

CODE ORDINANCE

Sponsored by: Borough Manager  
Introduced: 06/03/25  
Public Hearing: 06/17/25  
Amended: 06/17/25  
Adopted: 06/17/25

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 25-050**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY MODIFYING THE INTENT, NOTIFICATION, AND APPEAL PROCESS FOR MSB 17.05 ESSENTIAL SERVICE UTILITIES.

---

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 17.05.010 is hereby amended to read as follows:

(A) The purpose of this chapter is to provide for public participation in the decisions affecting the installation of essential service utilities in such a manner that they enhance the health, safety and general welfare of borough residents and properties while minimizing negative impacts. This chapter recognizes the importance and benefits of essential services, while ensuring that all reasonable and feasible mitigation measures are taken by the utilities to protect the scenic qualities of the Matanuska Susitna Borough and general welfare of its residents. Essential services should be

installed in cognizance of existing and projected demands for such services.

Section 3. Amendment of Section. MSB 17.05.040 is hereby amended to read as follows:

(A) [ALL PROPOSED] Prior to commencement of construction of Type II essential service utilities, [SHALL REQUIRE] a public involvement program in accordance with a public participation plan as submitted by the utility is required in all areas of the borough excluding the cities of Houston, Palmer, Wasilla, and the Port MacKenzie special use district boundary.

(B) Within 20 calendar days of receipt of the proposed public participation plan, the director shall provide the applicant with written acknowledgement of receipt of the plan, along with any recommendations concerning the proposed process. The public involvement program, at a minimum, must contain the following:

(1) Minimum requirements.

(a) the utility's public involvement program must comply with established state and federal guidelines governing the utility including adequate public notice, public process, public meetings, or public hearings;

(b) if no established state or federal guidelines apply to the proposed action, the utility shall follow its own utility board adopted guidelines for public notification and involvement;

(c) if there are no established state, federal or utility board adopted guidelines, the public involvement program will consist of the minimum requirements outlined in subsection (B)(2) of this section, Public Involvement; and

(d) if a state, federal or utility board adopted public involvement program is used, they must at least meet or exceed the minimum guidelines in subsection (B)(2) of this section, Public Involvement.

(2) Public involvement.

(a) a minimum of [ONE] two public meetings~~s~~ will be held by the utility and shall be held in an area central to the area impacted by proposed action;

(b) a minimum of one formal public hearing will be held by the utility later in the process to allow for formal public testimony. The public hearing will be held in an area central to the area impacted by proposed action; and

(c) notice of the public meetings<sup>s</sup> and public hearing to occur a minimum of 15 days in advance of the public meeting or public hearing. The public notice will include:

(i) [THREE] two notices in both the print and digital editions of a newspaper of general circulation within the borough;

(ii) public postings in local areas such as libraries, public buildings, schools, stores, laundromats, lodges, on the utility's website, and on the Matanuska-Susitna Borough's website, etc.;

(iii) public service announcements on local radio stations starting 15 days before the public meeting; and

(iv) mailings, as appropriate, including notification of all affected community councils; and[.]

(v) contact information to which public comments can be provided, including an email and mailing address.

(vi) a link to a website that provides project information including material such as maps, visual renderings, timelines and contact information for more information.

(C) Implementation of the public involvement program shall commence within 120 days from the issuance date of written acknowledgement.

(D) Upon completion of the public involvement program elements, the applicant shall create and submit to the director a decisional document that describes how the public involvement program was implemented, [THE NATURE] a summary of public comments and concerns, the chosen course of action, an estimated timeline for construction, and a brief description of the proposed process for addressing public concerns during the future phases of the project [AND THE PUBLIC'S APPEAL PROCESS]. Copies of all written public comments and an audio record, if available, shall be included in the decisional document.

(E) Within 30 days of receipt of the decisional document, the director shall issue a permit if the utility has met the minimum requirements for public involvement required by this chapter.

(1) The approved permit and decisional document shall be posted on the MSB website upon being issued, and shall remain on the website for the duration of the appeal period.

Section 4. Amendment of Section. MSB 17.05.050 is hereby amended to add the following definition:

• "Reasonable and feasible" means those mitigation measures available and capable of being implemented after consideration of both capital and operational costs, schedule, existing technology, logistics, environmental impact, and ability to obtain all necessary approvals for implementation.

Section 5. Adoption of Section. MSB 17.05.060 is hereby adopted to read as follows:

17.05.060 APPEAL PROCEDURE

(A) The provisions of MSB 15.39 govern appeals from a decision of director, except that written notice of appeal shall be filed within 90 days from the date on which the permit is issued.

Section 6. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 17 day  
of June, 2025.

  
EDNA DeVRIES, Borough Mayor

ATTEST:

  
LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Hale, Nowers, McKee, Gamble, Fonov, and  
Bernier

CONFLICT OF INTEREST: SUMNER (*recused from voting*)