

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 28.60 TO CHANGE THE APPLICABILITY FOR TRAFFIC SAFETY PLAN AND TIMBER TRANSPORT PERMIT AND AMENDING MSB 28.100 DEFINITIONS.

AGENDA OF: September 18, 2018.

ASSEMBLY ACTION:

Adopted 1-15-19

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

Route to:	Department/Individual	Initials	Remarks
	Originator	AS/NS	For sponsors
	Planning	<i>EP</i>	
	Community Development	<i>RB</i>	
	Borough Attorney	<i>RB</i>	
	Borough Clerk	<i>JAM</i>	9/10/18 <i>BSA</i>

ATTACHEMENTS: Fiscal Note: Yes ☐ No ☒ Ordinance Serial No. 18-093 (2 pp)

PC Reso 18-32
Local RSA Board Reso 18-04
Local RSA Board Reso 18-05
Talkeetna CC Ltr dtd 10/5/18

SUMMARY STATEMENT: This ordinance is being brought forward to change the applicability of MSB 28.60 as it pertains to the Traffic Safety Plan and Timber Transport Permit.

TAB RESO 18-05

MSB 28.60 was enacted in 2007. Since that time, there has been only 1 application for a Timber Transport Permit. The imposition of the permitting scheme has made it impractical for smaller timber operators to attempt to harvest. This has resulted in a stifling of the industry and unhealthy management of the forests in the Matanuska-Susitna Borough. With increasing spruce bark beetle infestations, the need to properly manage forests is more apparent than ever.

MSB 28.60 contains requirements for a safety plan and transport permit for hauling timber products only. There are no similar rules for coal, gasoline, oil, other petroleum products, trash, waste, septage, building supplies, construction supplies, concrete trucks, or even for the transportation of hazardous materials. The

ordinance here will amend MSB 28.60 so that the requirements of a permit apply to larger scale timber operations only.

By removing the regulatory burden associated with the activities of smaller operators, the Matanuska-Susitna Borough will incentivize a renewal of the industry and promote healthy management of the forests.

Finally, the Matanuska-Susitna Borough Assembly must approve all Borough-owned timber sales. It is recognized that all timber sales and locations of the timber are unique. If there is a need for specific additional transport restrictions as it pertains to a smaller sale or operator, the Assembly can add those conditions or requirements as part of the timber sale. Staff does not anticipate this need, but it is noted here to respond to the "what if" type questions which may arise.

RECOMMENDATION OF ADMINISTRATION: Adoption of Legislation.

By: Alex Strawn
Introduced: December 3, 2018
Public Hearing: December 17, 2018
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-32**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING MODIFICATION AND ADOPTION OF ASSEMBLY ORDINANCE 18-093, AN ORDINANCE AMENDING MSB 28.60, TIMBER HARVEST, BY CHANGING THE APPLICABILITY FOR THE TRAFFIC SAFETY PLAN AND TIMBER TRANSPORT PERMIT AND AMENDING MSB 28.100 DEFINITIONS.

WHEREAS, MSB 28.60 was enacted in 2007; and

WHEREAS, under the existing code, a traffic safety plan and timber transport permit is not required for timber sales less than 40 acres or timber operations that do not exceed two cargo-carrying vehicles per day or 10 cargo-carrying vehicles in one calendar-week period, whichever is more; and

WHEREAS, the majority of timber operators within the borough own one or two log trucks and are not affected by the existing code; and

WHEREAS, a Traffic Safety Plan and Timber Transport Permit are not necessarily costly as it does not require engineering analysis or surveying; and

WHEREAS, large timber operations can create unsafe traffic conditions due to heavy traffic on remote but often residential roads; and

WHEREAS, the development of a Traffic Safety Plan and timber Transport Permit can help identify and mitigate dangerous traffic

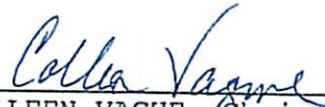
conflicts or maintenance issues.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Matanuska-Susitna Borough Planning Commission hereby recommends Assembly adoption of OR 18-093 with the following amendments:


- Remove section three of the ordinance in its entirety.
- Section four should be modified as follows:

"Cargo-carrying vehicle" means a truck, trailer, semi-trailer, or other vehicle that is Federal Highway Administration gross vehicle weight class 7 or greater [CAPABLE OF CARRYING A LOAD] carrying harvested timber from the timber harvest area.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 17th day of December, 2018.


COLLEEN VAGUE, Chair

ATTEST


MARY BRODIGAN, Planning Clerk

(SEAL)

YES: *Vague, Anderson, Patterson, Chesbro, Elder, Goshan, and Madsen*

NO:

RECEIVED

NOV 16 2018

CLERKS OFFICE

LOCAL ROAD SERVICE AREA ADVISORY BOARD

RESOLUTION 18-04

A RESOLUTION BY THE MATANUSKA-SUSITNA BOROUGH LOCAL ROAD SERVICE
AREA ADVISORY BOARD (LRSAAB) TO THE BOROUGH PLANNING DEPARTMENT
REGARDING REVIEW AND COMMENT ON DRAFT **ORDINANCE 18-093**

WHEREAS: This Ordinance is of significant interest to all members of the LRSAAB since it involves serious impacts on area roads and traffic safety; and

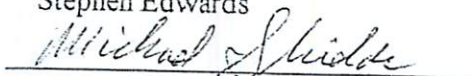
WHEREAS: No opportunity has been provided to the LRSAAB for review and comment; now

THEREFORE BE IT RESOLVED: The LRSAAB respectfully requests that the proposed Ordinance 18-093 and related IM, as so far revised, be provided to this Board and the TAB for review and comment prior to presentation to the Assembly.

Approved by unanimous vote on November 15, 2018.

 Board Chair

Stephen Edwards

 Board Secretary

Michael Shields

HANDOUT

CC: Borough Manager
Public Works Director
Transportation Advisory Board

RECEIVED

DEC 21 2018

CLERKS OFFICE

LOCAL ROAD SERVICE AREA ADVISORY BOARD

RESOLUTION NO. 18-05

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH LOCAL ROAD SERVICE
AREA ADVISORY BOARD (LRSAAB) TO THE ASSEMBLY RECOMMENDING
ADOPTION, AFTER AMENDMENT AS DESCRIBED HEREIN, OF ASSEMBLY CODE
ORDINANCE 18-093.

WHEREAS, MSB Code 28.60 was enacted in 2007; and

WHEREAS, under the existing Code 28.60 a Traffic Safety Plan and Timber Transport Permit is not required for timber sales less than 40 acres in size or timber operations that do not exceed two cargo-carrying vehicle trips per day or 10 cargo-carrying vehicle trips in one calendar week period, whichever is more; and

WHEREAS, the majority of timber operators within the Borough own one or two log trucks and are not affected by the existing Code; and

WHEREAS, neither a Traffic Safety Plan nor a Timber Transport Permit is necessarily costly as neither requires engineering analysis or surveying; and

WHEREAS, large timber operations can create unsafe traffic and air quality conditions due to heavy traffic on remote and often residential roads; and


WHEREAS, the development of a Traffic Safety Plan per the Timber Transport Permit can help identify and mitigate dangerous traffic conflicts, air quality impacts, and/or dangerous and costly road maintenance issues;

NOW THEREFORE BE IT RESOLVED, that the LRSAAB recommends Assembly adoption of OR 18-093 with the following amendments:

- (1) Remove Section 3 of the Ordinance in its entirety.
- (2) Section 4 to be modified as follows:

"Cargo-carrying vehicle" means a truck, trailer, semi-trailer, or other vehicle that is Federal Highway Administration gross vehicle weight class 7 or greater [CAPABLE OF CARRYING A LOAD] carrying harvested timber from the timber harvest area.

ADOPTED by unanimous vote on December 20, 2018.


Stephen Edwards Board Chair


Michael Shields Board Secretary

CC: Borough Manager
Public Works Director
Transportation Advisory Board

IM 18-141
OR 18-093

2/1/2019



Talkeetna Com: Council, Inc.

October 5, 2018

SENT ELECTRONICALLY - NO HARD COPY TO FOLLOW

Matanuska Susitna Borough Assembly
350 East Dahlia Avenue
Palmer, AK 99645

Re: Proposed borough ordinance 18-093, amending MSB 28.60 to change the applicability for traffic safety plan and timber transport permit and amending MSB 28.100 definitions

Dear members of the borough assembly:

I am writing to you on behalf of the Talkeetna Community Council Inc. (TCCI) Board of Directors, who at our October 1, 2018 regular monthly meeting unanimously passed a motion asking that this letter be written to express our strong opposition to the proposed MSB ordinance 18-093, "an ordinance of the Matanuska Susitna Borough amending MSB 28.60 to change the applicability for traffic safety plan and timber transport permit and amending MSB 28.100 definitions".

Our objection is based upon the following:

- We in the upper valley have first-hand experience of what can happen with a small/medium sized clearing operation takes place without adequate borough regulation, oversight, and protection. In approximately 2005 NPI (formerly Northern Pacific, Inc.) logged roughly 200 acres of borough land near Montana Creek Road. Almost immediately problems arose with speeding trucks, round-the-clock noise, dust, road wear, conflicts with school busses, and in one case, a rollover of a truck carrying chipping equipment. The public outcry, both from the neighbors directly affected and the upper valley as a whole, was such that the MSB imposed a moratorium on borough timber sales which was only lifted with the development and enactment of Title 28 of borough code, the same section of code that this ordinance seeks to weaken.
- As currently drafted, the proposed ordinance would exempt operations of 24 one-way vehicle trips per day or less from the current requirement to obtain a timber transportation permit and prepare a traffic safety plan, which in effect allows all but the largest logging operations to proceed without regard to the effect on the neighbors of the routes taken, the safety of other users on these routes, or the effect these operations might have on taxpayer-funded and maintained local roads.

Talkeetna Community Council
P.O. Box 608 Talkeetna AK

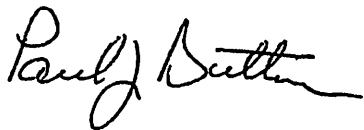
IM 18-141
OR 18-093

- The Information Memorandum prepared by borough staff and accompanying the proposed ordinance is factually incorrect and misleading: The third paragraph asserts that “there are no permitting rules and requirements for other industries such as mining, gravel, or soil operations, delivery of construction materials, fuel hauling, and no regulations for the transport of hazardous materials such as explosives or industrial chemicals.” Title 17.30 requires a conditional use permit for “earth materials extraction activities”, which is basically mining, and 17.62 requires the same for “coal bed methane exploration and development.” Further, the transport of hazardous materials is closely regulated by both state and federal law.
- Also in the Information Memorandum is the statement that “it has also been brought to the Assembly’s attention that the requirements currently in code have resulted in a stifling effect on the timber industry” and “the borough’s own code has resulted in a regulatory environment which has undermined the Borough’s goals of promoting economic development”. We submit that by this logic ANY minimal and reasonable regulation of individual, commercial, or industrial activity could be construed as having the same effect, and if the authors of this memorandum truly believe this to be the case we wonder how safe any of the other portions of Title 17 and other sections of borough code are from those who would sacrifice the common good for individual enrichment.

In summary, we do not feel that the current requirement in MSB 17.60 for logging operations in excess of two cargo carrying vehicles per day to obtain a timber transportation permit and prepare a traffic safety plan presents an undue burden on legitimate logging activities, and that it is necessary at that threshold to protect both the health, safety, and quality of life of the neighbors of these activities and the sizable investment of the taxpayers of the borough in the roads upon which these activities take place. We thus urge the assembly to defeat this proposed ordinance.

Thank you for your consideration of this matter.

Sincerely,



Paul J. Button
Co Chair, Board of Directors
Talkeetna Community Council, Inc.

CC (electronically only): Tam Boeve – MSB, Terry Dolan – MSB, Strassenburgh – TKA-RSA

**MATANUSKA-SUSITNA BOROUGH
TRANSPORTATION ADVISORY BOARD
RESOLUTION SERIAL NO. 18-05**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD RECOMMENDING ASSEMBLY MODIFICATION OF ASSEMBLY ORDINANCE 18-093 AMENDING MSB 28.60 TIMBER HARVEST TO CHANGE THE APPLICABILITY FOR TRAFFIC SAFETY PLAN AND TIMBER TRANSPORT PERMIT AND AMENDING MSB 28.100 DEFINITIONS.

WHEREAS, MSB 28.60 was enacted in 2007; and

WHEREAS, under the existing code, a traffic safety plan and timber transport permit is not required for timber sales less than 40 acres or timber sales that do not exceed two cargo-carrying vehicles per day or 10 cargo-carrying vehicles in one calendar-week period, whichever is more; and

WHEREAS, the majority of timber operators within the borough own one or two log trucks and are not affected by the existing code; and

WHEREAS, a Traffic Safety Plan is not necessarily costly as it does not require engineering analysis or surveying; and

WHEREAS, large timber operations can create unsafe traffic conditions related to heavy traffic; and

WHEREAS, the development of a Traffic Safety Plan can help identify and mitigate dangerous traffic conflicts or maintenance issues.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Transportation Advisory Board recommends Assembly adoption of OR 18-093 with the following amendments:

Section 3- remove section 3 of the ordinance and keep MSB 28.60.080 as written.

Section 4- redefine cargo-carrying vehicle to specify the size of trucks that would be regulated under this section.

ADOPTED by the Matanuska-Susitna Borough Transportation
Advisory Board this 13 day of December, 2018.


Cindy Bettine, Chair

ATTEST:


Benjamin Coleman, Transportation Planner
Staff Support