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**SENATE BILL 5636**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senator Hunt

1 AN ACT Relating to forest practices in cities; amending RCW  
2 76.09.240; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that forested lands  
5 are economically and ecologically valuable and that forest practices  
6 conducted in urban areas have significant impacts on neighboring  
7 landowners, residents, and urban ecology. The purpose of this act is  
8 to enable cities that plan under the growth management act the option  
9 to regulate forest practices within their jurisdictions in alignment  
10 with standards established by the department of natural resources.

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

13 (1)(a) Counties planning under RCW 36.70A.040 with a population  
14 greater than (~~one hundred thousand~~) 100,000, and the cities and  
15 towns within those counties, where more than a total of (~~twenty-~~  
16 ~~five~~) 25 Class IV forest practices applications, as defined in RCW  
17 76.09.050(1) Class IV (a) through (d), have been filed with the  
18 department between January 1, 2003, and December 31, 2005, shall  
19 adopt and enforce ordinances or regulations as provided in subsection  
20 (~~(+2)~~) (3) of this section for the following:

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

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

11 (B) Documentation that the land is enrolled as forestland of  
12 long-term commercial significance under the provisions of chapter  
13 84.33 RCW; and

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

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

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

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

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

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

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

39 (3) Before a county, city, or town may regulate forest practices  
40 under subsection (1) of this section, it shall ensure that its

1 critical areas and development regulations are in compliance with RCW  
2 36.70A.130 and, if applicable, RCW 36.70A.215. The county, city, or  
3 town shall notify the department and the department of ecology in  
4 writing (~~((sixty))~~) 60 days prior to adoption of the development  
5 regulations required in this section. The transfer of jurisdiction  
6 shall not occur until the county, city, or town has notified the  
7 department, the department of revenue, and the department of ecology  
8 in writing of the effective date of the regulations. Ordinances and  
9 regulations adopted under subsection (1) of this section and this  
10 subsection must be consistent with or supplement development  
11 regulations that protect critical areas pursuant to RCW 36.70A.060,  
12 and shall at a minimum include:

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

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

18 (~~((3))~~) (4) Activities regulated by counties, cities, or towns as  
19 provided in subsections (1) (~~((and))~~), (2), and (3) of this section  
20 shall be administered and enforced by those counties, cities, or  
21 towns. The department shall not regulate these activities under this  
22 chapter.

23 (~~((4))~~) (5) The board shall continue to adopt rules and the  
24 department shall continue to administer and enforce those rules in  
25 each county, city, or town for all forest practices as provided in  
26 this chapter until such a time as the county, city, or town has  
27 updated its development regulations as required by RCW 36.70A.130  
28 and, if applicable, RCW 36.70A.215, and has adopted ordinances or  
29 regulations under subsections (1) (~~((and))~~), (2), and (3) of this  
30 section. However, counties, cities, and towns that have adopted  
31 ordinances or regulations regarding forest practices prior to July  
32 22, 2011, are not required to readopt their ordinances or regulations  
33 in order to satisfy the requirements of this section except as  
34 necessary to ensure consistency with Class IV forest practices as  
35 defined in RCW 76.09.050.

36 (~~((5))~~) (6) Upon request, the department shall provide technical  
37 assistance to all counties, cities, and towns while they are in the  
38 process of adopting the regulations required by this section, and  
39 after the regulations become effective.

1       (~~(6)~~) (7) For those forest practices over which the board and  
2 the department maintain regulatory authority no county, city,  
3 municipality, or other local or regional governmental entity shall  
4 adopt or enforce any law, ordinance, or regulation pertaining to  
5 forest practices, except that to the extent otherwise permitted by  
6 law, such entities may exercise any:

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

17       (b) Taxing powers;

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

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

21       (~~(7)~~) (8) All counties and cities adopting or enforcing  
22 regulations or ordinances under this section shall include in the  
23 regulation or ordinance a requirement that a verification accompany  
24 every permit issued for forestland by that county or city associated  
25 with the conversion to a use other than commercial timber operation,  
26 as that term is defined in RCW 76.09.020, that verifies that the land  
27 in question is not or has not been subject to a notice of conversion  
28 to nonforestry uses under RCW 76.09.060 during the six-year period  
29 prior to the submission of a permit application.

30       (~~(8)~~) (9) To improve the administration of the forest excise  
31 tax created in chapter 84.33 RCW, a county, city, or town that  
32 regulates forest practices under this section shall report permit  
33 information to the department of revenue for all approved forest  
34 practices permits. The permit information shall be reported to the  
35 department of revenue no later than (~~sixty~~) 60 days after the date  
36 the permit was approved and shall be in a form and manner agreed to  
37 by the county, city, or town and the department of revenue. Permit

1 information includes the landowner's legal name, address, telephone  
2 number, and parcel number.

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