
SENATE BILL 6481

State of Washington

61st Legislature

2010 Regular Session

By Senators Morton, Schoesler, Holmquist, Hewitt, King, Delvin, and Swecker

Read first time 01/15/10. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to clarifying which local governments have
2 jurisdiction over conversion-related forest practices; and reenacting
3 and amending RCW 76.09.240.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 76.09.240 and 2007 c 236 s 1 and 2007 c 106 s 6 are
6 each reenacted and amended to read as follows:

7 (1) On or before December 31, 2008:

8 (a) Counties (~~(planning under RCW 36.70A.040)~~) with a population of
9 one hundred thousand or more, and the cities and towns within those
10 counties, where more than a total of twenty-five Class IV forest
11 practices applications, as defined in RCW 76.09.050(1) Class IV (a)
12 through (d), have been filed with the department between January 1,
13 2003, and December 31, 2005, shall adopt and enforce ordinances or
14 regulations as provided in subsection (2) of this section for the
15 following:

16 (i) Forest practices classified as Class I, II, III, and IV that
17 are within urban growth areas designated under RCW 36.70A.110, except
18 for forest practices on ownerships of contiguous forest land equal to
19 or greater than twenty acres where the forest landowner provides, to

1 the department and the county, a written statement of intent, signed by
2 the forest landowner, not to convert to a use other than growing
3 commercial timber for ten years. This statement must be accompanied by
4 either:

5 (A) A written forest management plan acceptable to the department;
6 or

7 (B) Documentation that the land is enrolled as forest land of long-
8 term commercial significance under the provisions of chapter 84.33 RCW;
9 and

10 (ii) Forest practices classified as Class IV, outside urban growth
11 areas designated under RCW 36.70A.110, involving either timber harvest
12 or road construction, or both on:

13 (A) Lands platted after January 1, 1960, as provided in chapter
14 58.17 RCW;

15 (B) Lands that have or are being converted to another use; or

16 (C) Lands which, under RCW 76.09.070, are not to be reforested
17 because of the likelihood of future conversion to urban development;

18 (b) Counties planning under RCW 36.70A.040, and the cities and
19 towns within those counties, not included in (a) of this subsection,
20 may adopt and enforce ordinances or regulations as provided in (a) of
21 this subsection; and

22 (c) Counties not planning under RCW 36.70A.040, and the cities and
23 towns within those counties, may adopt and enforce ordinances or
24 regulations as provided in subsection (2) of this section for forest
25 practices classified as Class IV involving either timber harvest or
26 road construction, or both on:

27 (i) Lands platted after January 1, 1960, as provided in chapter
28 58.17 RCW;

29 (ii) Lands that have or are being converted to another use; or

30 (iii) Lands which, under RCW 76.09.070, are not to be reforested
31 because of the likelihood of future conversion to urban development.

32 (2) Before a county, city, or town may regulate forest practices
33 under subsection (1) of this section, it shall ensure that its critical
34 areas and development regulations are in compliance with RCW 36.70A.130
35 and, if applicable, RCW 36.70A.215. The county, city, or town shall
36 notify the department and the department of ecology in writing sixty
37 days prior to adoption of the development regulations required in this
38 section. The transfer of jurisdiction shall not occur until the

1 county, city, or town has notified the department, the department of
2 revenue, and the department of ecology in writing of the effective date
3 of the regulations. Ordinances and regulations adopted under
4 subsection (1) of this section and this subsection must be consistent
5 with or supplement development regulations that protect critical areas
6 pursuant to RCW 36.70A.060, and shall at a minimum include:

7 (a) Provisions that require appropriate approvals for all phases of
8 the conversion of forest lands, including land clearing and grading;
9 and

10 (b) Procedures for the collection and administration of permit and
11 recording fees.

12 (3) Activities regulated by counties, cities, or towns as provided
13 in subsections (1) and (2) of this section shall be administered and
14 enforced by those counties, cities, or towns. The department shall not
15 regulate these activities under this chapter.

16 (4) The board shall continue to adopt rules and the department
17 shall continue to administer and enforce those rules in each county,
18 city, or town for all forest practices as provided in this chapter
19 until such a time as the county, city, or town has updated its
20 development regulations as required by RCW 36.70A.130 and, if
21 applicable, RCW 36.70A.215, and has adopted ordinances or regulations
22 under subsections (1) and (2) of this section. However, counties,
23 cities, and towns that have adopted ordinances or regulations regarding
24 forest practices prior to July 22, 2007, are not required to readopt
25 their ordinances or regulations in order to satisfy the requirements of
26 this section.

27 (5) Upon request, the department shall provide technical assistance
28 to all counties, cities, and towns while they are in the process of
29 adopting the regulations required by this section, and after the
30 regulations become effective.

31 (6) For those forest practices over which the board and the
32 department maintain regulatory authority no county, city, municipality,
33 or other local or regional governmental entity shall adopt or enforce
34 any law, ordinance, or regulation pertaining to forest practices,
35 except that to the extent otherwise permitted by law, such entities may
36 exercise any:

37 (a) Land use planning or zoning authority: PROVIDED, That exercise
38 of such authority may regulate forest practices only: (i) Where the

1 application submitted under RCW 76.09.060 as now or hereafter amended
2 indicates that the lands have been or will be converted to a use other
3 than commercial forest product production; or (ii) on lands which have
4 been platted after January 1, 1960, as provided in chapter 58.17 RCW:
5 PROVIDED, That no permit system solely for forest practices shall be
6 allowed; that any additional or more stringent regulations shall not be
7 inconsistent with the forest practices regulations enacted under this
8 chapter; and such local regulations shall not unreasonably prevent
9 timber harvesting;

10 (b) Taxing powers;

11 (c) Regulatory authority with respect to public health; and

12 (d) Authority granted by chapter 90.58 RCW, the "Shoreline
13 Management Act of 1971."

14 (7) All counties and cities adopting or enforcing regulations or
15 ordinances under this section shall include in the regulation or
16 ordinance a requirement that a verification accompany every permit
17 issued for forest land by that county or city associated with the
18 conversion to a use other than commercial timber operation, as that
19 term is defined in RCW 76.09.020, that verifies that the land in
20 question is not or has not been subject to a notice of conversion to
21 nonforestry uses under RCW 76.09.060 during the six-year period prior
22 to the submission of a permit application.

23 (8) To improve the administration of the forest excise tax created
24 in chapter 84.33 RCW, a county, city, or town that regulates forest
25 practices under this section shall report permit information to the
26 department of revenue for all approved forest practices permits. The
27 permit information shall be reported to the department of revenue no
28 later than sixty days after the date the permit was approved and shall
29 be in a form and manner agreed to by the county, city, or town and the
30 department of revenue. Permit information includes the landowner's
31 legal name, address, telephone number, and parcel number.

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