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|--|---------------------------------|
| Date of Action: 9/23/13                      |                                 |
| Approved <input checked="" type="checkbox"/> | Denied <input type="checkbox"/> |
| By: <i>K. Smith</i>                          |                                 |

**CITY COUNCIL ACTION MEMORANDUM**

**AM No. 13-33: Notice of Appeal and Confirming the Appointment of an Administrative Hearing Officer for Appeal No. 13-01.**

Originator: Kristie Smithers, City Clerk  
 Date: 9/5/2013

Agenda of: 9/23/2013

| Route to: | Department Head      | Signature          | Date   |
|-----------|----------------------|--------------------|--------|
| X         | Finance Director     | <i>[Signature]</i> | 9/9/13 |
| X         | Deputy Administrator | <i>[Signature]</i> | 9/9/13 |
| X         | City Clerk           | <i>[Signature]</i> | 9/4/13 |

Reviewed by Mayor Verne E. Rupright: *[Signature]* 9-9-13

**Fiscal Impact:**  yes or  no      **Funds Available:**  yes or  no  
**Account name/number/amount:**  
 001-4110-411-30-37      Hearing Officer Payments

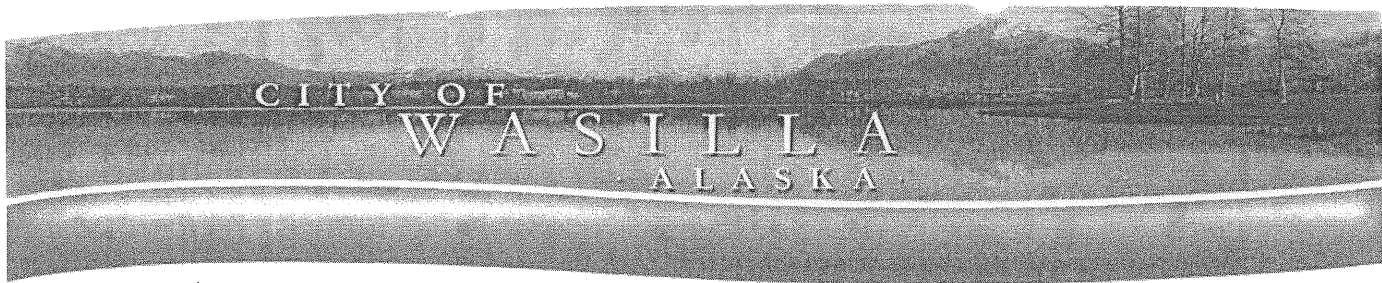
**Attachments:** Application for Appeal dated August 29, 2013 (31 pages)

**Summary Statement:** Per WMC 16.36.070.B, please be advised that on August 30, 2013, an *Application for Appeal* was received by the City Clerk in regard to the following:

- Interested Person/Party Filing the Appeal: **Matanuska Electric Association**
- Appellant's Representative: **Lawrence V. Albert, Attorney at Law**
- Planning Commission **Resolution Serial No. 13-06**
- Planning Case Nos.: **A13-027; U13-02**
- Decision Appealed From: **A Resolution of the Wasilla Planning Commission approving administrative approval A13-027 and use permit number UP13-02 to allow Matanuska Electric Association to construct new 115 KV double circuit transmission lines on new 80-100 foot tall transmission towers along the north side of the Parks Highway right-of-way beginning at the eastern city boundary, then crossing to the south side of the Parks Highway at the east end of the Creekside Plaza shopping center, then extending westerly behind the shopping center and adjoining properties, then crossing to the north side of the Palmer-Wasilla Highway extension right-of-way at the light at Home Depot, then continuing southwest along the north side of the Palmer-Wasilla Highway extension right-of-way to approximately Glenwood Avenue, then heading north to the existing Herning Substation.**

In accordance with WMC 16.36.020.C, it is requested that the City Council confirm the appointment of Joseph N. Levesque as an Administrative Hearing Officer for this case. Mr. Levesque was appointed to serve as an Administrative Hearing Officer by the City Council on August 26, 2013. Mr. Levesque is unaware of any conflict in relation to this case.

**Staff Recommendation:** Adopt AM No. 13-33, and confirm appointment of Joseph N. Levesque as an Administrative Hearing Officer for Appeal Case 13-01.



CITY OF WASILLA • OFFICE OF THE CITY CLERK • 290 E. HERNING AVENUE • WASILLA, AK 99654  
PHONE: 907.373.9090 • FAX: 907.373.9092 • EMAIL: CLERK@CI.WASILLA.AK.US • WWW.CITYOFWASILLA.COM

**APPLICATION FOR APPEAL  
OF A DECISION OR ORDER MADE BY THE  
CITY OF WASILLA PLANNING COMMISSION**

Any "interested person" as defined in WMC 16.36.010, adversely affected by a decision or order of the Planning Commission, may appeal the decision or order within fifteen (15) calendar days of the action. This application, along with a \$500 **non-refundable** filing fee, and a \$500 deposit (total \$1,000), must be submitted to the City Clerk.

Attach a letter to this application which clearly and concisely states with **specificity** the grounds of the appeal. If applicable, cite specific sections of the Wasilla Municipal Code, which you believe conflict with the decision or order of the Planning Commission.

For information on the appeal process, please see Wasilla Municipal Code Chapter 16.36, or contact the City Clerk.

Interested Person Filing the Appeal (Per WMC 16.36.010): Matanuska Electric Association

Appellant's Representative: Lawrence V. Albert, Attorney at Law

Mailing Address: P. O. Box 200934, Anchorage, Alaska 99520

Day Phone No.: (907) 243-2172 Cell Number: \_\_\_\_\_ Fax Number: (907) 243-5476

Email Address: albertl@alaska.net

Planning Department Case Number: A13-027; U13-02 Planning Commission Resolution No. 13-06

Date of Decision or Order of the Planning Commission: August 16, 2013 (Chairman's signature)

Deposit Refund: Provided you are entitled to a refund of a portion of the deposit, to whom do you wish the refund check to be made payable to: Matanuska Electric Association

Appellant's Signature: [Signature] Date: 8-29-13  
Printed Name: GARY KUHN, DIRECTOR OF ENGINEERING

FOR OFFICE USE ONLY  
**RECEIVED**  
Received in City Clerk's Office by: COOPER Date: 8-30-2013  
Fees:  \$500 non-refundable filing fee (receipt attached)  \$500 deposit paid (receipt attached)  
City Clerk's Appeal Case Number: 13-01  
**AUG 30 2013**

AUG 30 2013

Statement of Reasons and Grounds in Support of  
Matanuska Electric Association's Appeal of  
City of Wasilla Planning Commission Resolution Serial No. 13-06

Office of the City Clerk  
City of Wasilla

The following statement of reasons pertain to deficiencies and/or relevant provisions in the City's Comprehensive Plan that are significant for evaluating approval of MEA's land use application:

1. The Comprehensive Plan ("Plan") and the Land Development Code ("Code") do not address major infrastructure or energy facility projects and consequently fail to provide workable standards for review and evaluation of such projects. The only mention of public utility projects is the term "Utility Facilities" which is contained in the Code's compilation of definitions, Code § 16.04.070, and appears as a conditionally allowed use in the Commercial Land Use classification. Plan at 4-7.

A. The Comprehensive Plan recognizes the need for implementation through specific plans on topics including infrastructure yet no such specific plan has been adopted addressing MEA's type of project. Plan at 1-6.

B. None of the general approval criteria in § 16.16.050 of the Code addresses utility infrastructure or energy related projects. Also, none of the specific approval criteria in § 16.16.060 of the Code address utility infrastructure or energy related projects. The Planning Commission's Resolution ("Resolution") at 10 recognizes there are no specific approval criteria for utility facilities.

C. The Plan contemplates a land use overlay for a "Downtown District" wherein general policy statements contained in the Plan are elaborated through specific design standards. Plan at 5-4. The proposed Downtown District includes a substantial portion of MEA's route application through the Parks Highway corridor. Plan, Fig. 7. The Parks Highway corridor is an established utility corridor. No land use overlay or Downtown District plan has been adopted that provides specific guidance regarding utility placement or other relevant matters.

D. The Code imposes a detailed site planning requirement on land use applications. Code § 16.08.010. This template for review and evaluation of projects assumes discrete parcel(s) with final design drawings for development. However, the Code's site planning template is unsuitable for evaluation of projects of a regional scale such as MEA's transmission line proposal that require preliminary technical evaluations before site specific design and engineering work is performed.

E. AS 29.40.030(a) requires, in pertinent part, that a comprehensive plan include “standards . . . for guiding physical, social and economic development.” The Plan fails this requirement because it does not reasonably address major utility infrastructure and energy facilities. The Plan is prima facie deficient with the enabling legislation because it contains no standards on such matters. *See* Code § 16.04.040(A).

2. Assuming the Plan provides satisfactory guidance for review of infrastructure and energy facility projects, MEA’s application is consistent with the Plan.

A. The Community Assets element of the Plan recognizes that “cost effective infrastructure and services . . . are critically important aspects of this planning element.” Plan at 6-1.

B. The Community Assets element also states that “[i]mproved utilities and infrastructure are important community priorities” according to 79% of respondents to a survey sponsored during the comprehensive planning process. Plan at 6-4.

C. The Economic Vitality element of the Plan states that the City should “coordinate with non city providers to expand services that will support new commercial, industrial and manufacturing development.” Plan at 7-4 (Action Statement 1.2.3)

D. The preferred route in MEA’s application is consistent with land use designations in the Plan: the Commercial Use classification conditionally allows utility facilities and the Future Land Use map shows a Commercial/Business classification for most of the Parks Highway corridor. Also, the Parks Highway corridor is an established utility corridor.

E. Locational criteria for commercial land uses include locating the use near commercially developed areas and near existing public services. Plan at 4-10. MEA’s preferred route alternative meets this locational criterion for commercial land use.

3. The Plan does not manifest an “overarching vision” for aesthetics and visual impact; the Plan fails to articulate standards on such subjects, and therefore, the Planning Commission’s decision on this issue is arbitrary.

A. The Plan contains numerous goals (20), objectives (54) and actions (119) for a total of 193 policy statements. Only five of these mention aesthetics, viewsheds or visual impacts, or approximately 2% of the aggregate of policy statements. The Commission’s finding of an “over arching vision” regarding visual impact and preservation of viewsheds is not reasonably derived from the Plan and is fictional.

B. The Commission's finding regarding an "over arching vision" regarding visual impact and viewshed preservation is contradicted by the Plan's recognition that 79% of survey respondents agree that "improved utilities and infrastructure are important community priorities;" the Plan contains no comparable statement emphasizing a priority for visual concerns and viewshed preservation.

C. The Plan contains no standards or procedures for ascertaining and applying visual impacts of land use applications subject to regulatory approval. Given an inherently subjective component to visual impacts and aesthetics, and the absence of any standards or procedures on the issue, the Commission's decision on visual impacts is arbitrary and capricious as a matter of law.

D. The Planning Commission and/or City Planner have approved several cell tower facilities in Wasilla. These towers approximate the height (80') of the transmission towers included in MEA's application, are plainly visible on the landscape and have an impact on the relevant viewshed. The City's approval of several cell towers versus its refusal to permit MEA's above ground transmission facilities is inconsistent and manifests arbitrary and capricious decision-making as a matter of law. *See* Plan at 4-4.

4. Both the Plan and the Code are silent regarding fiscal impact analysis as a basis for land use decisions. The Commission's finding on fiscal impact is not only speculative, it is also arbitrary.

A. The Plan recognizes that commercial development, in particular retail land uses, will contribute to sales tax revenue which is the principal revenue source for the City. Plan at 4-4. While the Commission interprets the Plan to contain policy statements favoring land use decisions that will generate sales tax revenue, the Plan is silent regarding any guidance for assessing the fiscal impacts of land use decisions. Therefore, the Plan fails to comply with AS 29.40.030(a).

B. The Commission's findings include statements regarding adverse effects on adjoining commercial properties subject of utility easements postulated with MEA's application. The findings proceed from a series of assumptions which are not substantiated, not supported by the record, and consequently, the Commission's analysis is an exercise in speculation.

C. The Commission's findings in the absence of any framework, standards or established procedures for fiscal impact assessment constitute arbitrary and capricious decision making as a matter of law.

5. The planning process utilized by the City under the direction of the Planning Commission does not conform with the Plan nor Alaska Statutes and therefore the Commission's decision and Resolution are invalid.

A. AS 29.40.030(a) sets forth the requirements for preparing a comprehensive plan. AS 29.40.030(b) requires that the comprehensive plan be officially adopted through ordinance of the local government. AS 29.40.040 requires a local government to adopt a land use regulation in accordance with the adopted comprehensive plan and which operates to implement the plan.

B. AS 29.40.030(b) states that after adopting a comprehensive plan, the local government shall periodically undertake a review and update the plan as necessary. The Plan itself reiterates this requirement and notes that plan revisions and adoption of specific plans are the appropriate procedure for compliance. Plan at 1-1.

C. The City's "Mission Statement" and "Goals" adopted by the City Council are not incorporated into the Plan, nor have these been formally adopted as revisions to the Plan, and therefore, the Commission's reliance on these actions as a basis for findings on the general approval criterion at Code § 16.16.050(2) in the Resolution are *ultra vires* of the statutory requirements.

D. The Mayor and Commission have advocated and repeatedly criticized MEA for not undertaking a study of route alternatives that responds to the City's concerns. However, the Code does not require land use applications to identify and evaluate alternatives. *See* Code §§ 16.08.010, 16.16.050, .060. Nor, as explained above, does the Plan adequately address utility infrastructure or energy facilities in the first instance. Finally, the Commission failed to undertake a revision or update to the Plan that would address its concerns about route alternatives.

E. The workshops sponsored by the Planning Commission on June 29, 2013, do not qualify as formal Plan revisions or updates authorized under the enabling legislation and acknowledged in the Plan. Also, the Code does not authorize workshops, charettes or other vehicles for public participation as conditions for approval of land use applications. Instead, the Code only requires public notice and hearing prior to Commission approval of land use applications. Code § 16.16.040(A)(2), (4). Therefore, the Commission's reliance on the findings from the workshops as well as MEA's decision not to participate in same is *ultra vires* of the Plan and the Code.

The following statement of reasons pertains to the Commission's findings on individual approval criteria set forth in Code § 16.16.050 and adopted in the Resolution:

6. The Commission's finding regarding consistency with the Plan pursuant to Code § 16.16.050(2) cannot be sustained for the reasons #1 through #5 above and are furthermore not supported by the record.

7. The Commission's finding regarding due deference to reviewing parties pursuant § 16.16.050(4) is invalid as a matter of law and not supported by the record:

A. The Code defines "reviewing parties" as third persons delegated authority by the Commission for review of land use applications by official resolution of the Commission. Code § 16.08.040.

B. The Commission never passed a resolution wherein "reviewing parties" were delegated review authority on MEA's land use applications. Therefore, any public comments submitted on the applications do not have the status of "reviewing parties."

C. The Commission's reliance on approval criterion .050(4) for an adverse finding is ultra vires of the Code and the Resolution cannot be sustained on appeal

8. The Commission's finding regarding dimensional standards pursuant to Code § 16.16.050(8) is ambiguous and implies a violation. The finding fails to specify a building or footing contained in MEA's application located within 75 feet from the mean high water mark of a watercourse or water body.

9. The Commission's finding regarding the landscaping criterion pursuant to Code § 16.16.050(15) conflicts with MEA's enabling authority as a public utility and the Commission's authority over land use is pre-empted as a matter of law.

A. AS 42.05.061 states that the jurisdiction of the Regulatory Commission of Alaska (RCA) "extend[s] to public utilities operating within a municipality." Furthermore, "[i]n the event of a conflict between a certificate, order, decision or regulation of the commission and a "permit, . . . ordinance, rule or regulation of a local government, the [authority] . . . of the commission shall prevail."

B. RCA regulations require a licensed electric utility "to construct maintain and operate its plant in accordance with accepted engineering practices to reasonably assure service reliability, service quality and the safety of persons and property." 3 AAC 52.470(a). Furthermore, RCA's regulations state that a "utility shall design, construct and maintain generation, transmission and distribution facilities in compliance with state minimum electrical safety standards as adopted in AS 18.60.580." *Id.*, .470(b)

C. Provisions of the National Electrical Safety Code (NESC) promulgated by the Institute of Electrical and Electronics Engineers provide minimum standards and specifications for ground cover and vegetative clearance associated with high voltage transmission lines and towers.

D. If in MEA's expert judgment, appropriate standards and specifications for ground cover and vegetative clearance conflict with Wasilla's landscaping standards for approval of land use applications, then the Code's general approval criterion at .050(16) is pre-empted as a matter of law and the Commission may not rely on such criterion due to AS 42.05.061.

E. Aside from the general approval criterion for landscaping at § 16.16.050(16), the Code includes a provision on landscaping standards associated with land use applications. Subsection 16.33.030(F) of the Code is captioned "Utility Easement Landscaping" and states that "[I]landscaping within public utility easements is encouraged but shall be limited . . . ." Subsection .030(I) states that "landscaping required under this title shall be placed in a manner that does not interfere with . . . any public utility."

F. The Commission's finding that MEA's application is inconsistent with the Code's landscaping standards is unlawful because the Resolution fails to address interference or a conflict between the landscaping standards and MEA's obligations to adhere to public safety considerations. Such public safety considerations apply regardless of whether the transmission lines are above or under ground and consequently MEA may assert standards for ground cover even if the transmission line is underground in order to properly access the facility.

10. The Commission's finding regarding the appearance criterion pursuant to Code § 16.16.050(19) cannot be sustained for the reasons #1 through #5 above and are furthermore not supported by the record.

The following statement of reasons pertains to the Commission's Additional Substantive Findings ("Addl. Finding") to the extent these are not redundant with the findings supporting the general approval criteria set forth in the Resolution.

11. The Commission lacks expertise to make judgments about whether MEA's transmission line is necessary, whether utility demand and load growth are bona fide along with other technical and engineering considerations in transmission facility siting. Such matters are beyond the jurisdiction and authority of the Commission in regulating land use within the City. *See* Addl. Findings # 9, 10, 11. Commission's staff



acknowledged its lack of expertise on design matters at the August 13, 2013 Planning Commission meeting. Furthermore, the Commission's finding on such issues are not supported by the record.

12. The Code is silent regarding land use applications including alternatives to the proposed action, analysis of alternatives against decision criteria and mitigation in the format of NEPA assessments. Therefore, criticism and objections that MEA failed to properly consider route alternatives, assess the impact of route alternatives or mitigate the impacts of route alternatives is *ultra vires* of both the Plan and the Code. See Addl. Finding # 6, 7, 15, 16, 18. This criticism is moreover improper because the Plan the Code fail to address major infrastructure or energy facility siting in the first instance. See *supra* Reason # 1. Furthermore, the Commission's finding on such issues are not supported by the record.

13. Neither the Plan nor the Code address cost factors or economic impact for either the applicant or the City in regard to a land use application. Vague language in the Plan about economic development or revenue generation, without more, does not qualify as "standards" for guiding land use pursuant to Alaska law. See *supra* Reason # 1, 4. Therefore, the Commission's criticism about inadequate cost analysis is *ultra vires*. See Addl. Findings # 5, 12, 13, 14.

14. The Commission may exercise the City's police power over land use without consideration to cost, subject to a constitutional guarantee against taking or damage to private property. However, MEA's charter and enabling authority require the utility to provide electrical service at reasonable rates, and thus, cost is relevant to MEA's own decision-making. The Commission's resort to uncompensated exercise of police power conflicts with MEA's enabling authority and subject to pre-emption pursuant to AS 42.05.641. The determination of such pre-emption is a matter for the Regulatory Commission of Alaska rather than the City of Wasilla.

15. The Commission's additional findings regarding visual impact, viewshed preservation and the like do not provide a legitimate basis for approval of land use applications because neither the Plan nor the Code provide workable standards for evaluating visual impacts of land use applications. See Addl. Findings # 1, 2, 8, 17, 18; Reason # 3.

16. The Commission's finding that property owners prefer under-grounding of utilities, without more, does not provide a sufficient basis for land use decisions under the Plan and the Code. Such finding is ambiguous as to the scope and nature of the under-grounding preference. See Addl. Findings. #3; Reasons # 1, 4. Furthermore, The

Commission's finding regarding conceptual siting and design criteria for business location, without more, does not provide an adequate basis for evaluation of the MEA application because application of the criteria is speculative, just as the Commission's fiscal impact analysis is speculative, especially absent any decisional criteria. *See* Addl. Finding # 19; *e.g.*, Reason # 4.

17. The Commission's finding that most overhead transmission lines in Alaska and the lower 48 states are located in industrial area or are buffered from views by dense vegetation is an assertion, not supported by the record and not based on any empirical analysis by professionally qualified personnel. Addl. Finding # 8.

(prepared 08/25/13)

(revised 08/28/13)

**RECEIVED**

**AUG 30 2013**

Office of the City Clerk  
City of Wasilla

By: Planning  
Public Hearings: 5/14/13, 5/21/13,  
7/9/13, and  
8/13/2013  
Adopted: 8/13/2013

**WASILLA PLANNING COMMISSION  
RESOLUTION SERIAL NO. 13-06**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING ADMINISTRATIVE APPROVAL A13-027 AND USE PERMIT NUMBER UP13-02 TO ALLOW MATANUSKA ELECTRIC ASSOCIATION (MEA) TO CONSTRUCT NEW 115 KV DOUBLE CIRCUIT TRANSMISSION LINES ON NEW 80-100 FOOT TALL TRANSMISSION TOWERS ALONG THE NORTH SIDE OF THE PARKS HIGHWAY RIGHT-OF-WAY BEGINNING AT THE EASTERN CITY BOUNDARY, THEN CROSSING TO THE SOUTH SIDE OF THE PARKS HIGHWAY AT THE EAST END OF THE CREEKSIDE PLAZA SHOPPING CENTER, THEN EXTENDING WESTERLY BEHIND THE SHOPPING CENTER AND ADJOINING PROPERTIES, THEN CROSSING TO THE NORTH SIDE OF THE PALMER-WASILLA HIGHWAY EXTENSION RIGHT-OF-WAY AT THE LIGHT AT HOME DEPOT, THEN CONTINUING SOUTHWEST ALONG THE NORTH SIDE OF THE PALMER-WASILLA HIGHWAY EXTENSION RIGHT-OF-WAY TO APPROXIMATELY GLENWOOD AVENUE, THEN HEADING NORTH TO THE EXISTING HERNING SUBSTATION.**

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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 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, 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 A13-027 and Use Permit Number U13-02, on April 3, 2013 requesting approval to construct new 115 kV double circuit transmission lines on 80-100 foot tall towers in a 100 foot wide right-of-way easement within the city limits as described above and shown on the attached maps dated December 7, 2012; 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 City Planner elevated the applicant's request 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 598 notices for the public hearing to property owners within a minimum of 1,200 radial feet of the subject property and to 25 review agencies consistent with WMC 16.16.020; and

WHEREAS, the Commission conducted the first public hearing on May 14, 2013 and, after taking extensive testimony and evidence, voted 5-1 to continue the meeting until May 21, 2013; and

WHEREAS, at the May 21, 2013 public hearing, the Commission re-opened the public hearing to allow additional testimony by MEA, City staff, and the public.

WHEREAS, the Commission voted 4-1 to continue the public hearing until July 9, 2013 and directed staff to conduct meetings and/or workshops to work with MEA, the Matanuska-Susitna Borough, the Knik-Fairview Community Council, and interested residents and businesses to identify additional potential routes for the proposed transmission lines that would be consistent with the Plan and other applicable policies and codes and that minimize negative impacts to residents and business owners and to the scenic vistas; and

WHEREAS, the City planning staff hired a consultant to facilitate two consecutive public workshops on June 27, 2013 to provide attendees the opportunity to identify potential route alternatives for the proposed transmission lines and a summary of the recommendations was prepared for review by the Commission; and

WHEREAS, MEA did not attend the public workshops on June 27, 2013, but submitted a letter objecting to the workshops to the Commission Chairman on June 7, 2013; and

WHEREAS, approximately 23 residents, business owners (and/or their representatives), a representative from the Knik-Fairview Community Council, and other interested persons attended the June 27, 2013 workshops and worked in groups to

identify other potential routes for the proposed MEA transmission lines that would have less negative impact on the businesses, residents, scenic views in the area, and the visual attractiveness of the City; and

WHEREAS, a summary of the recommendations from the June 27, 2013 workshops was prepared by the consultant and provided to the Commission in the meeting packet for the July 9, 2013 public hearing; and

WHEREAS, at the July 9, 2013 public hearing, the Commission continued its deliberations on the permit requests, taking into account the information submitted by the applicant, evaluation and recommendations of staff contained in the staff report, the information included in the all of the meeting packets for these permit applications (submitted as part of the public record), written comments from the public and review agencies, public testimony at all public hearings, the recommendations obtained at the June 27, 2013 public workshops, the 2011 City of Wasilla Comprehensive Plan, and the City of Wasilla Land Development Code (Title 16), and other pertinent information brought before them; 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 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 Eklutna Generation Station to 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 Commission has considered the information referenced above along with information contained within the permit applications and record, information in the meeting packets, the staff report, including additional information submitted at the public hearings to supplement the record, staff's testimony, the applicant's testimony, and written comments and verbal testimony provided by city residents, business owners within the city, review agencies and other interested parties; and

WHEREAS, the Commission has determined that the construction of 115 kV double circuit overhead transmission lines on 80-100 foot towers along the proposed route through the City is not consistent with the vision for the City as outlined in the City of Wasilla Comprehensive Plan and Land Development Code (Title 16) does not meet all of the general approval criteria and will have a significant negative impact on the visual appearance and scenic resources, property values of residential and commercial properties, and potential for future commercial development on vacant commercially-zoned properties along the proposed route (as outlined in the findings of fact attached to this resolution as Exhibit A); and

WHEREAS, the Commission has determined that underground installation of the proposed 115 kV double circuit transmission lines within the proposed route is consistent with the 2011 City of Wasilla Comprehensive Plan and Land Development Code, since it will not affect the visual appearance and scenic resources along the proposed route and/or negatively impact existing and potential commercial development on commercially-zoned properties (as outlined in the findings of fact attached to this resolution as Exhibit A); and

WHEREAS, at the July 9, 2013 public hearing, the Commission directed staff to draft a resolution and findings of fact that approved the permit requests with the condition that the transmission lines be installed underground within the proposed route shown in Exhibit B and bring it back for adoption at the August 13, 2013 Commission meeting.

NOW, THEREFORE BE IT FURTHER RESOLVED that based on the information referenced above and all of the information in the record, the Commission hereby approves Administrative Approval Number A13-027 and Use Permit Number U13-02 with the adopted Findings of Fact, attached as Exhibit A and incorporated herein, with the following conditions:

1. The transmission lines must be installed underground; and
2. The underground transmission lines must be installed within the corridor shown on the drawings dated December 7, 2012, attached as Exhibit B.

ADOPTED by the Wasilla Planning Commission on August 13, 2013.

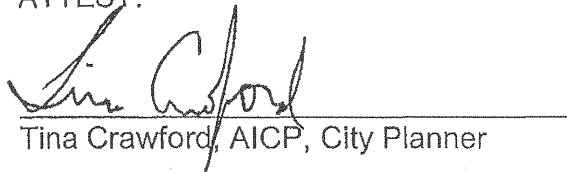
DATE:

8/16/2013

APPROVED:

  
Daniel Kelly, Jr., Chairman

ATTEST:

  
Tina Crawford, AICP, City Planner

VOTE: Passed with Commissioner Brown, Dean, Green, Ledford and Chair Kelly in favor, and Commissioner Sumner in opposition



**WASILLA PLANNING COMMISSION  
FINDINGS OF FACT  
ADMINISTRATIVE APPROVAL NUMBER 13-027 AND USE PERMIT NUMBER 13-02**

The Wasilla Planning Commission hereby makes the following findings of fact in connection with land use permits Administrative Approval Number A13-027 and Use Permit Number 13-02:

**General Approval Criteria Findings**

***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.

**16.16.050(2) *Plans. The proposal is substantially consistent with the city comprehensive plan and other city adopted plans.***

Finding: Locating an overhead transmission line on 80-100 foot tall towers along the proposed route is not substantially consistent with the City Comprehensive Plan or Land Development Code. It is also not consistent with the City Mission Statement or the City Council's adopted Goals and Initiatives.

The over-arching vision outlined in the Comprehensive Plan is to take the necessary steps to ensure the City remains region's major commercial center, generates the sales tax revenue that is required to maintain and enhance the quality of life for its residents, and enhances the visual attractiveness of the community. The ability to do this is directly tied to the attractiveness of the City as a place to live, work, and do business. Also, the Land Development Code's overall purpose is to achieve the goals and objectives of the Comprehensive Plan and to avoid, mitigate, or prohibit the negative

impacts of growth and the City Council's overall goal is to preserve and enhance the quality of life for residents and visitors to the City.

The proposed centerline of the transmission line is within the right-of-way of two of the main commercial corridors within the City – the Parks Highway and the Palmer-Wasilla Highway Extension. Additionally, this area has the most potential for new commercial development since there are several large commercially-zoned properties along the proposed route.

Currently, the Parks Highway and Palmer-Wasilla Highway Extension commercial corridors contain some of the largest sales tax generators within the City and have the greatest potential to attract new large-scale commercial development. Since the City's entire budget is primarily based on the collection of sales tax, existing and future sales tax dollars are essential for the City to improve the quality of life, safety, and welfare of its citizens.

The 100-foot easement requested by MEA for the transmission lines will impact the ability to utilize a significant portion of the valuable commercial square footage fronting these commercial corridors since MEA's utility easement clearing policies require the removal of all vegetation (except grass) within utility easements and also prohibits the placement of signage and structures. This will require commercial businesses to locate the required perimeter and parking landscaping areas, structures, and signs up to 50 feet away from the property line. This will reduce visibility of the signage and reduce the amount of square footage available for parking and structures. Additionally, the location of 80-100 foot tall transmission line structures will significantly reduce the visual attractiveness of these properties.

These impacts will discourage further commercial development/redevelopment in these areas, which is inconsistent with the following goals, objectives, and/or actions within the 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).
- *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)

The 80-100 foot tall transmission towers supporting the transmission lines will significantly impact the scenic mountain vistas viewed from these corridors and will significantly, and permanently, decrease the attractiveness of the City. Also, MEA's utility easement clearing regulations require that the utility easement be cleared of vegetation (except grass), including required landscaping for commercial development. Clearing this vegetation will seriously degrade the visual attractiveness of the Parks Highway and Palmer-Wasilla Highway Extension commercial corridors, which is inconsistent with the following goals, objectives, and/or actions within the Comprehensive Plan:

- *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).
- *Identify landmarks and features of visual interest to residents and visitors, and explore opportunities for enhancing access to them and/or framing views for the public (e.g. scenic overlooks, pullouts, site development that maintains and/or incorporates views.)* (Chapter 6 – Community Assets, Goal 4, Action 4.2.1)
- *Work to tap community pride and owners' self interest in enhancing properties along the Parks Highway by partnering with the Chamber of Commerce and other organizations on community beautification and cleanup efforts.* (Chapter 6 – Community Assets, Goal 4, Action 4.2.2).
- *Collaborate with ADOT&PF to identify ways to preserve landscaping along state roadways and minimize dust pollution from winter maintenance.* (Chapter 6 – Community Assets, Goal 4, Action 4.2.3).

The visual blight created by the proposed transmission towers and lines will significantly impact the scenic mountain views along these main corridors into the City and will decrease the attractiveness of the City. This is inconsistent with the City's goal to attract tourists and residents to the area, as identified in the following goals, objectives, and/or actions within the Comprehensive Plan:

- *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).
- *Promote the City as a base for Valley recreation and a "Gateway to Adventure."* (Chapter 7 – Economic Vitality, Goal 1, Objective 1.4).

The provision of a redundant electrical transmission loop for an area that already has existing power supply does not offset the significant impacts to future development/redevelopment of the commercial properties along the proposed route, the visual attractiveness and scenic mountain vistas viewed from these roadways, or the ability to promote Wasilla as a tourist destination. Especially since, as shown in MEA's routing studies, other transmission line routes are available that are consistent with the City's plans and goals and would have significantly less impact on the City.

However, this criterion is met with the condition of approval that the transmission lines be installed underground.

**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 568 notices regarding the first public hearing to neighboring property owners within a 1200' radius from the proposed centerline of the transmission lines and 25 review agencies.

City staff received numerous comments in opposition to the proposed route for the overhead transmission lines on 80-100 foot tall towers from business owners and City residents due to the impact to the attractiveness of the area, the scenic views from residential properties, and decreases in property values. The majority of the comments in support of the proposed route were submitted by residents in the Fairview Loop area, which would be directly affected by the Cottle substation route that was presented by MEA as another optional route. (Copies of the comments received by staff are included in the public hearing record along with additional written comments received after the compilation of the hearing packets and those provided at the public hearings.)

Agency review comments were also received from the Alaska Railroad expressing concerns about the portion of the proposed route where it crosses the Palmer-Wasilla Highway Extension.

However, this criterion is met with the condition of approval that the transmission lines be installed underground.

**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: This criterion is met since no comments were received from the Borough Fire Chief expressing concerns about a potential fire danger for 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 City Land Development Code (Title 16) prohibits any building or footings within 75 feet from the mean high-water mark of a water course or water body, including lakes, streams, and rivers.

However, this criterion is met with the condition of approval that the transmission lines be installed underground.

**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:              The proposed transmission line structures will not create drainage problems. However, the applicant will be required to take the necessary steps to control any runoff during construction, especially runoff that would impact any waterbodies or 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 since the definition of "peak use" refers to use characteristics such as traffic, parking, visitation, etc.

**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's request for a 100 foot wide right-of-way easement that will be cleared of vegetation, shrubs, landscaping features, or trees for aboveground utilities is inconsistent with this criterion (see MEA's clearing brochure and vegetation rules and regulation in the Supplemental Information section of the record). It is also inconsistent with the purpose of the Code's landscaping standards, which is to "...enhance the community's environment and visual character, provide attractive and functional separation and screening between uses, and to attract visitors and tourists to the city for the economic benefit of everyone in the community."

The Code also states that only 70 percent of a lot may be cleared of vegetation. Any vegetation that MEA clears that is located on private property will count toward the maximum amount that be cleared for development. Also, removal of vegetation or landscaping on currently developed properties may cause them to be out of compliance with the City's landscape regulations.

However, this criterion is met with the condition of approval that the transmission lines be installed underground.

**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 and air.*

Finding: MEA's utility easement clearing requirements will significantly impact the scenic mountain views along the proposed route and will decrease the attractiveness of the City and the gateway corridor. Also, the requirement to clear all landscaping within the 100 feet wide right-of-way causes the proposed 80-100 foot tall transmission towers to be more visible since there will be no vegetative buffer to soften or screen the appearance or a vegetated background to minimize the starkness and massive size of the structures. Also, the proposed transmission towers will be 45-65 feet taller than any building/structure permitted within the city limits.

The proposed overhead transmission lines on 80-100 foot tall towers will be out of character with the general appearance of the area. The majority of the businesses along the proposed route within the city limits have chosen to have a more attractive "curb appeal" by placing the utilities underground and/or accessing utilities from the rear of the property.

However, this criterion is met with the condition of approval that the transmission lines be installed underground.

**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.*

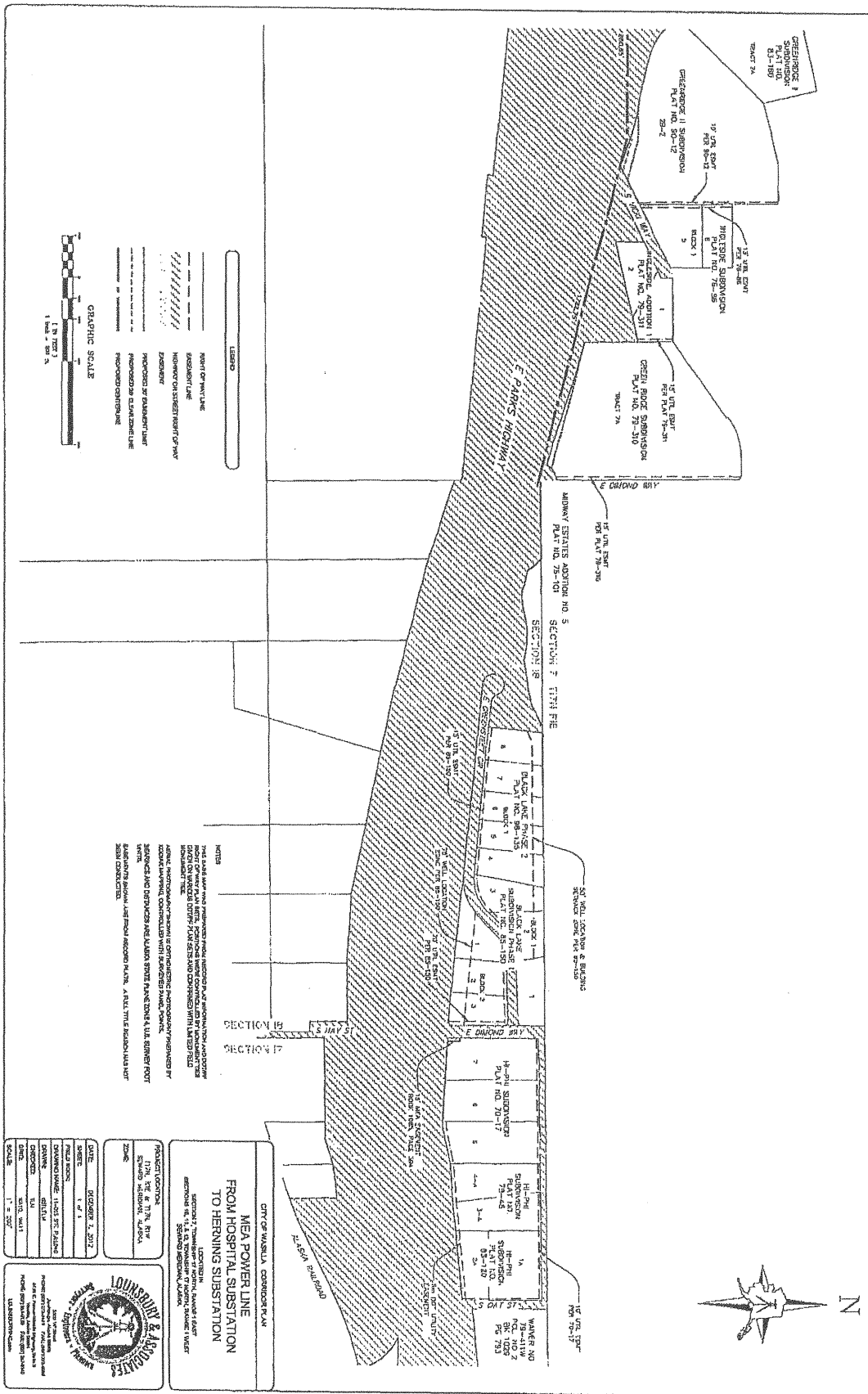
Finding: This criterion is met since the proposed use will not significantly increase the impact on the surrounding area from glaciations or drifting snow.

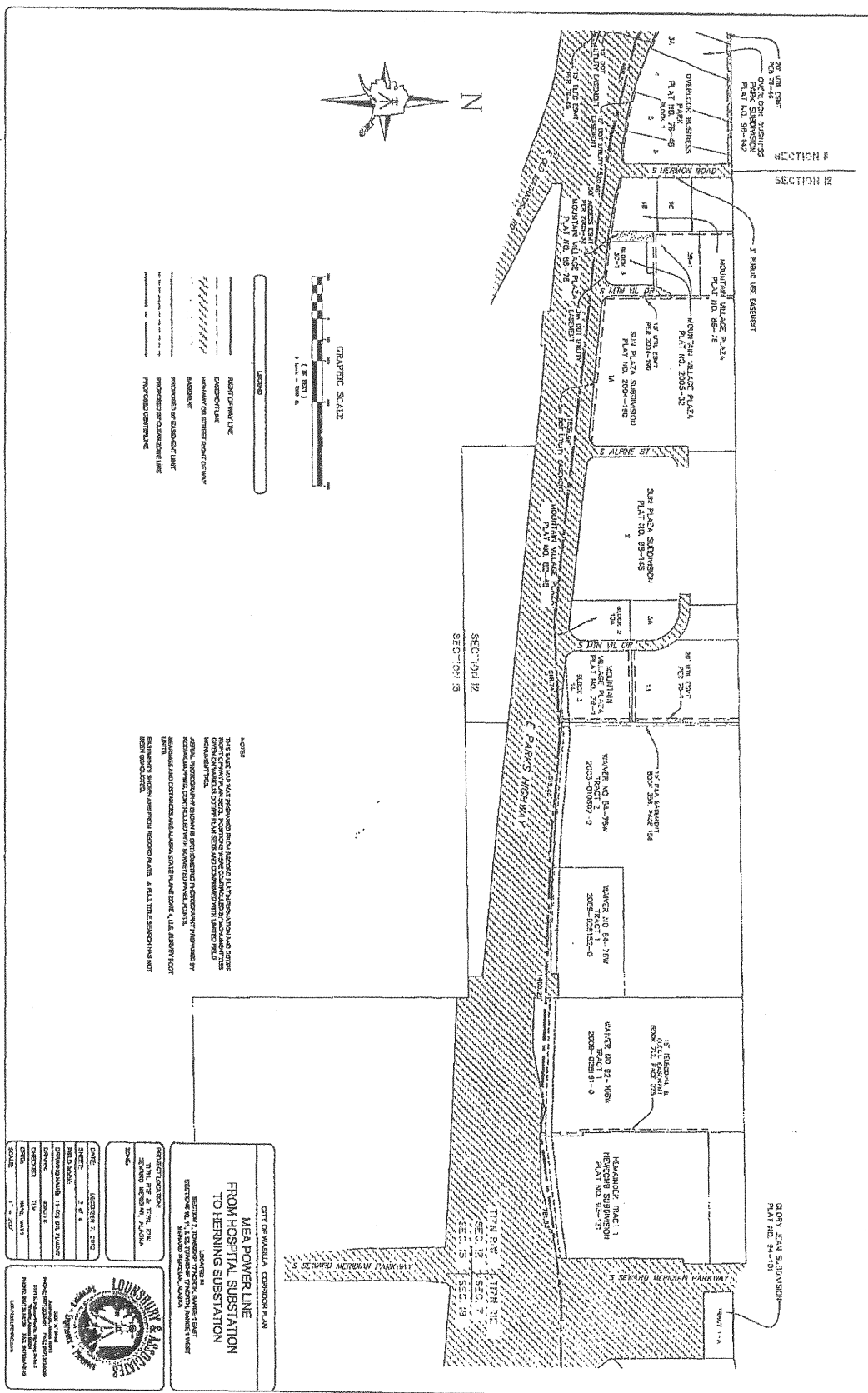
**Additional Substantive Findings:**

1. The Parks Highway is the gateway to the rest of northern Alaska and contains beautiful scenic views and resources that need to be preserved.
2. Overhead transmission lines on 80-100 foot tall towers along the proposed route create a long-term visual blight along the main corridors through the City and will negatively impact the City's beautification efforts that are directed by the City Comprehensive Plan.
3. The majority of businesses along the proposed route have underground electrical utilities.
4. MEA did not meet the burden of proof to show that the proposed overhead transmission lines on 80-100 foot tall towers met the general approval criteria in Wasilla Municipal Code 16.16.050 (Land Development Code) since the permit requests were not consistent with at least four of the criteria.
5. MEA did not submit competent and/or substantial evidence to prove that the proposed route is the only viable route – only that it was the least expensive route. Financial cost to the applicant is not the main or only consideration when determining consistency with the general approval criteria in the City Land Development Code and/or the goals, objectives, and actions adopted in the 2011 City of Wasilla Comprehensive Plan.
6. Several other routes were analyzed by MEA in the route analysis study submitted with the permit applications (*Hospital Substation to Herning Substation Transmission System Route Selection (Herning Circuit Routing and Easement Study) – Analysis of Five Routing Options and Selection of Preferred Route*, dated July 2012) that, although not optimal from a financial viewpoint, are more consistent with the City's Comprehensive Plan and land use regulations and criteria.

7. The rating criteria used by MEA in the routing analysis for the proposed transmission line routes only addressed cost, ability to strengthen MEA's grid, minimize public controversy, and the schedule to energize. Although typically addressed in transmission line routing studies, MEA did not address or consider visual impacts or compatibility with the zoning and land uses in the area.
8. Overhead transmission lines on tall towers should be placed in areas where they are less visible and have less impact, such as industrial areas or in less populated/developed areas. Based on a review of other utility facilities within Alaska and the lower 48 states, most overhead transmission lines on tall towers are located in industrial areas, remote areas, or are buffered from view by dense vegetation.
9. MEA did not submit any competent and/or substantial evidence to prove that there is an immediate pressing need for the proposed transmission lines.
10. According to testimony provided by Joe Griffith, MEA General Manager, to the Regulatory Commission of Alaska, MEA can provide power from the Eklutna Generation Station to the Herning substation utilizing existing power lines – just not as efficiently as they could with the upgraded transmission lines (10/24/12 and 3/13/13 RCA testimony. Also in 4/3/13 application packet – page 3 of site plan waiver packet, which states that it will increase reliability and capacity and provide redundancy.)
11. MEA's clearing policies for utility easements are significantly more stringent than the requirements in the National Electrical Safety Code (NESC). The NESC only requires 25 feet clearance between vegetation and the lowest hang or swing of the transmission lines and removal of trees that are in danger of falling into the transmission lines. The NESC standards allow lower height trees and shrubs if more than 25 feet from the lines. MEA's clearing policy requires the removal of all vegetation (except grass) from the utility easement. This is inconsistent with the purpose of the landscaping regulations, which is to enhance the community's visual character to attract visitors and tourists to the city for the economic benefit of everyone in the community.
12. The public places a higher value on properties without overhead power lines.
13. MEA testified at the May 21, 2013 Wasilla Planning Commission meeting that they were unwilling to consider any other route due to the higher costs.
14. Although requested by the Wasilla Planning Commission at the May 21, 2013 public hearing, MEA did not provide information regarding the cost to install the transmission lines underground.
15. MEA submitted a letter on June 7, 2013 objecting to the June 27, 2013 workshops that were requested by the Planning Commission to identify other potential overhead transmission line routes that would meet MEA's needs and be consistent with the City's Comprehensive Plan and the general approval criteria for permits.

16. MEA was unwilling to consider any additional routes other than the proposed route submitted with the permit applications, which was the same route that was submitted in an earlier permit submittal to the City in November 2012 that was subsequently withdrawn by MEA prior to the January 2013 public hearing.
17. MEA disregarded all input provided by the City staff, the residents and businesses along the proposed route regarding the negative impacts to the quality of life, scenic views along the route and from residential properties, and existing businesses.
18. Although requested by City staff, MEA refused to provide adequate renderings depicting the visual impacts that would be created if the overhead transmission lines on 80-100 foot tall towers were installed along the proposed route (MEA only provided one photo rendering showing a very small portion of the proposed route after the City staff generated photo simulations for the entire route.)
19. Availability of power is just one criteria used by developers when deciding whether to locate a business within a specific area. Other considerations of equal or greater importance include the number of consumers within an area, the visibility of the business, the ability to design a site that is attractive to customers, the ability to maximize the square footage of the parcel, etc.





NOTES

1. THE MAP HAS BEEN PREPARED FROM RECORDS IN THE PUBLIC DOMAIN AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY OR LIABILITY FOR ANY ERRORS OR OMISSIONS. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY AND COMPLETENESS OF THE INFORMATION SHOWN ON THIS MAP.
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| DATE       | REVISION |
| 12/15/2017 | 1        |
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| 12/15/2017 | 10       |
| 12/15/2017 | 11       |
| 12/15/2017 | 12       |

**LOUISIANA & BOSSIERE**

**REGISTERED PROFESSIONAL ENGINEER**

STATE OF LOUISIANA

NO. 10887

12/15/2017

**MEA POWER LINE FROM HOSPITAL SUBSTATION TO HERNING SUBSTATION**

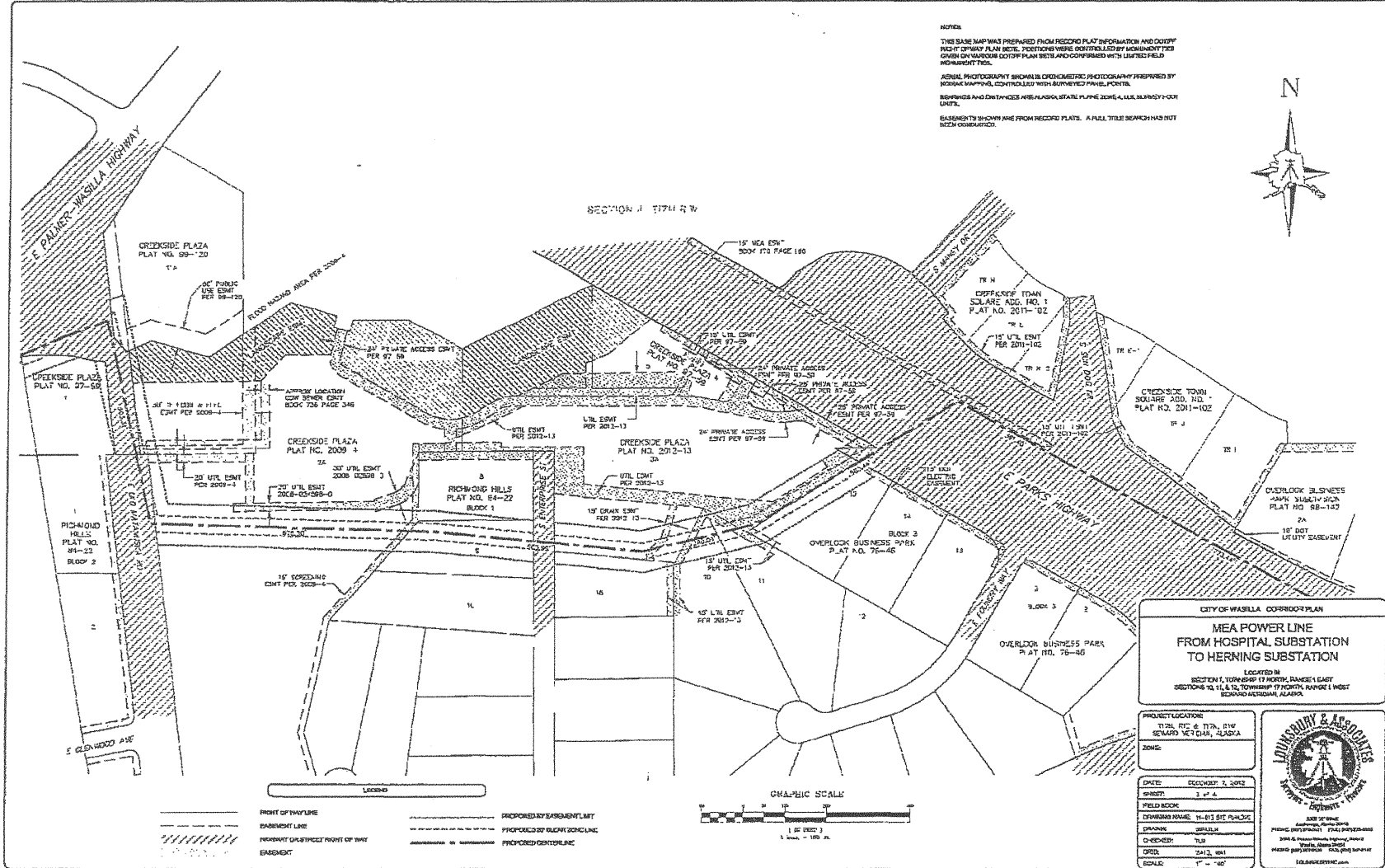
SECTION 12, 13, 14

DATE: 12/15/2017

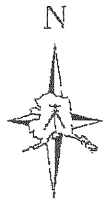
DRAWN BY: [Name]

CHECKED BY: [Name]

SCALE: 1" = 200'



NOTES  
 THIS SAME MAP WAS PREPARED FROM RECORD PLAT INFORMATION AND CADDY  
 RIGHT-OF-WAY PLAN SETS. PORTIONS WERE CONTROLLED BY MONUMENTED  
 CORNERS OR SURVEY LOT/PLAT SETS AND COMPARED WITH LIMITED FIELD  
 MONUMENT TIES.  
 AERIAL PHOTOGRAPHY (SHOWN IN CHRONOMETRIC PHOTOGRAPHY PREPARED BY  
 MORGAN MAPPING), CONTROLLED WITH SURVEYED PANEL POINTS.  
 BOUNDARIES AND DIMENSIONS ARE ALASKA STATE PLANE ZONE 4, UTM SURVEY FOOT  
 UNITS.  
 EASEMENTS SHOWN ARE FROM RECORD PLATS. A FULL TITLE SEARCH HAS NOT  
 BEEN CONDUCTED.



CITY OF WASILLA CORRIDOR PLAN  
**MEA POWER LINE  
 FROM HOSPITAL SUBSTATION  
 TO HERNING SUBSTATION**  
 LOCATED IN  
 SECTION 14, TOWNSHIP 17 NORTH, RANGE 1 WEST  
 SEWARD MERIDIAN, ALASKA

PROJECT LOCATION:  
 1124 EIC & 17th, CIVIC  
 SEWARD MERIDIAN, ALASKA  
 ZONE:  
 DATE: DECEMBER 1, 2012  
 SHEETS: 2 OF 4  
 FIELD BOOK:  
 DRAWING NAME: 11-011 ST PLANS  
 DRAWING: SMALL  
 CHECKED: TUB  
 DESIGNED: JAL/ML/BAI  
 SCALE: 1" = 40'



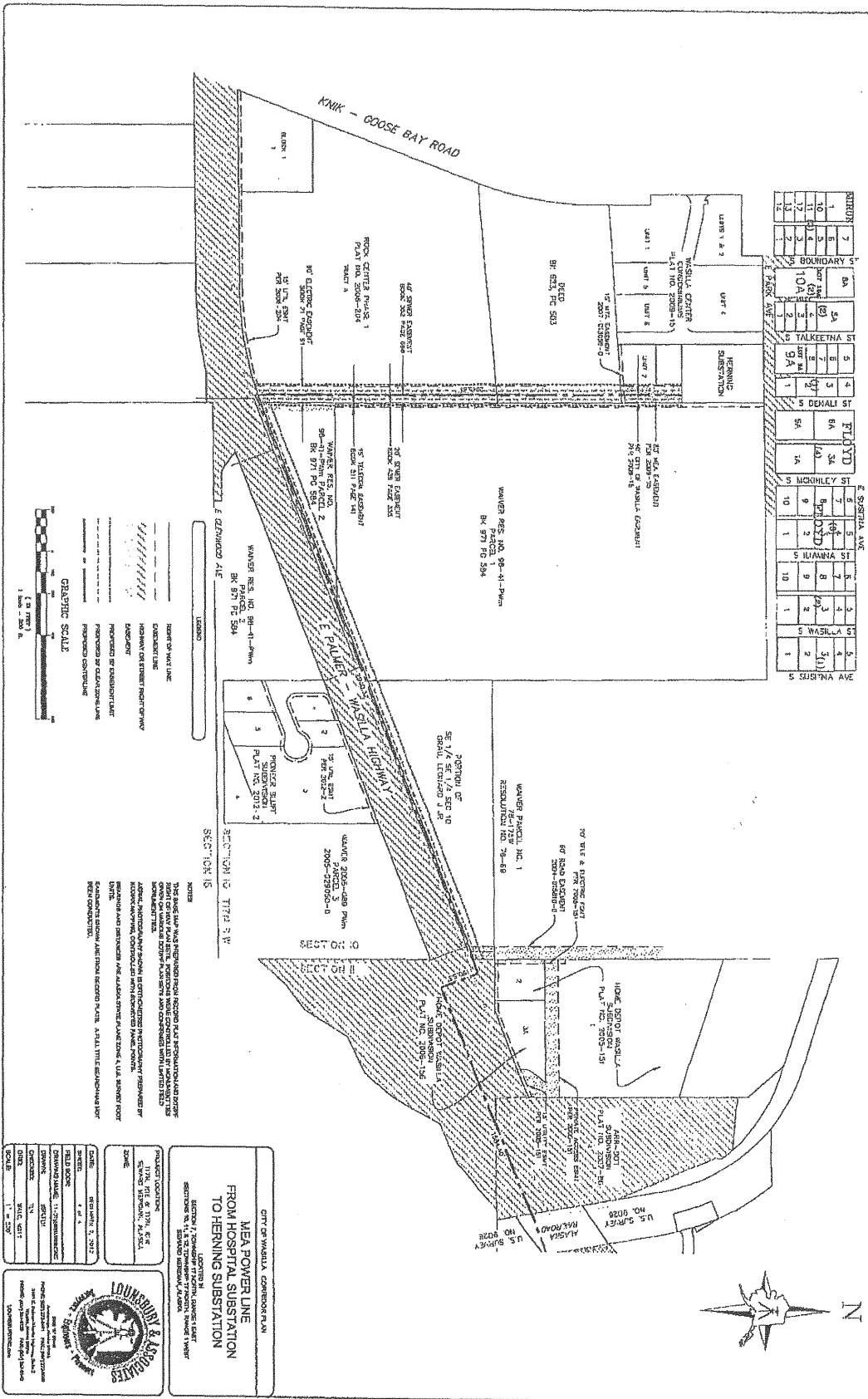


Exhibit B  
Resolution Serial No. 13-06