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**SENATE BILL 5636**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senator Hunt

AN ACT Relating to forest practices in cities; amending RCW 76.09.240; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that forested lands are economically and ecologically valuable and that forest practices conducted in urban areas have significant impacts on neighboring landowners, residents, and urban ecology. The purpose of this act is to enable cities that plan under the growth management act the option to regulate forest practices within their jurisdictions in alignment with standards established by the department of natural resources.

**Sec.**  RCW 76.09.240 and 2011 c 207 s 2 are each amended to read as follows:

(1)(a) Counties planning under RCW 36.70A.040 with a population greater than ((~~one hundred thousand~~)) 100,000, and the cities and towns within those counties, where more than a total of ((~~twenty-five~~)) 25 Class IV forest practices applications, as defined in RCW 76.09.050(1) Class IV (a) through (d), have been filed with the department between January 1, 2003, and December 31, 2005, shall adopt and enforce ordinances or regulations as provided in subsection ((~~(2)~~)) (3) of this section for the following:

(i) Forest practices classified as Class I, II, III, and IV that are within urban growth areas designated under RCW 36.70A.110, except for forest practices on ownerships of contiguous forestland equal to or greater than ((~~twenty~~)) 20 acres where the forestland owner provides, to the department and the county, city, or town, a written statement of intent, signed by the forestland owner, not to convert to a use other than growing commercial timber for ((~~ten~~)) 10 years. This statement must be accompanied by either:

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

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

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

(A) Forestlands that are being converted to another use; or

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

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

(c) Counties not planning under RCW 36.70A.040, and the cities and towns within those counties, may adopt and enforce ordinances or regulations as provided in subsection ((~~(2)~~)) (3) of this section for forest practices classified as Class IV involving either timber harvest or road construction, or both on:

(i) Forestlands that are being converted to another use; or

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

(2) Notwithstanding the provision of subsection (1) of this section, a city within a county planning under RCW 36.70A.040 may elect to regulate all forest practices within its corporate limits. An ordinance adopted by a city making such an election must provide standards that are substantially equivalent to the requirements of this chapter and rules adopted by the department pursuant to this chapter.

(3) Before a county, city, or town may regulate forest practices under subsection (1) of this section, it shall ensure that its critical areas and development regulations are in compliance with RCW 36.70A.130 and, if applicable, RCW 36.70A.215. The county, city, or town shall notify the department and the department of ecology in writing ((~~sixty~~)) 60 days prior to adoption of the development regulations required in this section. The transfer of jurisdiction shall not occur until the county, city, or town has notified the department, the department of revenue, and the department of ecology in writing of the effective date of the regulations. Ordinances and regulations adopted under subsection (1) of this section and this subsection must be consistent with or supplement development regulations that protect critical areas pursuant to RCW 36.70A.060, and shall at a minimum include:

(a) Provisions that require appropriate approvals for all phases of the conversion of forestlands, including land clearing and grading; and

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

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

((~~(4)~~)) (5) The board shall continue to adopt rules and the department shall continue to administer and enforce those rules in each county, city, or town for all forest practices as provided in this chapter until such a time as the county, city, or town has updated its development regulations as required by RCW 36.70A.130 and, if applicable, RCW 36.70A.215, and has adopted ordinances or regulations under subsections (1) ((~~and~~)), (2), and (3) of this section. However, counties, cities, and towns that have adopted ordinances or regulations regarding forest practices prior to July 22, 2011, are not required to readopt their ordinances or regulations in order to satisfy the requirements of this section except as necessary to ensure consistency with Class IV forest practices as defined in RCW 76.09.050.

((~~(5)~~)) (6) Upon request, the department shall provide technical assistance to all counties, cities, and towns while they are in the process of adopting the regulations required by this section, and after the regulations become effective.

((~~(6)~~)) (7) For those forest practices over which the board and the department maintain regulatory authority no county, city, municipality, or other local or regional governmental entity shall adopt or enforce any law, ordinance, or regulation pertaining to forest practices, except that to the extent otherwise permitted by law, such entities may exercise any:

(a) Land use planning or zoning authority: PROVIDED, That exercise of such authority may regulate forest practices only where the application submitted under RCW 76.09.060 as now or hereafter amended indicates that the lands are being converted to a use other than commercial forest product production: PROVIDED, That no permit system solely for forest practices shall be allowed; that any additional or more stringent regulations shall not be inconsistent with the forest practices regulations enacted under this chapter; and such local regulations shall not unreasonably prevent timber harvesting;

(b) Taxing powers;

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

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

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

((~~(8)~~)) (9) To improve the administration of the forest excise tax created in chapter 84.33 RCW, a county, city, or town that regulates forest practices under this section shall report permit information to the department of revenue for all approved forest practices permits. The permit information shall be reported to the department of revenue no later than ((~~sixty~~)) 60 days after the date the permit was approved and shall be in a form and manner agreed to by the county, city, or town and the department of revenue. Permit information includes the landowner's legal name, address, telephone number, and parcel number.

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