

By: S. Swanger-Jensen
Introduced: August 7, 2017
Public Hearing: August 21, 2017
Action: Approved

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 17-33

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 (WECS), AND OTHER TALL STRUCTURES, FOR A 250-FOOT TALL TELECOMMUNICATION TOWER (AK100 TALKEETNA TRAVERSE), LOCATED AT 20372 S. PARKS HIGHWAY, MILE POST 117, TAX ID# 26N05W17B004; WITHIN TOWNSHIP 26 NORTH, RANGE 5 WEST, SECTION 17, SEWARD MERIDIAN.

WHEREAS, an application for a Conditional Use Permit was submitted by InSite Towers Development 2, LLC to construct a 250-foot tall telecommunication tower at 20372 S. Parks Highway, Mile Post 117, (Tax ID# 26N05W17B004); within Township 26 North, Range 5 West, Section 17, Seward Meridian; and

WHEREAS, it is the purpose of MSB Chapter 17.67 to establish regulations for the siting of telecommunication facilities, WECS, and other tall structures; and

WHEREAS, it is the intent of MSB 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 telecommunication tower is a self-standing 250-foot tall lattice structure which requires a conditional use permit; and

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

WHEREAS, the subject parcel is undeveloped; and

WHEREAS, the application agent held a public meeting on May 17, 2017, at the Trapper Creek Park Building to address public concerns of the proposed cell tower; and

WHEREAS, a public hearing notice was mailed on April 26, 2017, to property owners within one-half mile from the subject property boundary line, including the Trapper Creek 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 of the application material contains a copy of a notification letter, mailing list, certified mail document, meeting sign in sheet, and meeting summary; and

WHEREAS, exhibit G of the application material contains a summary page & written public comments; and

WHEREAS, the application agent conducted a citizen participation meeting at Trapper Creek Park Building on Wednesday, May 17, 2017, to address public concerns of the proposed cell tower; and

WHEREAS, exhibit C of the application material illustrates a balloon test for visual appearance was conducted using a paracord of 250-feet in height with a seven-foot balloon attached located at the proposed tower site; and

WHEREAS, the visual balloon tests conducted from the proposed tower site were from offsets of 500-feet, 1000-feet, 2000-feet, half a mile, and one mile; and

WHEREAS, the balloon test conducted from the proposed tower site was visible from four areas: the S. Parks Highway east of the subject parcel, Watkins Road located in T. 26 N., R. 05 W. Section 20, and at a distance of 1.8 and 2.0 miles north of Petersville Road off the S. Parks Highway; and

WHEREAS, the balloon test conducted from the proposed tower site was not visible from seven areas: McKinley View B&B, North Country B&B, and north of the Petersville Road and the S. Parks Highway at 1.5, 2.0, 2.34, 2.5, and 3.0 miles; and

WHEREAS, the overall site plan illustrates the telecommunication tower site is located 450-feet away from the

S. Parks Highway right-of-way line; and

WHEREAS, the overall site plan illustrates the telecommunication tower site is located 255-feet from the northern boundary line that abuts borough-owned land, and the northern boundary line is a section line with a 50-foot wide section line easement; and

WHEREAS, the overall site plan illustrates the telecommunication tower site is located 255-feet from the west boundary line that abuts two privately owned parcels, and the western boundary line is a section line with a 50-foot wide section line easement; and

WHEREAS, the overall site plan illustrates the telecommunication tower site is located 963-feet from the southern boundary line that abuts borough-owned land, and the southern boundary line has a recorded 30-foot wide right-of-way; and

WHEREAS, the telecommunication tower site is located on the highest ground elevation on the subject parcel in the northwest corner between 460 to 470-feet above mean sea level; and

WHEREAS, the ground elevation of the S. Parks Highway lying east of the subject parcel is 420-feet; and

WHEREAS, there is a vegetative buffer surrounding the telecommunication tower site of 255-feet to the northwest, 450-

feet to the east, and 963-feet to the south of the subject parcel boundary line; and

WHEREAS, the telecommunication tower site location will fill the network gap in cellular and wireless broadband service coverage; and

WHEREAS, access to the subject parcel is "dog-legged" to reduce the direct line of sight to the telecommunication tower site from the S. Parks Highway; and

WHEREAS, the Federal Aviation Administration requires towers over 200-feet tall to be marked and lit in accordance with Advisory Circular 70/7460-1 L, Change 1 to ensure the safety of air navigation; and

WHEREAS, the topography of the S. Parks Highway in relation to the tower site, combined with the height of the surrounding trees, will help conceal the telecommunication tower from the highway and surrounding properties; and

WHEREAS, the Matanuska-Susitna Trail Plan does not identify any trails within the public hearing notice one-half mile perimeter from the subject parcel boundary lines; and

WHEREAS, the MSB database did not identify any public parks within the public hearing notice one-half mile perimeter from the subject parcel boundary lines; and

WHEREAS, a computer model using topography and surface interference data has been provided for proposed tower heights

at 150-feet, 200-feet, and 250-feet to identify the best locations for the selected tower site; and

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

WHEREAS, there are two trails approximately one-mile away from the subject property that is not part of the MSB Trail Plan; however, the Chulitna Bluff Trail is approximately two-thirds of a mile east that is part of the proposed MSB Trail Plan as a winter use only; and

WHEREAS, the borough database of registered airports and landing strips indicate there are no existing airports or airstrips within two and a half miles from the subject parcel; and

WHEREAS, the nearest airport is a state-owned public airstrip east of the subject parcel across the Chulitna River located in Talkeetna within Township 26 North, Range 4 West, Section 19 & 30, Seward Meridian (Source: Alaska Central Region Location Map); and

WHEREAS, the Federal Aviation Administration DETERMINATION OF NO HAZARD TO AIR NAVIGATION issued on June 6, 2017, determined the proposed tall structure will not be hazardous to air navigation; and

WHEREAS, the telecommunication tower to be constructed will be within a designated 100-foot by 100-foot leased area surrounded by a six-foot tall chain link fence with a locked gate all topped with three strands of barb wire for a total height of seven-feet; 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, the telecommunication tower will require 240 volts to operate and a "HIGH VOLTAGE-DANGEROUS" sign will be located at the base of the facility as required; and

WHEREAS, the telecommunication tower is engineered in accordance with all state and federal regulations; and

WHEREAS, the overall site plan illustrates the telecommunication tower conforms to the Industries Alliance/Telecommunication Industries Association's (TIA) EIA/TIA-222G structure standards; and

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

WHEREAS, the subject parcel is surrounded rights-of-way (ROW) and section line easements (SLE). The designated proposed equipment compound has a setback of 205-feet from the north and west SLE boundary line, 395-feet from the S. Parks Highway ROW,

and 933-feet from the 30-foot wide ROW boundary line. MSB 17.55.010(A) requires a 25-foot setback from the right-of-way line of any public right-of-way; therefore, the proposed tower site conforms to MSB 17.55; and

WHEREAS, the overall site plan illustrates the base of the telecommunication tower has a setback of approximately 457-feet from the S. Parks Highway ROW, and 969-feet from the 30-foot wide right-of-way boundary line; and

WHEREAS, the overall site plan illustrates the base of the telecommunication tower has a setback approximately 241-feet from the 50-foot wide section line easement boundary lines; and

WHEREAS, the section line easements and the 30-foot wide right-of-way are undeveloped; and

WHEREAS, there are no structures or developed roads within the fall radius of the telecommunication tower; and

WHEREAS, the telecommunication tower site will have two parking spaces provided; and

WHEREAS, the telecommunication tower site will have posted a 24-hour emergency contact number and the owner information.

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 17-33:

1. The telecommunication tower use meets the criteria to

qualify for a conditional use permit to construct a self-standing lattice 250-foot tall structure (MSB 17.67.040(A)(2)); and

2. The application agent has met the pre-application requirements for the proposed telecommunication tower that requires a conditional use permit (MSB 17.67.050); and
3. The telecommunication tower site 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 telecommunication tower from any public parks and trails have been minimized (MSB 17.67.080(B)(2)); and
5. The telecommunication tower will not interfere with the approaches to any existing airports or airfields 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 telecommunication tower will not be harmful to the public health, safety, convenience, and welfare (MSB 17.67.080(B)(4)); and

7. The telecommunication tower use meets the minimum setback from all the property lines in accordance with MSB 17.55 (MSB 17.67.090(A)(1)); and
8. The applicant agent has demonstrated there is no risk to the public health, safety, or welfare of adjacent property owners (MSB 17.67.090(A)(2)(a)); and
9. Adequate vehicle parking has been provided (MSB 17.67.090(B)(1)); and
10. Adequate signage will be provided (MSB 17.67.090(C)(1)(a)); and
11. a "HIGH VOLTAGE-DANGEROUS" sign will be provided (MSB 17.67.090(C)(1)(b)); and
12. a 24-hour emergency contact number and owner information will be posted at telecommunication facility (MSB 17.67.090(C)(1)(c)); and
13. A chain link fence no less than six-feet tall with a locked gate topped with barb wire for a total height of seven-feet surrounding the telecommunication site will be installed (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 17.67 and does hereby approve the conditional use permit for the construction of a

250-foot tall lattice telecommunication tower with the following conditions:

1. The installation and operation of the 250-foot tall telecommunication tower known as AK100 Talkeetna Traverse shall comply with all applicable federal regulations, state statutes, and Borough codes.
2. Prior to commencement of any work on the leased parcel, a State of Alaska driveway permit shall be obtained to construct an access approach from the S. Parks Highway.
3. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this conditional use permit. An amendment to the conditional use permit shall be required prior to any expansion of the conditional use.
4. Authorized representative of the borough shall be allowed to inspect the site and related records at reasonable times for the purpose of monitoring compliance to all permit conditions. The permittee shall assist and cooperate with authorization inspections upon reasonable notice from the borough (MSB 17.67.300(D)).

5. If the facility is no longer in operation for a continuous 12-month period, the tower shall be removed at the owner's expense within 90-days after abandonment (MSB 17.67.130(A)(1)).
6. The six-foot tall chain link fence with a locked gate all topped with three strands of barb wire for a total height of seven-feet shall be installed and maintained in good condition. The fence shall surround the base of the telecommunication tower and support equipment as illustrated on the certified overall site plan dated May 4, 2017.
7. The telecommunication facility shall conform to the standards as described in MSB 17.67.090(C).

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 21st day of August, 2017.



COLLEEN VAGUE, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)

YES: *Vague, Anderson, Healy, Elder, Gasham,
and Raubert*
NO: