

Resolution 22-25 Packet

Repeal of MSB 17.05 - Essential Service Utilities

Karol Riese

From: John <jsandrw@matnet.com>
Sent: Monday, August 8, 2022 11:49 PM
To: MSB Planning Commission; Karol Riese
Cc: John s
Subject: public comments PC Resolution 22-25

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

August 8, 2022

Dear Planning Commissioners,

I write in opposition to PC Resolution 22-25, which would recommend to the Assembly that it repeal in its entirety MSB 17.05 Essential Service Utilities.

Instead, I urge the Planning Commission to recommend that the Assembly DENY the ordinance that would repeal MSB 17.05.

The public has a fundamental right to participate meaningfully in decisions that affect them. MSB 17.05 acknowledges the importance of essential services, while at the same time helps ensure that “all feasible mitigation measures are taken to protect the scenic qualities of the Matanuska Susitna Borough.” This includes the scenic quality within neighborhoods and along our road systems, helping to protect attractive, orderly landscapes throughout the borough. This enhances the quality of life of borough residents and attracts visitors and businesses, thus contributing to the vibrance of our communities.

A public process is integral to achieving this purpose.

Neither the draft IM 22- ____ nor the draft Assembly Ordinance, both contained in the August 1, 2022 PC packet, provide justification for repealing 17.05.

The draft IM indicates that 17.05 contains no standards of approval. That is not a reason to repeal 17.05, but it is a reason to look into amending 17.05 to include such standards. The IM indicates, vaguely, that public process costs more, but omits any discussion of how much additional cost or even if such cost is material. The IM is also silent on the benefits of mitigating adverse effect on neighborhoods and roadways.

The draft Assembly Ordinance contains virtually no information at all, except the “repeal in its entirety” language.

Public process should never be diminished or eliminated without careful consideration and compelling reasons. This proposal to repeal 17.05 has neither.

I urge the PC to reject Resolution 22-25.

I urge the PC to then write and approve a second, separate resolution that recommends to the Assembly that it NOT repeal 17.05.

Thank you for your consideration.

Sincerely,

John Strassenburgh
PO Box 766
Talkeetna, AK 99676

Karol Riese

From: Michelle <michla01234@gmail.com>
Sent: Wednesday, August 10, 2022 5:27 PM
To: Will Hastings
Cc: MSB Planning Commission; amber.m.mcdonough@gmail.com; Corine; Gretchen Watson; Rachel
Subject: Re: Tanaina Community Council Comments for 15 Aug Planning Commission Meeting

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outstanding Will !

the only thing i could add is to leave out the part about MEA project--that sounds biased toward the woes of Fishhook property owners and we're addressing ALL utilities for all time 😊

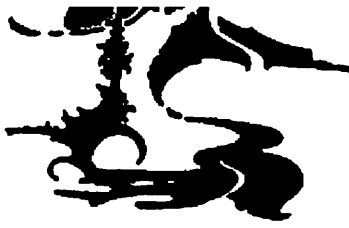
On Wednesday, August 10, 2022, Will Hastings <whastingsak@gmail.com> wrote:

Good Day

The Tanaina Community Council does not support the repeal of MSB 17.05. While service utility projects are expensive, their costs pale in comparison to the combined total monetary value of private property investment throughout our area. Projects such as these have very real economic consequences on private, commercial, and public property values. Furthermore, large scale service utility projects, done without public coordination and input required by this ordinance, do not represent "Responsible Development", a position taken by the TCC on past and current service utility projects (such as the MEA power project).

We request these comments be included within the public record for the 15 August Planning Commission Meeting.

Respectfully,
Will Hastings
TCC Board Member



August 11, 2022

Matanuska-Susitna Borough Planning Commission
350 E. Dahlia Avenue
Palmer, Alaska

Via Email: msb.planning.commission@matsugov.us

Re: **Resolution 22-25** A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance repealing MSB 17.05 – Essential Service Utilities

Dear Planning Commissioners:

At its August 1, 2022 meeting, the Talkeetna Community Council, Inc. (TCCI) considered Resolution 22-25 whereby the Planning Commission would recommend approval of an ordinance repealing MSB 17.05.

After discussion, TCCI voted to write this comment stating that we do not support the repeal of MSB 17.05 - Essential Service Utilities. The Council does support changes to MSB 17.05 to further enhance opportunities for public participation.

During discussion of the motion to write a letter in opposition to repeal of MSB 17.05, members of the public brought up the Informational Memorandum (IM) that says that MSB 17.05 was originally adopted with the stated purpose of providing for public participation in the installation of essential service utilities It goes on to say that the ordinance did not include any standards for approval. Amending the code to provide standards for approval would be a simple amendment to code that would not require repeal of the entire code.

Essential services utilities include high voltage electrical transmission lines and pipelines installed for the purpose of transmitting gas, oil, water, or sewage. It goes without saying that such infrastructure can have enormous impact on communities and on nearby private properties. Public notification with the opportunity for meaningful public participation is critically important when these projects are undertaken. TCCI urges you not to support repeal of MSB 17.05 and to consider ways to enhance public participation for essential service utilities projects.

Thank you,

Jonathan Korta, Chair
Talkeetna Community Council, Inc.
Po Box 608
Talkeetna, AK 99676
jon@talkeetnacouncil.org

Karol Riese

From: Sherry Sherry <fly_gal22@yahoo.com>
Sent: Thursday, August 11, 2022 12:24 PM
To: MSB Planning Commission
Subject: Public Input on Resolution PC 22-25

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Please DO NOT repeal MSB 17.05 . Public input is always needed.

Thank you,
Sherry Wilson
3061 N Departure Ct
Wasilla, AK 99654
907 376-3755

August 10, 2022

This letter is to express my concern over the Planning Commission Resolution 22-25 asking to repeal MSB 17-05 Essential Service Utilities.

We have elected you as representatives and you have employed Mat-Su Borough Staff to carry out the duties of representing our interests. Removing MSB 17-05 leaves a void in that representation.

Utilities are a very large part of every resident's life and their locations also become a permanent part of our lives. Allowing these utilities, which I do appreciate, to proceed without input and oversight of that input from the residents, results in you not representing us as we elected you to do.

MEA's new transmission line is a prime example of where oversight, plus considered input is needed. They did hold public meetings, and now have released a request for design bid. There are still many unanswered questions about the line. The community of Meadow Lakes has yet to be informed of where they plan to cross the Parks Highway with the overhead transmission line. I believe we can get a copy of the site plans by requesting a bid packet but will have to sign a non-disclosure clause, which doesn't inform the public. Residents are relying on MSB 17-05 Essential Service Utilities to bring their concerns and questions forward in an open situation. This line is going through the Matanuska Susitna Borough.

I also realize, our Borough and Representation has taken a "less government is better approach". In this situation and others that may come in the future, development oversight and input from your constituents will let Borough residents know that you are forthcoming in development and do have their interests at heart without creating more government.

Please reject Planning Commission Resolution 22-25.

[Sherri Rusher](#)

Sherri Rusher

6911 W Scatters Way
Wasilla, AK 99623

sherri@mtaonline.net
907-354-4207

Karol Riese

From: russ.coker@yahoo.com
Sent: Thursday, August 11, 2022 9:13 PM
To: MSB Planning Commission
Subject: Public Input on Resolution PC 22-25

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

To all involved,

As a Borough taxpayer and resident. I would rather pay the extra cost to allow opportunity for public comment rather than allowing free reign for companies to ruin our neighborhoods to reduce time and money cost to install our necessary utilities.

This resolution has brought up a good point, however, we need to amend it to include an approval process.

Let's stop this resolution, and improve the process instead.

Respectfully,

Russell Coker
russ.coker@yahoo.com

Karol Riese

From: Sherry Sherry <fly_gal22@yahoo.com>
Sent: Thursday, August 11, 2022 12:24 PM
To: MSB Planning Commission
Subject: Public Input on Resolution PC 22-25

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Please DO NOT repeal MSB 17.05 . Public input is always needed.

Thank you,
Sherry Wilson
3061 N Departure Ct
Wasilla, AK 99654
907 376-3755

Karol Riese

From: Ruth Wood <tothedogs@mtaonline.net>
Sent: Thursday, August 11, 2022 9:10 PM
To: MSB Planning Commission
Subject: Comments on Planning Commission Resolution 22-25

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

August 11, 2022

To:
Matanuska-Susitna Borough Planning Commission
Via Email: msb.planning.commission@matsugov.us

From:
Ruth Wood, Talkeetna, Alaska

RE:

Comment Resolution 22-25 Dear Planning Commissioners:

Please do not pass MSB Planning Commission Resolution 22-25 recommending approval of an ordinance repealing MSB 17.05 – Essential Service Utilities. Providing public participation in the installation of essential service utilities is extremely important. The IM implies that since there are no standards for approval, there is no need for the public participation. That is incorrect. Perhaps projects are different and it is up to the Planning Commission and Assembly to put criteria for acceptance on the project; perhaps the Assembly needs to adopt standards for approval. You don't throw out the code because you haven't developed the standards.

The IM also mentions cost as a factor. It is unfortunate, but public meetings require staff time, and have a cost. They are, however, crucial when people's lives, homes, and other private properties could be seriously impacted by the development. Pipelines that transmit gas, oil, and water and high voltage electrical transmission lines are needed and essential. That doesn't mean they should be placed where ever the utility wants without regard to communities and neighborhoods. That doesn't mean there shouldn't be conditions placed on the project by the Planning Commission.

Both the Planning Commission and the Assembly are supposed to be representing the people, and that means the people must be given opportunities to inform you when big projects are being proposed. MSB 17.05 provides an essential service to the public and should remain in force. Please do not vote to support repeal of this critical code.

Thank you.

Sincerely,
Ruth Wood
Talkeetna, Alaska



August 12, 2022

Matanuska Susitna Borough
Planning Commission
Transmitted electronically

RE: Willow Area Community Organization opposition to Resolution 22-25

Commissioners:

We write in opposition to the repeal of Borough code 17.05, regarding essential service utilities. The only argument we heard in favor of this resolution was that the Borough lacks complete jurisdiction in these utility cases. The main authority rests with the Regulatory Commission of Alaska. While that may be true, common sense and history argue that maintaining 17.05 or perhaps enhancing it is prudent.

The Commission is reminded that it was public outcry that stopped the construction of a coal burning power plant at Eklutna. Also, that the RCA failed to prevent all three utilities in the Anchorage MatSu area from constructing multi-million dollar generating plants simultaneously. This has resulted in excess capacity and additional costs for ratepayers.

At the August 3, 2022 meeting of WACO, the eight board members present unanimously voted to oppose the adoption of Resolution 22-25. We agreed that the elimination of a public process is bad for Willow and bad for the MatSu.

Respectfully

Trygve Erickson
Board Chair

Karol Riese

From: psfisher@gci.net
Sent: Friday, August 12, 2022 6:49 AM
To: Alex Strawn; Karol Riese; Mike Brown; Edna DeVries; jessesumnerdistrict6@gmail.com; Lonnie McKechnie
Subject: Opposition to PC 22-25

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

To: Planning Commission August 11, 2022
Jessie Sumner, MSB Assembly
Alex Strawn, MSB Planning Department
Mike Brown, MSB Manager
MSB Assembly
Edna DeVries, MSB Mayor

I am writing in opposition to Planning Commission Resolution 22-25 which seeks to repeal MSB 17-05 (Essential Service Utilities. Public Outreach).

It is a tremendous disservice to the residents of the Borough for 17-05 to be repealed. The recent outreach by MEA for their new transmission line makes it very evident that the public should be fully informed of essential utility projects. Community response to MEA's outreach was extremely high.

I was told by Assemblyman Sumner that the reason for repealing this ordinance is that it is the responsibility of the Alaska Regulatory Commission (RCA) to oversee utilities, not the Borough. I subsequently contacted the RCA to find out what outreach they do. **They post the application for the project on their website. The public would have to be monitoring that website on a continuing basis, tracking through a list of many projects to determine if there is a project that effects their community. That is not outreach. Does RCA hold meetings in the Valley? Not usually.**

Based on RCA's normal process, it is evident that **they are concerned with tariffs and service, not land use. LAND USE is a Borough issue. Land use is the issue that was the most concern in the case of the new MEA transmission lines.**

It is your responsibility to protect the residents of the Borough from utility projects that affect land use, are detrimental to the public and to a community, that are infringing on personal property, or that are not the wisest decision for the public. The residents of the Borough deserve to know promptly and clearly what projects will impact their lives.

Do your job. Protect the residents of the Borough.

Patricia Fisher
Resident, Meadow Lakes



To: The Matanuska-Susitna Borough Planning Commission
ATTN: Alex Strawn, Planning and Land Use Director

August 11, 2022

Re: **Resolution 22-025 to Repeal MSB 17.05 for Essential Service Utilities**

Please accept these comments on behalf of the Susitna River Coalition (SRC). SRC is a 501(c)(3) Alaska Corporation based in Talkeetna Alaska, and we support the communities and - ecosystems that are sustained by the Susitna River Watershed. We focus on the education, engagement, and mobilization of diverse voices to improve decision-making and protect the key resources that are vital to the region's economic success and quality of life.

We strongly disapprove of the ordinance to completely repeal MSB code 17.05. Currently, it is the only public process available for the residents of Matanuska-Susitna Borough to comment on any impacts of major utility projects. Furthermore, we believe providing a public forum should not only be required, but the public's comments should actually be considered into the decision-making process.

We have been following the Matanuska Electric Association(MEA)'s Fishhook to Pittman Power Project and the appeal process of the "Northern Route" crossing through the remote wetlands of the Little Susitna River. 17.05 allowed hundreds of concerned residents to comment against this route. However, despite this overt opposition, 17.05 did not ensure any incorporation of public opinion in the utility's Decisional Document. Therefore, we urge that 17.05 not be repealed, but adapted to better protect the public's interests.

Thank you for the opportunity to submit these comments.

Respectfully,



June Okada
Energy Coordinator
Susitna River Coalition
Talkeetna, Alaska

Karol Riese

From: Amber McDonough <amber.m.mcdonough@gmail.com>
Sent: Friday, August 12, 2022 10:55 AM
To: MSB Planning Commission; Mike Brown; Alex Strawn; Edna DeVries; jessesumnerdistrict6@gmail.com; Lonnie McKechnie; Karol Riese
Subject: Opposition to MSB PC Resolution 22-25 to Repeal Code 17.05 Mandating Public Outreach for Major Utility Projects
Attachments: MSB PC Amber McDonough Testimony 8-1-22.pdf; MSB Code CHAPTER 17.05_ ESSENTIAL SERVICE UTILITIES Draft Amendment - REDLINE 8-11-22.pdf

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

To: MSB Planning Commission
Alex Strawn, MSB Planning Department
MSB Assembly
Jessie Sumner, MSB Assembly
Mike Brown, MSB Manager
Edna DeVries, MSB Mayor

I am writing in opposition to Planning Commission Resolution 22-25 which seeks to repeal MSB 17-05 (Essential Service Utilities mandating Public Outreach). The rationale for my objection to the repeal of MSB 17.05 was outlined during my testimony presented at the 8/1/22 Planning Commission (Testimony PDF attached - 1 page).

As a follow up to my testimony, I have prepared a red-lined amendment to the existing MSB 17.05 (Amendment PDF attached – 5 pages) for the Planning Commission’s consideration as an alternative to a full repeal.

I would like both documents to be recorded so they can be included in the handouts for the Planning Commission’s Resolution 22-25 public hearing on Monday 8/15/22.

It is a tremendous disservice to the residents of the Borough for 17-05 to be repealed. Based on our research, it is clear that only the MSB has the responsibility to oversee the land use impacts of utility projects on borough residents – not the Regulatory Commission of Alaska, nor any other agency provides adequate public outreach, advocacy, or protection. Instead, it is the Borough’s responsibility, and by extension the MSB Planning Commission’s duty, to be engaged to protect its residents from utility projects that may affect land use, be detrimental to public and community assets, infringe on personal property, or are not in the best interest of the Borough as a whole.

Best Regards,
Amber McDonough, P.E.
7600 E Sleight Circle
Palmer, AK 99645
amber.m.mcdonough@gmail.com
907-227-3734 / 907-570-8367

Greetings Commissioners,

August 1, 2022

My name is Amber McDonough. My husband and I are 20yr landowners in the Fishhook area with a vested interest in responsible development that preserves our community's character. The introduced Resolution 22-025 to repeal MSB 17.05 for Essential Service Utilities is a golden opportunity.

17.05 was recently tested during the Mat-Su Planning Department's review of Matanuska Electric Association's Fishhook to Pittman Power Project. This project was publicly unveiled in May 2021, however the project's impact greatly increased this past September when MEA added a Northern Route with over 10 remote miles of 100' wide right-of-way clearing across the floodplains, wetlands, and farmlands north of the Little Su River. Hundreds of Mat-Su residents participated in the 17.05 process from MEA's initial Open House through the utility's final Appeal Hearing in April 2022.

Ultimately, 17.05 failed Mat-Su residents. It only empowered the Planning Department to confirm MEA completed the required public participation. It did not ensure the utility's Decisional Document incorporated "all feasible mitigation measures" to "enhance the...welfare of borough residents and properties while minimizing negative impacts." In fact, 17.05 allowed MEA to conceal the nature of the public feedback it received until after it submitted its Decisional Document to Planning Department. This was despite over 90% of comments being against the Northern Route, as noted by Assemblyman Jesse Sumner.

Also 17.05 did not require this major utility project, impacting thousands of residents, be reviewed by the Planning Commission or the Assembly before the Planning Department granted final project approval. Meanwhile, other projects with much smaller footprints such as cell towers, marijuana shops, and gravel pits, all require MSB conditional use permits.

Without 17.05 there is no other forum for Mat-Su residents to voice their concerns about impacts of infrastructure projects or influence utilities to adopt mitigation measures. Therefore, instead of a complete repeal 17.05 it would be best if the Commission drafted an amendment to fix the code's flaws. Based on our experience, crafting 17.05 to align with other existing MSB conditional use permits would better protect public interests and private property rights. I would be happy to suggest improvements to this Resolution prior to its public hearing on August 15th.

Thank you,
Amber McDonough, P.E.
amber.m.mcdonough@gmail.com
(907) 227-3734 / (907) 570-8367

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
<u>17.05.050</u>	<u>Appeal procedure</u>
<u>17.05.050060</u>	<u>Definitions</u>

17.05.010 PURPOSE.

(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 feasible mitigation measures are taken by the utilities to protect borough residents' health and quality of life, character of surrounding community assets, public water, and the scenic view shed qualities of the Matanuska Susitna Borough.

(B) Essential services should be installed in cognizance of existing and projected demands for such services and in accordance with the goals and objectives of borough-adopted community comprehensive plans and other borough asset management plans that contain standards to guide area development.

(C) This chapter clarifies the process for borough review and approval of an applicant's Type II essential service utility decisional documents to ensure they incorporate all feasible mitigation measures to minimize negative impacts identified during a utility's public involvement program. Decisional documents should include applicant's disaster response plan to address any new community hazards introduced by the project's siting as well as flood damage prevention per MSB 17.29 as applicable.

(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, and Wasilla. This chapter applies to municipal utilities that extend beyond city boundaries into unincorporated borough lands.

(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, 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.

~~(A)~~(B) All proposed Type II essential service utilities projects within the borough shall be required to complete a public involvement program in accordance with a public participation plan as submitted by the utility to the borough planning department for pre-approval, in all areas of the borough excluding the cities of Houston, Palmer, and Wasilla.

~~(B)~~(C) Within 20 calendar days of receipt of a utility's ~~the~~ proposed public participation plan, the borough planning department director shall provide the applicant with written acknowledgement of receipt of the proposed plan, along with any borough planning department recommendations ~~concerning for~~ improving 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 borough, state and federal guidelines and public-agency standards of good practice governing ~~the utility~~utilities including adequate public notice, public process, public meetings, ~~or~~ and public hearings;
- (b) if no established borough, state or federal guidelines apply to the proposed action, the utility shall follow its own utility board adopted guidelines incorporating public-agency standards of good practice for public notification and involvement;
- (c) if there are no established borough, state, federal or utility board adopted guidelines, the public involvement program will consist of the minimum requirements outlined in subsection ~~(B)~~(C)(2) of this section, Public Involvement incorporating public-agency standards of good practice; and
- (d) if a state, federal or utility board adopted public involvement program is used, they it must at least meet or exceed the minimum guidelines in subsection ~~(B)~~(C)(2) of this section, Public Involvement.

(2) *Public involvement.*

- (a) a minimum of ~~one two~~ informational public meeting will be held by the utility and shall be held in an area central to the area impacted by proposed action; if essential services project location(s) impact multiple borough community council areas, a minimum of one public meeting will be held in each area.
- (b) a minimum of one formal public hearing will be held by the utility a minimum of 30 days after the conclusion of the public meeting(s) 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) utility-provided notice of the public meeting(s) and the public hearing ~~to shall~~ occur a minimum of 15 days in advance of ~~the each~~ public meeting or public hearing. The public notice will include:
 - (i) three notices in a newspaper of general circulation within the borough; and
 - (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.~~; and
 - (iii) public service announcements on local radio stations starting 15 days before the public meeting(s) or public hearing; and
 - (iv) mailings and e-mailings, as appropriate, including notification ~~of to~~ all affected community councils and directly affected landholders.

~~(C)(D)~~ Implementation of the public involvement program shall commence within 120 days from the issuance date of written acknowledgement and approval of the public participation plan in accordance with subsection (C) from the director.

~~(E)~~ 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, the mitigation measures incorporated to minimize negative impacts identified during public involvement, and the timeline for construction, ~~and the public's appeal process.~~

Copies of all written public comments and an audio record of public testimony, if available, shall be included in the decisional document.

~~(F)~~ Prior to the applicant receiving final approval from the director or the borough assembly, the utility's decisional document including all attachments described by subsection (E), will be forwarded to the borough planning commission. Upon receipt, the commission shall:

(1) direct the utility and borough administration publicly post the decisional document to their respective websites and social media forums used for public announcements and make it available for download; and

(2) review whether the essential services utility has adequately incorporated all feasible mitigation measures to minimize the negative impacts identified during its public involvement program; and

(3) facilitate a public appeal process including the appeal hearing with the public-agency standards of good practice provisions of MSB 15.39.

17.05.050 APPEAL PROCEDURE.

~~(A)~~ The commission shall facilitate a public appeal process as part of its review to determine if there are any significant public concerns not adequately addressed by the decisional document.

(1) Public appeal process.

(a) The commission shall provide public notice of the appeal hearing date a minimum of 30 days in advance of the public appeal hearing. The public notice will include:

(i) notice of the appeal process structure including the deadline for filing an appeal and identifying what grounds may be raised on appeal; and

(ii) inclusion of the public appeal hearing date on the commission's regular meeting agenda a minimum of 15 days in advance of the public appeal hearing; and

(iii) direction to the utility and borough administration to publicly post the appeal hearing date on their respective websites and social media forums used for public announcements; and

(iv) mailings and e-mailings, as appropriate, to all affected community councils and directly affected landholders.

(b) The commission shall conduct the required public appeal hearing meeting to allow for audience testimony. Public testimony will be heard prior to the commission's final review of the decisional document to help assess whether the applicant's submission achieves the following:

(i) enhances the health, safety and general welfare of borough residents and properties; and

(ii) protects borough residents' health and quality of life, character of surrounding community assets, public water, and the scenic view shed qualities of the Matanuska Susitna Borough; and

(iii) aligns with the goals and objectives of borough-adopted community comprehensive plans and other borough asset management plans that contain standards to guide area development; and

(iv) minimizes negative impacts identified during the utility's public involvement program using all feasible mitigation measures.

(c) The commission will provide a formal report summarizing the public appeal hearing results to the director including the following:

(i) recap of public testimony with any outstanding concerns; and

(ii) summary of any identified decisional document deficiencies; and

(iii) commission conditions or recommendations for changes to decisional document mitigation strategies to better achieve the purpose stated in Section 17.05.010, prior to the director recommending applicant approval.

(B) Upon receipt of the commission's appeal hearing report, the director will review the results and attach any supplemental planning department staff recommendations for the applicant's action prior to approval. The director will provide this report to the applicant, directing the utility to revise and resubmit the decisional document to address commission and planning department recommendations.

(A)(C) The director shall review applicant's revised decisional document and upon determination that the changes satisfactorily address Section 17.05.010(A) and (B), recommend that the borough assembly grant the applicant approval to proceed. If the resubmitted changes are not deemed adequate, the director shall ask applicant for additional revisions to the decisional document prior to recommending its approval by the borough assembly, the recommendation of which will not be unreasonably withheld.

(Ord. 07-076, § 2 (part), 2007)

17.05.050-060 DEFINITIONS.

• "Applicant" means a person or authorized representative of a utility submitting an application for borough approval for a Type II essential service utility development.

• "Character" means those attributes, qualities, and features that make up and distinguish land assets and give borough communities a sense of purpose, function, definition, and uniqueness.

• "Commission" means the Matanuska-Susitna Borough Planning Commission.

• "Directly affected landholder" means any person or entity with legal title or agricultural rights to real estate upon which the proposed utility action will leave a physical footprint.

• "Director" means the borough planning department director.

- "Public health, safety, and welfare" means a specific benefit to or furtherance of the public's health, safety, or welfare as determined by the director and/or assembly or which would otherwise be required by local ordinance or state law or federal law.
- "Public water" means navigable water and all other water, whether inland or coastal, fresh or salt, that is reasonably suitable for public use and utility, habitat for fish and wildlife or migration and spawning of fish, and which there is a public interest.
- "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.
- "Utility" means either a person or corporation providing utility services, the utility service provided, or the physical utility or other facilities.
- "View shed" means an area of land, water, and other environmental elements that are visible from a fixed vantage point generally in areas of particular scenic or historic value worthy of preservation against lasting development or other change.

(Ord. 07-076, § 2 (part), 2007)

The Matanuska-Susitna Borough Code is current through Ordinance 21-092, passed October 5, 2021.

Disclaimer: The borough clerk's office has the official version of the Matanuska-Susitna Borough Code. Users should contact the borough clerk's office for ordinances passed subsequent to the ordinance cited above.

Borough Website:

<https://www.matsugov.us/> Borough

Telephone: (907) 861-7801

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Letter in opposition to the Resolution 22-25

To: Planning Commission, MatSu Borough

From: **Linda Oxley, Willow resident**

Date: August 12, 2022 for the August 15, 2022 Planning Commission Public Hearing

X. PUBLIC HEARING: LEGISLATIVE MATTERS

Resolution 22-25 A resolution of the Matanuska-Susitna Borough Planning Commission recommending approval of an ordinance repealing MSB 17.05 – Essential Service Utilities. Public Hearing: August 15 (Staff: Alex Strawn, Planning and Land Use Director)

Planning Commissioners:

...‘Without 17.05 there is no other forum for Mat-Su residents to voice their concerns about impacts of infrastructure projects or influence utilities to adopt mitigation measures. Therefore, instead of a complete repeal 17.05 it would be best if the Commission drafted an amendment to fix the code’s flaws. Based on our experience, crafting 17.05 to align with other existing MSB conditional use permits would better protect public interests and private property rights....’ Amber McDonough, P.E.

The statement above from Ms. McDonough as presented to the Planning Commission in a letter dated August 1, 2022 says it perfectly. There is no other way for the borough residents to be alerted to issues that impact their lands and rights until it is too late to have any impact. And her point about strengthening public response and impact on borough processes and decisions is to be lauded and I agree with her. I strongly encourage the Planning Commission to reject Resolution 22-25.

I will add that the foundation arguments to stop the public’s participation in such decisions is faulty for Alaska and particularly for the MatSu Borough. Yes there are ...‘higher energy costs’... on a national scale, however here in Alaska prices for electrical power are relatively stable and many are working to adopt self-sustaining methods using wind, solar and thermal sources; more homes are either off grid or supplementing purchased power every year. Most of the borough’s residents live on roads and if they wish, can reasonably buy access to power from current electrical lines. As for fuel/oil costs, on a national level, those prices are falling and expected within months to return to cost levels that are and have been relatively stable over a long period of time. Many in the borough do use oil for heat, however the vast majority of residents use electricity for heat and those who use either power or oil, also use wood which is plentiful. Over these last couple of years and for some number of years into the future, wood is easily available from the standing dead spruce that abounds and from the skeleton trees left from wild land fires. The real burden of fuel costs to borough residents is the cost of gasoline and diesel, neither of which will have any impact from decreasing utility infrastructure communication and mitigation processes. And which are slowly decreasing on their own consistent with the decreasing lower 48 costs. It is irresponsible to make a long-term decision that robs the people from participation on the backs of a resolving energy situation.

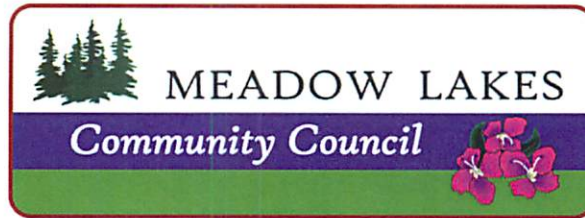
The second rationale for decreasing public notice and process speaks to international instability. The state of Alaska is uniquely protected from most of this instability by our distance from and current methods for managing energy needs. Large urban areas with millions of people do need to be

concerned about instability. We have no such large urban areas and the state's total population is less than a single million. Alaska has been independent and self-sufficient with utility access for its entire history. And most of the utility infrastructure in question is about power, electricity specifically. And again, it is gasoline and diesel cost distress of Alaskans that most matches the rest of the world. A better use of the Planning Commissioners time might be focused on keeping Alaskan oil in Alaska. That would make a significant difference in oil costs for our public.

Yes, there are no stated 'teeth' in the current ordinance. However, and likely one of the real drivers for this current resolution is to decrease the focus of residents on potential negative impacts on their lives and properties when major utility projects are proposed by state and utility entities. The openness of public discussion that occurs when the borough opens the communication channels about these issues is the actual power itself. Those mega groups are then held to account by the people potentially impacted in the planning processes when these conversations are opened by borough leadership. And as Ms. McDonough notes, improving the processes for transparency in these major projects would further help the residents of the borough.

In summary, I strongly oppose resolution 22-25 and ask the Planning Commission to at worst, maintain it as is, or at best, improve it to include conditional use methods already in other MSB processes. The people of the borough need and count on borough leadership to protect our individual and group interests and properties.

Thank you,
Linda Oxley
Willow
lmoxley@mtaonline.net
907-841-3421



1210 N Kim Drive, Suite B, Meadow Lakes, Alaska 99623
Phone: 907-232-2845 - Email: info@mlccak.org - Website: www.mlccak.org

Matanuska Susitna Borough
Planning Commission and staff

August 12, 2022

The Meadow Lakes Community Council would like to submit the following letter in opposition to Planning Commission Resolution PC 22-25 that would repeal Code 17.05 Mandating Public Outreach for Major Utilities.

The Community Council was an active participant in the recent MEA Fishhook to Pittman Transmission Line Routing and Substation Siting Study, both as a member of the planning focus group and as affected residents and businesses. The existing code requirement for public outreach is working and allowed us to inform MEA early in the process about issues and benefits of various routing options. In the end we did not get everything we wanted; however, MEA committed to working with us to reduce impacts near the senior housing. Without the Borough code mandating public outreach, none of this would have happened and impacts to residents would be more significant. MEA cannot be trusted to complete reasonable public outreach without the code requirement. The Alaska Regulatory Commission that oversees utilities is not involved in this level of necessary community outreach.

The benefits of public outreach are:

- To build a better project
- Increased transparency of process to the public
- Avoiding litigation costs

The membership of the Meadow Lakes Community Council voted to submit this letter of opposition to Planning Commission Resolution PC 22-25 that would repeal Code 17.05 Mandating Public Outreach for Major Utilities at the August 10, 2022 meeting.

Sincerely,

Camden Yehle
President, Meadow Lakes Community Council

Emails PRINTED MONDAY
AUGUST 15, 2022

Mat-Su Borough
Planning Commission and Staff

August 12, 2022

Letter in OPPOSITION to the repealing of MSB 17.05 – Essential Service Utilities

I am submitting this letter of opposition to Planning Commission PC 22-25 that would repeal Code 17.05. Instead, I am in favor of amending the code to strengthen the public appeal process by strengthening the borough's power to oversee the land use impacts of utility projects on borough residents.

The recent MEA public outreach and appeal hearing for their Fishhook to Pittman Power Project did not need to be reviewed by the MSB Planning Commission or the MSB Assembly. As a result MEA was not obligated to consider any public input. Without 17.05 there is no other forum for residents to express their concerns about the impacts of infrastructure projects by essential service utilities. MSB 17.05 needs to be amended and strengthened, certainly not repealed.

Please include this letter in the 8/15/22 PC Meeting's Handouts.

Sincerely,
Linda Conover, a 44 year resident of the Mat-Su Borough
3291 N Edgewater Drive
Wasilla, AK

Karol Riese

From: Deb McAtee <debmcatee@gmail.com>
Sent: Saturday, August 13, 2022 11:35 AM
To: MSB Planning Commission
Cc: Deb McAtee
Subject: MSB 17.05

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hello,

I just heard about plans to repeal MSB 17.05! This should not happen! Without MSB17.05 there is no other forum for MSB residents to voice their concerns about the impacts of infrastructure projects to influence utilities to adopt mitigation measures. I have a cabin and property at Mile 92 of the Glenn Hwy, which is a scenic by-way. We want to protect the view and keep it that way!

The current MSB 17.05 is flawed because it does not empower the MSB Planning Department with standards for approving MEA's Decisional Document. The Planning Department's approval only had to verify that public participation occurred, allowing MEA to disregard 90%+ of public comments submitted against their preferred powerline route.

The Planning Commission needs to FIX this code to make it work for the public interest as intended, instead of completely repealing it.

Thank you!
Deb McAtee
MP 92.9 Glenn Highway
907-978-1630

Karol Riese

From: ken widmer <kennethwidmer@gmail.com>
Sent: Saturday, August 13, 2022 1:43 PM
To: MSB Planning Commission
Subject: Resolution 22-25

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Please do not approve resolution 22-25. I am very opposed to the repeal of code 17.05. I support keeping 17.05, as a forty-year resident of the Mat-Su borough, this resolution takes away my right to comment that can influence utilities to take mitigation measures.

Thank You
Ken Widmer
7426 Sitze Rd.
Wasilla, Ak

Karol Riese

From: Willi Prittie <willi@mtaonline.net>
Sent: Saturday, August 13, 2022 2:50 PM
To: MSB Planning Commission
Subject: Comments for MSB Planning Commission hearing on code 17.05

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Greetings

I have a great deal of interest in this being as I live here and am a stakeholder. I will not be able to make the hearing or call in, so I am emailing my comments.

As a resident here in Mat-Su and a citizen, I completely oppose Resolution 22-25! Do not repeal MSB 17.05 for essential service utilities. This code is flawed only that it still allows planning ignore public input in its final decision. If anything, it should be strengthened. We the public have every right to be part of the borough decision making process. This is still a democracy (even though it seems to be moving in a direction to be one in name only). There needs to be standards to make sure our comments are given consideration in any planning process.

Sincerely,

Willi Prittie
Sunshine, Alaska

From: Holly Stinson <holly@mckinleyview.com>
Sent: Saturday, August 13, 2022 11:02 AM
To: MSB Planning Commission
Subject: Public comment repeal 17.05

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

I was just made aware of the effort to repeal MSB Code 17.05 concerning public input on utility projects. I find it outrageous that MSB would want to repeal this ability of the public to weigh in on decisions concerning utility projects. These decisions impact all residents and effect our quality of life. I am against Resolution 22-25 to repeal this section of code addressing Essential Service Utilities. As a public commission, the public has the right to voice our concerns about utilities projects and the impacts they cause. Additionally, there should be standards put in place to insure our comments are given the time and consideration they deserve in the decision-making process.

Sincerely,

Holly Stinson
35388 St. John Drive/P.O. Box 1107
Talkeetna, AK 99676

Karol Riese

From: Wayne Woller <waynewoller1@gmail.com>
Sent: Sunday, August 14, 2022 8:00 AM
To: MSB Planning Commission
Subject: Public comment repeal 17.05

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

I was just made aware of the effort to repeal MSB Code 17.05 concerning public input on utility projects. I find it outrageous that MSB would want to repeal this ability of the public to weigh in on decisions concerning utility projects. These decisions impact all residents and effect our quality of life. I am against Resolution 22-25 to repeal this section of code addressing Essential Service Utilities. As a public commission, the public has the right to voice our concerns about utilities projects and the impacts they cause. Additionally, there should be standards put in place to insure our comments are given the time and consideration they deserve in the decision-making process.

Sincerely,
Wayne Woller

35388 S Saint John Drive
P.O. Box 178
Talkeetna, AK 99676

Karol Riese

From: Carol Montgomery <anclm4@mtaonline.net>
Sent: Monday, August 15, 2022 10:00 AM
To: MSB Planning Commission
Subject: Against Resolution 22-25

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Please do not approve Resolution 22-25. As a Borough citizen, I expect to be able to comments on utility projects and the impacts they may cause. Please keep 17.05 in place. Thank you, Carol Montgomery

4542 N. Slumber Dr.

Palmer, AK 99645

Karol Riese

From: Kendra Zamzow <kzamzow@gmail.com>
Sent: Monday, August 15, 2022 10:58 AM
To: MSB Planning Commission
Subject: MSB code 17.05

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Dear members of the Planning Commission:
I oppose the repeal of MSB code 17.05.

While utility companies must do due diligence with respect to the costs and reliability of utility systems, the Borough Planning Commission should be fundamentally involved in activities that involve land use. This would include clearing for new transmission lines, and potentially future discussions of buried power lines (which could go through existing neighborhoods).

To have MEA be the sole arbiter in deciding the public interest and land use impacts of a project proposed and championed by MEA severely limits the public process, the role of the Planning Commission in planning land use, and the interests of the Borough.

MSB Code 17.05 should be strengthened, not removed. Strengthening the code would put land use decisions back to the Planning Commission and Borough Assembly, who will have a wider perspective of short- and long-term interests of the Borough, and allow stakeholders, including land owners and Tribal archaeologists, to have additional venues to voice their reasons for support or opposition of project options. Local knowledge is a critical piece for decision-making.

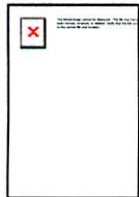
Thank you for the opportunity to comment.

*Kendra Zamzow
Chickaloon, AK
907.354.3886*

Ts'tonhna' nene' ghestnaa et izdaa.
"I live and work on Matanuska River land"

"We are drowning in information, while starving for wisdom" - EO Wilson

"Data are not neutral" -- Kate Crawford



Karol Riese

From: Nancy Moore <nmoore@mtaonline.net>
Sent: Monday, August 15, 2022 12:46 PM
To: MSB Planning Commission
Subject: Mat-Su Borough Code 17.05

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

To whom it may concern:

Borough residents need Mat-Su Borough Code 17.05 to allow them to comment on upcoming projects that affect our communities, ecosystems and wildlife. Further this code need to be strengthened to require the planning commission to take public comment into consideration before approving a project.

Please keep Mat-Su Borough Code 17.05 in place and strengthen it to give public comment more consideration on the important upcoming issues.

Thank you,

Nancy Moore
Resident of Palmer Fishhook