

AGENDA

Clallam County Planning Commission

PC Meeting of April 6, 2022 6:00 p.m.

The Clallam County Planning Commission will conduct a regularly scheduled meeting appearing both in person and via Zoom video conferencing. To appear by Zoom please visit <https://zoom.us/join> or call (888) 475-4499 or (253) 215-8782, then enter Meeting ID: 660 165 2237 Passcode: 12345

The information provided to the Commission in preparation for this meeting is available at: <https://websrv7.clallam.net/forms/uploads/PlanningCommissionPacket.pdf>

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. WELCOME**
- E. APPROVAL OF MINUTES**
- F. ANNOUNCEMENTS**
- G. PUBLIC COMMENT – Please Limit Comments to Three Minutes**
- H. UNFINISHED BUSINESS**
- I. PUBLIC HEARING: NONE**
- J. WORK SESSION ITEMS:** Continued discussion regarding a proposed Forestry Ordinance
- K. PUBLIC COMMENT – Please Limit Comments to Three Minutes**
- L. ADJOURNMENT**

Members:

Chair, Jane Hielman & Vice-Chair, Steve Gale
Robert Miller; Ron Long; N. Bonnie Booth; M. Ingrid Carmean; Philip Giuntoli; Jeff Carter

Department of Community Development Staff:

Greg Ballard, Senior Planner, Holden Fleming, Senior Planner

MINUTES

Clallam County Planning Commission

Virtual Meeting of March 2, 2022 6:00 PM

- A. CALL TO ORDER: The meeting was called to order at 6:02 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Chair Hielman, Robert Miller, Ron Long, M. Ingrid Carmean, Philip Giuntoli, and Jeff Carter. Donella Clark, Principal Planner and Greg Ballard, Senior Planner represented staff from the Department of Community Development.
- D. WELCOME: Chair Hielman welcomed all in attendance
- E. APPROVAL OF MINUTES: February 2, 2022 minutes approved
- F. ANNOUNCEMENTS: Board of County Commissioners held a public hearing on the proposed ADU ordinance and have decided to keep the record open until March 29th to allow additional comment since hardly any was received. Staff will attend a worksession with the BOCC on March 21st to discuss the ordinance.

Board of Commissioners are moving toward hybrid meeting and staff will send information on if Planning Commission will be able to conduct meetings in person.

Commissioner Carmean informed the group that the Homelessness subcommittee would be making their visit to Bayside Housing on March 18th. Serenity House was hoping to join for the tour. Also wanted to inform everyone about HB1590, which could allow local sales tax to generate affordable housing funds, and that Clallam Health received a \$392,000 grant to help rehouse people.

G. PUBLIC COMMENT PERIOD: None.

H. UNFINISHED BUSINESS: None.

I. PUBLIC HEARING ITEM: None.

J. WORK SESSION ITEMS: Greg Ballard discussed the proposed ordinance and the general process of ordinances. Ordinances are discussed with the Planning Commission until it is determined the ordinance will work, then it goes to the Board of County in formal ordinance form. This ordinance is new and currently not in County code. Criteria was mirrored after Jefferson County's Title 18.21. Idea is to allow proactive logging practices, rather than after the fact mitigation. Memo provided in the packet provides explanation. Some changes were requested by Commissioners Carter and Carmean that staff would change and bring back to the Planning Commission for a public hearing.

K. PUBLIC COMMENT PERIOD: Ken Reandeau suggested it would be helpful for the public to know about options for cutting before it occurs.

L. ADJOURNMENT: The meeting adjourned at 6:55 p.m.

**Clallam County Conversions of Land to Non-Forestry Use
Ordinance dated March 17, 2022**

March 17, 2022

27.11 County Forestry requirements for Conversion from Forestry to Non-Forestry Use, 6 year Development Moratoriums of harvested areas retained in forestry use, and Conversion Option Harvest Plans

27.11.100 Introduction:

Timber management is regulated under the Forest Practices Act (RCW 76.09), which was enacted by the state legislature in 1974 to protect public resources while maintaining a viable forest products industry. Soon after, the Forest Practices Rules (FPR), Title 222 of the Washington Administrative Code (WAC), was developed to implement the objectives in the Forest Practices Act.

Since 1974, the state Department of Natural Resources (DNR) has regulated timber management and the harvest of merchantable timber through the FPR based on the type of Forest Practice Application (FPA) or "class."

In general, the harvesting of trees from parcels over 2 acres in size are subject to a Forest Practice Application (FPA) from the WA State Department of Natural Resources regardless of the zoning district or if the parcel is enrolled in a timber taxing program. A FPA is required for the removal of 5,000 board feet or more of merchantable timber. This is the equivalent of approximately one standard log truck load of logs. DNR manages long-term forest lands, which are typically exempt from local government regulations, but would be subject to a 6 year development moratorium and reforestation requirements.

In 1997, the Forest Practice Act was amended to give local government the authority to regulated forest lands that have a likelihood of converting to uses incompatible with growing trees (including the placement of a single family residence and appurtenances). This provides local jurisdictions the ability to ensure that their code requirements are met for these areas transition from forestry to non-forestry uses.

This ordinance provides procedures and additional options for the transition from forestry to non-forestry use. This includes establishing the process to lift the 6 year development moratorium, and provides standards for a Conversion Option Harvest Plan (COHP), which is a plan voluntarily developed by the landowner and reviewed by the county. Once approved by the county, COHP creates enforceable rights and obligations, including additional options for the issuance of development permits within 6 years of timber harvest.

27.11.200 Definitions:

Except as provided for in this section, this chapter will use existing definitions contained in the Washington State Forest Practices Act (RCW 76.09.020), the Washington State Forest Practices Act Rules (WAC 222-16), and the Clallam County Code.

(1) "Conversion from Forestry Use/Commercial Timber Management" or "Conversion" means any timber harvest requiring a Class IV General Forest Practice Application (FPA) from the WA State Department of Natural Resources as defined by RCW 76.09.050. This refers to the cutting and removal of trees for the purpose of converting forest land to a use incompatible with forestry use or commercial timber management. Reforestation (per WAC 222-34) may not be required for these conversions. This term does not include COHP.

(2) "Conversion Option Harvest Plan (COHP)" means a plan voluntarily developed by the landowner and approved by Clallam County, indicating the limits and types of harvest areas, size and type of trees to be retained, road locations, critical area buffers, and details including the location of the non-forest related uses, if known. A COHP, when submitted to the Department of Natural Resources as

part of the forest practice application and followed by the landowner, maintains the landowner's option to convert to a use other than commercial forest product production (releases the landowner from the six-year moratorium on future development).

(3) "Development moratorium" means a temporary prohibition by Clallam County of any and all applications for uses incompatible with forestry use for a period of time established in RCW 76.09.xxx. The development moratorium is 6 years outside of Urban Growth Areas, and 10 years within UGAs from when the FPA was required or obtained.

(4) "Continued Forestry Use/Commercial Timber Management" refers to the cutting and removal of trees, requiring a Class II, Class III and Class IV special Forest Practice Application (FPA) from the WA State Department of Natural Resources (as defined by RCW 76.09.050 & WAC 222-16-050), where the harvested areas are retained in commercial timber management, required to meet WAC 222-34 reforestation requirements, and may be subject to a development moratorium.

27.11.300 Forest Practices – General Regulations.

(1) **Applicability.** Forest Practices (including road construction) subject to Chapter 76.09 RCW, the Washington State Forest Practices Act and its implementing regulations at WAC Title 222 conducted within all land use districts shall be subject to the provisions of this chapter. However, only Conversions, Lifting Development Moratoriums, & COHP, which are addressed in Sections 27.11.400, 500, & 700 below, are subject to a Forestry Permit from Clallam County. Forest Practices may also subject to the 2021 Clallam County Shoreline Master Plan, Critical Areas Code, and other Clallam County Codes.

(2) **Application requirements for Clallam County Forestry Permits.** An application for Type 1 & 2 Forestry Permits including Conversions, lifting development moratoriums, and COHP shall be submitted to DCD for review and approval on a form to be determined by the DCD Administrator (administrator). The application shall include:

- (a) The application checklist, including a legal description of the property;
- (b) The signature of the landowner of the property giving consent of the processing of the permit.
- (c) A written narrative specifying the proposed timber harvest addressing each applicable standards of this section and other applicable Clallam County Codes (such as Shorelines, and Critical Areas)
- (d) A description and map describing legal access to the property.
- (e) Written authorization from the property owner agreeing to permit Clallam County to access the property to ensure compliance with the non-forestry-related conditions of the Forestry Permit issued by the DNR.
- (f) The application fees are outlined in the Clallam County DCD Planning Division Fee Schedule;

(3) **Site Plan requirements for Clallam County Forestry Permits.** The following shall be depicted either in required narrative above and/or on the site plan detailing the following (as applicable):

- (a) Location of existing and proposed roads, yarding areas, and access points;
- (b) The general description of the topography of the entire site (including slope direction and percent slope);
- (c) General location of dominant plant type (i.e. trees, shrubs, grassland);
- (d) A general description of the variety of tree species present on the site. This should include the size, age and general location.
- (e) General location and type of soils;
- (f) Location and type of water bodies, drainage ways, or wetlands;
- (g) Location and type of Shoreline and Critical Areas;
- (h) Shoreline and Critical Area Buffers where trees/vegetation will be retained
- (i) How the proposal complies with all of the requirements of the Clallam County Shoreline Master Plan, Critical Areas Code, and other applicable Clallam County Codes

- (j) Areas where trees/vegetation will be retained including snags
- (k) Approximate limits of harvest area;
- (l) General location & intended non forestry use(s), if known;
- (m) Areas to be reforested
- (n) Location and areas of desired timber to harvest along with desired harvest technique. This includes selective (species) harvest, partial/thinning cut, clear cuts/even aged harvest, trees to be retained (leave trees) or other (please describe and
- (o) Parcel boundaries and dimensions;

(4) Criteria for County Forestry Permits. County Forestry Permits are reviewed by the DCD administrator and shall approve, approve with conditions, or deny the application based on consistency with the following criteria:

- (a) The applicable standards of this title;
- (b) The Comprehensive Plan, CCC Title 31;
- (c) The Zoning Code, CCC Title 33;
- (d) The Shoreline Master Program, Title 35;
- (e) The Environmental Policy Code, Title 27.01;
- (f) The Critical Areas Code, Title 27.12;
- (g) The Stormwater Ordinance, Title 27.14
- (h) The Consolidated Permit Process Code, Title 26.10;
- (i) The public health, safety, welfare, use and interest.
- (j) The proposed action is consistent with land uses within the zoning district in which it is located and in the vicinity of the subject property.
- (k) Forest Practices Law found in RCW 76.09 and as implemented through the Forest Practice Act (WAC 222)

(5) Emergency Conditions. No prior notification or application shall be required for emergency forest practices necessitated by and commenced during or immediately after fire, windstorm, earthquake, structural failure or other catastrophic event. Within 48 hours after commencement of such practice the operator shall submit an application or notification to the DNR with an explanation why emergency action was necessary so that the DNR may evaluate the appropriateness of the "emergency" and of the actions taken. Such emergency forest practices are subject to Chapter 76.09 RCW, WAC Title 222, and county authorities derived from them (including the requirements of this code); provided, that the operator:

- (a) May take any reasonable action to minimize damage to forest lands, timber or public resources from the direct or indirect effects of the catastrophic event; and
- (b) Shall comply with any requirements of a notice to comply or stop work order as if the operations were conducted pursuant to an approved application. (RCW 76.09.060(7); WAC 222-20-070.)

(6) Harvesting Timber without a Permit. When harvesting takes place without a permit, except as provided in subsection (5) of this section, the county may impose the six-year moratorium of subsection 27.11.500(1) of this section from the date the unpermitted harvesting was discovered by the DNR or the county. If the land is converted to non-forestry use, this also constitutes an illegal conversion that is subject to the enforcement provisions of subsections 27.11.600(iii) of this section. (RCW 76.09.060(3)(b)(i)(C) and (iii).)

27.11.400 Conversion from Forestry Use to Non-Forestry Use.

(1) Purpose. A Class IV General Forest Practice Application involves the conversion of forested lands to non-forestry uses, or forest operations being conducted on lands with a high likelihood for conversion to non-forestry use, such as in designated urban growth areas.

(2) **SEPA Required.** (With the exception of a Class I FPA within an Urban Growth Area), Conversions (implement through a Class IV General Forest Practice Application) shall require SEPA environmental checklist per RCW 43.21C.037. The County will take the lead for the SEPA Threshold Determination when it is necessary to ensure that Clallam County Codes area met.

(3) **Higher Level of Review.** Environmental review and conditioning of Class IV General forest practice applications is intended to be at a higher level than for continuance of forestry use, or a timber harvest meeting the COHP standards. The conversion of forested lands to non-forestry uses also entails the transition of the subject lands from being exempt from critical areas to being subject to the critical areas and other requirements of the Clallam County Codes (CCC).

(4) **Applicability.** Applications involving any of the following circumstances are considered Class IV General:

- (a) Lands that have been or are being converted to non-forestry use;
- (b) Forested land on parcels that are 2 acres or smaller in size within an Urban Growth Area;
- (c) Lands with a likelihood of future conversion to urban development within the next 10 years; and
- (d) Forest practices that would otherwise be Class III, but are taking place on lands that are not to be reforested because of the likelihood of future conversion to urban development (WAC 222-16-060 & 222-34-050).
- (e) All Class I, Class II (including timber harvest and road construction) Class III, and IV-Special forest practice applications in any designated unincorporated urban growth area.

(5) **Continuing Forestry in Urban Growth Areas.** Forest practices within a designated UGA require a Class IV General permit unless:

- (a) The landowner submits a signed statement of intent not to convert for 10 years, with an application, accompanied by either a written forest management plan acceptable to the DNR or documentation that the land is enrolled under the provisions of Chapter 84.33 RCW (i.e., proof of forest tax class status). A mandatory development moratorium shall be applied (see subsection 27.11.500(1) of this section); or
- (b) A COHP approved by Clallam County is submitted to the DNR as part of an application.

27.11.500 Regulations Governing Continuance of Forestry Use.

(1) **Mandatory Six-Year Development Moratorium.** The cutting and removal of trees through a Class II, Class III and Class IV special forest practices (as defined by RCW 76.09.050 & WAC 222-16-050), where the Forest Practice Application (FPA) indicates that the harvested areas is retained in forestry use/commercial timber management, will be subject a development moratorium imposed under WAC 222-20-050(3) and RCW 76.09.060(3)(d). For a period of six years from the date the DNR Forest Practice Application was approved and/or timber harvested, the county shall deny all applications for uses incompatible with growing trees, including but not be limited to building permits, septic system permits, subdivision approvals of areas subject to the application. (RCW 76.09.060(3)(b)(i),(ii), and (iii)).

(2) **Exceptions to Development Moratorium.** The following are not subject to a Development Moratorium:

- (a) A Class IV General FPA
- (b) A COHP approved by Clallam County, provided that the provisions of the COHP are implementation through the FPA issued by DNR.
- (c) Approved Class II, III or IV Special FPA applications that have either been withdrawn or expired, and no harvest in reliance upon such approval has taken place.
- (d) Areas where no timber was harvested under the FPA

- (e) Expansions, alterations, or maintenance of existing structures or the construction of accessory structures within developed areas (i.e. area not in forestry use as documented by current use or taxing program,)
- (f) Land Divisions/Boundary line adjustments done for purposes of conservation of open space/natural areas or on portions of the property where no timber harvest occurred.

(3) Release of Moratorium.

(a) **Process & Notice.** A property owner can wait until the required time period expires for the moratorium or apply to have the development moratorium released.

- (i) The administrator may “release” the development moratorium for the construction of one single-family residence and related accessory buildings on a legal lot and building site subject to a Type I review.
- (ii) A release from a development moratorium, other than a single-family residence and related accessory buildings shall be subject to a Type II procedure.
- (iii) Prior to taking action on a request for release, and following the Type I or Type II procedure, the administrator provide notice as provided by Section 26.10.410 CCC. This shall include shall soliciting comments from adjacent owners (per Section 26.10.410(2)(a),(b)&(c) CCC); appropriate federal/state departments, and tribal governments.

(b) **Criteria for release of moratorium.** A release of development moratorium through a Type I or II process (see above) is subject to the following findings:

- (i) The person requesting the release did not attempt to avoid the county review or restrictions of a conversion forest practices application, which may be demonstrated by a transfer of property;
- (ii) Environmentally sensitive areas and their buffers, and shoreline area as set forth in this code and the Shoreline Master Program were not damaged in the forest practice operation, or that any such damage is repairable with restoration; and
- (iii) Corrective action can be undertaken to provide for compliance with applicable conversion standards established by this section which shall include the preparation of the applicable report to address the critical area impacted per Sections 27.12.800 to 865 CCC. This shall at a minimum ensure the restoration of an area twice the required major development buffers (specified in Chapter 27.12 CCC) protected in perpetuity. Another option would be to obtain critical area permits (per Sections 27.12.700 to 740 CCC) that the proposal would have been required subject to meet since this activity is no longer exempt from the critical areas review under CCC 27.12.035(10). If the timber harvest has already impacted the critical areas, the required review of the critical areas permits shall be reviewed as if the timber harvest has not occurred and the critical areas were in their pre-harvest condition.
- (iv) The harvest of trees through a Class II, or III, or IV Special FPA did not undermine the County’s ability to efficiently ensure the transition from forestry to non-forestry use. The removal of trees shall be coordinated with the likely subsequent use of the property (i.e. require landscaping buffers/screening between uses).

27.11.600 Illegal Conversions, and Enforcement.

(1) Conversion without a Class IV General Permit or COHP.

- (a) If land is converted to a use incompatible with growing trees within six years after approval of a forest practices permit application that was not a Class IV General or did not have an approved COHP, the conversion constitutes a violation of each of the local and regional authorities to which the forest practice operations would have been subject if the application had stated that conversion was intended. (RCW 76.09.060(3)(b)(iii).)

- (b) The county shall impose the six-year moratorium of Section 27.11.500(1) of this section from the date the unpermitted conversion was discovered by the DNR or the county. (RCW 76.09.060(3)(b)(i)(C).)
- (c) Violations may be subject to civil or criminal penalties, as per Chapter 222-46 WAC. The county may also enforce its regulations as provided in subsection (1)(a) of this section, using the procedures in Sections 33.59 and 27.12.055 CCC.

(2) Failure to Comply with Reforestation Requirements.

- (a) It is the responsibility of DNR to ensure that reforestation WAC 222-34 occurs on lands devoted to continued forestry use (per 27.11.500 of this chapter). However, if reforestation does not occur within these areas or on areas required under the county forest permit requirements, the county may also enforce its regulations as provided in subsections (1) of this section.
- (b) Failure to reforest may also constitute a removal of forest tax designation and a change of use, and shall subject the lands to the payments and/or penalties resulting from such removals or changes. (RCW 76.09.060(3)(b)(ii).)

27.11.700 Conversion Option Harvest Plan (COHP)

(1) Purpose of COHP.

(a) A COHP provides landowners an option to plan for and manage forested areas to promote the health and diversity of the forest and to allow for some future non-forestry development. A COHP is a plan voluntarily developed by the landowner and reviewed by the county. An approved COHP provides landowners the option to thin forested areas to promote the health of the stand, allow roads improvements to be made to serve the timber harvest and future uses, clear trees from anticipated development areas or to provide view corridors, while maintaining the option to obtain non-forestry related permits. A properly implemented COHP maintains wildlife diversity by maintaining and improving a diverse mix of trees, understory and herbaceous ground cover. A COHP requires minimizing the disturbance of the forest duff layer and understory which will help minimize wind and water erosion while maintaining the natural infiltration rate of the area. By minimizing disturbed areas this may avoid the need for costly temporary erosion and sediment control and drainage permits as part of the COHP. These stormwater permits would be reviewed through future development permits, which may include stump removal, clearing and grading. Any harvest of trees shall be done accordance with the approved plans. Currently, the approved plan will be submitted to the DNR as part of a Class II, Class III or Class IV special forest practice application and will be attached to and become part of the conditions of the permit approved by the DNR. A Type 1 or Type 2 COHP will require a Type I Permit from DCD.

(b) If the requirements of the COHP are continuously met by the landowner, the COHP maintains the landowner's option to convert to non-forestry use (i.e. a use incompatible with growing trees); that is, it releases the landowner from the six-year moratorium on future development (see subsection 27.11.500(1) of this section) without having to file a Class IV General FPA. (WAC 222-20-050(2). Failure to meet the requirements of the COHP requires the imposition of the six-year moratorium, and conversions under such circumstances are illegal conversions; see subsection 27.11.600 of this section.

(2) SEPA Requirements for COHP. COHP implemented through a Class II or III FPA by DNR are exempt from requiring a SEPA environmental checklist per RCW 43.21C.037, when developments permits are not proposed within three years of the date of the timber harvest requiring a FPA from DNR.

If development permits are proposed within 3 years of the date of the timber harvest requiring a FPA from DNR, the county will issue a SEPA Threshold Determination as part of the processing of the COHP.

(3) **Type 1 COHP Standards.** All COHP that meet the following minimum standards shall be subject to a Type 1 review:

- (a) No more than 33 percent of the number of standing trees and trees 12 to 20 inches diameter-at-breast-height (dbh) or greater may be harvested under a COHP. With the exception of required roads, all stumps and understory shall remain undisturbed. No brush raking is permitted.
- (b) Unless DCD determines buffers are not needed to protect aesthetics of the area or to ensure compatibility with adjoining uses, a 50-foot-wide buffer shall be preserved along public and private roads, and property lines abutting non resource lands. When required, no more than 33 percent of the total number of standing trees and trees 12-20 inches dbh or greater may be removed within the buffer.
- (c) All roads in a COHP shall be designed to accommodate the potential for future development and subdivision of the property. Roads and skid trails shall minimize total road length. All roads in a COHP intended to serve future land divisions shall meet the design and construction standards specified in Chapter 29.30.200 CCC. All roads which propose to cross a stream shall be required to obtain an hydraulic project approval (HPA) permit, as determined by the Washington Department of Fish and Wildlife, prior to submittal of the COHP.
- (d) A COHP shall minimize the number and size of clearcut areas. No individual clearcut areas may exceed 20 percent of the total acreage, up to a maximum of two acres. The future removal of stumps, clearing of duff/understory, or grading or clearing will require compliance with the Clallam County Shoreline Master Plan, Critical Area Code, Stormwater Ordinance, and other Clallam County Codes.
- (e) The proposed timber harvest or road construction is not located within an area designated as Geologically Hazardous per Section 27.12.410 CCC.
- (f) With the exception of the proposed conversion area (i.e. building location), all trees over 100 years old or over 20 inch dbh, and snags shall be retained where they do not pose a safety hazard.
- (g) Trees remaining on the site after the harvest will represent all species and size classes existing on the site before harvest, unless it is determined by DCD with consultation from DNR & WDFW that the removal of all of a specific tree would promote the health of the forest stand. Examples of this included removing a species of trees with a disease (like Douglas fir with laminated root rot) or a stand of alder that has met its full potential tree height. If these areas are not intended to be utilized for non-forest uses they shall be reforested at 300 to 400 trees per acre meeting the requirements found in WAC 222-34. Areas requiring reforestations should include a variety of native tree species to Clallam County, provides diverse forestlands/bio-diversity, and are appropriate the on-site conditions/constraints.
- (h) Trees remaining on the site will be of sufficient quality (good crown cover, straight trunks, deep root system, and healthy condition) to survive after the harvest is complete.
- (i) All required buffers shall be flagged and approved prior to harvesting.
- (j) No portion of the proposed harvest is classified as designated forest land or is located within a forest resource land use district;
- (k) Removal of herbaceous species which interfere with growth of the desired trees shall require the submittal of a herbaceous/weed management plan to the Clallam County DCD or Noxious Weed Department for review and approval. This plan should include Integrated Pest Management, and specify the methods to control herbaceous species such as flaming, digging, cutting and spot chemical applications, and chemicals to be used. The plan should also address the importance of preserving the native plants (that do not hinder tree growth) and removing noxious weeds and invasive non-native plants such as Armenian (Himalayan) Blackberries and ivy from the harvested areas. This plan should utilize methods that are effective, least toxic, and minimize the impacts to the environment. The requirements of this plan shall be in effect until areas are reforested or the subsequent use is established.

4. Type 2 COHP Standards. Exceeding the standards stated in Section (3) above shall be subject to a Type 2 Forestry Permit from DCD. A Type 2 COHP shall meet the Standards of Section 3 above to the greatest extent feasible, except that the following thresholds shall not be exceeded:

- (a) No timber or road construction shall occur within geologically hazardous areas unless the applicant can demonstrate that the proposed activity will not adversely impact the geologically hazardous area. This may include submitting a geotechnical report meeting requirements of Section 27.12.820 CCC to DCD for review and approval.
- (b) A maximum of 66 percent of the number of standing trees and trees 12-20 inches diameter-at-breast-height (dbh) may be harvested under a COHP. As an alternative a minimum of 100 well distributed trees per acres, which represent the largest size and class trees shall be retained on-site. DCD would allow the COHP harvest that retains more large trees, provides diverse forestlands/bio-diversity, and are appropriate the on-site conditions/constraints of the site.
- (c) A maximum of 50 percent of the total acreage may be clear-cut. The future removal of stumps, clearing of duff/understory, or grading or clearing will require compliance with the Clallam County Shoreline Master Plan, Critical Area Code, Stormwater Ordinance, and other Clallam County Codes.
- (d) Timber harvests exceeding these thresholds will require a Class IV General FPA from DNR and will be subject to provisions of Section 27.11.400 of this Chapter.

5. Implementation of COHP. Typically, DNR reviews and takes action on all FPA that have approved COHPs attached within 30 days from the date of a complete application. Failure of the DNR to take action within 30 days results in the COHP plan being approved as submitted. All COHP harvest activities shall be completed within two years from the date the COHP forest practice permit is issued by the DNR.

- (a) Failure to Comply with the Terms of a COHP.
 - (i) An approved COHP may not be altered or revoked by the permittee without written agreement by the administrator, or by the county without agreement by the permittee, and in either case must be approved by the DNR.
 - (ii) If a landowner fails to comply with the requirements of the conversion option harvest plan, the county shall impose the six-year moratorium of subsection 27.11.500(1) of this section from the date the application for the permit was given final approval by the DNR. (RCW 76.09.060(3)(b)(i)(F).)
 - (iii) If a landowner fails to comply with the requirements of the conversion option harvest plan, any conversion that occurs constitutes an illegal conversion that is subject to the enforcement provisions of subsections 27.11.600(1)(b)&(c) of this section.
- (b) Improvements Subject to this Code. If any off-site or on-site improvements are subject to development standards or permit requirements of this code, such requirements shall be met before a COHP approval is granted by the county.

Track Changes of Clallam County Conversions of Land to Non-Forestry Use Ordinance dated January 23, 2022 to March 17, 2022

27.11 CCC — County Forestry requirements for Conversion from Forestry to Non-Forestry Use, Continued Forestry Use and 6 year Development Moratoriums, & COHP of harvested areas retained in forestry use, and Conversion Option Harvest Plans

27.11.100 Introduction:

Timber management is regulated under the Forest Practices Act (RCW 76.09). ~~A forest practice permit is required for the removal of 5,000 board feet or more of merchantable timber. This is the equivalent of approximately one standard log truck load of logs.~~

~~The Forest Practices Act (FPA)), which~~ was enacted by the state legislature in 1974 to protect public resources while maintaining a viable forest products industry. Soon after, the Forest Practices Rules (FPR), Title 222 of the Washington Administrative Code (WAC), was developed ~~in order to~~ implement the objectives in the FPA Forest Practices Act.

Since 1974, the state Department of Natural Resources (DNR) has regulated timber management and the harvest of merchantable timber ~~for commercial purposes under the FPR based on the type of forest practice permit or "class." Parcels over 2.5 acres in size are subject to a FPA regardless of the zoning district or if it is enrolled in a timber taxing program. In 1997, the FPA was amended giving authority to each city and county to exercise jurisdiction over all Class IV General forest practices. Under this type of forest practice permit, the harvest of merchantable timber is associated with the conversion of property to a use other than forestry, through the FPR based on the type of Forest Practice Application (FPA) or "class."~~

In general, the harvesting of trees from parcels over 2 acres in size are subject to a Forest Practice Application (FPA) from the WA State Department of Natural Resources regardless of the zoning district or if the parcel is enrolled in a timber taxing program. A FPA is required for the removal of 5,000 board feet or more of merchantable timber. This is the equivalent of approximately one standard log truck load of logs. Generally, DNR manages long-term forested land under the FPA and FPR forest lands, which are typically exempt from local government regulations, but would be subject to a 6 year development moratorium and reforestation requirements. Local government oversees forest lands that have a likelihood of future conversion to urban development (a non-forestry use) and regulates it under the Growth Management Act, and locally adopted comprehensive plans and their associated development regulations. Lands considered likely to be converted include:

- ~~• Lands within UGAs (except where~~ In 1997, the landowner has committed in writing Forest Practice Act was amended to long-term give local government the authority to regulated forest management)
- ~~• Lands where the landowner has indicated intent to change from forestry to non-forestry use.~~

~~If all or lands that have a portion likelihood of the harvest areas are converting from forestry use, future development would be subject to the Critical Area requirements (per Section 27.12.035(10) CCC, to uses incompatible with growing trees (including the placement of a single family residence and other county regulations. Currently all conversions are reviewed through a Class IV General Conversion reviewed by DNR appurtenances). This includes a SEPA Threshold Determination that the local jurisdiction can take the SEPA lead provides local jurisdictions the ability to ensure that the County regulations their code requirements are met. for these areas transition from forestry to non-forestry uses.~~

This ordinance ~~is to provide guidance~~ provides procedures and additional options for the transition from forestry to non-forestry use. ~~This includes establishing the process to lifting lift the 6 year development moratorium, and provides standards for a Conversion Option Harvest Plan, (COHP), which is a~~

~~voluntary~~ plan voluntarily developed by the landowner and reviewed by the county. ~~A COHP meeting county requirements provides the landowner~~ Once approved by the county, COHP creates enforceable rights and obligations, including additional options for the issuance of development permits within 6 years of timber harvest.

27.11.200 Definition Definitions:

Except as provided for in this section, this chapter will use existing definitions ~~which are already in common use regarding the subject of forest practices. This shall include all the definitions~~ contained in the Washington State Forest Practices Act (RCW 76.09.020), ~~Rules for~~ the Washington State Forest Practices Act Rules (WAC 222-16), and the Clallam County Code.

(1) "Conversion from Forestry Use/Commercial Timber Management" or "Conversion" means any timber harvest requiring a Class IV General Forest ~~Practices~~ Practice Application (FPA) from the WA State Department of Natural Resources as defined by RCW 76.09.050. This refers to the cutting and removal of trees for the purpose of converting forest land to a use incompatible with forestry use or commercial timber management. Reforestation (per WAC 222-34) may not be required for these conversions. This term does not include COHP.

(2) "Conversion Option Harvest Plan (COHP)" means a ~~voluntary~~ plan voluntarily developed by the landowner and approved by Clallam County, indicating the limits and types of harvest areas, size and type of trees to be retained, road locations, critical area buffers, and details including the location of the non-forest related ~~use~~ uses, if ~~known~~. ~~This approved plan~~ known. A COHP, when submitted to the Department of Natural Resources as part of the forest practice application and followed by the landowner, maintains the landowner's option to convert to a use other than commercial forest product production (releases the landowner from the six-year moratorium on future development).

(3) "Development moratorium" means a temporary prohibition by Clallam County ~~shall deny of~~ any and all applications for uses incompatible with forestry use for a period of time established in ~~Chapter 76.09 RCW~~ RCW 76.09.xxx. The development moratorium is 6 years outside of Urban Growth Areas, and 10 years within UGAs from when the FPA was required or obtained.

(4) "Continued Forestry Use/Commercial Timber Management" refers to the cutting and removal of trees, ~~usually through~~ requiring a Class II, Class III and Class IV special Forest ~~practices~~ Practice Application (FPA) from the WA State Department of Natural Resources (as defined by RCW 76.09.050 & WAC 222-16-050), where the harvested areas is ~~are~~ retained in commercial timber management, required to meet WAC 222-34 reforestation requirements, and may be subject to a development moratorium ~~(if not if the timber taxing program). Depending on the size and number of trees retained, these FPA may require reforestation per WAC 222-34. With the exception of Forest Management in within the jurisdiction Clallam County Shoreline Master Plan, the county has limited regulatory authority for certain types of forest practices per RCW 76.09.240(1) & WAC 222-20-040(3).~~

27.11.300 Forest Practices – General Regulations.

(1) **Applicability.** Forest Practices (including road construction) subject to Chapter 76.09 RCW, the Washington State Forest Practices Act and its implementing regulations at WAC Title 222 conducted within all land use districts shall be subject to the provisions of this chapter. However, only Conversions, Lifting Development Moratoriums, & COHP, which are addressed in Sections 27.11.400, 500, & 700 below, are subject to a Forestry Permit from Clallam County. Forest Practices may also subject to the 2021 Clallam County Shoreline Master Plan, Critical Areas Code, and other Clallam County Codes.

(2) **Application requirements for Clallam County Forestry Permits.** An application for Type ~~I, II, & III~~ 1 & 2 Forestry Permits including Conversions, lifting development moratoriums, and COHP shall be submitted to DCD for review and approval on a form to be determined by the DCD Administrator (administrator). The application shall include:

- (a) The application checklist, including a legal description of the property;
- (b) The signature of the landowner of the property giving consent of the processing of the permit.
- (c) A written narrative specifying the proposed timber harvest addressing each applicable standards of this section and other applicable Clallam County Codes (such as Shorelines, and Critical Areas)
- (d) A description and map describing legal access to the property.
- (e) Written authorization from the property owner agreeing to permit Clallam County to access the property to ensure compliance with the non-forestry-related conditions of the Forestry Permit issued by the ~~WDNR~~DNR.
- (f) The application fees are outlined in the Clallam County DCD Planning Division Fee Schedule;

(3) **Site Plan requirements for Clallam County Forestry Permits.** The following shall be depicted either in required narrative above and/or on the site plan detailing the following (as applicable):

- (a) Location of existing and proposed roads, yarding areas, and access points;
- (b) The general description of the topography of the entire site (including slope direction and percent slope);
- (c) General location of dominant plant type (i.e. trees, shrubs, grassland);
- (d) A general description of the ~~type and size/age variety of trees located~~tree species present on the site; This should include the size, age and general location.
- (e) General location and type of soils;
- (f) Location and type of water bodies, drainage ways, or wetlands;
- (g) Location and type of ~~critical areas (see Chapter 27.12 CCC);~~Shoreline and Critical Areas;
- (h) Shoreline and Critical Area Buffers where trees/vegetation will be retained
- (i) How the proposal complies with all of the requirements of the Clallam County Shoreline Master Plan, Critical Areas Code, Chapter 27.12 CCC and other applicable Clallam County Codes
- (j) Areas where trees/vegetation will be retained including snags
- (k) Approximate limits of harvest area;
- (l) General location & intended non forestry use(s), if known;
- (m) Areas to be reforested
- ~~(n) Location and approximate dimensions of all clearcut areas; and~~
- (n) Location and areas of desired timber to harvest along with desired harvest technique. This includes selective (species) harvest, partial/thinning cut, clear cuts/even aged harvest, trees to be retained (leave trees) or other (please describe and
- (o) Parcel boundaries and dimensions;

(4) **Criteria for ~~Type I, II, & III~~ County Forestry Permits.** ~~Type I, II, & III~~County Forestry Permit shall be Permits are reviewed by the ~~County, and the~~DCD administrator and shall approve, approve with conditions, or deny the application based on consistency with the following ~~(following criteria):~~:

- (a) The applicable standards of this title;
- (b) The Comprehensive Plan, CCC Title 31;
- (c) The Zoning Code, CCC Title 33;
- (d) The ~~2024~~ Shoreline Master Program, Title 35;
- (e) The Environmental Policy Code, ~~Chapter~~Title 27.01-CCC;
- (f) The Critical Areas Code, ~~Chapter~~Title 27.12-CCC;
- (g) The Stormwater Ordinance, ~~Chapter~~Title 27.14-CCC
- (h) The Consolidated Permit Process Code, ~~Chapter~~Title 26.10-CCC;
- (i) The public health, safety, welfare, use and interest.
- (j) The proposed action is consistent with land uses within the zoning district in which it is located and in the vicinity of the subject property.
- ~~(k) (The proposed action will have not result in significant adverse impact on the surrounding land uses which can not be mitigated through the application of reasonable conditions.~~

~~H(k)~~ Forest Practices Law found in RCW 76.09 and as implemented through the Forest Practice Act (WAC 222)

(5) **Emergency Conditions.** No prior notification or application shall be required for emergency forest practices necessitated by and commenced during or immediately after fire, windstorm, earthquake, structural failure or other catastrophic event. Within 48 hours after commencement of such practice the operator shall submit an application or notification to the ~~WDNR~~DNR with an explanation why emergency action was necessary so that the ~~WDNR~~DNR may evaluate the appropriateness of the "emergency" and of the actions taken. Such emergency forest practices are subject to Chapter 76.09 RCW, WAC Title 222, and county authorities derived from them (including the requirements of this code); provided, that the operator:

- (a) May take any reasonable action to minimize damage to forest lands, timber or public resources from the direct or indirect effects of the catastrophic event; and
- (b) Shall comply with any requirements of a notice to comply or stop work order as if the operations were conducted pursuant to an approved application. (RCW 76.09.060(7); WAC 222-20-070.)

(6) **Harvesting Timber without a Permit.** When harvesting takes place without a permit, except as provided in subsection (5) of this section, the county may impose the six-year moratorium of subsection 27.11.500(1) of this section from the date the unpermitted harvesting was discovered by the ~~WDNR~~DNR or the county. If the land is converted to non-forestry use, this also constitutes an illegal conversion that is subject to the enforcement provisions of subsections 27.11.600(iii) of this section. (RCW 76.09.060(3)(b)(i)(C) and (iii).)

27.11.400 Conversion from Forestry Use to Non-Forestry Use.

(1) **Purpose.** A Class IV General Forest ~~practices involve~~Practice Application involves the conversion of forested lands to non-forestry uses, or forest operations being conducted on lands with a high likelihood for conversion to non-forestry use, such as in ~~a~~-designated urban growth areas.

(2) **SEPA Required.** (With the exception of a Class I FPA within an Urban Growth Area), Conversions (implement through a Class IV General Forest Practice ~~Permits~~Application) shall require SEPA environmental checklist per RCW 43.21C.037. The County will take the lead for the SEPA Threshold Determination when it is necessary to ensure that Clallam County Codes area met.

(3) **Higher Level of Review.** Environmental review and conditioning of Class IV General forest practice applications is intended to be at a higher level than for continuance of forestry use, or a timber harvest meeting the COHP standards. The conversion of forested lands to non-forestry uses also entails the transition of the subject lands from being exempt from critical areas to being subject to the critical areas and other requirements of the Clallam County Codes (CCC).

(4) **Applicability.** Applications involving any of the following circumstances are considered Class IV General:

- (a) Lands that have been or are being converted to non-forestry use;
- (b) Forested land on parcels that are 2-~~1/2~~ acres or smaller in size within an Urban Growth Area;
- (c) Lands with a likelihood of future conversion to urban development within the next 10 years; and
- (d) Forest practices that would otherwise be Class III, but are taking place on lands that are not to be reforested because of the likelihood of future conversion to urban development (WAC 222-16-060 & 222-34-050).
- (e) All Class I, Class II (including timber harvest and road construction) ~~and~~-Class III, and IV-Special forest practice applications in any designated unincorporated urban growth area.

(5) **Continuing Forestry in Urban Growth Areas.** Forest practices within a designated UGA require a Class IV General permit unless:

- (a) The landowner submits a signed statement of intent not to convert for 10 years, with an application, accompanied by either a written forest management plan acceptable to the ~~WDNR~~DNR or documentation that the land is enrolled under the provisions of Chapter 84.33 RCW (i.e., proof of forest tax class status). A mandatory development moratorium shall be applied (see subsection 27.11.500(1) of this section); or
- (b) A COHP approved by Clallam County is submitted to the ~~WDNR~~DNR as part of an application.

27.11.500 Regulations Governing Continuance of Forestry Use.

(1) **Mandatory Six-Year Development Moratorium.** The cutting and removal of trees through a Class II, Class III and Class IV special forest practices (as defined by RCW 76.09.050 & WAC 222-16-050), where the Forest Practice Application (FPA) indicates that the harvested areas is retained in forestry use/commercial timber management, will be subject a development moratorium imposed under ~~the~~ WAC 222-20-050(3) and RCW 76.09.060(3)(d). For a period of six years from the date the DNR Forest Practice Application was approved and/or timber ~~harvest~~harvested, the county shall deny ~~and all~~ applications for ~~all~~-uses incompatible with ~~forestry use~~growing trees, including but not be limited to building permits, septic system permits, subdivision approvals of areas subject to the application. (RCW 76.09.060(3)(b)(i),(ii), and (iii)).

(2) **Exceptions to Development Moratorium.** The following are not subject to a Development Moratorium:

- (a) A Class IV General FPA
- (b) A COHP approved by Clallam County, provided that the provisions of the COHP are implementation through the FPA issued by DNR.
- (c) Approved Class II, III or IV Special FPA applications that have either been withdrawn or expired, and no harvest in reliance upon such approval has taken place.
- (d) Areas where no timber was harvested under the FPA
- (e) Expansions, alterations, or maintenance of existing structures or the construction of accessory structures within developed areas (i.e. area not in forestry use as documented by current use or taxing program,)
- (f) Land Divisions/Boundary line adjustments done for purposes of conservation of open space/natural areas or on portions of the property where no timber harvest occurred.

(3) **Release of Moratorium.**

- (a) **Process & Notice.** A property owner can wait until the required time period expires for the moratorium or apply to have the development moratorium released. ~~The moratorium can be released for the construction of a single-family residence or for a development proposal other than a single-family residence.~~
 - (i) The administrator may "release" the development moratorium for the construction of one single-family residence and related accessory buildings on a legal lot and building site subject to a Type ~~III~~ review.
 - (ii) A release from a development moratorium, other than a single-family residence and related accessory buildings shall be subject to a Type ~~III~~ quasi-judicial procedure.
 - (iii) Prior to taking action on a request for release, and following the Type ~~III~~ or Type ~~IIII~~ procedure, the administrator provide notice as provided by Section 26.10.410 CCC. This shall include shall soliciting comments from adjacent owners (per Section 26.10.410(2)(a),(b)&(c) CCC); appropriate federal/state departments, and tribal governments.

(b) **Criteria for release of moratorium.** A release of development moratorium through a Type ~~III~~ or ~~IIII~~ process (see above) is subject to the following findings:

- (i) The person requesting the release did not attempt to avoid the county review or restrictions of a conversion forest practices application, which may be demonstrated by a transfer of property;
- (ii) Environmentally sensitive areas and their buffers, and shoreline area as set forth in this code and the Shoreline Master Program were not damaged in the forest practice operation, or that any such damage is repairable with restoration; and
- (iii) Corrective action can be undertaken to provide for compliance with applicable conversion standards established by this section which shall include the preparation of the applicable report to address the critical area impacted per Sections 27.12.800 to 865 CCC. This shall at a minimum ensure the restoration of an area twice the required major development buffers (specified in Chapter 27.12 CCC) protected in perpetuity. Another option would be to obtain critical area permits (per Sections 27.12.700 to 740 CCC) that the proposal would have been required subject to meet since this activity is no longer exempt from the critical areas review under CCC 27.12.035(10). If the timber harvest has already impacted the critical areas, the required review of the critical areas permits shall be reviewed as if the timber harvest has not occurred and the critical areas were in their pre-harvest condition.
- (iv) The harvest of trees through a Class II, or III, or IV Special FPA did not undermine the County's ability to efficiently ensure the transition from forestry to non-forestry use. The removal of trees shall be coordinated with the likely subsequent use of the property (i.e. require landscaping buffers/screening between uses).

27.11.600 Illegal Conversions, and Enforcement.

(1) Conversion without a Class IV General Permit or COHP.

- (a) If land is converted to a use ~~other than commercial forest product operations~~ incompatible with growing trees within six years after approval of a forest practices permit application that was not a Class IV General or did not have an approved COHP, the conversion constitutes a violation of each of the local and regional authorities to which the forest practice operations would have been subject if the application had stated that conversion was intended. (RCW 76.09.060(3)(b)(iii).)
- (b) The county shall impose the six-year moratorium of Section 27.11.500(1) of this section from the date the unpermitted conversion was discovered by the ~~WDNR~~ DNR or the county. (RCW 76.09.060(3)(b)(i)(C).)
- (c) Violations may be subject to civil or criminal penalties, as per Chapter 222-46 WAC. The county may also enforce its regulations as provided in subsection (1)(a) of this section, using the procedures in Sections 33.59 and 27.12.055 CCC.

(2) Failure to Comply with Reforestation Requirements.

- (a) It is the responsibility of DNR to ensure that reforestation WAC 222-34 occurs on lands devoted to continued forestry use (per 27.11.500 of this chapter). However, if reforestation does not occur within these areas or on areas required under the county forest permit requirements, the county may also enforce its regulations as provided in subsections (1) of this section.
- (b) Failure to reforest may also constitute a removal of forest tax designation and a change of use, and shall subject the lands to the payments and/or penalties resulting from such removals or changes. (RCW 76.09.060(3)(b)(ii).)

27.11.700 Conversion Option Harvest Plan (COHP)

(1) Purpose of COHP.

- (a) A COHP ~~is a voluntary~~ provides landowners an option to plan for and manage forested areas to promote the health and diversity of the forest and to allow for some future non- forestry development. A COHP is a plan voluntarily developed by the landowner and reviewed by the county. ~~A~~ An approved COHP provides landowners the option to thin forested areas to promote the health of the stand, allow

roads improvements to be made to serve the timber harvest and future uses, clear trees from anticipated development areas or to provide view corridors, while maintaining the option to obtain non-forestry related permits ~~in the near future~~. A properly implemented COHP ~~also~~ maintains wildlife diversity by maintaining and improving a diverse mix of ~~tree and trees~~, understory, ~~and herbaceous ground cover~~. A COHP ~~also~~ requires minimizing the disturbance of the forest duff layer, and understory which ~~should~~ will help minimize wind and water ~~erosions and maintain~~ erosion while maintaining the natural infiltration rate of the area. By minimizing disturbed areas this may avoid the need for costly temporary erosion and sediment control ~~Best Management Practices & Plans and drainage permits as part of the COHP~~. These stormwater permits would be reviewed through future development permits, which may include stump removal, clearing and grading. Any harvest of trees shall be done accordance with the approved plans. Currently ~~this, the~~ approved plan ~~is~~ will be submitted to the ~~WDNR~~ DNR as part of a Class ~~III~~, Class ~~III, III~~ or Class ~~IV~~ IV special forest practice application, ~~and is~~ will be attached to and ~~becomes~~ become part of the conditions of the permit approved by the ~~WDNR~~ DNR. A Type 1 or Type 2 COHP will require a Type I Permit from DCD.

(b) If the requirements of the COHP are continuously met by the landowner, the COHP maintains the landowner's option to convert to ~~a use other than commercial forest product production; non-forestry use (i.e. a use incompatible with growing trees)~~; that is, it releases the landowner from the six-year moratorium on future development (see subsection 27.11.500(1) of this section) without having to file a Class IV General ~~application~~ FPA. (WAC 222-20-050(2)). Failure to meet the requirements of the COHP requires the imposition of the six-year moratorium, and conversions under such circumstances are illegal conversions; see subsection 27.11.600 of this section.

(2) **SEPA Requirements for COHP.** ~~Both Type I & II~~ COHP implemented through a Class II or III FPA by DNR are exempt from requiring a SEPA environmental checklist per RCW 43.21C.037, when developments permits are not proposed within three years of the date of the timber harvest requiring a FPA from DNR.

If development permits are proposed within 3 years of the date of the timber harvest requiring a FPA from DNR, the county will issue a SEPA Threshold Determination as part of the processing of the COHP.

(3) **Type 1 COHP Standards.** All COHP that meet the following minimum standards shall be subject to a Type ~~I~~ 1 review:

- (a) No more than ~~40~~ 33 percent of the number of standing ~~merchantable~~ trees and trees 12 ~~to 20~~ inches diameter-at-breast-height (dbh) or greater may be harvested under a COHP. With the exception of required roads, all stumps and understory shall remain undisturbed ~~as much as possible. No brush raking is permitted. Additional harvesting within six years from the date the COHP harvest is completed will require a Type II or Conversion Forestry Permit by the county and a FPA permit from DNR. No brush raking is permitted.~~
- (b) Unless DCD determines buffers are not needed to protect aesthetics of the area ~~and~~ or to ensure compatibility with adjoining uses, a 50-foot-wide buffer shall be preserved along public and private ~~road~~ roads, and property lines abutting non resource lands. When required, no more than ~~40~~ 33 percent of the total number of standing ~~merchantable~~ trees and trees 12-20 inches dbh or greater may be removed within the buffer.
- (c) All roads in a COHP shall be designed to accommodate the potential for future development and subdivision of the property. Roads and skid trails shall minimize total road length. All roads in a COHP intended to serve future land divisions shall meet the design and construction standards specified in Chapter 29.30.200 CCC. All roads which propose to cross a stream shall be required to obtain an hydraulic project approval (HPA) permit, as determined by the Washington Department of Fish and Wildlife, prior to submittal of the COHP.

- (d) A COHP shall minimize the number and size of clearcut areas. No individual clearcut areas may exceed 20 percent of the total acreage, up to a maximum of two acres. The future removal of stumps, clearing of duff/understory, or grading or clearing will require compliance with the Clallam County Shoreline Master Plan, Critical Area Code, Stormwater Ordinance (CCC 27.14), and other Clallam County Codes.
- ~~(e) The proposal complies with all of the requirements of the Critical Areas Code, Chapter 27.12 CCC~~
- ~~(f)~~ (e) The proposed timber harvest or road construction is not located within an area designated as Geologically Hazardous per Section 27.12.410 CCC.
- ~~(g)~~ (f) With the exception of the proposed conversion area (i.e. building location), all trees over 125 100 years old shall be retained where practical, or over 20 inch dbh, and snags shall be retained where they do not pose a safety hazard.
- ~~(h)~~ (g) Trees remaining on the site after the harvest will represent all species and size classes existing on the site before harvest, unless it is determined by DCD with consultation from DNR & WDFW that the removal of all of a specific tree would promote the health of the forest stand. Examples of this included removing a species of trees with a disease (like Douglas fir with laminated root rot) or a stand of alder that has met ~~its~~ full potential tree height. If these areas are not intended to be utilized for non-forest uses they shall be reforested at 300 to 400 trees per acre meeting the requirements found in ~~Chapter~~ WAC 222-34 WAC. Areas requiring reforestations should include a variety of native tree species ~~that mimics the species that were present prior to the harvest~~ Clallam County, provides diverse forestlands/bio-diversity, and are appropriate the on-site conditions/constraints.
- (h) Trees remaining on the site will be of sufficient quality (good crown cover, straight trunks, deep root system, and healthy condition) to survive after the harvest is complete.
- (j) All required buffers shall be flagged and approved prior to harvesting.
- (k) No portion of the proposed harvest is classified as designated forest land or is located within a forest resource land use district;

~~4. Maximum Thresholds for Type II COHP. Exceeding the standards stated in Section (3) above shall be~~

- ~~(k) Removal of herbaceous species which interfere with growth of the desired trees shall require the submittal of a herbaceous/weed management plan to the Clallam County DCD or Noxious Weed Department for review and approval. This plan should include Integrated Pest Management, and specify the methods to control herbaceous species such as flaming, digging, cutting and spot chemical applications, and chemicals to be used. The plan should also address the importance of preserving the native plants (that do not hinder tree growth) and removing noxious weeds and invasive non-native plants such as Armenian (Himalayan) Blackberries and ivy from the harvested areas. This plan should utilize methods that are effective, least toxic, and minimize the impacts to the environment. The requirements of this plan shall be in effect until areas are reforested or the subsequent use is established.~~

4. Type 2 COHP Standards. Exceeding the standards stated in Section (3) above shall be subject to a Type ~~#2~~ Forestry Permit from DCD. A Type ~~#2~~ COHP shall meet the Standards of Section 3 above to the greatest extent feasible, except that the following thresholds shall not be exceeded:

- (a) No timber or road construction shall occur within geologically hazardous areas unless the applicant can demonstrate that the proposed activity will not adversely impact the geologically hazardous area. This may include submitting a geotechnical report meeting requirements of Section 27.12.820 CCC to DCD for review and approval.

~~(b)~~ (b) A maximum of 66 percent of the number of standing trees and trees 12-20 inches diameter-at-breast-height (dbh) may be harvested under a COHP. As an alternative a minimum of 100 well distributed trees per acres, which represent the largest size and class trees shall be retained on-site, or a maximum of 75 percent of, DCD would allow the number of standing merchantable trees and trees 12 inches diameter-at-breast-height (dbh) or greater may be harvested under a COHP (whichever harvest that

retains more large trees), provides diverse forestlands/bio-diversity, and are appropriate the on-site conditions/constraints of the site.

(c) ___ A maximum of 50 percent of the total acreage may be clear-cut. The future removal of stumps, clearing of duff/understory, or grading or clearing will require compliance with the Clallam County Shoreline Master Plan, Critical Area Code, Stormwater Ordinance (~~GCC 27.14~~), and other Clallam County Codes.

(d) Timber harvests exceeding these thresholds ~~shall~~will require ~~the timber harvest to a Class IV General FPA from DNR and will~~ be ~~processed as a Conversion~~ subject to ~~the~~ provisions of Section 27.11.400 of this Chapter.

5. Implementation of COHP. Typically, DNR shall review~~reviews~~ and takes~~takes~~ action on all ~~permit applications~~FPA that have approved COHPs attached within 30 days from the date of a complete application. Failure of the ~~WDNR~~DNR to take action within 30 days ~~shall result~~results in the COHP plan being approved as submitted. All COHP harvest activities shall be completed within two years from the date the COHP forest practice permit is issued by the ~~WDNR~~DNR.

(a) Failure to Comply with the Terms of a COHP.

(i) An approved COHP may not be altered or revoked by the permittee without written agreement by the administrator, or by the county without agreement by the permittee, and in either case must be approved by the ~~WDNR~~DNR.

(ii) If a landowner fails to comply with the requirements of the conversion option harvest plan, the county shall impose the six-year moratorium of subsection 27.11.500(1) of this section from the date the application for the permit was given final approval by the DNR. (RCW 76.09.060(3)(b)(i)(F).)

(iii) If a landowner fails to comply with the requirements of the conversion option harvest plan, any conversion that occurs constitutes an illegal conversion that is subject to the enforcement provisions of subsections 27.11.600(1)(b)&(c) of this section.

(b) Improvements Subject to this Code. If any off-site or on-site improvements are subject to development standards or permit requirements of this code, such requirements shall be met before a COHP approval is granted by the county.

**Jefferson County Performance Standards
for Conversions of Land to Non-Forestry Use**

**Jefferson County Performance Standards
for Conversions of Land to Non-Forestry Use**

18.20.160 Conversions of land to nonforestry use – Forest practices – Conversion option harvest plans (COHP).

(1) Forest Practices – General Regulations for Forest Management.

(a) Forest practices (those practices pertaining to protecting, producing, and harvesting timber for economic use) shall be subject to Chapter [76.09](#) RCW, the Washington State Forest Practices Act, its implementing regulations at WAC Title [222](#), applicable provisions of the Jefferson County shoreline master program, and this code as established in this section.

(b) Emergency Conditions. No prior notification or application shall be required for emergency forest practices necessitated by and commenced during or immediately after fire, windstorm, earthquake, structural failure or other catastrophic event. Within 48 hours after commencement of such practice the operator shall submit an application or notification to the WDNR with an explanation why emergency action was necessary so that the WDNR may evaluate the appropriateness of the “emergency” and of the actions taken. Such emergency forest practices are subject to Chapter [76.09](#) RCW, WAC Title [222](#), and county authorities derived from them (including the requirements of this code); provided, that the operator:

(i) May take any reasonable action to minimize damage to forest lands, timber or public resources from the direct or indirect effects of the catastrophic event; and

(ii) Shall comply with any requirements of a notice to comply or stop work order as if the operations were conducted pursuant to an approved application (RCW [76.09.060](#)(7); WAC [222-20-070](#)).

(c) Harvesting without a Permit. When harvesting takes place without a permit (except as provided in subsection (1)(b) of this section), the county shall impose the six-year moratorium of subsection (5)(b) of this section from the date the unpermitted harvesting was discovered by the WDNR or the county. If the land is converted to nonforestry use, this also constitutes an illegal conversion that is subject to the enforcement provisions of subsections (6)(a)(ii) and (6)(a)(iii) of this section (RCW [76.09.060](#)(3)(b)(i)(C) and (iii)).

(d) Logging roads shall be subject to provisions of this section and the Jefferson County shoreline master program, when applicable.

(2) Regulations by Designation. General regulations in this section shall apply to all land use districts.

(3) Class IV General Forest Practices and Jurisdictions.

(a) Purpose.

(i) Class IV general forest practices involve the conversion of forested lands to nonforestry uses, or forest operations being conducted on lands with a high likelihood for conversion to nonforestry use, such as in a designated urban growth area.

(ii) Recognizing the potential for higher impacts related to a conversion, Class IV general applications are subject to approval conditions pursuant to environmental, critical areas, and stormwater review.

(b) Applicability. Applications involving any of the following circumstances are Class IV general:

(i) Lands that have been or are being converted to nonforestry use;

(ii) Forest practices (other than those in Class I) on lands platted after January 1, 1960;

(iii) Lands with a likelihood of future conversion to urban development within the next 10 years;

(iv) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of the likelihood of future conversion to urban development (WAC 222-16-060 and 222-34-050); and

(v) All Class I, Class II (including timber harvest and road construction) and Class III forest practice applications in any designated unincorporated urban growth area.

(c) Exceptions to the Requirement for a Class IV General Permit. Exceptions to the requirement for a Class IV general forest practices

application are determined by WDNR through application of the pertinent WAC under the Forest Practices Act. Proposals that do not require a Class IV general from WDNR may still require a stormwater management permit or other review by Jefferson County.

(d) Jurisdiction for Class IV General Permit Review and Approval. Until such time as the local government entity assumes sole jurisdiction over Class IV general forest practices through procedures outlined in the Forest Practices Act, WDNR maintains permit authority over Class IV general applications. However, activities proposed in conjunction with a Class IV general forest practices application require a companion stormwater management review by Jefferson County. In accordance with WAC 222-20-010(8), a local government clearing and/or grading permit is necessary information for a complete Class IV general forest practices application to the WDNR. The equivalent approval in Jefferson County is a stormwater management permit, which shall be obtained prior to conducting land disturbing activity (JCC 18.30.070).

(4) Regulations Governing Class IV General Forest Practice Permits, and Conversion of Forested Land to Nonforestry Use.

(a) SEPA Review Required. Class IV general forest practices are reviewed under SEPA, and the preparation of a checklist (see Chapter 18.40 JCC) is required. (However, Class I forest practices in urban growth areas when processed as Class IV general forest practices are not subject to environmental review under SEPA.)

(b) Procedures for Conversion to Nonforestry Use. If a forest practice permit application indicates the intention by the property owner to convert to a nonforestry use, or if forest practices are proposed to occur on land platted after January 1, 1960:

(i) The county is lead agency for environmental review of Class IV general forest practices under the State Environmental Policy Act. This review shall be conducted in association with a stormwater management permit application submitted to the county for the proposed activities that also require a Class IV general forest practices application with WDNR.

(ii) Any proposal which encompasses a conversion from forestry to nonforestry use shall require a stormwater management permit from

Jefferson County and be reviewed by the county for compliance with the requirements and standards of this code, including such as shorelines, critical areas, road design, stormwater management, and grading and excavation), and other applicable codes and regulations.

(5) Regulations Governing Continuance of Forestry Use.

(a) Landowner's Intention Not to Convert. If the landowner submits a signed statement to the WDNR, as part of a forest practices application, that the land will be retained in forestry use and will not be converted to uses other than commercial forest product operations within 10 years after approval of the application, then a Class IV general permit and accompanying county stormwater management permit will not be required, and a mandatory development moratorium shall be applied (see subsection (5)(b) of this section).

(b) Mandatory Six-Year Development Moratorium. For six years after the date of the application the county shall deny any and all applications for permits or approvals, including building permits and subdivision approvals, relating to or for nonforestry uses of land subject to the application (RCW 76.09.060(3)(b)(i), (ii), and (iii)).

(c) Release of Moratorium.

(i) A property owner can wait until the required time period expires or apply to have the development moratorium released or apply to the county for a "release" from the moratorium for the construction of a single-family residence on the subject parcel or for a "full release" from the moratorium for the full extent of the area covered by the moratorium.

(ii) The administrator may "release" the development moratorium for the construction of one single-family residence and related accessory buildings on a legal lot and building site through a Type II approval process.

(iii) A "full release" from a moratorium shall be subject to a Type III quasi-judicial process.

(iv) A release of development moratorium is subject to the following findings:

(A) The person requesting the release did not attempt to avoid the county review or restrictions of a conversion forest practices application, as evidenced by a transfer of property;

(B) Critical areas and their buffers, and shoreline area as set forth in this code and the shoreline master program were not damaged in the forest practice operation, or that any such damage is repairable with restoration; and

(C) Corrective action can be undertaken to provide for compliance with applicable conversion standards established by this section.

(v) At least 10 days prior to taking action on a request for release, and following a Type II or III procedure, the administrator shall solicit comments from the following:

(A) Property owners of record within 300 feet of the subject property within an urban growth area, or within 500 feet of the subject property if outside of an urban growth area;

(B) Appropriate state departments such as Ecology, Natural Resources and Fish and Wildlife;

(C) Appropriate tribal governments; and

(D) Other interested parties requesting such permit information.

(vi) The administrator or hearings examiner may authorize, conditionally authorize, or deny a release application.

(vii) Upon request of the property owner, the moratorium may be rescinded by the administrator if an approved forest practices application has been either withdrawn or expired, and no harvest in reliance upon such approval has taken place.

(d) Continuing Forestry in Urban Growth Areas. Forest practices within a designated UGA require a Class IV general permit, unless:

(i) The landowner submits a signed statement of intent not to convert for 10 years, as per subsection (5)(a) of this section, with an application, accompanied by either a written forest management plan

acceptable to the WDNR or documentation that the land is enrolled under the provisions of Chapter [84.33](#) RCW (i.e., proof of forest tax class status). A mandatory development moratorium shall be applied (see subsection (5)(b) of this section); or

(ii) A COHP is submitted to the WDNR as part of an application.

(6) Illegal Conversions and Enforcement.

(a) Conversion without a Class IV General Permit or COHP.

(i) If land is converted to a use other than commercial forest product operations within six years after approval of a forest practices permit application that was not a Class IV general or did not have a COHP attached, the conversion constitutes a violation of each of the local and regional authorities to which the forest practice operations would have been subject if the application had stated that conversion was intended (RCW [76.09.060](#)(3)(b)(iii)).

(ii) The county shall impose the six-year moratorium of subsection (5)(b) of this section from the date the unpermitted conversion was discovered by the WDNR or the county (RCW [76.09.060](#)(3)(b)(i)(C)).

(iii) Violations may be subject to civil or criminal penalties, as per Chapter [222-46](#) WAC. The county may also enforce its regulations as provided in subsection (6)(a)(i) of this section, using the procedures in JCC Title [19](#).

(b) Failure to Comply with Reforestation Requirements. This constitutes a removal of forest tax designation and a change of use, and shall subject the lands to the payments and/or penalties resulting from such removals or changes (RCW [76.09.060](#)(3)(b)(ii)).

(7) Conversion Option Harvest Plan (COHP) – General Regulations.

(a) A COHP is a voluntary plan developed by the landowner and approved by the county that indicates the limits and types of harvest areas, road locations, and open space. This approved plan is submitted to the WDNR as part of a Class II, Class III, or Class IV special forest practice application, and is attached to and becomes part of the conditions of the permit approved by the WDNR.

If the requirements of the COHP are continuously met by the landowner, the COHP maintains the landowner's option to convert to a use other than commercial forest product production; that is, it releases the landowner from the six-year moratorium on future development (see subsection (5)(b) of this section) without having to file a Class IV general application (WAC [222-20-050\(2\)](#)).

Failure to meet the requirements of the COHP requires the imposition of the six-year moratorium, and conversions under such circumstances are illegal conversions; see subsection (7)(f) of this section.

(b) All applications for a COHP shall be submitted to the administrator in a form to be determined by the administrator. COHP will be processed and reviewed in the same manner as a Type II permit review process for compliance with development and performance standards of this code. The application shall include:

- (i) The application checklist, including a legal description of the property;
- (ii) The COHP agreement form;
- (iii) The application fee;
- (iv) Maps and drawings of the property detailing the following:
 - (A) Location of existing and proposed roads, yarding areas, and access points;
 - (B) Location and types of vegetation, old growth trees (all trees over 125 years old), and snags;
 - (C) Location and type of soils;
 - (D) Location and type of water bodies, drainage ways, or wetlands;
 - (E) Location and type of critical habitat areas and other critical areas (see Chapter [18.22](#) JCC);
 - (F) Comprehensive Plan designation for the property;

(G) Intended use(s), if known;

(H) Approximate limits of conversion option harvest area;

(I) Specific plans to modify or conduct forest practice activity for future conversion options;

(J) Location and approximate dimensions of all clearcut areas;
and

(K) Parcel boundaries and dimensions;

(v) Maps sufficient to describe any and all off-site improvements or access roads, together with evidence that all property owners of record, and all easement holders, for the off-site areas and access roads have signed an agreement to the use of the off-site area(s) and access roads;

(vi) An erosion control plan consistent with the requirements of JCC 18.30.070.

(c) All COHPs meeting the following minimum standards stipulated below will be subject to the Type II review process. Proposals meeting the COHP criteria will not be subject to review under the State Environmental Policy Act.

(i) No more than 40 percent of the number of standing merchantable trees and trees 12 inches diameter-at-breast-height (dbh) or greater may be harvested under a COHP. All stumps and understory shall remain undisturbed as much as possible. No brush raking is permitted. Additional harvesting within six years from the date the COHP harvest is completed will require submittal of a State Environmental Policy Act (SEPA) checklist and SEPA review by the county (see Chapter 18.40 JCC).

(ii) A COHP shall preserve a 50-foot-wide buffer along the perimeter of the site. With the exception of approved road access points, no more than 30 percent of the total number of standing merchantable trees and trees 12 inches dbh or greater may be removed within the buffer; provided, that no portion of the buffer shall be clearcut.

(iii) A COHP shall preserve a 50-foot-wide buffer along all public and private road rights-of-way adjoining or abutting the subject property. A 15-foot-wide buffer shall be preserved along roads within the subject property. With the exception of approved road access points, no more than 30 percent of the total number of standing merchantable trees and trees 12 inches dbh or greater may be removed within the buffer; provided, that no portion of the buffer shall be clearcut.

(iv) All roads in a COHP shall be designed to accommodate the potential for future development and subdivision of the property. Roads and skid trails shall minimize total road length. All roads in a COHP shall meet the design and construction standards specified in Chapter 18.30 JCC. All roads which propose to cross a stream shall be required to obtain an hydraulic project approval (HPA) permit, as determined by the Washington Department of Fish and Wildlife, prior to submittal of the COHP.

(v) A COHP shall minimize the number and size of clearcut areas. No individual clearcut areas may exceed 10 percent of the total acreage, up to a maximum of two acres.

(vi) A COHP shall contain written authorization from the property owner agreeing to Jefferson County enforcement of nonforestry-related conditions of the COHP permit issued by the WDNR.

(vii) All COHP harvest activities shall be completed within two years from the date the COHP forest practice permit is issued by the WDNR.

(viii) Where evidence of unstable soils (as defined by the WDNR) exists, no trees or other vegetation will be removed on slopes exceeding 30 percent. On slopes of 15 percent to 30 percent, no undergrowth shall be removed and tree removal shall not exceed 25 percent of the total number of trees.

(ix) Where soils are documented as stable, tree removal shall not exceed 30 percent of the total number of trees on slopes between 20 percent and 40 percent. Tree removal and removal of vegetative cover is not permitted on slopes exceeding 40 percent.

(x) All trees over 125 years old shall be retained where practical. Snags shall be retained where they do not pose a safety hazard.

(xi) Trees remaining on the site after the harvest will represent all species and size classes existing on the site before harvest.

(xii) Trees remaining on the site will be of sufficient quality (good crown cover, deep root system, and healthy condition) to survive after the harvest is complete.

(xiii) All required buffers shall be flagged and approved prior to harvesting.

(d) Any COHP which exceeds the minimum requirements of subsection (7)(c) of this section, or exceeds thresholds listed below, shall be submitted in the same manner described above but will also require (i) a site inspection by the county to evaluate the potential impacts of the COHP; and (ii) the preparation of a SEPA checklist. Note: the standard for the preparation of a checklist for forest practices is the "potential for substantial impact on the environment." If the site inspection and checklist indicate that there will be probable significant impacts, a determination of significance shall be issued unless the impacts can be sufficiently mitigated for an MDNS (see Chapter 18.40 JCC).

The thresholds for review are:

(i) The total property included in the COHP is greater than 20 acres, or any portion is classified as designated forest land or is located within a forest resource land use district;

(ii) The COHP includes harvest on slopes exceeding 40 percent;

(iii) The COHP includes any clearcut areas exceeding two acres;

(iv) The COHP has potential for substantial adverse impacts on wildlife, as determined by the Washington Department of Fish and Wildlife;

(v) The COHP has potential for substantial adverse impacts on archaeological resources, as determined by the Washington Office of Archaeology and Historic Preservation or a qualified professional;

(vi) The COHP has potential for substantial adverse impacts on Class 1 or Class 2 regulated wetlands, includes fill in wetlands, or is located where no natural wetland buffering vegetation is present.

(e) The WDNR shall review and take action on all permit applications that have approved COHPs attached within 30 days from the date of a complete application. Failure of the WDNR to take action within 30 days shall result in the COHP plan being approved as submitted.

(f) Failure to Comply with the Terms of a COHP.

(i) An approved COHP may not be altered or revoked by the permittee without written agreement by the administrator, or by the county without agreement by the permittee, and in either case must be approved by the WDNR.

(ii) If a landowner fails to comply with the requirements of the conversion option harvest plan, the county shall impose the six-year moratorium of subsection (5)(b) of this section from the date the application for the permit was given final approval by the WDNR or by the county (if approval jurisdiction had been transferred to the county) (RCW 76.09.060(3)(b)(i)(F)).

(iii) If a landowner fails to comply with the requirements of the conversion option harvest plan, any conversion that occurs constitutes an illegal conversion that is subject to the enforcement provisions of subsections (6)(a)(ii) and (6)(a)(iii) of this section.

(g) Improvements Subject to This Code. If any off-site or on-site improvements are subject to development or performance standards or permit requirements of this code, such requirements shall be met before a COHP approval is granted by the county. [Ord. 9-20 § 2 (Appx. B); Ord. 14-18 § 4 (Exh. B); Ord. 8-06 § 1]

**Comments for Planning Commissioners on the Clallam County
Conversions of Land to Non-Forestry Use Ordinance**

Ballard, Greg

From: Ingrid Carmean <icarmean2@gmail.com>
Sent: Wednesday, March 09, 2022 7:26 AM
To: Ballard, Greg; Jeff Carter
Subject: Changes to Forestry Ordinance

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Greg,
Below are the revisions of the two paragraphs from the Forestry Ordinance. I made some changes to clarify things and Jeff Carter also provided input.
Thanks,
Ingrid

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(h) Trees remaining on the site after harvest will represent all species and size classes existing on the site before harvest, unless it is determined by the DCD with consultation from DNR & WDFW that removal of all of a specific tree would promote the health of the forest stand. An example of this could be removing a species of tree with a disease like Douglas fir with laminated root rot. If these areas are not intended to be utilized for non-forest uses they shall be reforested at 300 to 400 trees per acre meeting the requirements found in WAC 222-34. Areas requiring reforestation should include a variety of tree species native to Clallam County that provide diverse forestlands/biodiversity, and are appropriate for the on-site conditions/ constraints.

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(l) Removal of nonnative invasive herbaceous species which interfere with growth of the desired trees shall require the submittal of a herbaceous/weed management plan to the Clallam County DCD or Noxious Weed Department for review and approval. This plan should follow the decision making process of Integrated Pest Management, and specify the methods of control such as flaming, digging, cutting and spot chemical applications, as well as the chemicals to be used. The plan should also address the importance of preserving the native plants and removing noxious weeds and invasive non-native plants such as Armenian (Himalayan) Blackberries, Scotch broom and ivy from the harvested areas. This plan should utilize methods that are effective, least toxic and minimize the impacts to the environment. The requirements of this plan shall be in effect until areas are reforested or the subsequent use is established.

Ballard, Greg

From: Jeff Carter <jeff988carter@gmail.com>
Sent: Thursday, March 10, 2022 10:28 AM
To: Ballard, Greg; Ingrid Carmean
Subject: COHP feedback language

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Hi Greg,

I have worked a little bit with Ingrid on some of the revisions you two were discussing, I am sure she will submit them in writing to you.

Here are a few suggestions I have as well.

Section 27.11.300 # (3)

letter (d).....consider "A general description of the variety of tree species present on the site. This should include size/age and general condition."

letter (n).....consider " Location and dimensions of desired timber to harvest along with desired harvest technique i.e., selective harvest, patch cutting, strip cutting, uniform harvest, uniform harvest with reserves or other (please describe)."

Section 27.11.300 # (6)

Just a general suggestion here, there must be a way to have any unpermitted harvesting and possible illegal conversion run with the title of the property, at the cost of the property owner. This will help to deter this type of activity and serve as a heads up for a future property owner (especially if a 6 year moratorium is imposed). I also think there should be some kind of penalty imposed for an unpermitted harvest. Perhaps similar to the penalty described in section 27.11.600 for an illegal conversion. Perhaps not as stiff but there has to be some kind of cost for unpermitted activities.

Section 27.11.400 # (5)

letter (a).....same comment as above, if there is an intent to not convert for 10 years that should run as part of the title of the property owner. Again, at the cost of the property owner and simply for the protection of future owners in the event of the current property owner's death, divorce or any other unforeseen circumstance.

Section 27.11.500

Section 27.11.600

Section 27.11.700 # (1)

letter (a).....consider "A COHP is a voluntary plan developed by the landowner and is reviewed and approved by the county. The intent of a COHP is to allow conversion of a portion of forestry designated land to a non-forestry use in the future."

.....consider " A COHP provides landowners an option to plan for and manage forested areas to promote the health and diversity of the forest and to allow for some future non- forestry development. With the approval of the county, some road improvements could be made, selected types of tree harvesting may be done, while maintaining the option to obtain non-forestry related permits in the future. A properly implemented COHP maintains wildlife diversity by maintaining and improving a diverse mix of tree, understory and herbaceous ground cover. A COHP requires minimizing the disturbance of the forest duff layer which will help minimize wind and water erosion while maintaining the natural infiltration rate of the area. A properly implemented COHP in combination with Best Management Practices and Plans will help minimize disturbed areas which may avoid the need for the landowner to implement costly temporary erosion and sediment control. Any harvest of trees shall be done in accordance with submitted, reviewed and approved plans. Currently, the approved plan will be submitted to the WDNR as part of a Class II, Class III or Class IV special forest practice application and will be attached to and become part of the conditions of the permit approved by the WDNR. A Type 1 or Type 2 COHP will require a Type 1 Permit from DCD. "

(3)

letter (a).....consider " No more than 33 percent of the number of standing trees 12 inches to 20 inches at diameter-at- breast-height (dbh) may be harvested under a COHP (with the exception of letter g below) . my comments.....I am not sure where the 40% harvest percentage (on the original wording) comes from but it seems to me a simple number of 1/3 is easier to envision and regulate. I will also suggest changing the maximum 75% harvest number (\$500 fee) to 66% (2/3). If there is a documented reason for the 40 and 75% numbers, please let me know. Also, if your going to use an old logging reference like Diameter Limit Cutting as a guideline you should include an upper limit for the harvest and be aware that there are a number of documented studies that point out the downside to this simplistic approach to forest management. . Also, just to say 12" or greater dbh can be harvested conflicts with letter (g) below. There is quite a bit of nuisance when it comes to forestry management and is why I would lean towards a hired forester for this kind of Ordinance (but I understand why you're not inclined in that direction). In addition, using the word "merchantable" trees sometimes (often) degrades a stand by leaving trees that are sub-par or less desirable for the goal of a healthy, thriving diversified forest. If you think in terms of genetics, taking the straightest, largest, healthiest trees does not improve a stand, just as in hunting, taking the largest, healthiest, strongest buck is not good management.

letter (a) continued.....consider " Additional harvesting within 6 years from the date of the original completed COHP harvest will..... "

letter (b).....consider " To protect aesthetics of the area and ensure compatibility with adjoining uses, a 50 foot wide buffer along public roads, private roads and property lines abutting non resource lands may be required as part of the application review. When required, no more than 33 percent.....

my comments.....Also, just as above in letter (a) delete the reference "merchantable" and the reference to 12" or greater.

letter (d).....consider " A COHP will minimize the number, size and type of tree harvest based on the application review. No individual patch, strip, selective or uniform harvest may exceed 20 percent of the acreage, up to a maximum of 2 acres. Any stumps, understory, herbaceous ground cover and duff shall remain undisturbed as much and as long as possible. Future clearing or grading for possible development purposes will require compliance with the Clallam County Stormwater Ordinance (CCC 27.14)

my comments.....I am not familiar with the Stormwater Ordinance but is this the ONLY applicable Ordinance when someone wants to clear and grade ? Is there a county grading ordinance ? or some

review of plant and animal life that needs to take place ? What about Critical and Geologic sensitive areas ? Any applicability here ?

letter (g).....consider " All trees 100 years old or more (20" in diameter or more at dbh) and standing dead trees (snags) shall be retained where they do not pose a safety hazard."

my comments.....As you can see I reduced the age here from 125 to 100. If there is a documented reason why 125 is used, please let me know. Also, I used the foresters Douglas Fir measure calculation to come up with an approximate diameter for a 100 year old Douglas Fir. Other types of trees will be different based upon their species growth factor.

(4)

letter (b).....consider " A minimum of 100 well distributed trees per acre, which represent the largest size and class tree of all species present prior to harvest and in the same ratio, shall be retained on-site. As an alternative, a maximum of 66% of the standing (delete merchantable) trees and trees 12 inches diameter-at-breast height (dbh) to 20" dbh may be harvested under a COHP (whichever retains more larger trees, maintains the associated diversity of tree species, promotes a healthy understory and disturbs the least amount of duff). "

letter (c).....consider " A maximum of 50 percent of the total acreage may be harvested. Harvest methods can be done individually or in combination through the use of selective, patch , strip , uniform or uniform harvest with reserve (whichever lends itself to a more healthy, diverse forest system). The future removal of....."

my comments.....50 percent seems like alot ? where did this number come from ? (What happened to the 40% and 75% numbers) Please let me know. Is it simply a different parameter because it is a COHP Type 2 application ? Also, same comment here about future clearing and grading as above in #3 letter (d). In addition, do the same 12" diameter minimums, etc. apply in this section ? There are no reference standards here like the 11 standards outlined in a COHP type 1. Does a Type 2 COHP have standards ? Where are they listed ?

(5)

letter (a) (ii).....consider adding one more sentence to the end of what is already written....something like " The six-year moratorium will also be added to and run with the title of the property and will be done at the violating landowners expense."

I do have one final general inquiry on this Ordinance, which I have on many County and city Ordinances.....that would be one of monitoring, follow-up and enforcement. I see nothing in this Ordinance in regards to that. What are the plans and processes you envision to be in place?

That's about all for now Greg. I have cc'd Ingrid in on this as well since she has an interest. I look forward to seeing what comes of this and how you incorporate some of all of these suggestions.

Jeff Carter