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Sponsor: Mayor Poelstra

**CITY OF EDNA BAY, ALASKA
ORDINANCE NO. 24-33CO**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF EDNA
BAY, ALASKA TO AMEND TITLE 6 - MUNICIPAL LANDS
ADDING CHAPTER 6.50 TIMBER HARVEST; INCLUDING
SECTIONS 6.50.010 – 6.50.110 FOR ROAD MANAGEMENT
AUTHORITY RELATED TO TIMBER TRANSPORT**

BE IT ENACTED BY THE EDNA BAY CITY COUNCIL AS FOLLOWS:

Section 1. Classification: This is a **Code Ordinance**.

Section 2. Severability: If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons shall not be affected thereby.

Section 3. The City is adopting an amendment to Title 6 – Municipal Lands as outlined in the attachment Title 6.50 – Timber Harvest; including Sections 6.50.010 – 6.50.110; as defined in this ordinance.

Section 4. Title 6 – Municipal Lands is amended to include Chapter 6.50 – Timber Harvest.

Section 5. Effective Date: This ordinance becomes effective upon its adoption by the Edna Bay City Council.

DATE INTRODUCED: *January 10, 2024*

DATE OF PUBLIC HEARING: *January 16, 2024*

Passed and approved by the Edna Bay City Council this 16th day of January, 2024.

Tyler Poelstra, Mayor

ATTEST:

Myla Poelstra, Clerk

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CHAPTER 6.50: TIMBER HARVEST

Section

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6.50.010 PURPOSE AND INTENT.

(A) This chapter is to ensure that the City of Edna Bay implements safeguards so that timber harvesting practices protect public health, safety, and welfare.

6.50.020 APPLICABILITY.

(A) The Alaska Forest Resources and Practices Act (FRPA) governs how timber harvesting, reforestation, and timber access occur on state, private, and municipal land. Forest management standards on federal land must also meet or exceed the standards established by the FRPA for state land.

(B) This chapter applies to all state, private, and municipal land subject to the FRPA for commercial operations larger than 40 acres in size, except as otherwise preempted by federal or state law. Related sales of less than 40 acres in size shall be aggregated and considered as one sale or operation for purposes of determining whether the operation is larger than 40 acres in size for purposes of this Chapter.

(C) Timber harvest operations where a FRPA Detailed Plan of Operations has been approved by the State Division of Forestry prior to the effective date of the ordinance codified in this chapter are permitted to continue without a timber transport permit; provided, that an application

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for pre-existing status is submitted within two months from the date of adoption of the ordinance codified in this chapter.

6.50.030 NOISE.

Reserved.

6.50.040 ARTIFICIAL LIGHTING.

Reserved

6.50.050 BUFFERS.

(A) Buffers are not required on private land. However, a person on private land is encouraged to screen timber harvesting activities from road traffic, public areas and other private property where possible and prudent, and to provide buffers to protect adjacent private or public property from damage.

(B) The need for visual buffers on public land, beyond that required by the Alaska Forest Resources and Practices Act, shall be considered and specifically addressed by the public land owner or manager and, if appropriate, included in the terms and conditions of a timber sale. Areas where buffers may be appropriate include but are not limited to:

- (1) outside rights-of-way on public roads;
- (2) along public trails;
- (3) adjacent to parking areas and trailheads; and
- (4) adjacent to private property.

(C) It is preferred that screening should be accomplished, whenever possible, by leaving a vegetative buffer of native species.

6.50.060 GENERAL PUBLIC SAFETY.

(A) To minimize the potential for injury to cross-country travelers (hikers, skiers, off-road vehicles, or other means), the person shall post the operations area with suitable weather-resistant signs and plastic flagging at:

- (1) all road and trail intersections where they leave or enter the operations area; and
- (2) along the perimeter of the operations area where signs or plastic flagging is clearly visible between marking points or areas unless otherwise prohibited by state or federal law.

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6.50.070 TRAFFIC SAFETY PLAN.

- (A) The state of Alaska has primary responsibility for regulating and enforcing commercial vehicle enforcement, traffic control, and equipment standards on all highways.
- (B) A traffic safety plan under this section is only required as part of a timber transport permit in accordance with Section 6.50.080 of this title.
- (C) If applicable the person shall prepare a traffic safety plan prior to beginning timber harvest transportation operations.
- (D) The purpose of a traffic safety plan is to identify road or traffic conditions potentially adverse to safe cargo-carrying vehicle operations and public health, safety, and welfare, and to identify specific actions to be taken by the operator to mitigate such conditions.
- (E) The traffic safety plan shall apply to the most likely used road routes from the point of leaving the operations area to its initial intersection with any state or borough road classified as a major collector, arterial, or highway under the functional classification system.
- (F) The person shall provide the City a map showing the route(s) to be used described in subsection (E) of this section.
- (G) The City shall provide the person with a description and a map at a sufficient scale that clearly shows, but not limited to, the following general road conditions:
- (1) width of drivable surface;
 - (2) existence and width of shoulders;
 - (3) curves subject to off-tracking at posted speed;
 - (4) steep grades requiring sustained braking;
 - (5) presence of school bus routes, times that buses are picking up or dropping off students along the route, specific stops where line of sight to a bus is limited (e.g., the State Department of Transportation and Public Facilities considers less than 700 feet at 35 miles per hour and less than 1,000 feet at 55 miles per hour to be a reason for closer analysis); and
 - (6) presence of known “walk to school” or “pedestrian” crossing areas, trails, or other uses on or adjacent to the road surface.
- (H) Using the information from subsection (G) of this section, the person shall prepare a traffic safety plan prior to beginning timber harvest transportation operations. At a minimum the traffic safety plan will address:
- (1) time(s) of day cargo-carrying vehicle use will occur;

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- (2) type, gross vehicle weight and overall length of cargo-carrying vehicles that will be utilized; and
 - (3) number of trips by cargo-carrying vehicles that will occur per day or week.
- (I) The plan shall serve as the basis for determining the requirements to be included in the timber transportation permit, and by the person to:
- (1) identify topics and issues to be discussed at regular truck driver safety meetings;
 - (2) identify hauling time-period limitations that may be necessary for traffic safety or noise abatement;
 - (3) identify vehicle operator actions such as reduced speed where road conditions or other uses warrant; and
 - (4) identify the means of public information to be taken by the person to notify the public about timber harvest plan of operations and mitigating actions that will be taken in the traffic safety plan.

6.50.080 TIMBER TRANSPORT PERMIT.

- (A) A timber transport permit (TTP) is required when the person will be utilizing roads outside of the timber harvest area for transportation with vehicles having a GVW of over 20,000lbs in excess of two vehicles per day, or 10 vehicles in a one-calendar-week period, whichever is more.
- (B) A complete application shall include a proposed traffic safety plan that meets the criteria set forth in City of Edna Bay Municipal Code 6.50.070, and a copy of the summary page of the FRPA Detailed Plan of Operations as submitted to the State Division of Forestry, or the Forest Land Use Plan (FLUP).
- (C) The City shall consider the information supplied by the person and the comments received from the public notice in making their decision.
- (E) The timber transport permit may be issued by the City if the traffic safety plan effectively addresses the following objectives and standards:
- (1) the adequacy of access to and from the operations area and the effect on pedestrian and vehicular circulation and safety;
 - (2) adequacy of the proposed transportation plan to deal with intersections, road conditions, site distances, traffic volumes, types of equipment, existing road use, and may include, under certain circumstances, dust control and snow removal;
 - (3) the effect of the proposed transportation on recreational uses and tourism-related activities; and

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(4) the effect the proposed transportation will have on general public health, safety, and welfare.

(F) The permit will contain:

(1) time(s) of day cargo-carrying vehicle use is permitted to occur;

(2) type, gross vehicle weight and overall length of cargo-carrying vehicles that may be utilized;

(3) maximum number of trips by cargo-carrying vehicles that shall occur per day or per week;

(4) presence of school bus routes, times that buses are picking up or dropping off students along the route, specific stops where line of sight to a bus is limited;

(5) presence of known “walk to school” or “pedestrian” crossing areas, trails, or other uses on or adjacent to the road surface;

(6) identify vehicle operator actions such as reduced speed where road conditions or other uses warrant;

(7) identify the means of public information to be taken by the person to notify the public about timber harvest operations and actions that will be taken to implement a traffic safety plan;

(8) traffic signs or warning signs that shall be posted during timber hauling operations; and

(9) any road maintenance that shall be required during and after timber hauling operations, including any maintenance and repair deposit requirements in accordance with section 6.50.100(B) of this Chapter.

(G) An application for a TTP shall be issued or rejected by the City, with or without conditions, within ten working days following receipt of a complete application completion of the public notice as required under this section.

(H) The time period for issuance or denial of the permit may be extended by either the City or the person for a period of time mutually decided by the City and the person, but not to exceed 30 days.

(I) A TTP may be amended, suspended or revoked by the City based on significant changes to the:

(1) volume of timber, timing of harvest, or size of area being harvested; or

(2) changes in volume of traffic or other conditions that require changes to the traffic safety plan; or

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(3) changes, damages, or wear to City roads.

(J) If a proposed change is determined to be significant by the City, the original terms and conditions of the TTP shall be followed until the proposed terms and conditions of the TTP are accepted, amended or denied.

6.50.090 TRAFFIC SAFETY SIGNS.

(A) When conditions warrant, the City, as part of the timber transport permit, may require warning signs for traffic safety beyond that normally required by state law.

(B) Signs posted by the person shall meet state and City standards for traffic safety.

6.50.100 ROAD MAINTENANCE.

(A) If City-owned or managed roads utilized by the person are deemed not to be safe, are damaged, or are at risk to damage beyond that associated with regular road service area maintenance because of the additional surface traffic associated with the person's activities, the City may require that the person perform maintenance or construction work as necessary to meet or exceed the conditions of the road when forest harvest operations began. Any such provision may be part of the timber transport permit and may include dust control, grading, or plowing for safety.

(B) The City may require that a bond or other form of security be provided to ensure performance with this section.

6.50.110 PENALTIES.

(A) Operation of a vehicle for which a TTP is required without a TTP is a violation.

(B) Where a TTP has been approved, operation of a vehicle in non-compliance with the terms of the approved TTP is a violation.

(C) Each violation of this section is punishable by a fine of \$1,000.00 per violation. Each vehicle used in violation and each day on which a violation occurs shall be considered a separate violation.