

SB 6481 - H COMM AMD

By Committee on Agriculture & Natural Resources

ADOPTED 02/28/2010

1 Strike everything after the enacting clause and insert the  
2 following:

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

5 (1) (~~On or before December 31, 2008:~~)

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

14 (i) Forest practices classified as Class I, II, III, and IV that  
15 are within urban growth areas designated under RCW 36.70A.110, except  
16 for forest practices on ownerships of contiguous forest land equal to  
17 or greater than twenty acres where the forest landowner provides, to  
18 the department and the county, a written statement of intent, signed by  
19 the forest landowner, not to convert to a use other than growing  
20 commercial timber for ten years. This statement must be accompanied by  
21 either:

22 (A) A written forest management plan acceptable to the department;  
23 or

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

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

1 (A) Lands platted after January 1, 1960, as provided in chapter  
2 58.17 RCW;

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

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

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

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

15 (i) Lands platted after January 1, 1960, as provided in chapter  
16 58.17 RCW;

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

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

20 (2) Before a county, city, or town may regulate forest practices  
21 under subsection (1) of this section, it shall ensure that its critical  
22 areas and development regulations are in compliance with RCW 36.70A.130  
23 and, if applicable, RCW 36.70A.215. The county, city, or town shall  
24 notify the department and the department of ecology in writing sixty  
25 days prior to adoption of the development regulations required in this  
26 section. The transfer of jurisdiction shall not occur until the  
27 county, city, or town has notified the department, the department of  
28 revenue, and the department of ecology in writing of the effective date  
29 of the regulations. Ordinances and regulations adopted under  
30 subsection (1) of this section and this subsection must be consistent  
31 with or supplement development regulations that protect critical areas  
32 pursuant to RCW 36.70A.060, and shall at a minimum include:

33 (a) Provisions that require appropriate approvals for all phases of  
34 the conversion of forest lands, including land clearing and grading;  
35 and

36 (b) Procedures for the collection and administration of permit and  
37 recording fees.

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

5 (4) The board shall continue to adopt rules and the department  
6 shall continue to administer and enforce those rules in each county,  
7 city, or town for all forest practices as provided in this chapter  
8 until such a time as the county, city, or town has updated its  
9 development regulations as required by RCW 36.70A.130 and, if  
10 applicable, RCW 36.70A.215, and has adopted ordinances or regulations  
11 under subsections (1) and (2) of this section. However, counties,  
12 cities, and towns that have adopted ordinances or regulations regarding  
13 forest practices prior to July 22, 2007, are not required to readopt  
14 their ordinances or regulations in order to satisfy the requirements of  
15 this section.

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

20 (6) For those forest practices over which the board and the  
21 department maintain regulatory authority no county, city, municipality,  
22 or other local or regional governmental entity shall adopt or enforce  
23 any law, ordinance, or regulation pertaining to forest practices,  
24 except that to the extent otherwise permitted by law, such entities may  
25 exercise any:

26 (a) Land use planning or zoning authority: PROVIDED, That exercise  
27 of such authority may regulate forest practices only: (i) Where the  
28 application submitted under RCW 76.09.060 as now or hereafter amended  
29 indicates that the lands have been or will be converted to a use other  
30 than commercial forest product production; or (ii) on lands which have  
31 been platted after January 1, 1960, as provided in chapter 58.17 RCW:  
32 PROVIDED, That no permit system solely for forest practices shall be  
33 allowed; that any additional or more stringent regulations shall not be  
34 inconsistent with the forest practices regulations enacted under this  
35 chapter; and such local regulations shall not unreasonably prevent  
36 timber harvesting;

37 (b) Taxing powers;

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

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

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

12 (8) To improve the administration of the forest excise tax created  
13 in chapter 84.33 RCW, a county, city, or town that regulates forest  
14 practices under this section shall report permit information to the  
15 department of revenue for all approved forest practices permits. The  
16 permit information shall be reported to the department of revenue no  
17 later than sixty days after the date the permit was approved and shall  
18 be in a form and manner agreed to by the county, city, or town and the  
19 department of revenue. Permit information includes the landowner's  
20 legal name, address, telephone number, and parcel number."

21 Correct the title.

EFFECT: Retains the reference to counties planning under the  
growth management act.

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