



STAFF REPORT  
Prepared by:  
For the meeting of:

Case #U15-04 & #A15-109  
Planning Staff  
November 10, 2015

## I. SUMMARY FACTS:

Applicant:	Matanuska Electric Association (MEA)
Proposal:	Construction of new 60-100 feet tall 115 kV double circuit transmission lines with three-phase underbuild distribution circuit, within a 100 feet wide right-of-way easement, extending from the Lazelle substation on Hay Street generally south and then west to the Herning substation at S. Denali Street located within the Wasilla city limits.
Location:	A corridor generally extending west from S. Seward Meridian Parkway, through the gully area south of the Alaska Railroad tracks and then north within an existing utility easement to the existing Herning substation (see maps depicting the three proposed routes (one preferred route and two alternative routes submitted by MEA) in the agenda packet or online at <a href="http://www.cityofwasilla.com/meatransmissionlines">www.cityofwasilla.com/meatransmissionlines</a> .)
Parcel Size:	Approximately 3.73 miles within the city limits
Existing Zoning	Commercial (C), Rural Residential (RR), Industrial (I), and Single-Family Residential (R1) zoning districts
Future Land Use:	Generally Commercial and Business, Mixed Use, and Generally Residential

## II. OVERVIEW AND STAFF RECOMMENDATION:

MEA submitted AA#15-109 and UP#15-04 on October 2, 2015, requesting approval of approximately 3.73 miles of new transmission lines within the city limits. The applications included three potential routes: the Preferred, Alternative #1, and Alternative #2 (see maps in packet.)

Although MEA is requesting approval of the Preferred route, the Alternative #2 route has significantly less negative impact on residential and commercial properties within the city limits. Alternative #2 impacts 16 less residential properties and three less commercial properties within the city limits and 20 residences in the Borough. Construction along the Alternative #2 route eliminates all but one of the concerns expressed in the public comments received during the MEA public participation process and the comments received in response to the City's public notice (see attached comments) while still addressing MEA's need to provide increased reliability, transmission capacity, redundancy, reduction in power outages and restoration times, and minimization of rate payer impacts.

Staff recommends that the Planning Commission approve Option #1 that approves construction of the transmission line along the Alternative #2 route, with the conditions listed at the end of the staff report.

### III. ELEVATION OF PERMIT DECISION

#### 16.12.040

##### ***Elevation.***

***The planner may elevate any use permit decision to the planning commission at any time between the acceptance of the application and the close of the decision period. The elevation must be based on a written finding that the permit decision satisfies one or more of the following criteria:***

- A. The proposed use could have significant negative effects on or conflict with existing land uses adjoining the site in a manner or to a degree that warrants consideration by the commission;***
- B. The proposed use could have significant negative impacts on the utility system, traffic flow or city-provided services;***
- C. The proposed use could conflict with adopted city policies or raises a particular issue or set of issues in a manner or to a degree that warrants consideration by the commission;***
- D. A written request for elevation has been received from an official reviewing party. To be valid an objection from a reviewing party must cite conflict(s) with city policy or unusual negative impacts from the proposed use;***
- E. A request to elevate has been received from two or more members of the commission. The planner must determine that the request from the commission member satisfies one or more of the criteria above. (Prior code §16.43.406)***

Staff Finding:

Staff is elevating this request to the Planning Commission for their review based on Subsections A and C above.

#### 16.16.020

##### ***Procedure for elevations.***

***Once a permit approval has been elevated for review (see Section 16.12.040), the following procedures apply:***

- A. Public Notice. If the planners' approval is elevated the planner shall:***
  - 1. Place the application on the agenda of the next available meeting of the commission;***
  - 2. Publish the agenda item in a newspaper of general circulation or place a public service announcement on radio or television. The published notice must set out the time, date and place of the hearing, the name of the applicant the address or general location of the property and subject or nature of the action;***
  - 3. Within five days of elevation issue a public hearing notice;***

4. ***Mail or electronically transfer a copy of the public hearing notice to the applicant, the commission members, the neighborhood association if the neighborhood has an approved neighborhood plan and to appropriate reviewing parties;***
  5. ***The public hearing notice shall be sent to the owners of property, as listed on the Matanuska-Susitna Borough property tax rolls, located within a minimum of one thousand two hundred (1,200) feet of the lot lines of the development. The public notice shall be posted in city hall and on the site. Staff will allow a minimum of ten (10) days (fourteen (14) calendar days) from the date of public notice mailing before scheduling a public hearing on the request before the planning commission.***
- B. *Decision. The commission shall review the planners draft recommendation, and may hear comment(s) from reviewing parties, the applicant and the public. The commission shall decide either to deny, approve or approve with conditions, or the commission may with concurrence of the applicant return the approval to the planner for further review as a new use permit application. (Prior code § 16.43.502)***

#### **IV. COMPLIANCE WITH WMC 16.16.050 – GENERAL APPROVAL CRITERIA**

**16.16.050** ***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.***

**Staff 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.

**16.16.050(2)**

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

**Staff 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. It 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 most consistent with the 2011 City Comprehensive Plan out of the three proposed routes since the over-arching vision of the Plan is to maintain and enhance the quality of life for the 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.***

Staff 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.***

Staff 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. Copies of all comments are included in this packet. (Note: This includes comments received as of October 22, 2015. Any comments received after the compilation of the packet will be provided at the public hearing and can be addressed at that time.) NOTE: Per MEA, the Alaska Railroad does not want the transmission line to cross near the Palmer-

Wasilla Highway Extension 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.***

Staff Finding:      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...***

Staff 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.***

Staff 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.***

Staff 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.***

Staff 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.**

Staff 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.**

Staff 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.**

Staff 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.**

Staff 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.***

Staff Finding: MEA stated that they will construct and maintain the project in compliance with WMC 16.33.030(F) and 16.33.030(I) and that they will submit 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.***

Staff 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.***

Staff 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.***

Staff 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.*

Staff Finding: Alternative #2 meets this criteria 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.

**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...*

Staff 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.*

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

## V. FINDINGS

### Process Findings:

Application: Planning staff has determined that the application along with supporting data is complete and submission requirements were met in a timely manner.

Public Notice: All public noticing requirements of WMC 16.16.040(B) have been met. Public notices were mailed on October 12, 2015, allowing for the proper number of days in which to comment in accordance with 16.16.040, and an advertisement for the hearing ran in the October 27, 2015 and November 3, 2015 editions of the

Frontiersman.

**Comment Period:** The written comment period was appropriately given and comments received by mail have been included in the packet. Any comments received after distribution of the November 10, 2015 packet will be provided at the meeting.

**Public Hearing:** The public hearing is scheduled in compliance with the requirements of WMC 16.16.040(D).

**Decision:** Draft Findings of Fact are included as Exhibit A in the attached Planning Commission Resolution Serial No. 15-20 supporting the Commission's decision in compliance with WMC 16.16.040(6).

## **VI. CONCLUSION AND RECOMMENDED CONDITIONS OF APPROVAL:**

### **STAFF RECOMMENDATION:**

Based on the information in the staff report above, public comments, and other information included in the public hearing packet, staff finds that the Alternative #2 transmission line route is substantially consistent with the vision for the City, which is included in the policies, goals, objectives, statements, and actions in the City's Comprehensive Plan, Land Development Code, Mission Statement, and the City Council Goals and Initiatives since it has the least impact to residential and commercial properties within the city limits.

Staff has prepared the following options for the Planning Commission to consider and recommends the approval of Option 1:

#### **OPTION 1:**

Approve Resolution Serial No. 15-20, which approves construction of the proposed transmission lines requested in AA15-109 and UP15-04 along the Alternative #2 route shown on the map attached to the resolution as Exhibit B with the following conditions. This route was selected by staff since it is most consistent with the 2011 Comprehensive Plan and meets all of the general approval criteria. Alternative #2 has the least impact to residential and commercial properties and addresses MEA's need to provide increased reliability, transmission capacity, redundancy, and reduction of power outages and restoration times.

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 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.

OPTION 2:

Approve a revised version of Resolution Serial No. 15-20 with amended findings of fact, which approves construction of the proposed transmission lines requested in AA15-109 and UP15-04 along the Preferred route 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 to eliminate/minimize impacts to scenic views from residential properties along 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.
4. MEA must obtain all other necessary local, borough, state, and federal permits or approvals prior to construction.

OPTION 3:

Approve a revised version of Resolution Serial No. 15-20 with amended findings of fact, which approves construction of the proposed transmission lines requested in AA15-109 and UP15-04 along the Alternative #1 route.

NOTE: Staff recommends against this route since it is not consistent with the 2011 Comprehensive Plan or the General Approval Criteria in Title 16. This route impacts a significantly higher number of homes vs. the other two routes, the negative impact to future commercial development along the Palmer-Highway Extension due to the 50-100 foot wide easement required from these properties, and the negative impact to the Alaska Railroad operations from a transmission line crossing near the Palmer-Wasilla Highway Extension.