

## **Title 17B      FOREST PRACTICES**

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#### **17.B00 Title**

The ordinance codified in this chapter shall be known as the "Forest Practice Ordinance."

#### **17B.01 Authority**

RCW 76.09 provides the authority and the requirements for County involvement in State Forest Practices activities.

#### **17B.02 Purpose**

The purpose of this title is to attempt to assist and serve the property owners of Kittitas County in dealing with the State requirements and regulations associated with private timber harvest and forest management within the limits and constraints imposed by the legislature of the State of Washington. These regulations establish procedures for review of conversion practices applications, conversion option harvest plan, and lifting of permit moratoria per RCW 76.09 and WAC 222.

#### **17B.03 Definitions**

"Applicant" means the person, party, firm, corporation or legal entity that proposes a timber harvest of property in Kittitas County or agent thereof.

"Board" means board of county commissioners of Kittitas County.

"Buffer" means a strip of land that provides visual screening, and/or protection of critical areas by preserving existing natural vegetation to the greatest extent possible.

"Comprehensive Plan" means the current Comprehensive Plan of Kittitas County approved by the board pursuant to state law.

"Conversion." "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use that is incompatible with timber growing.

"Conversion option harvest plan" means a plan for landowners who want to harvest their land but wish to maintain the option for conversion pursuant to WAC 222-20-050.

"Department" means the Kittitas County Community Development Services Department.

"Director" is the director of Kittitas County Community Development Services department or designee.

"Engineer" means the county's engineer.

"Forest land," as defined in RCW 76.09.020, shall mean all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"Forest practice" means any activity conducted on or directly pertaining to forestland and relating to growing, harvesting or processing timber, including but not limited to:

- (a) Road and trail construction;
- (b) Harvesting, final and intermediate;
- (c) Precommercial thinning;
- (d) Reforestation;
- (e) Fertilization;
- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees; and
- (h) Brush control.

"Forest practices application" means the application required to be submitted to the Washington State Department of Natural Resources (DNR) for the harvest of forest products.

"Non-forestry use" means an active use of land that is incompatible with timber growing.

"Timber harvest" means the activity pertaining to the cutting and/or removal of forest product, but shall not include fertilization, prevention and suppression of diseases and insects and brush control.

"Vegetation" means all the plants or plant life on a specific parcel.

#### **17B.04 Compliance Required**

All forest practice permits shall comply with this chapter.

### **17B.05 Exclusions**

This chapter shall not apply to forest practice applications, other than Class IV general forest practices on land proposed for conversion to a use other than commercial timber production or land, which has been platted after January 1, 1960 as set forth in RCW 76.90.050.

### **17B.06 Permit Required**

A timber harvest permit shall be required for applications involving Class IV general forest practices on land proposed for conversion to a use other than commercial timber production or land, which has been platted after January 1, 1960, as, set forth in RCW 76.90.050 and WAC 222-20-010.

### **17B.07 Standards**

The following standards shall apply to land being converted to a non-forestry use, except where these standards conflict with the provisions of an approved primary development, in which case the primary development requirements will take precedence:

- (a) Compliance with any other applicable Kittitas County Ordinances.
- (b) In the event that thinning or topping is necessary the director may require replanting of the buffer area.
- (c) Required erosion control measures shall be implemented and maintained..
- (d) When a project is phased, the timber harvest may also be phased.
- (e) It is the applicant's responsibility to arrange for on-site inspection of the project as may be outlined in the conditions of the forest practice permit.

### **17B.08 Application for forest practice permit**

- (a) All forest practice applications shall be made to Kittitas County Community Development Services prior to submittal of the forest practices application to the Department of Natural Resources.
- (b) All forest practice applications shall declare the type, scale and schedule of future development plans. If development approval is required, a forest practice permit will not be granted until the development application is approved by the county.

### **17B.09 Application for conversion option harvest plan**

- (a) The purpose of the conversion option harvest plan is to allow limited selective logging prior to final primary development approval. Each conversion option harvest plan shall be reviewed by the director on an individual basis.
- (b) A conversion option harvest plan shall be submitted to the Kittitas County Community Development Services pursuant to WAC 222-20-050 prior to application for primary development and/or timber harvest activities on the project site.
- (c) Approval of a conversion option plan shall be reduced to a written contract between Kittitas County and the applicant that shall be recorded with the Kittitas County auditor.
- (d) The conversion option harvest plan shall expire upon expiration of the forest practices application/notification.

### **17B.10 Contents of an application**

A timber harvest application or conversion option harvest plan shall contain the following:

- (a) Name, address and telephone number of the owner of record of the real property;
- (b) A legal description of the real property to be divided;
- (c) Two copies of the map of proposed timber harvest area as described containing the following:
  - (i) Map drawn to scale no less than one inch to two hundred feet, which scale shall be shown on the drawing;
  - (ii) The map shall show areas to be cut, buffers, drainage ways and culverts;
  - (iii) A temporary silt and erosion control plan and any other proposed mitigation efforts;
  - (iv) North point;
  - (v) The approximate location of structures;
  - (vi) The location of all existing and proposed streets, right-of-way, easements, skid roads, haul roads and landings within the proposal and, where possible, labeling each of the foregoing by width; and
  - (vii) The approximate location of any lakes, ponds, wetlands, streams, creeks, shorelines, marshes, and slopes approximately thirty percent or greater.
- (d) The signature of the owner of record of the real property;
- (e) Parcel number;
- (f) A statement declaring the type and scale and schedule of future development plans;
- (g) An environmental checklist; and
- (h) A completed Department of Natural Resources forest practices application.

#### **17B.11 Application fee**

An application fee per the Kittitas County Community Development Services Permit Fee Schedule shall be submitted to the department.

#### **17B.12 Review by Director**

- (a) The director shall consider the following to assure the application meets the guideline of WAC 222-20-040:
  - (1) Zoning, Title 17 Kittitas County Code;
  - (2) Comprehensive Plan and subarea plans;
  - (3) Kittitas County Shoreline Management Master Program;
  - (4) Flood Damage Prevention, Title 14.08 Kittitas County Code;
  - (5) Critical Areas Ordinance, Title 17A Kittitas County Code;
  - (7) Road Standards, Title 12 Kittitas County Code;
  - (10) Other applicable ordinances and regulations.
- (b) The director shall determine if the application conforms to the requirements of this chapter.
- (c) Applications for forest practices or conversion option harvest plan shall be processed consistent with Kittitas County Code 15A.

**17B.13 Forest practice permit approval expiration**

Approval shall be valid for two years following approval and shall expire thereafter.

**17B.14 Appeal**

Any person wishing to appeal the granting, denial or conditions of approved timber harvest permit or conversion option harvest plan shall follow the appeal procedures as provided for in Kittitas County Code 15A.

**17B.16 Lifting of forest practices six-year development moratorium**

The purpose of this section is to provide criteria and a process for lifting a forest practices six-year development moratorium under certain circumstances. It establishes a public notification process, with criteria and standards by which the board of county commissioners may lift a six-year development moratorium.

A. Process For Lifting A Forest Practices Six-Year Development Moratorium. Any person who intends to convert property which has been logged pursuant to a Class II, III or IV special non-conversion forest practices application or notification, or without any such application or notification, from forestry use to another use, shall notify the director in writing of such an intent and filing of a development application as provided for by Kittitas County Community Development Services.

B. All submitted applications shall be processed consistent with Kittitas County Code 15A.

C. The director shall review the request for conversion, any comments received, standards of Sections ‘Review by Director’ and subsection (B) of this section, and inspect the property prior to setting a public hearing before the board of county commissioners.

D. Criteria. The board of county commissioners may lift a six-year development moratorium only upon finding that each of the following criteria has been met:

- (1) Lifting the moratorium will not be detrimental to the public health, safety, and general welfare.
- (2) Lifting the moratorium will not be injurious to the property or improvements adjacent to and in the vicinity of the proposal.
- (3) Lifting the moratorium will be neutral or more beneficial as to environmental effects.
- (4) Lifting the moratorium is consistent with the goals, objectives and policies of the Kittitas County Comprehensive Plan.
- (5) One of the following has occurred:
  - (a) The site has been designated for an essential public facility as defined in this chapter or has been designated as a public facility on the Comprehensive Plan Map; or
  - (b) Is a capital facility of the state or its political subdivision necessary for the protection of a natural resource; or
  - (c) The landowner has provided evidence that a theft of timber or a fraudulent forest practice application has been submitted without his or her knowledge or consent.

(6) The logging activities conducted on the site complied with requirements of the Forest Practices Act, including but not limited to replanting requirements.

(7) There has been no intentional circumvention of the requirements of this chapter rendering the property ineligible for lifting a moratorium for its entire term.