

Introduced by: Local Affairs Cmte.  
Date: August 16, 1988  
Hearing: September 20, 1988  
Action: Enacted w/NOR  
Vote: 11 Yes, 4 No  
Notice of Reconsideration Failed 10-11-88

KENAI PENINSULA BOROUGH  
ORDINANCE 88-35 (SUBSTITUTE)

REPEALING KPB 17.60 FOREST AND TIMBER RESOURCES AND REENACTING AS 17.50 FOREST MANAGEMENT.

WHEREAS, the KPB has forest resources of personal, commercial or conservation use value that require sound management; and

WHEREAS, private, State and Federal entities have forest resources of personal, commercial or conservation use value that require sound management; and

WHEREAS, the KPB Assembly will establish forest management policies to be implemented through a Forest Management Plan and Cooperative Management Agreements for Borough-owned forest resources; and

WHEREAS, the KPB Assembly directs the KPB Planning Commission to address the planning and management of all forest resources in the Borough pursuant to TITLE 29 Chapter 40 Planning, Platting and Land Use Regulation;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That KPB 17.60 FOREST AND TIMBER RESOURCES is hereby repealed and a new chapter KPB 17.50 FOREST MANAGEMENT is enacted to read as follows:

17.50.010 Forest Management Plan.

A. The Mayor or his designee shall publish a Forest Management Plan every two years commencing September 1988. The plan shall include the following: The Borough's most current inventory of forest resources on Borough patented lands; the terms, conditions, and limitations of permits and contracts for disposal of forest resources; cooperative management agreements; forest management guidelines including fish, wildlife, and habitat policies and appropriate silvicultural practices; identification of areas for disposal of forest resources; and information on other areas relevant to forest management in the Kenai Peninsula Borough.

B. The Forest Management Plan shall be approved by resolution of the Assembly after public hearing, review and recommendations by the Planning Commission.

17.50.020 Contract Services.

A. The Mayor may contract with an individual, organization or entity to assist in preparation of the Kenai Peninsula Borough Forest Management Plan.

B. The Mayor may enter into cooperative management agreements to assist in planning, management, disposal administration and reclamation for Borough-owned forest resources. These agreements shall be approved by Resolution of the KPB Assembly.

17.50.030 Forest Resources Disposal.

A. Forest Resources shall be disposed of by permit or contract pursuant to this title for the following uses as provided in the Forest Management Plan:

1. Personal use firewood limited to a maximum of 10 cords of wood per household per anniversary year.
2. Personal use logs limited to a maximum of 10,000 board feet per household per anniversary year.
3. Commercial use firewood limited to a maximum of 25 cords of wood per operator per cutting season.
4. Commercial timber and/or commercial use firewood operations.

B. Nothing contained in this title shall be deemed to limit the authority of the Mayor to dispose of forest resources in any manner deemed necessary in his discretion, with or without consideration or other payment, in emergency situations requiring action before Assembly approval could be reasonably obtained.

17.50.035 Forest Management Sale Report.

A. Prior to disposal of forest resources the Planning Commission shall adopt a Forest Management Sale Report. The Forest Management Sale Report shall set terms and conditions for the sale as set forth in KPB 17.50.040 and such additional terms as may be set by the Planning Commission Pursuant to this Chapter.

B. The action of the Planning Commission in adopting the Forest Management Sale Report is appealable to the Assembly. An appeal suspends the effect of the Planning Commission action for 30 days. The Assembly shall hear the appeal within 30 days, and approve, reject or modify the Forest Management Sale Report. If the appeal is not heard within 30 days, the action of the Planning Commission shall be deemed upheld and the appeal considered as denied.

17.50.040 Notice of Forest Resource Disposal.

A. The Mayor or his designee shall give public notice for disposal of forest resources by permit or contract by legal advertisement in a newspaper of general circulation in each locality of the Borough. Public notice shall be advertised a minimum of 30 days prior to the disposal of forest resources and shall include the following:

1. Type of permit or contract;
2. Location of proposed disposals;
3. Minimum acceptable bid, if applicable;
4. Method of bidding;
5. Time and place of permit issuance or bidding;
6. Duration of permit or contract; and
7. Location of detailed information on the disposal

17.50.050 Qualifications for Application for permits or contracts.

A. A household, organization or firm is qualified to apply for a permit or to bid if they are:

1. Represented by individual at least 18 years of age;
2. Legally competent and/or authorized to carry out the provisions of a permit or contract;
3. Licensed to do business in the Borough and State, if the permit or contract is for commercial purposes; and
4. Not in violation of current permits or contracts and performed satisfactorily on previous permits or contracts, if applicable.
5. In compliance with the Borough Code provisions with respect to tax compliance requirements.

B. In addition to the threshold requirements for application as set out thru paragraph "A", criteria for award or selection of permits or

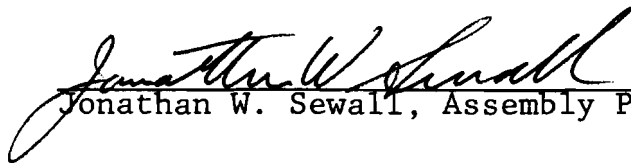
contracts shall include any additional conditions or terms set out in the Borough Forest Management Plan or as established by the Mayor for any specific individual sale or disposal.


Section 2. That the KPB Planning Commission will, as part of the Borough Comprehensive Plan, address the planning and management of all forest resources in the Borough.

Section 3. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 20th DAY OF September, 1988.

ATTEST:

  
Jonathan W. Sewall, Assembly President

  
Joanne Brindley  
Borough Clerk