

FINAL BILL REPORT

2SSB 5883

C 106 L 07
Synopsis as Enacted

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

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Swecker, Hargrove, Stevens, Morton, Jacobsen, Rockefeller, Rasmussen and Franklin).

Senate Committee on Natural Resources, Ocean & Recreation

Senate Committee on Ways & Means

House Committee on Agriculture & Natural Resources

Background: Landowners seeking to conduct forest practices must, if their intent is not to convert the land to a non-forestry use, complete a statement of intent not to convert. Once this statement is made, the appropriate local government is prohibited, with few exceptions, from approving a building permit or subdivision application for six years after the forest practices application is filed. This prohibition on development is commonly referred to as the moratorium.

The Department of Natural Resources (DNR) must file the statement of intent not to convert with the local government, collect the recording fee, and reimburse the local government for the cost of filing the statement.

The moratorium does not apply in several situations. Local governments are required to develop a process for lifting the moratorium, which must include public notification, public hearings, and appeals. Local governments may develop an administrative process for lifting or waiving the moratorium for construction of a single family residence or outbuilding. Also, the moratorium does not apply where a landowner has entered into, and is in compliance with, a conversion option harvest plan approved by the local government.

Any owner of forest land who 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 forest practice operations on lands located within an urban growth area or on lands not intended to be reforested.

Summary: The six-year building moratorium that applies to a landowner upon the filing of a statement of intent not to convert is removed. 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 DNR must send a notice of conversion to a non-forestry use (notice) to the Department of Ecology (DOE) 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 practice 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 the condition of the land is not in full compliance with local standards, the local government must require that 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, the owner must stop all forest practice activities; withdraw all applications and permits with the DNR; and contact the DOE and the local government to begin the proper permitting processes. Once contacted, the local government must ensure 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 the condition of the land is not in full compliance with local standards, 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. Local governments that have adopted regulations governing class IV forest practices, those practices most associated with conversion, must adopt an ordinance that requires verification for all development permits that the land is not subject to a notice of conversion to a non-forestry use.

Votes on Final Passage:

Senate	46	0
House	97	0

Effective: July 22, 2007