

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6481**

Chapter 219, Laws of 2010

61st Legislature  
2010 Regular Session

GMA PLANNING--REQUIRED ADOPTION OF FOREST PRACTICES REGULATIONS

EFFECTIVE DATE: 06/10/10

Passed by the Senate March 9, 2010  
YEAS 43 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House February 28, 2010  
YEAS 93 NAYS 1

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved March 25, 2010, 4:06 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6481** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

FILED

March 26, 2010

**Secretary of State  
State of Washington**

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SENATE BILL 6481

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AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

**State of Washington**                      **61st Legislature**                      **2010 Regular Session**

**By** Senators Morton, Schoesler, Holmquist, Hewitt, King, Delvin, and Swecker

Read first time 01/15/10. Referred to Committee on Natural Resources, Ocean & Recreation.

1            AN ACT Relating to clarifying which local governments have  
2 jurisdiction over conversion-related forest practices; and reenacting  
3 and amending RCW 76.09.240.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

16            (i) Forest practices classified as Class I, II, III, and IV that  
17 are within urban growth areas designated under RCW 36.70A.110, except  
18 for forest practices on ownerships of contiguous forest land equal to  
19 or greater than twenty acres where the forest landowner provides, to

1 the department and the county, a written statement of intent, signed by  
2 the forest landowner, not to convert to a use other than growing  
3 commercial timber for ten years. This statement must be accompanied by  
4 either:

5 (A) A written forest management plan acceptable to the department;  
6 or

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

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

13 (A) Lands platted after January 1, 1960, as provided in chapter  
14 58.17 RCW;

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

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

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

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

27 (i) Lands platted after January 1, 1960, as provided in chapter  
28 58.17 RCW;

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

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

32 (2) Before a county, city, or town may regulate forest practices  
33 under subsection (1) of this section, it shall ensure that its critical  
34 areas and development regulations are in compliance with RCW 36.70A.130  
35 and, if applicable, RCW 36.70A.215. The county, city, or town shall  
36 notify the department and the department of ecology in writing sixty  
37 days prior to adoption of the development regulations required in this  
38 section. The transfer of jurisdiction shall not occur until the

1 county, city, or town has notified the department, the department of  
2 revenue, and the department of ecology in writing of the effective date  
3 of the regulations. Ordinances and regulations adopted under  
4 subsection (1) of this section and this subsection must be consistent  
5 with or supplement development regulations that protect critical areas  
6 pursuant to RCW 36.70A.060, and shall at a minimum include:

7 (a) Provisions that require appropriate approvals for all phases of  
8 the conversion of forest lands, including land clearing and grading;  
9 and

10 (b) Procedures for the collection and administration of permit and  
11 recording fees.

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

16 (4) The board shall continue to adopt rules and the department  
17 shall continue to administer and enforce those rules in each county,  
18 city, or town for all forest practices as provided in this chapter  
19 until such a time as the county, city, or town has updated its  
20 development regulations as required by RCW 36.70A.130 and, if  
21 applicable, RCW 36.70A.215, and has adopted ordinances or regulations  
22 under subsections (1) and (2) of this section. However, counties,  
23 cities, and towns that have adopted ordinances or regulations regarding  
24 forest practices prior to July 22, 2007, are not required to readopt  
25 their ordinances or regulations in order to satisfy the requirements of  
26 this section.

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

31 (6) For those forest practices over which the board and the  
32 department maintain regulatory authority no county, city, municipality,  
33 or other local or regional governmental entity shall adopt or enforce  
34 any law, ordinance, or regulation pertaining to forest practices,  
35 except that to the extent otherwise permitted by law, such entities may  
36 exercise any:

37 (a) Land use planning or zoning authority: PROVIDED, That exercise  
38 of such authority may regulate forest practices only: (i) Where the

1 application submitted under RCW 76.09.060 as now or hereafter amended  
2 indicates that the lands have been or will be converted to a use other  
3 than commercial forest product production; or (ii) on lands which have  
4 been platted after January 1, 1960, as provided in chapter 58.17 RCW:  
5 PROVIDED, That no permit system solely for forest practices shall be  
6 allowed; that any additional or more stringent regulations shall not be  
7 inconsistent with the forest practices regulations enacted under this  
8 chapter; and such local regulations shall not unreasonably prevent  
9 timber harvesting;

10 (b) Taxing powers;

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

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

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

23 (8) To improve the administration of the forest excise tax created  
24 in chapter 84.33 RCW, a county, city, or town that regulates forest  
25 practices under this section shall report permit information to the  
26 department of revenue for all approved forest practices permits. The  
27 permit information shall be reported to the department of revenue no  
28 later than sixty days after the date the permit was approved and shall  
29 be in a form and manner agreed to by the county, city, or town and the  
30 department of revenue. Permit information includes the landowner's  
31 legal name, address, telephone number, and parcel number.

Passed by the Senate March 9, 2010.

Passed by the House February 28, 2010.

Approved by the Governor March 25, 2010.

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