

FORESTRY REPORT AND RECOMMENDATIONS

Add to definitions:

"Forest practice" (RCW 37.09) any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction;
- (b) Harvesting, final and intermediate;
- (c) Precommercial thinning;
- (d) Reforestation;
- (e) Fertilization;
- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees; and
- (h) Brush control.

"Forest land" (RCW 37.09) all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future.

"Merchantable stand of timber" (WAC 222-16) a stand of trees that will yield logs and/or fiber:

- Suitable in size and quality for the production of lumber, plywood, pulp and other forest products;
- Of sufficient value at least to cover the costs of harvest and transportation to available markets.

Add to Exemptions or Allowed use section:

On forest land subject to RCW 37.09 landowners are exempt from the requirement of this ordinance and may conduct the following activities as a Type I Forest Practice without filing a Forest Practices Application provided the activity is not subject to either *Class IV-Special* or *Class IV-General* Forest Practices conditions.

- (a) Culture and harvest of Christmas Trees and seedlings.
- (b) Road maintenance except: (i) replacement of bridges and culverts across Type S, F or flowing Type Np Waters or Type A or B Wetlands.
- (c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type S Water, the riparian management zone of a Type F Water, the bankfull width of a Type Np Water, a wetland management zone, or a wetland.
- (d) Construction of less than 600 feet of road on a sideslope of 40 percent or less if the limits of construction are not within the shoreline area of a Type S Water, the

- riparian management zone of a Type F Water, the bankful width of a Type Np Water, a wetland management zone, or a wetland.
- (e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type S water and does not involve disturbance of the beds or banks of any water.
 - (f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.
 - (g) Rocking an existing road.
 - (h) Loading and hauling timber from landings or decks.
 - (i) Precommercial thinning and pruning.
 - (j) Tree planting and seeding.
 - (k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12 month period.
 - (l) Emergency fire control and suppression.
 - (m) Slash burning pursuant to a burning permit.
 - (n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type S Water, the riparian management zone of a Type F Water, the bankful width of a Type Np Water, a wetland management zone, or a wetland
 - (o) Ground application of chemicals.
 - (p) Aerial application of chemicals (except insecticides) when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless the farmland or residence is owned by the forest landowner. Provisions of WAC 222-38 shall apply.
 - (q) Forestry research studies and evaluation tests by and established research organization.
 - (r) Any of the following if none of the operations or limits of construction take place within the shoreline area of a Type S Water, the riparian management zone of a Type F Water, the bankful width of a Type Np Water, a wetland management zone, or a wetland and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:
 - a. Any forest practice within the boundaries of existing golf courses.
 - b. Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.
 - c. Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

Add to the Enforcement section:

Enforcement of Forest Land subject to RCW 37.09 is conducted by the Washington State Department of Natural Resources. Violations of the provisions of RCW 37.09 subject the landowner to civil fines of up to \$10,000 and criminal penalties of up to 1 year in jail for

each violation. In addition the landowner may be required to mitigate or restore affected area to its previous condition.

Add to Allowed Use Section:

Except where restricted by conservation easements or similar restrictive covenants landowners can conduct the following activities on land subject to this ordinance without notification to the county:

Maintenance of existing, lawfully established vegetation, landscaping and gardens within a regulated critical area or its buffer, including but not limited to, cutting, mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden crops, pruning and planting of non-invasive ornamental vegetation or indigenous native species to maintain the general condition and extent of such areas.

Except where restricted by conservation easements or similar restrictive covenants, landowners can conduct the following activities on land subject to this ordinance after submitting written notification of the intended activity to the Department of Community Development. The landowner can go ahead with the activity if no objection to the activity is raised by the county within 10 days of filing the notification.

1. Select vegetation removal or pruning in a manner that minimizes unnecessary disturbance and prevents adverse effects on soil stability, fish or wildlife habitat, water quality, or water quantity provided that no vegetation shall be removed from a wetland, habitat conservation area, erosion hazard area, or landslide hazard area or their buffers except for lawn, pasture, ornamental vegetation, and similar introduced vegetation. Cut vegetation shall be left within the critical area or buffer where practicable unless removal is warranted due to the presence of an established disease infestation or other hazard, or because of access or maintenance needs if the area is a utility or access right-of-way.
2. Clearing, pruning, and re-vegetation of buffer areas, except landslide hazard areas and buffers and erosion hazard areas and buffers, for view purposes provided:
 1. This allowed activity shall not be conducted more than once every 10 years for any individual residential property.
 2. A window or view opening is limited to the minimum necessary for view purposes and shall not exceed fifteen percent (15%) of buffer length, unless the applicant can demonstrate to the Director's satisfaction that a larger dimension is warranted because of slope or other site considerations. Trees greater than 12 inches in diameter at breast height shall be preserved, but may be shaped, windowed/thinned or pruned.
 3. Clearing shall not take place where increased risks or adverse impacts, including cumulative impacts, to critical area functions and values are likely to occur.

4. Low growing native vegetation shall be retained and/or planted in the view corridor to provide habitat, stabilize the area, and achieve dense growth.
5. This provision does not apply to open space dedicated or set aside in a subdivision, or any other approval to which specific conditions are attached that prohibit clearing of vegetation without a written approval or permit.

View areas established under this section shall be considered lawfully established and may be maintained.