

SENATE BILL REPORT

SHB 1795

As Reported By Senate Committee On:
Natural Resources & Parks, March 27, 1997

Title: An act relating to the conversion of forest practices.

Brief Description: Concerning the classification of forest practices and the regulation of forest practices by state and local entities.

Sponsors: House Committee on Natural Resources (originally sponsored by Representatives Buck, Hatfield and Kessler; by request of Commissioner of Public Lands).

Brief History:

Committee Activity: Natural Resources & Parks: 3/25/97, 3/27/97 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Snyder, Spanel, Stevens and Swecker.

Staff: Vic Moon (786-7469)

Background: The Department of Natural Resources (DNR) administers and enforces the rules adopted by the state Forest Practices Board. Part of the department's responsibility is to review applications for forest practices permits. Local governments have some opportunity to voice their objections while the department is reviewing an application, and local governments may appeal department approval of an application with respect to lands within the local government's jurisdiction.

Local governments play a somewhat larger role with regard to lands being converted out of forestry uses. An application for a forest practice must indicate whether any land covered by the application will be converted or is intended to be converted to a use other than commercial forest production within three years after completion of the forest practices. If the land is to be converted, the state's reforestation requirement does not apply, but the proposed forest practice becomes subject to applicable local government authority such as zoning and land use planning. If the forest practices application does not state that the land will be or is intended to be converted, then for the six years following the filing of the application, the local government may deny any or all applications for permits or approvals relating to nonforestry uses of the land.

Summary of Bill: A portion of the Department of Natural Resources' responsibility for the administration and enforcement of forest practices regulations is transferred to local governments. Specifically, by December 2001, city and county governments must administer and enforce forest practices related to the conversion of forest land to nonforestry uses.

The definitions for the classes of forest practices are amended to provide that forest practices involving timber harvest or road construction within an urban growth area designated pursuant to the Growth Management Act are Class IV forest practices. An exception to this is that Class IV designation does not apply if the forest landowner provides a written statement of intent not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department, or documentation that the property is enrolled in the state's special taxation program for forest land. The Class IV designation also does not apply if a forest landowner attaches to the forest practices application a conversion option harvest plan approved by the local government.

By December 31, 2001, each county and city must adopt ordinances or regulations setting standards for those Class IV forest practices regulated by local government. The department must continue to administer and enforce the rules of the Forest Practices Board until such time as the department determines that the local government has promulgated regulations that meet or exceed the Forest Practices Board standards in effect at the time the local regulations are adopted. The department's review of the initial regulations takes place upon the written request of the county or city. The department may approve or disapprove the proposed regulations in whole or in part. The department's approval or disapproval of a local government's regulations may be appealed to the Forest Practices Appeals Board. Once the new forest practices regulations are in place, the local government administers and enforces them. Until January 1, 2002, the department must provide technical assistance to cities and counties that have assumed regulatory authority over their Class IV forest practices.

Other new provisions apply to those forest practices remaining under the jurisdiction of the department. The department must submit to the local government a copy of a forest landowner's statement of his intention not to convert to another use. This document is filed by the local government with the county recording officer. Lands designated as forest lands of long-term commercial significance need not be recorded due to the low likelihood of conversion. The department must collect the recording fee from the applicant and reimburse the local government for the cost of the recording. For six years after the date of the application, the local government must deny any and all permits relating to nonforestry uses of the land subject to the application. The local government must also develop a process for lifting or waiving this six-year moratorium. In addition, the local government may develop an administrative process for lifting or waiving the moratorium for the purposes of constructing a single-family residence or outbuildings. The moratorium is not imposed on a forest practices application that contains an approved conversion option harvest plan unless the forest practice is not in compliance with the permit and plan. If the landowner harvests without filing a forest practices permit application, the local government must impose the six-year moratorium.

In addition to the forest practices application fee, applicants may also be required to pay a recording fee. The application fee remains \$50 for Class II, III, and IV applications relating to the commercial harvest of timber, and the fee is also \$50 for practices in urban growth areas where the forest landowner provides a written statement not to convert to another use for ten years or an approved conversion option harvest plan. For applications to a local government, the fee goes to the local government and is \$500 unless a different fee is adopted by the local government.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill has been developed to give counties authority to regulate forest practices in urban growth areas. The bill has the full support of the Timber Fish Wildlife Group.

Testimony Against: None.

Testified: PRO: Bill Wilkerson, WFPA; Art Stearns, DNR; Bill Vogler, WA State Association of Counties; Ron Shultz, Audubon Society.