public water system, the developer may be required to construct a distribution system and the connection to the public system. A developer may be required to increase the size of existing public water, sewer or drainage lines or to install a distribution system within the development. The commission may require any or all parts of such installation to be oversized. The developer must submit to the engineer an acceptable plan that shows that if within ten (10) years an increase in capacity will be required to serve other areas how these needs will be met by oversized facilities. When installation of oversized facilities is required, the developer shall install such facilities at their own expense. The developer shall be reimbursed the amount determined by the engineer to be the difference in cost between the installed cost of the oversized utility lines and the installed cost of the utility lines adequate to serve both the development concerned and all other land to be served by the***

lines which is owned or under the control of the developer, provided the developer may not be required to install facilities unless funds for such oversizing have been appropriated for the purpose by the city and there is a sufficient unencumbered balance in the balance in the appropriation. No reimbursement may be made unless the developer has entered into such agreement with the city, including conveyances of personal property including lines, lift stations and valves and conveyances of land or rights in land, as the city determines may be necessary to ensure complete control by the city of its sewer, drainage and water lines when they are extended to serve the property of the developer. Notwithstanding the requirement that the developer construct improvements to existing systems, the commission may elect to accomplish the design or construction, or both, of improvements to be made to existing public systems. In such a case, the commission may require advance payment to the city of the estimated cost of work to be accomplished by the city. The developer shall reimburse the city for all expenses of such design or construction not paid in advance. A public system is adequate if, in the judgment of the engineer, it is feasible for the developer to make improvements to the public system which will provide the increased capacity necessary to serve the existing users and the new development at the same level as is being provided to the existing users. Prior to approval of a use for which a community water system is required, the developer must submit evidence showing that there is available a satisfactory source of water. A source of water is satisfactory only if it can be shown that the proposed source will produce water sufficient in quality and quantity to supply the development. The water system and the connection between such distribution systems and the source must be sized and constructed to meet fire flow and hydrant requirements for fire protection and that the developer has obtained or can obtain a water appropriation permit or certificate for the water from the state. The system must be built to city specifications available from the engineer.

Finding: This criterion is not applicable since water, sewage, and drainage systems are not required for utility facilities.

16.16.050(18) *Historic Resources. The proposed use shall not adversely impact any historic resource prior to the assessment of that resource by the city.*

Finding: The MSB Cultural Resources Office did not submit any comments. However, MEA should contact them prior to any clearing or construction.

16.16.050(19) ***Appearance. The proposed use may be required to blend in with the general neighborhood appearance and architecture. Building spacing, setbacks, lot coverage, and height must be designed to provide adequate provisions for natural light & air.***

Finding: Alternative #2 meets this criterion since the transmission lines will be the least visible from roadways, residential properties, or commercial businesses and remove the least amount of visual screening buffers versus the other two routes. It will also have the least impact on the views from residential properties since a significant portion of the transmission lines will be within the gully and will be 60' - 80' in height against the easterly side of the bluff, which is below the views from those properties. The visual impact of the transmission line also will be mitigated by the requirement that its poles have a rust colored finish.

16.16.050(20) ***Open Space and Facilities. The applicant may be required to dedicate land for open space drainage, utilities, access, parks or playgrounds. Any dedication required by the city must be based on a written finding that the area is necessary for public use or safety and the dedication is in compliance with adopted municipal plans and policy. The city finding shall conclude that a direct connection exists between the development and the need for the provision of the dedication...***

Finding: This criterion is not applicable for a utility facility.

16.16.050(21) ***Winter Hassles. The proposed use shall not significantly increase the impact on the surrounding area from glaciation or drifting snow.***

Finding: The proposed use will not significantly increase the impact on the surrounding area from glaciation or drifting snow.

RECEIVED

OCT 09 2015

Planning Office
City of Wasiila

