


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

**AGENDA OF:** April 1, 2025

**ASSEMBLY ACTION:**

Amended and Adopted without objection 06/17/25 - EMW

**AGENDA ACTION REQUESTED:** Refer to the Planning Commission for 90 days.

Route To	Signatures
Originator	<div>3 / 1 8 / 2 0 2 5</div> <div>X      A l e x   S t r a w n</div> <div>S i g n e d   b y :   A l e x</div>
Department Director	<div>3 / 1 8 / 2 0 2 5</div> <div>X      A l e x   S t r a w n</div> <div>S i g n e d   b y :   A l e x   S t r a w n</div>
Finance Director	<div> R e c o v e r a b l e   S i g n a t u r e</div> <div>X      C h e y e n n e   H e i n d e l</div> <div>S i g n e d   b y :   C h e y e n n e   H e i n d e l</div>
Borough Attorney	<div>3 / 2 1 / 2 0 2 5</div> <div>X      N i c h o l a s   S p i r o p o u l o s</div> <div>S i g n e d   b y :   N i c h o l a s   S p i r o p o u l o s</div>
Borough Manager	<div>3 / 2 1 / 2 0 2 5</div> <div>X      M i c h a e l   B r o w n</div> <div>S i g n e d   b y :   M i k e   B r o w n</div>
Borough Clerk	<div>3 / 2 4 / 2 0 2 5</div> <div>X      L o n n i e   M c K e c h n i e</div> <div>S i g n e d   b y :   L o n n i e   M c K e c h n i e</div>

**ATTACHMENT (S) :** Ordinance Serial No. 25-050 (6 pp)  
 MSB 17.05 Essential Service Utilities (3 pp)  
 PC Resolution 25-09 (2 pp)

**SUMMARY STATEMENT:**

This ordinance is at the request of Assembly Members Hale and Gamble.

MSB 17.05 governs the installation and public involvement procedures for essential service utilities within the Matanuska-Susitna Borough. The amendments aim to refine the existing procedures to enhance public participation and streamline the notification and appeal processes.

## Key amendments

1. The ordinance will clarify the intent of MSB 17.05.
2. Refinement of the Public Process:
  - An additional public meeting will be required to increase community involvement and feedback opportunities before final decisions are made.
  - The notification process for public meetings will be streamlined and clarified.
3. Clarification of the contents within the decisional document
4. Introduction of a formal permitting stage:
  - 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 and the other information already required by MSB 17.05.040(D). The Planning and Land Use Director will review the materials solely to ensure the application has followed the public process required by code. If so, a permit will be issued. If not, a permit will be denied. If the applicant or an interested party believes the Director erred in his determination about the public process, the decision is subject to appeal to the Board of Adjustments and Appeals.

Updating the public process for essential service utilities within the Borough is in accordance with goal LU-1 of the Borough-wide Comprehensive Plan (2005 Update):

**Goal (LU-1):** Protect and enhance the public safety, health, and welfare of Borough residents.

**Policy LUI-1:** Provide for consistent, compatible, effective, and efficient development within the Borough.

**RECOMMENDATION OF ADMINISTRATION:** Refer this legislation to the Planning Commission for 90-day review.

**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)

By: A. Strawn  
Introduced: 05/05/2025  
Public Hearing: 05/19/2025  
Action: Approved

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 25-09**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE MODIFYING THE INTENT, NOTIFICATION, AND APPEAL PROCESS FOR MSB 17.05 ESSENTIAL SERVICE UTILITIES.

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WHEREAS, MSB 17.05 governs the installation and public involvement procedures for essential service utilities within the Matanuska-Susitna Borough; and

WHEREAS, Assembly Ordinance 25-050 aims to refine the existing procedures to enhance the public participation and streamline the notification and appeal processes; and

WHEREAS, the proposed amendments support the goals and objectives of the Matanuska-Susitna Borough Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby recommends approval of Assembly Ordinance 25-050:

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ADOPTED by the Matanuska-Susitna Borough Planning Commission  
on this 19 day of May, 2025.

  
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Wilfred Fernandez, Chair

ATTEST

  
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Lacie Olivieri, Planning Clerk

(SEAL)



YES: Fernandez, Scoggin, McCabe, Allen, Glenn

NO:

Planning Commission Resolution 25-09  
Adopted:

OR 25-09  
IM25-086  
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