

Submitted by: Chair of the Assembly at
the Request of the Acting Mayor

CLERK'S OFFICE
AMENDED AND APPROVED

Prepared by: Planning Department

Date: 5/12/09 For reading: May 12, 2009

**ANCHORAGE, ALASKA
AO NO. 2009-37(S)**

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONE OF APPROXIMATELY 70 ACRES FROM T (TRANSITION) AND R-7 (INTERMEDIATE RURAL RESIDENTIAL DISTRICT) TO I-2 SL (HEAVY INDUSTRIAL DISTRICT WITH SPECIAL LIMITATIONS) FOR PARCEL 1: THAT PORTION OF N1/2 NE1/4 SE1/4, LYING SOUTH OF LOT 2 OF U.S. SURVEY 9023. PARCEL 2: THAT PORTION OF NE1/4 NW1/4 SE1/4, LYING SOUTH OF LOT 2 OF U.S. SURVEY 9023. PARCEL 3: THAT PORTION OF W1/2 NW1/4 SE1/4, LYING SOUTH OF LOT 1 U.S. SURVEY 9023. PARCEL 4: SE1/4 NW1/4 SE1/4, EXCEPTING U.S. SURVEY 9789. PARCEL 5: SW1/4 NE1/4 SE1/4. PARCEL 6: SE1/4 NE1/4 SE1/4. PARCEL 7: W1/2 W1/2 NE1/4 SW1/4 SE1/4. PARCEL 8: NW1/4 SW1/4 SE1/4. ALL LOCATED WITHIN A PORTION OF THE SE1/4 OF SECTION 19, T16N, R1E, S.M., ALASKA, GENERALLY LOCATED EAST OF EKLUTNA VILLAGE AND SOUTH OF THE GLENN HIGHWAY IN CHUGIAK, ALASKA.

(Chugiak Community Council) (Planning and Zoning Commission Case 2009-013)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map shall be amended by designating the following described property as I-2 SL (Heavy Industrial with Special Limitations) District:

Parcel 1: that portion of N1/2 NE1/4 SE1/4, lying south of Lot 2 of U.S. Survey 9023. Parcel 2: That portion of NE1/4 NW1/4 SE1/4, lying south of Lot 2 of U.S. Survey 9023. Parcel 3: That Portion of W1/2 NW1/4 SE1/4, lying south of Lot 1 U.S. Survey 9023. Parcel 4: SE1/4 NW1/4 SE1/4, excepting U.S. Survey 9789. Parcel 5: SW1/4 NE1/4 SE1/4. Parcel 6: SE1/4 NE1/4 SE1/4. Parcel 7: W1/2 W1/2 NE1/4 SW1/4 SE1/4. Parcel 8: NW1/4 SW1/4 SE1/4. All located within a portion of the SE1/4 of Section 19, T16N, R1E, S.M., Alaska. Generally located east of Eklutna Village and south of the Glenn Highway, in Chugiak, Alaska, consisting of approximately 70 +/- acres as shown on Exhibit "A" attached.

Section 2. Special Limitations.

The I-2 SL district shall be subject to the following Special Limitations:

1. Permitted Principal[E] Uses and Structures:

1
2 Uses and structures are limited to a gas-fired electrical generation
3 power plant and other uses/facilities specifically related to
4 power generation, co-generation secondary steam turbines,
5 or collection of waste heat for transmission off-site. All other
6 uses or structures not incidental to such power plant are
7 prohibited.
8

9 2 [1]. Access:

10
11 Any development of the site generating greater than an overall
12 average daily trips rate of 60 shall require access and related
13 improvements review and approval by the Planning and Traffic
14 Departments.
15

16 3 [2]. Buffers:

17
18 a. An undisturbed natural vegetation buffer shall be retained
19 along the property boundaries as follows:

20
21 100 feet along the north and eastern most site boundaries;
22 250 feet along the west boundary; 50 feet along the
23 southern boundaries, with the exception of the lot lines
24 adjacent to the existing substation (see buffer exhibit).
25 Breaks in the buffer area may be permitted for access
26 drives, roads, utility transmission lines and similar required
27 installations, as authorized by the Planning Department.
28

29
30 b. Existing trees or vegetation shall not be removed or cleared
31 within the buffer area except for access drives and roads,
32 transmission lines or related required clearing; or for
33 clearing of dead fall, or to selectively remove unhealthy
34 vegetation. Prior approval of any clearing or vegetation
35 removal is required from the Planning Department. Dead
36 or dying trees shall be replaced on a one-to-one basis with
37 spruce trees. Replacement of vegetation to be removed for
38 roads, drives, utility transmission lines and similar required
39 installations, shall not be required.
40

41
42 c. Prior to the issuance of any Land Use Permit, resolve with
43 the Planning Department and Land Use Enforcement the
44 method of delineating any areas of existing vegetation
45 which are to be preserved in order to prevent accidental
46 removal. Unauthorized tree removal, unless otherwise
47 approved by the Director, shall be replaced on a one-to-one
48 basis with spruce trees, or at a ratio determined by the Title
49 21 landscape requirements.
50

d. Along areas of any development, signage shall be placed
adjacent to the vegetative buffers every 100-foot stating:
"No storage or construction activity shall occur beyond this

point." Alternative methods of buffer protection/notification may be approved by the Department to meet this requirement.

4 [3]. A public hearing site plan review by the Planning and Zoning Commission shall be required prior to issuance of any permits. The review shall include consideration of hours of operation for the transport of materials to the site in order to avoid conflicts with peak hour traffic on the Glenn Highway.

5 [4]. The site shall be platted prior to the issuance of any permits. [THE TYPE OF FUEL TO BE USED BY A POWER PLANT SHALL BE LIMITED TO NATURAL GAS OR CLEAN BURNING FUELS ONLY.]

Section 3 [4]. Effective Clause

The I-2SL zoning shall not become **null and void and the zoning shall revert back to T (Transition) and the R-7 (Intermediate Rural Residential District) if a land use permit has not been issued and construction of a power generation plant has not commenced by June 1, 2013** effective until the Alaska Department of Environmental Conservation has issued a Title 1 Air Quality Construction Permit and the Municipality of Anchorage has issued a Land Use Permit for the construction of the proposed power generation plant [APPLICATION FOR LAND USE PERMITS HAS BEEN MADE FOR CONSTRUCTION OF THE POWER PLANT].

[PROHIBITED USES. THE FOLLOWING USES SHALL BE PROHIBITED:

1. COMMERCIAL USES.
2. COAL-FIRED POWER GENERATION FACILITIES.
3. SMELTING.]

Section 4 [5]. This ordinance shall become effective 10 days after the Director of the Planning Department has received the written consent of the owners of the property within the area described in Section 1 above to the special limitations contained herein. The rezoning approval contained herein shall automatically expire, and be null and void, if the written consent is not received within 120 days after the date on which this ordinance is passed and approved. The Director of the Planning Department shall change the zoning map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this 12th day of May 2009.

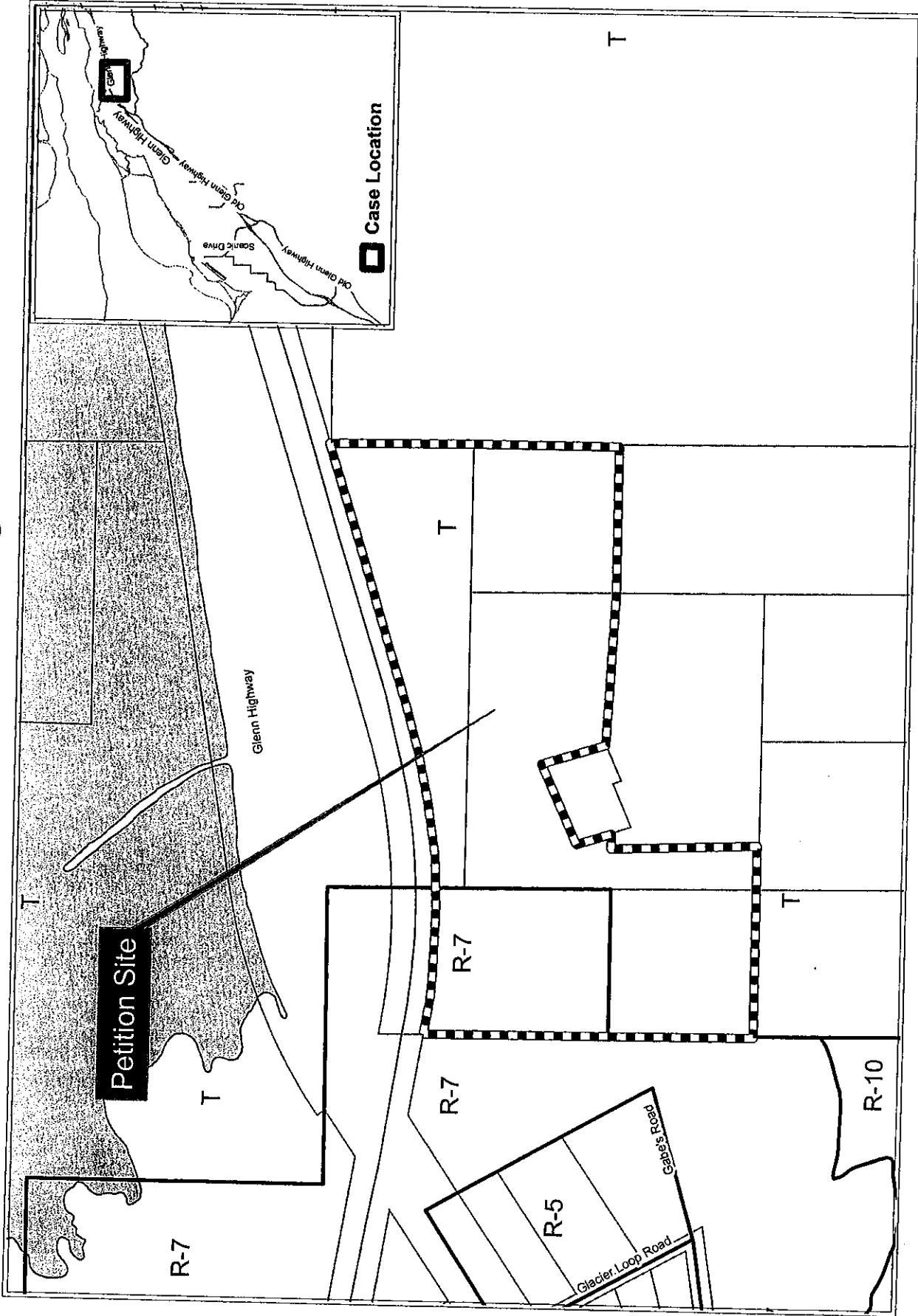
Debbie Orrander
Chair of the Assembly

ATTEST:

Brian S. Juntala
Municipal Clerk
(Tax I.D. No. 052-151-02 thru -05 and 052-141-02)

2009-013

Exhibit A



Municipality of Anchorage
Planning Department
Date: December 5, 2008

Flood Limits
100 Year
500 Year





MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 155-2009(A)

Meeting Date: May 12, 2009

1 **From: ACTING MAYOR**

2
3 **Subject: AO 2009-37 (S):**

4
5 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE**
6 **ZONING MAP AND PROVIDING FOR THE REZONE OF**
7 **APPROXIMATELY 70 ACRES FROM T (TRANSITION) AND R-7**
8 **(INTERMEDIATE RURAL RESIDENTIAL DISTRICT) TO I-2 SL (HEAVY**
9 **INDUSTRIAL DISTRICT WITH SPECIAL LIMITATIONS) FOR PARCEL**
10 **1: THAT PORTION OF N1/2 NE1/4 SE1/4, LYING SOUTH OF LOT 2**
11 **OF U.S. SURVEY 9023. PARCEL 2: THAT PORTION OF NE1/4**
12 **NW1/4 SE1/4, LYING SOUTH OF LOT 2 OF U.S. SURVEY 9023.**
13 **PARCEL 3: THAT PORTION OF W1/2 NW1/4 SE1/4, LYING SOUTH**
14 **OF LOT 1 U.S. SURVEY 9023. PARCEL 4: SE1/4 NW1/4 SE1/4,**
15 **EXCEPTING U.S. SURVEY 9789. PARCEL 5: SW1/4 NE1/4 SE1/4.**
16 **PARCEL 6: SE1/4 NE1/4 SE1/4. PARCEL 7: W1/2 W1/2 NE1/4 SW1/4**
17 **SE1/4. PARCEL 8: NW1/4 SW1/4 SE1/4. ALL LOCATED WITHIN A**
18 **PORTION OF THE SE1/4 OF SECTION 19, T16N, R1E, S.M., ALASKA,**
19 **GENERALLY LOCATED EAST OF EKLUTNA VILLAGE AND SOUTH**
20 **OF THE GLENN HIGHWAY IN CHUGIAK, ALASKA.**

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22
23 AO 2009-37(S) is a substitute ordinance intended to address a few outstanding
24 concerns regarding the requested change in zoning from residential and transition
25 classifications to an industrial classification located in the Eklutna area. (See AO
26 2009-37.) The purpose of the rezone request is for a proposed electrical power
27 generation plant for Matanuska Electric Association (MEA). The rezone request is a
28 significant change in land use that is not consistent with the Chugiak–Eagle River
29 Comprehensive Plan Update, which was formally adopted 2 ½ years ago. The
30 rationale for the change in zoning is for a use that was not anticipated when the
31 comprehensive plan was updated, but for which there is a need by users of
32 electricity within the service area of MEA. Without the immediate need for the
33 power plant, there is insufficient justification to act on the change in zoning at this
34 time.

35
36 The purpose of the substitute ordinance is to add/modify provisions that will provide
37 stronger assurance that the use of the site will be limited to a power generation
38 plant, and that the zoning change will not take effect until there is strong assurance
39 the plant will be built.

1 Other provisions regarding access and vegetative buffering standards are retained
2 from the original ordinance (AO 2009-37). The required public hearing site plan
3 review is also retained, but with added language to make sure potential impact of
4 construction-related traffic on peak-hour traffic flow on the Glenn Highway is
5 addressed.

6
7 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AO 2009-37(S), AN**
8 **ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE ZONING MAP**
9 **AND PROVIDING FOR THE REZONE OF APPROXIMATELY 70 ACRES FROM T**
10 **(TRANSITION) AND R-7 (INTERMEDIATE RURAL RESIDENTIAL DISTRICT) TO**
11 **I-2 SL (HEAVY INDUSTRIAL DISTRICT WITH SPECIAL LIMITATIONS) FOR**
12 **PARCEL 1: THAT PORTION OF N1/2 NE1/4 SE1/4, LYING SOUTH OF LOT 2 OF**
13 **U.S. SURVEY 9023. PARCEL 2: THAT PORTION OF NE1/4 NW1/4 SE1/4,**
14 **LYING SOUTH OF LOT 2 OF U.S. SURVEY 9023. PARCEL 3: THAT PORTION**
15 **OF W1/2 NW1/4 SE1/4, LYING SOUTH OF LOT 1 U.S. SURVEY 9023. PARCEL**
16 **4: SE1/4 NW1/4 SE1/4, EXCEPTING U.S. SURVEY 9789. PARCEL 5: SW1/4**
17 **NE1/4 SE1/4. PARCEL 6: SE1/4 NE1/4 SE1/4. PARCEL 7: W1/2 W1/2 NE1/4**
18 **SW1/4 SE1/4. PARCEL 8: NW1/4 SW1/4 SE1/4. ALL LOCATED WITHIN A**
19 **PORTION OF THE SE1/4 OF SECTION 19, T16N, R1E, S.M., ALASKA,**
20 **GENERALLY LOCATED EAST OF EKLUTNA VILLAGE AND SOUTH OF THE**
21 **GLENN HIGHWAY IN CHUGIAK, ALASKA.**

22
23
24 Prepared by: Tom Nelson, Director, Planning Department
25 Concur: Mary Jane Michael, Executive Director
26 Office of Economic and Community Development
27 Concur: James N. Reeves, Municipal Attorney
28 Concur: Michael K. Abbott, Municipal Manager
29 Respectfully submitted, Matt Claman, Acting Mayor
30
31
32
33

(Case 2009-13; Tax I.D. No. 052-151-02 thru -5 and 052-141-02)

Content ID: 007694**Type:** Ordinance - AO

An Ordinance Amending the Zoning Map and Providing for Rezone of Approximately 70 Acres from T (Transition) and R-7 (Intermediate Rural Residential District) to I-2 SL (Heavy Industrial District with Special Limitations) for Parcel 1: That Portion of N1/2 NE1/4 SE1/4, Lying South of Lot 2 of U.S. Survey 9023. Parcel 2: That Portion of NE1/4 NW1/4 SE1/4, Lying South of Lot 2 of U.S. Survey 9023. Parcel 3: That Portion of W1/2 NW1/4 SE1/4, Lying South of Lot 1 U.S. Survey 9023. Parcel 4: SE1/4 NW1/4 SE1/4, Excepting U.S. Survey 9789. Parcel 5: SW1/4 NE1/4 SE1/4. Parcel 6: SE1/4 NE1/4 SE1/4. Parcel 7: W1/2 W1/2 NE1/4 SW1/4 SE1/4. Parcel 8: NW1/4 SW1/4 SE1/4. All Located within a Portion of the SE1/4 of Section 19, T16N, R1E, S.M., Alaska, Generally Located East of Eklutna Village and South of the Glenn Highway in Chugiak, Alaska.

Author: maglaquijp**Initiating Dept:** Planning**Description:** AO 2009-37(S) Eklutna Power Plant Rezone**Keywords:** Eklutna Power Plant rezone**Date Prepared:** 5/1/09 11:39 AM**Director Name:** Tom Nelson**Assembly Meeting Date:** 5/12/09**Public Hearing Date:** 5/12/09

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
Clerk_Admin_SubWorkflow	5/7/09 3:54 PM	Exit	Joy Maglaqui	Public	007694
MuniMgrCoord_SubWorkflow	5/7/09 3:54 PM	Approve	Joy Maglaqui	Public	007694
MuniManager_SubWorkflow	5/7/09 3:54 PM	Approve	Joy Maglaqui	Public	007694
MuniManager_SubWorkflow	5/7/09 3:28 PM	Checkin	Joy Maglaqui	Public	007694
Legal_SubWorkflow	5/4/09 3:55 PM	Approve	Rhonda Westover	Public	007694
Finance_SubWorkflow	5/4/09 1:18 PM	Approve	Sharon Weddleton	Public	007694
OMB_SubWorkflow	5/4/09 9:23 AM	Approve	Bruce Holmes	Public	007694
ECD_SubWorkflow	5/1/09 2:48 PM	Approve	Tawny Klebesadel	Public	007694
Planning_SubWorkflow	5/1/09 11:57 AM	Approve	Tom Nelson	Public	007694
AllOrdinanceWorkflow	5/1/09 11:44 AM	Checkin	Susan Perry	Public	007694

Addendum

CONTINUED PUBLIC HEARINGS