

By: Rick Benedict
Introduced: October 7, 2024
Public Hearing: October 21, 2024
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 24-30**

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 SIX METEOROLOGICAL TOWERS UP TO 197 FEET TALL, LOCATED ON LITTLE MOUNT SUSITNA, WITHIN TOWNSHIP 15 NORTH, RANGE 9 WEST, SECTION 5, TOWNSHIP 16 NORTH, RANGE 9 WEST, SECTIONS 16, 29, 32 AND 33, AND TOWNSHIP 16 NORTH, RANGE 10 WEST, SECTION 13, SEWARD MERIDIAN.

WHEREAS, Little Mount Susitna Wind LLC applied for a Conditional Use Permit to construct six 197-foot tall guyed meteorological towers on Little Mount Susitna; 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 feet 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 feet in height are declared a public nuisance; and

WHEREAS, the Borough issued a public notice for the proposed tower project that exceeded the requirements of 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, the proposed meteorological towers are guy-wired monopole structures, each approximately 197 feet tall; and

WHEREAS, the proposed locations are not within a special land use district; and

WHEREAS, the proposed use is not within a community council boundary; and

WHEREAS, the nearest community council to the proposed tower locations is the Willow Area Community Organization; and

WHEREAS, the Willow Area Community Organization holds its meetings within the Willow Community Center; and

WHEREAS, according to the application material, the applicant held a public meeting at the Willow Community Center on June 3, 2024, from 5:30 to 6:45 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 ten-mile radius of the proposed locations and the Willow Area Community Organization; and

WHEREAS, a certified mailing notification shows 110 notices were mailed to property owners and the Willow Area Community Organization on May 16, 2024; and

WHEREAS, the notification included a legal description and map of the proposed sites, 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 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 application sign-in sheet, three members of the public attended the public meeting; and

WHEREAS, according to the applicant, one written comment from a land owner in the notice area was received resulting from the public meeting notification; and

WHEREAS, the proposed tower sites are located on lands managed by the State of Alaska; and

WHEREAS, the applicant provided a land use permit for the proposed tower installations, dated August 20, 2024, permitted by the Department of Natural Resources under LAS 34057; and

WHEREAS, according to the applicant, the purpose of the meteorological towers is to allow for the quantitative assessment of wind resources in the area to enable the development of a wind farm project; and

WHEREAS, the proposed meteorological towers' remote locations and the area's lack of privately owned property provide a natural buffer that helps to minimize the visual impacts on the surrounding area; and

WHEREAS, the six proposed tower sites are surrounded by undeveloped wilderness, and the nearest privately owned land is approximately 2.7 miles northeast of site LMS_Met_6; and

WHEREAS, according to the application material, the proposed towers are not visible from public parks; and

WHEREAS, the closest recognized trail is the Sleeping Lady Trail, approximately 5 miles east of the site known as LMS_Met_6; and

WHEREAS, the closest waterbody is Trail Lake, approximately 11 miles northeast of the site known as LMS_Met_6; and

WHEREAS, according to the applicant, detailed information about the six proposed tower site locations is described within the engineered site plans; and

WHEREAS, according to the applicant, the proposed tower sites are approximate and will be finalized upon acceptable ground conditions at each site; and

WHEREAS, according to the applicant, each tower will be installed within the section boundary identified in the engineered site plans; and

WHEREAS, according to the applicant, each tower will maintain a setback of at least the tower's height from the nearest section boundary identified in the engineered site plans; and

WHEREAS, according to the applicant, a maximum of one tower will be installed within Township 15 North, Range 9 West, Section 5; and

WHEREAS, according to the applicant, a maximum of one tower will be installed within Township 16 North, Range 9 West, Section 16; and

WHEREAS, according to the applicant, a maximum of one tower will be installed within Township 16 North, Range 9 West, Section 29; and,

WHEREAS, according to the applicant, a maximum of one tower will be installed within Township 16 North, Range 9 West, Section 32; and

WHEREAS, according to the applicant, a maximum of one tower will be installed within Township 16 North, Range 9 West, Section 33; and

WHEREAS, according to the applicant, a maximum of one tower will be installed within Township 16 North, Range 10 West, Section 13; and

WHEREAS, according to the Matanuska-Susitna Borough's Regional Aviation System Plan Study (Phase II, May 2017), Flat Horn Lake is approximately 15 miles east of the site known as LMS_Met_8; and

WHEREAS, according to the application material, the Federal Aviation Administration (FAA) online "Notice Criteria Tool"

indicates the proposed meteorological towers and their corresponding locations do not exceed the FAA Notice Criteria; and

WHEREAS, according to the application material, the tower and its guy wires have been marked with FAA-compliant paint, guy guards, and marker balls; and

WHEREAS, according to the application material, the proposed meteorological towers will not be lit; and

WHEREAS, according to the application material, the proposed towers have been engineered with wind and ice load limits that meet the ANSI/TIA-222-G standards; and

WHEREAS, the applicant submitted a structural design report for the proposed towers, which contains certified drawings from Registered Professional Engineer Aaron Boonstra, licensed to practice in Alaska; and

WHEREAS, according to the application material, each site has adequate space for emergency vehicle access; and

WHEREAS, according to the application material, each site is accessible via helicopter for emergency response; and

WHEREAS, the requirements of MSB 17.67.090(A) and (C) do not apply because the proposed tall structure is a meteorological tower; 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 24-30:

1. The proposed use meets the criteria to qualify for a Conditional Use Permit for the construction of six 197-foot-tall guyed meteorological towers (MSB 17.67.040(A)(1)).
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 locations of the meteorological towers are such that their 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 meteorological towers from public parks and trails has been minimized (MSB 17.67.080(B)(2)).
5. The proposed tall structures 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 towers will not be harmful to public health, safety, convenience, and welfare (MSB 17.60.080(B)(4)).
7. MSB 17.67.090(A) is not applicable to the proposed meteorological towers.
8. Adequate vehicle parking has been provided (MSB 17.67.090(B)(1)).
9. MSB 17.67.090(C) is not applicable to the proposed meteorological towers.

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 six meteorological towers with the following conditions:

1. The operation shall comply with all applicable federal, state, and local regulations.
2. Should the final location of any tower site deviate from the proposed location identified in the engineered site plans, the applicant shall confirm the FAA's determination of no hazard to air navigation applies to the particular site. The applicant shall use the FAA's online "Notice Criteria Tool" for each such tower and provide the Borough confirmation each such tower does

not exceed the FAA Notice Criteria within 30 calendar days of the tower's installation.

3. The applicant shall provide the Borough with the final coordinates of each tower site within 30 calendar days of each tower's installation.
4. 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).
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) & (E)).

ADOPTED by the Matanuska-Susitna Borough Planning Commission
on this 21st day of October 2024.



C.J. KOAM, Chair

ATTEST



Lacie Olivieri, Planning Clerk

(SEAL)



YES: CJ Koan, Doug Glenn, Richard Allen, Andrew Shane, Linn McCabe, Wilfred Fernandez

NO: