

# HOUSE BILL REPORT

## HB 1408

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**As Reported by House Committee On:**  
Agriculture & Natural Resources

**Title:** An act relating to the conversion of forest land to nonforestry uses.

**Brief Description:** Concerning conversion of forest land to nonforestry uses.

**Sponsors:** Representatives Orcutt, B. Sullivan, Kretz, Blake, Armstrong, Chandler, Pearson and Takko.

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 1/31/07, 2/5/07 [DP].

**Brief Summary of Bill**

- Removes the requirement that forest landowners must file a statement with the county that he or she does not plan to convert the land to a non-forestry use.
- Alters the process for converting land after a forest practice when conversion was not covered in the forest practices application.
- Sets all forest practices application fees at \$50.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 15 members: Representatives B. Sullivan, Chair; Blake, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson, Eickmeyer, Grant, Hailey, Kagi, Lantz, McCoy, Newhouse, Orcutt, Strow and VanDeWege.

**Staff:** Jason Callahan (786-7117).

**Background:**

Development Moratoriums in the Forest Practices Act

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Landowners with permission to conduct a class IV forest practice must, if their intent is not to convert the land into a non-forestry use, complete a statement of intent not to convert. Once this statement is made, the appropriate local government is prohibited, with a few exceptions, from approving a building permit or subdivision application for six years after the forest practices application is filed. The statement of intent must be filed with the county, and the applicant must pay a recording fee to the county to cover the cost of filing.

### Forest Practices Fees

Any owner of forest land that proposes to conduct a forest practice must pay an application fee and a recording fee. The fee for most forest practice applications is \$50. However, a fee of \$500 applies to substantial forest practice operations on most lands located within an urban growth area or on lands not intended to be reforested.

The recording fee is a set fee paid to the county for the privilege of recording information into the county's public books. When conducting a forest practice, the landowner's intent to not convert the land to a non-forestry use must be recorded with the county.

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### **Summary of Bill:**

#### Development Moratoriums in the Forest Practices Act

The requirement that forest landowners not intending to convert their land to a non-forestry use after a forest practice operation file a notice to the county stating such is removed, as is the six-year building moratorium that applies to a landowner once the intent statement is filed.

Instead, if a landowner begins conversion activities without an approved forest practices application, or fails to state in a forest practices application that the land subject to the application will be converted, then the Department of Natural Resources (DNR) must send a notice of conversion to a non-forestry use (notice) to the Department of Ecology and the local government where the land is located. The notice must accompany a copy of the applicable forest practices application, and the copies of any outstanding final orders or decisions.

If the owner of land that is subject to a notice sent by the DNR files a building permit or subdivision application with the local government, that local government must deny approval of the application for six years following the approval of the forest practice application that initiated the DNR's notice. The local government may approve a building or subdivision application prior to the tolling of the six-year period, but only if the DNR has confirmed to the local government that all outstanding forest practices issues have been resolved, full compliance with the State Environmental Policy Act (SEPA) has been completed, and the local government has made a determination that the current condition of the land is in full compliance with all local ordinances and regulations. If not, the local government must require a mitigation plan be implemented by the landowner.

If the owner of land that conducted a forest practice without stating an intent to convert on the application changes his or her mind and decides to convert the land, but does not go forward

without permission, then different steps must be followed. In this case, the landowner must stop all forest practice activities and withdraw all applications and permits with the DNR and contact the Department of Ecology and the local government to begin the proper permitting processes. Once contacted, the local government must notify the DNR to verify that all forest practices issues have been resolved, conduct a full SEPA review, and make a determination as to whether or not the land's current condition satisfies local standards and ordinances. If not, then full implementation of a mitigation plan must be executed.

In either case, all applications under the Forest Practices Act must include an acknowledgment by the owner that he or she understands the potential impacts of conversion and, if sold, the owner must make the potential buyer aware of the obligations that come with a notice of conversion to a non-forestry use. Most counties must adopt an ordinance that requires the county to verify for all development permits that the land is not subject to a notice of conversion to a non-forestry use.

#### Forest Practices Fees

All forest practices fees are limited to \$50, except for activities necessary for the conversion of forest land. The fee for these activities may be set by the local government where the activity is planned to occur.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

#### **Staff Summary of Public Testimony:**

(In support) A development moratorium was originally contained in the Forest Practices Act to serve as a disincentive to land conversion, a problem that was basically remedied with the Forest and Fish Act. This bill retains the original intent, but removes the economic incentive to convert land that resulted in the original moratorium construction.

The current moratorium provision adds work and confusion to both landowners and public administrators. A smooth transition from state to local government is laid out in the bill, with clear rules and responsibilities and adequate verification and notice. More effective permitting breeds greater confidence in government.

Unlike current law, the approach in the bill does not assume that everyone filing a forest practice is guilty as a default, but instead only treats those who truly do wrong as guilty. The cloud is removed from the law-abiding citizen's property title. Land conversion is a major issue for those interested in conserving natural resources, and it is important to work with the family forest landowners to improve conservation through a reduction of regulatory incentives to develop land.

This bill was negotiated over the legislative interim with all stakeholders and represents a win-win for all involved.

(Opposed) None.

**Persons Testifying:** Representative Orcutt, prime sponsor; Stephen Bernath, Washington Department of Ecology; Ken Miller, Washington Farm Forestry Association; Kaleen Cottingham, Futurewise; Eric Johnson, Washington Association of Counties; Vicki Christiansen and Marc Engel, Washington Department of Natural Resources; and Miguel Perez-Gibson, Audubon Washington.

**Persons Signed In To Testify But Not Testifying:** None.