

HOUSE BILL REPORT

2SSB 5883

As Passed House:

April 3, 2007

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

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

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

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/19/07, 3/22/07 [DP].

Floor Activity:

Passed House: 4/3/07, 97-0.

Brief Summary of Second Substitute 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.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 14 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 and Strow.

Staff: Jason Callahan (786-7117).

Background:

Development Moratoriums in the Forest Practices Act

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.

Summary of Bill:

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.

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 large group of stakeholders worked with legislators all interim to craft this alternative to the existing six-year moratorium provisions in the Forest Practices Act. Having to file an intent not to convert with a county is a big issue for the small forest landowners in the state, so this bill takes an alternative approach to accomplish the same goals. The new approach will make regulations more understandable and accessible, which will decrease forest land conversation rates because landowners are more likely to convert their land when they are uncertain of regulations and their future rights. Decreased confusion will lead to increased compliance. The changes in the law proposed by the bill will make the regulatory process more efficient while maintaining resource protection.

(Opposed) None.

Persons Testifying: Senator Fraser, prime sponsor; Eric Johnson, Washington Association of Counties; Vicki Christiansen, Department of Natural Resources; Martin Flynn, Washington Farm Forestry Association; Debora Munguia, Washington Forest Protection Association; Melodie Selby, Washington Department of Ecology; and Miguel Perez-Gibson, Audubon Washington.

Persons Signed In To Testify But Not Testifying: Kaleen Cottingham, Futurewise.