

**SUBJECT:** AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.05 ESSENTIAL SERVICE UTILITIES BY PROVIDING ADDITIONAL PROCESS AND STANDARDS FOR APPROVAL.

**AGENDA OF:** September 5, 2023

<b>ASSEMBLY ACTION:</b>
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**AGENDA ACTION REQUESTED:** Introduce and set for public hearing.

<b>Route To Department/Director</b>	<b>Signature</b>	<b>Comments</b>
Originator	<small>8/22/2023</small> X Alex Strawn <small>Signed by: Alex</small>	
Department Director	<small>8/22/2023</small> X Alex Strawn <small>Signed by: Alex</small>	
Finance Director	<small>8/24/2023</small> X Cheyenne Heindel <small>Signed by: Cheyenne Heindel</small>	
Borough Attorney	<small>8/24/2023</small> X Nicholas Spiropoulos <small>Signed by: Nicholas Spiropoulos</small>	
Borough Manager	<small>8/24/2023</small> X Michael Brown <small>Signed by: Michael Brown</small>	
Borough Clerk	<small>8/24/2023</small> X Lonnie McKechnie <small>Signed by: Lonnie McKechnie</small>	

**ATTACHMENT (S) :** MSB 17.05 - Essential Service Utilities (3 pp)  
 Failed Planning Commission Resolution 23-04 (2 pp)  
 Ordinance Serial No. 23-080 (17 pp)

**SUMMARY STATEMENT:**

MSB 17.05 - *Essential Service Utilities* regulates installation of new high voltage (>50kV) electrical transmission lines or transmission pipelines. While the code does require a public process, there are no standards for approval other than the public process itself.

This ordinance reduces the applicability of MSB 17.05 to not include transmission pipelines, or any utility that is installed below ground. It also creates a conditional use permit process for installation of high-voltage powerlines within the Borough.

Approval of the conditional use permit is done through the Planning Commission who will review several standards related to trespass issues, scenic resources, and the MSB comprehensive plan. Utility companies will also be required to host a public process prior to submitting a conditional use permit for review by the Planning Commission.

By: A. Strawn  
Introduced: August 7, 2023  
Public Hearing: August 21, 2023  
Action:

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 23-04**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING MSB 17.05 - ESSENTIAL SERVICE UTILITIES BY PROVIDING ADDITIONAL PROCESS AND STANDARDS FOR APPROVAL.

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WHEREAS, MSB 17.05 - Essential Service Utilities regulates installation of new high voltage (>50kV) electrical transmission lines or transmission pipelines; and

WHEREAS, while the code does require a public process, there are no standards for approval other than the public process itself; and

WHEREAS, this ordinance reduces the applicability of MSB 17.05 to not include transmission pipelines, or any utility that is installed below ground; and

WHEREAS, this ordinance also creates a conditional use permit process for installation of high-voltage powerlines within the Borough; and

WHEREAS, installation of new high-voltage powerlines should require standards related to trespass issues, scenic resources, and the MSB comprehensive plan; and

WHEREAS, utility companies should be required to host a public process prior to submitting a conditional use permit for review by the Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of Assembly ordinance 23-080.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this -- day of --, 2023.

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C J KOAN, CHAIR

ATTEST

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CORINNE LINDFORS  
Planning Clerk

(SEAL)

YES: Allen

NO: Koan, Scoggin, Glenn, McCabe

**CHAPTER 17.05: ESSENTIAL SERVICE UTILITIES**

Section

[17.05.010 Purpose](#)

[17.05.020 Applicability](#)

[17.05.030 Type I essential service utility](#)

[17.05.040 Type II essential service utility](#)

[17.05.050 Definitions](#)

**17.05.010 PURPOSE.**

(A) The purpose of this chapter is to provide for public participation in the decision 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 feasible mitigation measures are taken to protect the scenic qualities of the Matanuska Susitna Borough. Essential services should be installed in cognizance of existing and projected demands for such services.

(Ord. 07-076, § 2 (part), 2007)

**17.05.020 APPLICABILITY.**

(A) This chapter applies to all areas of the borough except within the city boundaries of Houston, Palmer, Wasilla, and the Port MacKenzie special use district boundary. This chapter applies to municipal utilities that extend beyond city boundaries and the port district boundary into unincorporated borough lands.

(Ord. 22-062, § 2, 2022; Ord. 07-076, § 2 (part), 2007)

**17.05.030 TYPE I ESSENTIAL SERVICE UTILITY.**

(A) All proposed Type I essential service utilities, when installed or extended in any public way or borough-owned land, shall require a permit issued by the borough in accordance with MSB 11.30.030.

(Ord. 07-076, § 2 (part), 2007)

**17.05.040 TYPE II ESSENTIAL SERVICE UTILITY.**

(A) All proposed Type II essential service utilities shall require a public involvement program in accordance with a public participation plan as submitted by the utility 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 public meeting 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 meeting 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 notices in 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.

(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 of public comment, the chosen course of action, timeline for construction, 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.

(Ord. 22-062, § 2, 2022; Ord. 07-076, § 2 (part), 2007)

#### **17.05.050 DEFINITIONS.**

• "Type I essential service utility" means any above or below ground structures or facilities used for utility distribution including:

(1) "Electricity distribution" means medium voltage (less than 50KV) power lines, low voltage electrical substations and pole-mounted transformers; and low voltage (less than 1,000V) distribution wiring to provide service to individual customers; and

(2) "Service pipeline" means a distribution line that transports gas, oil, water, or sewage from a common source of supply to the meter set assembly or distribution endpoint to provide service to individual customers.

• "Type II essential service utility" means any aboveground or below ground structures or facilities used for utility transmission including:

(1) "Electricity transmission" means high-voltage (50KV or higher) power lines, high-voltage electrical substations and pole-mounted transformers, and high-voltage distribution or transmission wiring; and

(2) "Transmission pipeline" means pipelines installed for the purpose of transmitting gas, oil, water, or sewage from a source or sources of supply to one or more distribution centers, to one or more large volume customers, or a pipeline installed to interconnect sources of supply. In typical cases, transmission lines differ from distribution lines in that they operate at higher pressures, are longer, and the distance between connections is greater.

(Ord. 07-076, § 2 (part), 2007)