

Submitted by: Request of the Assembly

Prepared by: Planning Department

For reading: December 12, 2006

CLERK'S OFFICE

APPROVED

Date: 12-12-06 ANCHORAGE, ALASKA

AO No. 2006-64(S-1)

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 21.35,
2 21.40, 21.45, AND 21.50 TO ESTABLISH DESIGN, LOCATION, AND CONDITIONAL
3 USE STANDARDS, AND SET THE MAXIMUM HEIGHT FOR HIGH VOLTAGE
4 TRANSMISSION TOWERS.

5
6
7 THE ANCHORAGE ASSEMBLY ORDAINS:

8
9 **Section 1.** Anchorage Municipal Code section 21.35.020 is hereby amended to read as
10 follows (*the remainder of the section is not affected and therefore not set out*):

11
12 **21.35.020 Definitions and rules of construction.**

13
14 ***

15 B. The following words, terms and phrases, when used in this title, shall have
16 the meanings ascribed to them in this section, except where the context
17 clearly indicates a different meaning:

18
19 ***

20 Towers, high voltage transmission, means structures used to support transmission
21 conductors transmitting electric power over relatively long distances, usually from
22 the central generating station to main substations. The towers are also used for
23 electric power transmission from one substation to another for load sharing or
24 system reliability. High voltage transmission towers conductors are designed to be
25 capable of supporting transmitting transmission lines carrying in excess of 138
26 kilovolts from 115 kilovolts and above.

27
28 ***

29 (GAAB 21.05.020; AO No. 77-355; AO No. 78-16; AO No. 78-28; AO No. 78-
30 171; AO No. 78-231; AO No. 79-214; AO No. 80-42; AO No. 81-67(S); AO No.
31 81-97; AO No. 81-180; AO No. 82-54; AO No. 82-167; AO No. 83-91(S); AO No.
32 84-14; AO No. 84-52; AO No. 85-58; AO No. 85-159; AO No. 85-91, 10-1-85; AO
33 No. 85-216; AO No. 86-19; AO No. 86-78; AO No. 86-90; AO No. 86-171; AO
34 No. 88-172; AO No. 88-171(S-1), 12-31-88; AO No. 89-35, 4-7-89; AO No. 88-
35 147(S-2); AO No. 90-50(S); AO No. 91-35; AO No. 90-152(S); AO No. 91-90(S);
36 AO No. 91-184; AO No. 92-7(S-2); AO No. 92-26; AO No. 92-93; AO No. 92-
37 128(S); AO No. 92-129(S); AO No. 93-58; AO No. 93-148, § 1, 11-16-93; AO No.
38 94-62, § 2, 4-12-94; AO No. 95-68(S-1), §§ 2, 3, 8-8-95; AO No. 95-173, § 1, 11-
39 14-95; AO No. 96-41, § 1, 3-5-96; AO No. 96-131(S), § 1, 10-22-96; AO No. 98-
40 106, § 1, 7-21-98; AO No. 98-160, § 3, 12-8-98; AO No. 99-62, § 2, 5-11-99; AO

No. 2000-119(S), § 8, 2-20-01; AO No. 2001-79(S), § 1, 5-8-01; AO No. 2001-80, § 1, 5-8-01; AO No. 2002-101(S), § 2, 4-9-02; AO No. 2002-109, § 2, 9-10-02; AO No. 2002-117, § 4, 1-28-03; AO No. 2003-62(S-1), § 3, 10-1-03; AO No. 2003-97, § 1, 9-30-03; AO No. 2003-132, § 1, 10-7-03; AO No. 2003-124(S), § 1, 1-20-04; AO. No. 2004-108(S), § 2, 10-26-04; AO No. 2005-9, § 1, 3-1-05)

Editor's note: The definition of fallout shelters contained in this section was formerly codified in the 1977 Code as the first sentence of subsection 21.45.060A.

Cross references: Definitions and rules of construction generally, § 1.05.020.

Section 2. Anchorage Municipal Code chapter 21.40 is amended in sections .020B., .030B., .040B., .045B., .050B., .060B., .070B., .080B., .090B., .100B., .110B., .115B., .117B., .120B., .130B., .140B.6., .145B., .150B.4., .160B., .170B., .180B., .190B., 200B., .210B., .220B., .230B., .240B., .260B., .270B., and .280B. to add the following under permitted principal uses and structures (*the remainder of the section is not affected and therefore not set out*):

Chapter 21.40 **ZONING DISTRICTS***

*. Tower, high voltage transmission, maximum average tower height of seventy (70) feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

Section 3. Anchorage Municipal Code chapter 21.40 is amended in sections .020D., .030D., .040D., .045D., .050D., .060D., .070D., .080D., .090D., .100D., .110D., .115D., .117D., .120D., .130D., .140D., .145D., .150D., .160D., .170D., .180D., .190D., .200D., .210D., .220D., .230D., .240D., .260D., .270D.2., and .280D., to add the following under conditional use (*the remainder of the section is not affected and therefore not set out*):

Chapter 21.40 **ZONING DISTRICTS***

*. Tower, high voltage transmission, exceeding maximum average tower height of seventy (70) feet. Towers exceeding the maximum average of seventy (70) feet in height, existing prior to ~~<insert date of adoption of this ordinance>~~ may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four (4) structures of an existing transmission line may be replaced with structures

exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

Section 4. Anchorage Municipal Code chapter 21.45 is amended to add a new section to read as follows:

21.45.### Towers, high voltage transmission.

- A. *Purpose.* Electric energy is required to power electrical machines, devices and lighting in our society. Electrical energy most often must be transported in high voltages from remote generation plant locations to urban centers. The structures required to support high voltage electrical energy conductors are larger than usual distribution poles. The standards set forth in this section are intended to minimize the impact of transmission towers on neighborhoods and commercial developments to the greatest extent reasonable. It is understood utilities must construct facilities in compliance with the National Electrical Safety Code.
- B. *Location.* The location of new transmission towers shall be in compliance with, and within existing or proposed transmission alignments or corridors identified in the latest version of the utility corridor plan. Deviations from the utility corridor plan shall require amendment to the plan before installation of any tower.
- C. *Easement or right-of-way clearing.* Clearing and/or grubbing of vegetation within the easement or right-of-way for transmission tower installation shall be limited to minimum amount to allow for the safe installation of each transmission tower. ~~Those easement or right-of-way areas to be cleared shall be replanted as set forth in paragraph D. below.~~
- D. *Landscaping.* All areas cleared in conjunction with the installation of a tower, *except for the area within ten (10) feet of the tower,* shall be replanted with vegetation as follows:
1. Cleared areas originally planted by a public or private agency as part of an approved building permit, land use permit, or public facility project landscaping plan, shall be replaced in accordance with the plan, except as modified by the tower location(s). *Other landscaped areas that have been cleared shall be replaced with landscaping equivalent to that which was removed.* Approval of the revised landscape plan shall be by the Planning Department, except in cases where the Planning & Zoning Commission is the approving authority.

2. Cleared areas not previously landscaped shall be landscaped in accordance with the buffer landscaping standards. The Planning Department may approve alternative landscaping to meet the intent and intensity of buffer landscaping, except in cases where the Planning & Zoning Commission is the approving authority.

E. *Exemptions from landscaping.* Exemptions for the landscaping requirements may be granted by the Planning Director, if the utility shows there is a safety concern, the property owner does not grant authorization in which landscaping can be placed by the utility, or for other engineering or related issues.

F. *Structure design.* The color of the transmission tower structures shall be as neutral to the immediate surroundings as possible. The Planning Director shall approve the utility's proposed structure color, except in cases where the Planning & Zoning Commission is the approving authority.

Section 5. Anchorage Municipal Code chapter 21.50 is amended to add a new section to read as follows:

21.50.### **Conditional use standards -Towers, high voltage transmission.**

A. In addition to the standards in section 21.45.300, the approval of a conditional use application for transmission tower(s) exceeding the permitted height limit shall:

1. Determine proposed height of the tower(s) is the minimum required to meet safety requirements, *future load projections*, or terrain. It is understood, however, utilities must construct facilities in compliance with the National Electric Safety Code;
2. Identify the ~~magnitude of the~~ impact on any scenic view sheds and, if ~~required~~ *necessary*, apply mitigation measures *through changes to tower design, tower color, and landscaping at the tower location* to reduce ~~or eliminate~~ negative impacts ~~if necessary~~; and
3. Identify the ~~magnitude of the~~ aesthetic impact and relation of scale of the tower to abutting development and, if necessary, apply mitigation measures *through changes to tower design, tower color, and landscaping at the tower location* to reduce ~~or eliminate~~ negative impacts.


Section 6. For amendments approved in Sections 2 and 3 above, the Code Revisor is instructed to place the new section/subsection at the end of the list in the specified section/subsection, and to number the new section accordingly. For Section 3, the Code

1 Revisor is instructed to insert the date of adoption of this ordinance.
2


3 **Section 7.** Projects with building or land use permits issued at the time of adoption of
4 this ordinance shall not be subject to this ordinance.
5

6 **Section 8.** This ordinance shall be effective immediately upon its passage and approval
7 by the Assembly.
8

9 PASSED AND APPROVED by the Anchorage Assembly this 12th day of
10 December, 2006.
11

12 
13 _____
14 Chair of the Assembly
15

16 ATTEST:
17

18
19 
20 _____
Municipal Clerk
Deputy

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2006-64(S-1) Title: Planning and Zoning Commission, Case 2006-074;
recommendation of approval for an ordinance amending
Anchorage Municipal Code Chapters 21.35, 21.40, 21.45, and
21.50 to establish design, location, and conditional use
standards, and set the maximum height for high-voltage
transmission towers.

Sponsor: Mayor
Preparing Agency: Planning
Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)			
	FY06	FY07	FY08	FY09	
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this ordinance should have no significant impact on the public sector.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the ordinance should have no significant economic impact on the private sector.

Prepared by: Jerry T. Weaver, Jr. Telephone: 343-7939



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 881-2006

Meeting Date: December 12, 2006

From: MAYOR

Subject: AO 2006-64 (S-1): AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 21.35, 21.40, 21.45, AND 21.50 TO ESTABLISH DESIGN, LOCATION, AND CONDITIONAL USE STANDARDS, AND SET THE MAXIMUM HEIGHT FOR HIGH-VOLTAGE TRANSMISSION TOWERS.

1 The Planning Department prepared amendments to the Anchorage Municipal Code Title
2 21 regarding definitions, standards for high voltage transmission towers, and conditional
3 use requirements which were introduced at the April 18, 2006 Assembly meeting and sent
4 to the Planning and Zoning Commission for review.

5
6 The Planning and Zoning Commission subsequently recommended an amended ordinance,
7 AO 2006-64 (S), that was returned to the Assembly for public hearing. Prior to the
8 Assembly meeting of October 31, Assembly members Coffey and Osslander proposed a
9 number of amendments to the substitute ordinance, which were reviewed by Planning staff
10 and utility company representatives. A number of revisions and clarifications were
11 proposed in response. The Assembly postponed action on this ordinance and directed the
12 proposed new language be brought forward in the form a revised substitute ordinance.
13 Attached herewith is AO 2006-64 (S-1).

14
15 Following is a brief description of the changes being recommended in the revised
16 substitute ordinance. (Lined-through words are deleted; words in italics are added.)
17

18 Page 1, lines 24-26: the language is modified to clarify definition of high voltage
19 transmission towers, and to limit the applicability of this ordinance to those towers
20 designed to carry lines in excess of 138 kilovolts (kv). Previous versions of this ordinance
21 included lines designed to carry 115 kv or more. Rather than requiring all transmission
22 poles over a height of 70 feet from going through the conditional use process, the proposed
23 change would limit it to those over 138kv. This confines it to those tower structures that
24 the general public has found to be egregious. All three electrical utility companies (CEA,
25 ML&P, and MEA) typically use 115-138 kv transmission lines without much public
26 objection to their appearance. However, the larger double-circuited lines that are designed
27 to carry 230 kv have been obtrusive and are the ones proposed to undergo a formal design
28 review process.
29

30 Page 2-3, lines 41-46 and 1-2, respectively: Language is added to exempt from the
31 conditional use requirement modification of existing tower structures up to a maximum of
32 four tower structures in order to accommodate the design of a public works project. An

1 example of where this provision would likely occur is when a major road upgrade or new
2 interchange is built and lines have to be raised in order to provide safe clearance.

3
4 Page 3, lines 28-31: This change is intended to clarify that clearing and grubbing
5 restrictions and landscaping requirements in the following subsection (D.) are for the
6 transmission tower structures, and not the length of the entire easement. The intent of the
7 ordinance is to address the impact of the tower structures, not the entire length of the
8 power line easement.

9
10 Page 3, lines 40-42: The added language in this section is to provide relief to property
11 owners who may have planted landscaping that is subsequent to, or unassociated with
12 approved development permits or required landscaping plans.

13
14 Page 4, line 29: In a number of instances, a utility company installs a new power
15 transmission facility, but initially carries power through the line at a lower level than that
16 for which it is designed. As growth occurs in the area, the power load is increased. This
17 provision will allow the utility company to design for the projected load for a certain
18 geographic area, initially serve the area at a lower power load to meet near-term demand,
19 and increase the power load in the future without having to replace the facility at a later
20 date.

21
22 Page 4, lines 33-41: the additions and modifications in these two subsections to the
23 conditional use standards provide clarity on the options available to mitigating the effects
24 of the large tower structures. The words "or eliminate" have also been deleted. Retaining
25 those words would create an unachievable standard, which would jeopardize the
26 application of this land use regulation. The intent is to reduce the impact of the tower
27 structures in order to soften its impact on the surrounding area. The most effective means
28 by which this can be done will depend upon the physical context of the immediately
29 surrounding area.

30
31 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AO 2006-64 (S-1)**
32 **AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 21.35, 21.40, 21.45,**
33 **AND 21.50 TO ESTABLISH DESIGN, LOCATION, AND CONDITIONAL USE**
34 **STANDARDS, AND SET THE MAXIMUM HEIGHT FOR HIGH-VOLTAGE**
35 **TRANSMISSION TOWERS.**

36
37
38 Prepared by: Tom Nelson, Director
39 Planning Department
40 Concur: Mary Jane Michael, Executive Director
41 Office of Economic and Community Development
42 Concur: Denis C. LeBlanc, Municipal Manager
43 Respectfully submitted: Mark Begich, Mayor

Content Information**Content ID :** 004582**Type:** Ordinance - AOAO 2006-64 (S-1): AN ORDINANCE AMENDING ANCHORAGE
MUNICIPAL CODE CHAPTERS 21.35, 21.40, 21.45, AND 21.50 TO**Title:** ESTABLISH DESIGN, LOCATION, AND CONDITIONAL USE
STANDARDS, AND SET THE MAXIMUM HEIGHT FOR HIGH-
VOLTAGE TRANSMISSION TOWERS.**Author:** weaverjt**Initiating Dept:** Planning**Date Prepared:** 11/30/06 11:21 AM**Director Name:** Tom Nelson**Assembly****Meeting Date** 12/12/06**MM/DD/YY:****Public Hearing****Date** 12/12/06**MM/DD/YY:**M.O.A.
2006 DEC -8 AM 11:29
CLEAN'S OFFICE**Workflow History**

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	11/30/06 11:26 AM	Checkin	weaverjt	Public	004582
AllOrdinanceWorkflow	11/30/06 11:58 AM	Reject	nelsontp	Public	004582
AllOrdinanceWorkflow	11/30/06 12:05 PM	Checkin	weaverjt	Public	004582
Planning_SubWorkflow	11/30/06 2:17 PM	Approve	nelsontp	Public	004582
ECD_SubWorkflow	11/30/06 2:29 PM	Approve	thomasm	Public	004582
AllOrdinanceWorkflow	12/1/06 11:59 AM	Reject	mitsonjl	Public	004582
AllOrdinanceWorkflow	12/1/06 12:30 PM	Checkin	weaverjt	Public	004582
Planning_SubWorkflow	12/1/06 3:33 PM	Approve	nelsontp	Public	004582
ECD_SubWorkflow	12/1/06 4:48 PM	Approve	thomasm	Public	004582
OMB_SubWorkflow	12/7/06 10:12 AM	Approve	mitsonjl	Public	004582
Legal_SubWorkflow	12/7/06 1:33 PM	Approve	fehlenrl	Public	004582
MuniManager_SubWorkflow	12/8/06 9:54 AM	Approve	leblancdc	Public	004582
MuniMgrCoord_SubWorkflow	12/8/06 10:58 AM	Approve	abbottmk	Public	004582

W.D. Anderson

CONTINUED PUBLIC HEARINGS