

By: Mark Whisenhunt
Introduced: August 15, 2016
Public Hearing: Sept. 19, 2016
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-31**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT (CUP) IN ACCORDANCE WITH MSB 17.67 - TALL STRUCTURES INCLUDING TELECOMMUNICATION FACILITIES, WIND ENERGY CONVERSION SYSTEMS, AND OTHER TALL STRUCTURES, FOR A 180 FOOT TALL TELECOMMUNICATION TOWER (DLY1), LOCATED AT 41238 W. PARKS HIGHWAY; MSB TAX ID # 20N04W06C003; WITHIN TOWNSHIP 20 NORTH, RANGE 4 WEST, SECTION 6, SEWARD MERIDIAN.

WHEREAS, an application for a Conditional Use Permit was submitted by MTA Communications to construct a 180-foot tall telecommunication tower at 41238 W. Parks Hwy (Tax ID# 20N04W06C003); within Township 20 North, Range 4 West, Section 6, Seward Meridian, Government Lot 6; and

WHEREAS, it is the purpose and intent of MSB Chapter 17.67 to enable the orderly build-out of wireless telecommunication infrastructure, WECS, and other tall structures while promoting the health, safety, and general welfare of the public; and

WHEREAS, the Planning Commission has reviewed this application, associated materials, and the staff report, with respect to standards set forth in MSB 17.67; and

WHEREAS, the proposed tall structure is a 180-foot tall telecommunication tower; and

WHEREAS, the subject lot is not within a special land use district; and

WHEREAS, there are no existing tall structures at the subject property; and

WHEREAS, the applicant held a public meeting on June 1, 2016 at the Willow Community Center; and

WHEREAS, a certified mailing notification shows the notice was mailed on May 17, 2016 to all property owners within one-half mile of the subject property and to the Willow Area Community Council; and

WHEREAS, the notification included a legal description and map of the parcel, a description of the proposed development, the date, time, and location of the informational meeting, contact name, telephone number, and address of the applicant, and comment form created by the borough with a deadline to submit comments and submittal options; and

WHEREAS, Exhibit F & G of the application material contains a copy of all received written comments, a written report summarizing the comments received during the public meeting, and a detailed response from the applicant; and

WHEREAS, the proposed tall structure site is approximately 290 feet away from the Parks Highway right-of-way; and

WHEREAS, the proposed setback to the Parks Highway right-of-way is greater than the height of the tower; and

WHEREAS, a computer model using topography and surface interference data was used to identify the best locations for the proposed location and tower height; and

WHEREAS, co-locating on existing towers were considered; however, it was determined the available spaces on existing towers did not provide coverage for the identified gaps in service; and

WHEREAS, the Matanuska-Susitna Borough Trail Plan does not identify any trails within the one-half mile notice area; and

WHEREAS, the subject property is heavily treed, which will aid in screening the proposed conditional use; and

WHEREAS, according to the Matanuska-Susitna Borough's database of registered airport and landing strips, there are no existing airports or airfields within the one-half mile notice area; and

WHEREAS, according to a Federal Aviation Administration determination issued on June 21, 2016, the proposed tall structure will not be a hazard to air navigation; and

WHEREAS, the tower facility is located within a fenced and locked area. The fence is 6-feet in height and topped with barbed wire; and

WHEREAS, the proposed tower has been engineered in accordance with all state building codes; and

WHEREAS, the applicant submitted documents showing the proposed tower conforms to the Electronic Industries Alliance/Telecommunication Industries Association's EIA/TIA-22-G structures standards; and

WHEREAS, the proposed tower and transmission equipment will operate within radio frequency levels deemed safe by the Federal Communications Commission; and

WHEREAS, signs will be posted that contain: a contact number, owner information, federal antenna structure registration number, and a "no trespassing" notice; and

WHEREAS, signs will be posted on the surrounding 6-foot tall fence; and

WHEREAS, the site requires 240-volts for the operation of the facility; and

WHEREAS, a "high voltage - dangerous" sign will be located at the base of the facility; and

WHEREAS, fencing that surrounds the supporting telecommunication equipment will be 165 feet away from the closest (northern) property line; and

WHEREAS, the proposed tall structure site is approximately 660 feet away from the western lot line; and

WHEREAS, the proposed tall structure site is approximately 2300 feet away from the southern lot line; and

WHEREAS, two parking spaces will be provided at the proposed site.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 16-31:

1. The proposed use meets the criteria to qualify for conditional use permit for the construction of a 180-foot tall structure (MSB 17.67.040(A)(2)); and
2. The applicant has met the pre-application requirements for new tall structures that require a Conditional Use Permit (MSB 17.67.050); and
3. The location of the tall structure is such that its negative effects on the visual and scenic resources of all surrounding properties have been minimized (MSB 17.67.080(B)(1)); and
4. The visibility of the proposed tall structures from public parks and trails has been minimized (MSB 17.67.080(B)(2)); and
5. The proposed tall structure will not interfere with the approaches to any existing airport or airfield that are identified in the borough's regional aviation system plan or by the Alaska State Aviation System Plan (MSB 17.67.080(B)(3)); and
6. The proposed tower will not be harmful to the public health, safety, convenience, and welfare (MSB 17.67.080(B)(4)); and

7. The proposed use meets the minimum setback distances from all property lines in accordance with MSB 17.55 (MSB 17.67.090(A)(1)); and
8. The minimum setback for the tower base is greater than the height of the tower (MSB 17.67.090(A)(2)); and
9. Adequate vehicle parking has been provided (MSB 17.67.090(B)(1)); and
10. Adequate signage has been provided (MSB 17.67.090(C)(1)(a)); and
11. A "high voltage - dangerous" sign will be posted in accordance with code (MSB 17.67.090(C)(1)(b)); and
12. A 24-hour emergency contact number has been provided (MSB 17.67.090(C)(1)(c)); and
13. A fence not less than six feet in height with a secured gate, is being provided (MSB 17.67.090(C)(2)).

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby finds this application does meet the standards of MSB 17.30.060 and does hereby approve the conditional use permit for the earth material extraction activities with the following conditions:

1. The operation shall comply with all federal, state, local regulations, and the terms and conditions of the permit.
2. Authorized representatives of the borough shall be allowed to inspect the site and related records, at

reasonable times for the purpose of monitoring compliance with all permit conditions. Upon reasonable notice from the borough, the permittee shall provide necessary assistance to facilitate authorized inspections (MSB 17.67.300(D)).

3. The facility shall be removed, at the owner's expense within 90 days after abandonment or termination of the permit in accordance with MSB 17.67.130(A)(1).
4. A fence 6-feet in height and topped with barbed wire shall be constructed and maintained in good working condition. The fence shall surround the base of the tower and supporting telecommunication equipment as indicated on the site plan dated August 24, 2016.
5. The following informational signage shall be visibly posted at the tower site:
 - a. The antenna structure registration number required by the Federal Communications Commission.
 - b. The party responsible for the operation and maintenance of the facility.
 - c. Warning signs shall be located at the base of the facility and shall display in large, bold, high contrast letters the following: "HIGH VOLTAGE - DANGER".

- d. A 24-Hour emergency contact number.
- 6. The tower shall be lit in accordance with the Federal Aviation Administration's voluntary lighting guidelines.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 19th day of September, 2016.



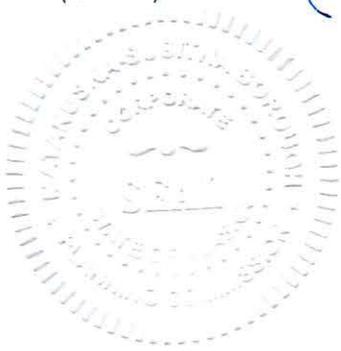
JOHN KLAPPERICH, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)



PASSED UNANIMOUSLY: Klapperich, Anderson, Vague, Kendig, and Adams