

CODE ORDINANCE

Sponsor: Assemblymember Kvalheim
Introduced: 09/18/07
Public Hearing: 10/16/07
Defeated: 10/16/07
Motion to Reconsider Failed: 10/16/07

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 07-142**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH AMENDING MSB 8.32.010-020, ELECTRICAL GENERATION FACILITY OR POWER PLANT, TO REMOVE THE APPLICABILITY OF THE ORDINANCE WITHIN THE CITIES.

WHEREAS, MSB 8.32 was enacted on August 28, 2007, to regulate electrical generation facilities or power plants; and

WHEREAS, MSB 8.32 was initially drafted to be a non-areawide regulation; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission recommended to the Assembly that MSB 8.32 be amended to be an areawide ordinance; and

WHEREAS, the Assembly amended MSB 8.32 shortly before adoption to be applicable areawide; and

WHEREAS, in doing this, the Assembly also declared that any powers the cities had been delegated by the Borough were, for the purposes of MSB 8.32, revoked; and

WHEREAS, the cities have objected to MSB 8.32 being applicable areawide.

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. Repeal of subsection. MSB 8.32.010(B) is hereby repealed in its entirety.

[(B) NOT WITHSTANDING ANY BOROUGH ORDINANCES TO THE
CONTRARY, THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY HAS DECIDED

THAT THE DELEGATION OF PLANNING POWERS OR FUNCTIONS TO THE CITIES HAS NOT, AND DOES NOT, PROHIBIT THE ENACTMENT OF THIS ORDINANCE ON AN AREAWIDE BASIS. TO THE EXTENT NECESSARY, THE DELEGATION OF ANY POWER OR FUNCTION TO THE CITIES AS IT PERTAINS TO THIS ORDINANCE IS REVOKED. THIS IS NOT INTENDED TO AFFECT THE REMAINDER OF ANY POWERS OR FUNCTIONS DELEGATED TO THE CITIES.]

Section 3. Amendment of subsection. MSB 8.32.020(A) is hereby amended to read:

(A) This chapter shall apply to the location, construction, and operation of all electrical generation facilities or power plants producing 50 megawatts or more on all lands within the Borough **with the exception of those lands within the cities of Palmer, Wasilla and Houston.**

Section 4. Effective date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

DEFEATED by the Matanuska-Susitna Borough Assembly this 16 day of October, 2007.

YES: Wells

NO: Woods, Houston, Church, Kvalheim, Bettine, and Kluberton