By: Rick Benedict
Introduced: March 3, 2025
Public Hearing: March 17, 2025
Action: Approved

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 25-01

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH MSB 17.67 – TALL STRUCTURES, INCLUDING TELECOMMUNICATION FACILITIES, WIND ENERGY CONVERSION SYSTEMS, AND OTHER TALL STRUCTURES, FOR THE CONSTRUCTION OF A 155′ STEEL LATTICE TELECOMMUNICATIONS TOWER, LOCATED AT 4075 S. LINDSEY CIRCLE, TAX ACCT. #17N03E30A012.

WHEREAS, New Horizons Telecom Incorporated applied for a Conditional Use Permit to construct a 155′ steel lattice telecommunications tower at 4075 S. Lindsey Circle; and

WHEREAS, on September 5, 2023, a Memorandum of Option to Lease agreement was recorded in the Palmer Recording District between the subject property owner, Jeff Cotterman, and the applicant; and

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

WHEREAS, according to MSB 17.67, tall structures exceeding 125′ in height are only permitted upon the issuance of a Conditional Use Permit; and

WHEREAS, according to MSB 17.67, unless this type of use is maintained under and in accordance with a lawfully issued permit, tall structures exceeding 125′ in height are declared a public nuisance; and

WHEREAS, the Borough issued a public notice for the proposed tower project according to MSB 17.03; and

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

WHEREAS, according to the application material, a 10′ lightning rod will be affixed to the top of the tower; and

WHEREAS, according to the application material, the overall tower height will be 165′; and

WHEREAS, the proposed location is not within a special land use district; and

WHEREAS, the proposed telecommunications tower is within the Butte Community Council area; and

WHEREAS, the Butte Community Council holds meetings within the Butte Community Center; and

WHEREAS, according to the application material, the applicant held a public meeting at the Butte Community Center on November 27, 2023, beginning at 6:00 p.m.; and

WHEREAS, the applicant provided the notice letter, address list, certificates of mailing, and the letters returned for the community meeting; and

WHEREAS, Planning staff provided the applicant with the mailing addresses for property owners within a ½-mile radius of the proposed location and the Butte Community Council; and

WHEREAS, a certified mailing notification shows sixty-seven notices were mailed to property owners and the Butte Community Council on November 3, 2023; and

WHEREAS, the notification included the address of the subject property for the proposed tower site, a proposed cellular service coverage map, a description of the proposed development, the date, time, and location of the informational meeting, the contact's name and telephone number, and a comment form created by the Borough with a deadline to submit comments and submittal options; and

WHEREAS, the application material contains a copy of the meeting sign-in sheet, a written report summarizing the comments

received during the public meeting, and the applicant's detailed response; and

WHEREAS, according to the applicant, four people attended the community meeting, two of whom were nearby residents; and

WHEREAS, according to the applicant, no property owners requested updates in writing regarding the proposed development, and no written comments were provided at the meeting; and

WHEREAS, according to the applicant, four written comments resulting from the public meeting notification were received; and

WHEREAS, the subject parcel is privately owned, 6.49 acres in size, and largely undeveloped; and

WHEREAS, according to the application material, the color of the proposed tower will be grey steel with a non-reflective matte finish; and

WHEREAS, according to the application material, the proposed equipment compound will be located approximately 128′ from the northern property line, 127′ from the eastern property line, 779′ from the southern property line, and 128′ from the western property line; and

WHEREAS, according to the application material, the proposed telecommunications tower will be approximately 157′ from the

northern property line, 160′ from the eastern property line, 811′ from the southern property line, and 155′ from the western property line; and

WHEREAS, according to the application material, approximately 184′ south of the proposed tower location on the subject parcel, an uninhabited and dilapidated residential structure built in approximately 1996 that is not visible from any public right-of-way exists; and

WHEREAS, the closest residential structures to the proposed tower, not on the subject property, are approximately 385′ to the north, 440′ to the east, 737′ to the south, and 1,750′ to the west; and

WHEREAS, the closest commercial structure from the proposed tower site belongs to Alaska Backcountry Cottages and is located approximately 180′ to the east; and

WHEREAS, adjacent parcels to the north, east, south, and west range in size from approximately 2 to 13 acres and are a mixture of residential, undeveloped, and commercial; and

WHEREAS, land uses within a ½ mile radius of the proposed tower site are owned by a mixture of entities ranging from the private, commercial, native corporation, and the State of Alaska, and range in size from approximately .92 to 640 acres; and

WHEREAS, South Lindsey Circle abuts the full length of the subject property on the west and north, and East Walling Road abuts the full length of the property on the south; and

WHEREAS, existing vegetation, the proposed location of the tower on the subject property, and the minimal development in the area provide natural barriers that help to minimize the visual impacts on the surrounding parcels; and

WHEREAS, the closest recognized trail is the Knik Glacier Trail, approximately 3,500′ south of the proposed tower site; and

WHEREAS, the closest waterbody is Gull Lake, approximately 1 mile east of the proposed tower site; and

WHEREAS, Jim Creek Recreation Area is the closest public park, approximately 1 mile southwest of the proposed tower site; and

WHEREAS, Butte Municipal Airport is identified in the Matanuska-Susitna Borough's Regional Aviation System Plan Study (Phase II, May 2017) and is approximately 1 mile southwest of the proposed tower site; and

WHEREAS, the applicant provided a Determination of No Hazard to Air Navigation from the Federal Aviation Administration (FAA) dated December 20, 2023, stating that the proposed tower does not exceed obstruction standards, would not be a hazard to air navigation, and does not require lighting; and

WHEREAS, according to the application material, the proposed communication tower can accommodate lighting for aircraft obstacle avoidance if required; and

WHEREAS, on January 10, 2025, the applicant applied for a borough driveway permit (#D32060) to access South Lindsey Circle; and

WHEREAS, according to the application material, the proposed tower will be secured within a 7′ tall chained-linked fenced area; and

WHEREAS, according to the application material, the gate providing access to the facility will be secured by a gate latch and stymie lock; and

WHEREAS, the applicant submitted structural design criteria for the proposed tower by John W. Kelly III, an Alaska Registered Professional Engineer. The criteria indicate the tower can sustain basic wind speeds of 121 mph in accordance with the TIA-222-H Standard. It is also designed for a 60-mph basic wind with 0.50-inch ice and is in Tower Risk Category II; and

WHEREAS, according to the application material, breakpoint technology is not engineered into the proposed tower's design; and

WHEREAS, according to the application material, the proposed tower will expand coverage and improve cellular and data performance in the area; and

WHEREAS, according to the application material, the proposed tower and compound will be within a 100′ x 100′ leased area on the subject property; and

WHEREAS, the applicant submitted site plans for the proposed tower and compound, which contain the surveyor's certificate from Mark A. Aimonetti, an Alaska Registered Professional Land Surveyor; and

WHEREAS, there are no residential or commercial structures within the 155′ fall radius of the proposed tower; and

WHEREAS, according to the application material, the tower and facility will provide structural support for up to 3 wireless providers; and

WHEREAS, according to the application material, a 50′x 40′ parking area will be provided at the proposed tower location; and

WHEREAS, according to the application material, parking spaces will be located outside of public use easements and rights-of-way and will enable emergency vehicle access; and

WHEREAS, according to the application material, signage will be posted identifying the tower's FCC registration number and the party responsible for the operation and maintenance; and

WHEREAS, according to the application material, less than 220 volts are necessary for the tower; and

WHEREAS, according to the application material, a 24-hour contact number will be posted at the proposed tower location; and

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 25-01:

1. The proposed use meets the criteria to qualify for a Conditional Use Permit for the construction of a 155' steel lattice telecommunication tower (MSB 17.67.040(A)(2)).
2. The applicant has met the pre-application requirements for new tall structures that require a Conditional Use Permit (MSB 17.67.050).
3. The location of the communication tower 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)).

4. Visibility of the proposed telecommunication tower from public parks and trails has been minimized (MSB 17.67.080(B)(2)).
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)).
6. The proposed tower will not be harmful to public health, safety, convenience, and welfare (MSB 17.60.080(B)(4)).
7. The proposed use meets the minimum setback requirements for telecommunication towers according to MSB 17.67.090(A).
8. Adequate vehicle parking has been provided (MSB 17.67.090(B)(1)).
9. Signage and fencing are incorporated into the project according to MSB 17.67.090(C).

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 to construct a 155' steel lattice telecommunication tower with the following conditions:

1. Prior to construction on site, a final inspection of the proposed driveway for access to South Lindsey Circle shall be completed, and a borough driveway permit will be issued.
2. Prior to construction at the proposed site, junk vehicles must be removed from the subject property or out of plain sight of South Lindsey Circle, and the derelict residential structure must be boarded at doors and windows according to MSB 8.50.020.
3. The operation shall comply with all applicable federal, state, and local regulations.
4. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required before any change of the conditional use.
5. Authorized borough representatives shall be allowed to inspect the site and related records at reasonable times to monitor 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)).

6. The tower's height may not be increased unless proper permits are obtained in accordance with MSB 17.67.

7. The equipment compound and telecommunications tower 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).

8. The subject property must be maintained so as not to cause public nuisances related to junk and trash, junk vehicles, and/or vacant, abandoned, or unoccupied buildings, according to MSB 8.50.

ADOPTED by the Matanuska-Susitna Borough Planning Commission on this 17 day of March 2025.

C.J. KOAN, Chair

ATTEST

Lacie Olivieri, Planning Clerk

(SEAL)

YES: Koan, Glenn, Allen, Collins, McCabe, Fernandez, Scoggin

NO: