

AGENDA

Clallam County Planning Commission

Virtual/Audio PC Meeting of March 2, 2022 6:00 p.m.

The Clallam County Planning Commission will conduct a regularly scheduled meeting appearing via Zoom video conferencing. No in-person meeting will be held at this time due to the ongoing Covid-19 pandemic. To appear by Zoom please visit <https://zoom.us/join> or call (888) 475-4499 or (253) 215-8782, then enter Meeting ID: 839 2302 7584 and 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: 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:

Donella Clark, Principal Planner, Greg Ballard, Senior Planner

MINUTES

Clallam County Planning Commission

Virtual Meeting of February 2, 2022 at 6:00 PM

- A. CALL TO ORDER: The meeting was called to order at 6:00 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Chair Jane Hielman, Robert Miller, Steve Gale, Ron Long, N. Bonnie Booth, M. Ingrid Carmean and Philip Giuntoli; Donella Clark, Principal Planner; Greg Ballard, Senior Planner by phone; represented staff from the Department of Community Development. Staff informed Commission that Scott Clausen had submitted his resignation and a vacancy was being advertised for District 2.
- D. WELCOME: Chair Hielman welcomed all in attendance and commended Scott Clausen for his many years of service.
- E. APPROVAL OF MINUTES: January 5, 2022
- F. ANNOUNCEMENTS: Hearing on the changes to the ADU Ordinance scheduled for March 1st.
Commissioner Carmean informed the group that the homelessness subcommittee did not make it to Bayside Housing yet and are looking at going in March. They are talking with United Way of Clallam County to join them.
- G. PUBLIC COMMENT PERIOD: None.
- H. UNFINISHED BUSINESS: Nominations and Election of Chair and Vice-Chair. Commissioners each talked about how many years they have served and their backgrounds. Jane Hielman was elected as chair and Steve Gale was elected as Vice-Chair.
- I. PUBLIC HEARING ITEM: None.
- J. WORK SESSION ITEMS: Greg Ballard introduced Ted Allison to discuss DNR's thoughts on proposed ordinance. DNR does 500-600 Forest Practice Applications per year. DNR discussed the FPA requirements in the County. He indicated that DNR can require a Forest Practice Application (FPA) on parcels 2 not 2.5 acres in size capable of growing trees. He indicated that since around 2016 DNR was limiting COHP to only Urban Growth Areas, and DNR had issue with COHP not going through SEPA. Upon researching the issue he sees no restrictions in allowing them in the Rural Areas. He indicated that DNR is generally supportive of COHP, and supported the language in the draft ordinance that required a SEPA threshold determination if a COHP that sought to issue uses incompatible with growing trees within 3 years of the issuance of the COHP. DCD indicated that currently all conversions are processed as a Class IV General FPA (\$1,500 fee to DNR) where the county indicates to DNR whether the County want to be the lead for SEPA to ensure that county requirements can be met. Currently the county also has a process to lift the 6 year moratorium after a parcel is already logged, and the only specifications for this process are in the Critical Area Code. The COHP provide standards for timber harvests that will provide additional options for landowners who want to allow the issuance of development permits within 6 years of issuance of a Class II or III FPA (\$100 fee to DNR). COHP are a good option for people who want to do a partial cut to establish an house & not to have a 6 year moratorium on the areas cut. The provisions of the County's COHP are implemented by DNR through the FPA.
- K. PUBLIC COMMENT PERIOD: Ken Reandeau asked Ted Allison the amount of land converted from forestry. Ted mentioned that the DNR did see an uptick in wood prices and people were able to cut and get a good price, but there was not a huge amount of conversion happening.
- L. ADJOURNMENT: The meeting adjourned at 6:55p.m.

MINUTES

Clallam County Planning Commission

Virtual Meeting of January 5, 2022 at 6:00 PM

- A. CALL TO ORDER: The meeting was called to order at 6:00 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Chair Jane Hielman, Vice-Chair Clausen, Robert Miller, Steve Gale, Ron Long, N. Bonnie Booth, M. Ingrid Carmean and Philip Giuntoli. Mary Ellen Winborn, Director; Donella Clark, Principal Planner; Greg Ballard, Senior Planner; represented staff from the Department of Community Development.
- D. WELCOME: Chair Hielman welcomed all in attendance
- E. APPROVAL OF MINUTES: December 1, 2021
- F. ANNOUNCEMENTS: Jane Heiman, Ingrid Carmen, and Bonnie Booth discussed the upcoming visit of the Bayside Housing project in Port Townsend. They also discussed their meeting with Mary Ellen Winborn about Future Housing.
- G. PUBLIC COMMENT PERIOD: Ed Bowen asked why the DCD Director was not present, and whether DCD is meeting their obligations to enforce forestry regulations as outline in the County Charter. He also questions why DCD has brought back this issued after over 10 years, and whether the county has an obligation to do COHP. He also pointed out the comment made by Ted Allison with Department of Natural Resources in the packet.
- H. UNFINISHED BUSINESS: None.
- I. PUBLIC HEARING ITEM: None.
- J. WORK SESSION ITEMS: Greg Ballard, Clallam County DCD provided a discussion on forestry and the responsibilities of DNR to require Forest Practice Application (FPA) on any property over 2.5 acres regardless of their zoning or whether the property is within a timber taking program. It was also discussed that once a FPA is required that the landowner must state whether they will be continuing the property in forestry use, which requires DCD to not issue development permits on the harvest area and requires DNR reforestation requirements to be met. If the landowner indicates that they want to convert the property from forestry use to obtain development permits (i.e. building, septic, land divisions, etc) on the harvest area they are currently required to obtain a Class IV General Conversion from DNR (with DNR fee of \$1,500). For these permits DNR asks DCD whether they want to be lead for SEPA to ensure that Clallam County Codes can be met.

DCD were processing Conversion Option Harvest Permits (COHP) until around 2016, which provided landowners the ability prepare a plan and obtain development permits within 6 years of the harvest (examples were provided in the January 5, 2022 PC Packet). These COHP (DCD fee of \$500) and their requirements were being implement through a Class III FPA (with a cost from DNR of \$100). DNR had issue that COHP were allowing people to convert their property from forestry use within 3 years of the harvest without doing SEPA. Around 2016 DNR changed the FPA form to indicated that COHP could only occur within Urban Growth Area, and DCD stopped processing COHP outside of UGA and all conversions were occurring through a Class IV General FPA. Ted Allison, DNR provided an e-mail in the packet that DNR was generally support of COHP and did not see a requirement that they only occur within UGA. The conversion forestry ordinance also has a process to lift the 6 year development moratorium, which is currently only addressed in the Critical Areas Code for the harvest within critical areas.

AGENDA

Clallam County Planning Commission

Virtual/Audio PC Meeting of March 2, 2022 6:00 p.m.

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Members:

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Department of Community Development Staff:

Donella Clark, Principal Planner, Greg Ballard, Senior Planner



CLALLAM COUNTY
Department of Community Development
County Courthouse
223 E. 4th St., Suite 5
Port Angeles, WA 98362-3015
Phone: (360) 565-2616
Fax: (360) 417-2443
gballard@co.clallam.wa.us

Mary Ellen Winborn, Director

DATE: February 25, 2022
TO: Clallam County Planning Commission & Interested Parties
FROM: Greg Ballard, Senior Planner *Greg Ballard*
RE: Conversion Forestry Ordinance

Current Condition

The DNR can require a Forest Practice Application (FPA) for the removal of timber on parcels over 2 acres in size. If the applicant will be converting (changing the use into something incompatible with growing trees, ie. residential development, farming, stumping) within 3 years the DNR requires a Class IV General Conversion. If not converting the harvest is exempt from County Critical Area Requirements, per Section 27.12.035(10) CCC, a 6 year development moratorium per RCW 76.09.460 for uses incompatible with growing trees (including a house, septic system, land division, etc.) on the harvest area is imposed, and the land owner is required to reforest within 3 years of the timber harvest. The County also receives notice from the DNR on violations called an "Intent to Convert" (where sites are stumped or graded) and the county has to decide the requirements to lift the moratorium to allow the issuance of development permits.

DCD has provided a list of 31 forestry permits that have been issued in Clallam County in the past 15 years. Of these 31 permits, 19 were COHP, which were done by the landowner with no forester required, and DNR implemented the provisions of the COHP through a Class II or III FPA. This process worked well until around 2016 when the DNR stopped allowing COHP's in Rural Areas. After 2016 the county issued 12 permits to lift the 6 year moratorium through a Mitigation Plan and a SEPA Checklist (DCD fee \$900). For these application the property was already logged and the county was doing after the fact permitting of a converted property.

Intent of the Ordinance

When I came to Clallam County in 2006, the issue of landowner options to thin trees on their property and establish a home occurred frequently at the counter. The COHP (authorized in the Forest Practice Act) was an option provided to landowners as a cheaper alternative to a Class IV General Conversion. This process is nice because the COHP is required to meet all Clallam County Codes (including not impacting critical area buffers) before the timber harvest is processed. DNR would then ensure that the provision of the COHP are implemented as part of the forest practice application (\$100 fee to DNR for Class II or III FPA & \$500 fee to DCD). This would allow the county to utilize DNR expertise for the timber harvest instead of the land owner needing a forester or the County needing a forester on staff. Land owners can hire their own forester or logger to come up with a timber management plan for their property.

The COHP is easier to complete than a Class IV General Conversion (DNR fee of \$1,500) that will also require a SEPA Threshold Determination. The County is asked on each Class IV General Conversion if we want to be the lead for SEPA to enforce county codes. If DCD is SEPA lead we would require a

\$400 fee, which is in addition the DNR's \$1,500 Class IV General fee. DNR requires SEPA to be issued within 30 days of the Class IV General FPA, which does not always fit within the timeline of the County workload. If the county does not issue their SEPA within 30 days the DNR has to void the FPA application. DNR does not have standards for converting land from forestry to non-forestry. The clearing and stumping of property through a Class IV General Conversion currently requires a stand-alone Stormwater Permit for land disturbing activities over 12,000 sq ft, conversion of 1.5-2 acres of vegetation to lawn, or 5-7.5 acres of vegetation converting to pasture. The county's only requirements for Class IV Generals (or lifting the moratorium) would be complying with Shoreline, Critical Areas, and Stormwater Ordinance. The intent of this ordinance is to allow the land owner to use the COHP process in return for keeping trees (not clear cutting the entire site), leaving brush and understory, and maintaining critical area buffers before the timber harvest is done, rather than after.

The county allows the lifting of the 6 year moratorium if there was no impact from the forestry application that could be mitigated with reasonable conditions. The county is critical if someone impacts a Type 4/5 stream or wetlands that are exempt from Critical Area Code (through a Class II or III FPA – continuing in forestry) and then immediately wants to lift the moratorium. Usually someone sells the property and the new owner wants to develop the property within 6 years of the timber harvest, and the County will work with an unsuspecting buyer to develop their property. Ironically, the only section of code for lifting a development moratorium on harvested areas is in the Critical Areas Section for logging within buffers. This process focuses on restoring stream and wetland buffers damaged through timber harvests. There are also currently no provisions for lifting a 6 year moratorium for areas that do not contain critical areas, but DCD has been lifting the moratorium through the Critical Area process even if there are no critical areas on the site.

At the February 2, 2022 Planning Commission meeting, DNR indicated that COHP's could now be done in Rural Areas of Clallam County once again. It is envisioned that the proposed forestry ordinance will not change what is required for a COHP, but would be similar to the COHP's DCD issued from 2007 to 2016; the difference now would be the requirements would be codified in Clallam County Code through adoption of this ordinance. It is envisioned that people will provide a site map showing where the roads will be utilized for the timber harvest and subsequent use, landings, areas to be clear cut, partially thinned area, and areas intended to not be harvested. The COHP would not allow areas to be graded or duff and understory removed. This would minimize the stormwater impacts from these areas. Reforestation would be required if determined by DNR (usually if over 50% of site is cut and natural re-seeding is not feasible). When people want to develop they would then grade the future homesite and appurtenance shown on the COHP site map, which would not be required to be reforested.

For simple "Type 1" COHP's allowed by this ordinance (cutting less than 40 percent of the timber volume on-site) DCD envisions a \$150 fee, which is intended to encourage this type of COHP. For "Type 2" COHP's that exceed the standards of a Type 1 (that could include up to 75% of the timber volume to be removed) a \$500 fee would be collected. The Type 2 COHP would require reforestation. For all other conversions, the option of a Class IV General FPA through the DNR is available. To address DNR concern about COHP allowing conversion to occur without a SEPA Threshold Determination, the draft ordinance requires a SEPA Threshold Determination if development permits (i.e. building septic, etc) are proposed within 3 years of the timber harvest to implement the COHP.

Sample of 31 forestry cases in Clallam County with hyperlinks of 19 COHP

and 12 Lifting 6 year Development Moratoriums

1. [FPA2007-01 Wirth](#)
2. [FPA2008-01 Breithaupt](#)
3. [FPA2008-05 Strom](#)
4. [FPA2010-01 Erickson](#)
5. [FPA2011-01 Prince](#)
6. [FPA 2011-02 Bruch & Bruch](#)
7. [FPA2012-01 Session](#)
8. [FPA 2013-01 Session](#)
9. [FPA2013-02 Eagles Nest](#)
10. [FPA2013-03 Schenck](#)
11. [FPA2013-04 Gaydeski](#)
12. [FPA2013-05 Witham](#)
13. [FPA2013-06 Gross](#)
14. [FPA2014-01 Stutesman](#)
15. [FPA2014-03 Thomson \(lift\)](#)
16. [FPA2014-04 Edwards](#)
17. [FPA 2014-05 Wirth](#)
18. [FPA2015-01 Boyd](#)
19. [FPA2016-02 JOJACO \(lift\)](#)
20. [FPA 2016-03 Torba \(Lift\)](#)
21. [FPA2016-04 Kid UGA](#)
22. [FPA2017-01 Ciaciuch UGA](#)
23. [FPA2017-02 Waltz \(lift\)](#)
24. [FPA2017-03 Manson \(lift\)](#)
25. [FPA201-04 DelHur \(lift\)](#)
26. [FPA2018-01 Warren \(lift\)](#)
27. [FPA2018-03 Stutesman \(lift\)](#)
28. [FPA2018-04 Thayer \(lift\)](#)
29. [FPA2019-04 Murray \(lift\)](#)
30. [FPA 2019-05 Meyer \(lift\)](#)
31. [FPA2021-03 Lasswell \(lift\)](#)

Comments from Ron Richards

DCD changes from 2-2-22 are in yellow highlight

Ballard, Greg

From: Ingrid Carmean <icarmean2@gmail.com>
Sent: Sunday, February 20, 2022 7:57 PM
To: Ballard, Greg
Subject: Fwd: Draft Forestry Ordinance
Attachments: Clallam County draft forestry Ord 021122 with rnr edits and notes.doc

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

Greg, I am in Canada visiting my brother, so I couldn't reply by text on Friday. As you can see Ron is very detailed and has not finished his editing, but I believe the changes he has made make the ordinance clearer and are in line with your thoughts.

I will be back on Tuesday.

Ingrid

----- Forwarded message -----

From: **Mary Berbee** <mary.berbee@gmail.com>
Date: Sun, Feb 20, 2022, 7:46 PM
Subject: Re: Draft Forestry Ordinance
To: Ingrid Carmean <icarmean2@gmail.com>

On Fri, Feb 18, 2022 at 10:30 PM Ingrid Carmean <icarmean2@gmail.com> wrote:

----- Forwarded message -----

From: **Ron Richards** <ronaldnrichards@gmail.com>
Date: Wed, Feb 16, 2022, 12:17 PM
Subject: Re: Draft Forestry Ordinance
To: Ingrid Carmean <icarmean2@gmail.com>

Hi Ingrid:

I would guess that this ordinance would make the hiring of a forester more likely (and therefore is not a good thing).

I have also had questions about the climate change aspects of this and whether the ordinance would make conversion of forests easier. Before completing my review I would guess now that it would - unless provisions were added making conversion more difficult.

I am part of an increasingly large group of people and organizations (known as the State Lands Group) seeking to force a change in DNR management practices to better address climate change. That's a big issue now and any action on the part of the county making conversion easier should not be taken.

I have waded my way through the next section of the ordinance - that was labeled "Definition" without the "s". I really hate to complain too much, but this lack of attentiveness is replete throughout the draft. Greg's notion that this can be taken care of after a whole lot more review by the PC really misses a key point. As it is written there are just too many questions on what is meant for anyone to read it efficiently or understand it well.

Ordinances affect a lot of people in a lot of ways. Every word of them should be written so they are easily understandable.

I am increasingly of the opinion that this ordinance should be put on the shelf until it can be written in a way the PC can read and understand easily. Greg is just asking too much for you to find his mistakes

Anyway, if you can read this next section you will see similar issues to those I had previously raised. I think there is a trend here.

Ron

On Wed, Feb 16, 2022 at 11:27 AM Ingrid Carmean <icarmean2@gmail.com> wrote:

What I was originally concerned about was if this made hiring a forester for Clallam county easier or necessary with this ordinance (Mike Doherty and others on the Democratic side of politics seemed to think this was the wrong thing to do.) or if this made it too easy to harvest timber and thus contribute to global warming as the temperate forests are most important in this fight.

Ingrid

This was Greg's reply, I am waiting to see if Donella has a reply:

----- Forwarded message -----

From: **Ballard, Greg** <gballard@co.clallam.wa.us>

Date: Wed, Feb 16, 2022 at 10:16 AM

Subject: RE: Draft Forestry Ordinance

To: Ingrid Carmean <icarmean2@gmail.com>, Clark, Donella <DClark@co.clallam.wa.us>

After the PC reviews the draft Ordinance we will make suggested changes.

This is a good time to bring up issues or areas that need revision (in beginning stage and it is easier to make changes early than when it has gone through the process).

When the PC is done with the Forestry Ordinance we provide it to our Prosecuting attorney who will review it to make sure its legally sound.

Then it would be scheduled for a Public Hearing before the Planning Commission.

If the PC recommends approval we then forward it to the County Commissioners and it would be put in the format required by our Code Publishing for placing on the website.

Thanks

Greg Ballard
Senior Planner
Clallam County Department of Community Development
223 E. 4th Street, Suite 5, Port Angeles, WA 98362
Direct Phone# (360) 565-2616 Fax# (360) 417-2443
Email: gballard@co.clallam.wa.us

From: Ingrid Carmean [mailto:icarmean2@gmail.com]
Sent: Wednesday, February 16, 2022 9:39 AM
To: Clark, Donella; Ballard, Greg
Subject: Draft Forestry Ordinance

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

I asked a friend who has much more knowledge about forestry issues than I do to look over this draft ordinance. He is a lawyer and spent quite a bit of time making corrections that would not change the essence of this draft but would clarify and make the ordinance stronger. He wondered if he should continue with this or if someone is going to do this at a later date anyway. He mentioned that he is busy and this takes quite a bit of time.

Thank you for considering this.

DCD Changes are in yellow highlight

Other comments are from Ron Richards

Note: Throughout the Clallam County Code, other sections of the Clallam County Code are referred to as CCC xx.xx.xxx. For consistency and ease of reading CCC needs to precede the numbers in the text and the word "Section" needs to be excluded.

Chapter CCC 27.11 CCC ——— Conversion from Forestry to Non-Forestry Use, Continued Forestry Use, and 6 year Moratoriums, and Conversion Option Harvest Plans, & COHP

27.11.100 Introduction:

Timber management is regulated under the Forest Practices Act (RCW 76.09). A forest practices 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, now RCW 76.09) 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.

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 2.52 acres in size are subject to a the FPA regardless of the zoning district or if it is enrolled in a timber taxing program. (Note: Something needs changing here. I don't know the FPA well enough to be sure just what needs changing, but if parcels over 2 acres in size are subject to the FPA regardless of the zoning district all parcels over 2 acres in size are subject to the FPA. Also, the word to which the "it" refers following "or" is not clear. It "it" refers to "parcels" or to "parcels over 2 acres in size". In any event the "it is" should be "they are". But more importantly I am guessing what is meant here is "Any parcel of land is subject to the FPA if it is enrolled in a timber taxing program or if it is over 2 acres in size," and I would suggest changing the words in blue to that language). In 1997, the FPA was amended giving to give authority to ~~each city and county~~ cities and counties 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.

Generally, DNR manages long-term forested land under the FPA and FPR, 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 the landowner has committed in writing to long-term forest management)
- Lands where the landowner has indicated intent to change from forestry to non-forestry use.

If all or a portion of the harvest areas are converting from forestry use, future development would be subject to the Critical Area requirements (per CCC Section 27.12.035(10) CCC, and other county regulations. (Note "If all or a portion" is really "If any portion". Why pick on the Critical Area "requirements"? Wouldn't the Shoreline Management Act also come into play? The Building Code? I think what is intended here is "If any portion of the harvested area is being converted from forestry use, the development would be subject to all county development regulations" and I would suggest changing the language to that. - Currently all conversions are reviewed through

a Class IV General Conversions are reviewed by DNR. This ~~includes~~ requires a SEPA Threshold Determination ~~that on which~~ the local jurisdiction can take the SEPA lead to ensure that the County regulations are met.

This ordinance ~~is to~~ provides guidance procedures (Note: guidance implies less enforceability than I think is intended) and additional options for the transition from forestry to non-forestry use. This includes establishing the process to ~~lifting~~ 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~~ approved by the county. Once approved by the county, - A a COHP meeting county requirements provides the landowner with creates enforceable rights and obligations, including additional options for the issuance of development permits within 6 years of timber harvest. (Note: the additional language here is to make clear that the plan could not just be ignored by the landowner once approved by the county).

27.11.200 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 as defined by RCW 76.09.050 ("requiring a" what? Notice and application? Or should "requiring" be "constituting"?). 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 uses, if known. ~~This approved plan 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~~ RCW 76.09.xxx RCW (~~This was not a meaningful definition and a reference to RCW 76.09 requires a lot of reading for anyone to figure out the period of time. You might specify a RCW section.~~)

(4) "Continued Forestry Use/Commercial Timber Management" refers to the cutting and removal of trees, usually 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 harvested areas is are retained in commercial timber management, and may be subject 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) (The stricken portion here is not a part of a definition. Mixing regulatory provisions with definitions is not good practice. And the initials FPA are mentioned earlier to mean "Forest Practices Act" consequently "these FPA may require . . . makes no sense. Should "FPA" be "forest practices")~~.

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. Also subject to the 2021 Shoreline Master Plan.

(2) **Application requirements for Clallam County Forestry Permits.** An application for Type ~~1 & 2I, II, & III~~ 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 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.
- (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 of trees located on the site;
- (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);
- (h) Critical Area Buffers where trees/vegetation will be retained
- (i) How the proposal complies with all of the requirements of the Critical Areas Code, Chapter. 27.12 CCC
- (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
- (o) Parcel boundaries and dimensions;

(4) **Criteria for Type ~~1 & 2I, II & III~~ County Forestry Permits.** Type ~~1 & 2I, II, & III~~ Forestry Permit shall be reviewed by the County, and the administrator 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 2021 Shoreline Master Program;
- (e) The Environmental Policy Code, Chapter 27.01 CCC;
- (f) The Critical Areas Code, Chapter. 27.12 CCC;
- (g) The Stormwater Ordinance, Chapter 27.14 CCC
- (h) The Consolidated Permit Process Code, Chapter 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.
- (l) 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 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:

- (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 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 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) 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;
- (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 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 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, the county shall deny and all applications for all uses incompatible with forestry use, 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 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 II 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 II or Type III 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 II or III 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 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 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 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 plan developed by the landowner and reviewed by the county. A 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 COHP also maintains wildlife diversity by maintaining a diverse mix of tree and understory. A COHP also requires minimizing the disturbance of the forest duff layer, which should minimize wind and water erosions and maintain 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. Any harvest of trees shall be done accordance with the approved plans. Currently 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. 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; 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. (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 1 & 4 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 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. 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.
- (b) Unless DCD determines buffers are not needed to protect aesthetics of the area and to ensure compatibility with adjoining uses, a 50-foot-wide buffer shall be preserved along public and private road, and property lines abutting non resource lands. When required, no more than 40 percent of the total number of standing merchantable trees and trees 12 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 Stormwater Ordinance (CCC 27.14).
- (e) The proposal complies with all of the requirements of the Critical Areas Code, Chapter. 27.12 CCC
- (f) The proposed timber harvest or road construction is not located within an area designated as Geologically Hazardous per Section 27.12.410 CCC.
- (g) All trees over 125 years old shall be retained where practical. Snags shall be retained where they do not pose a safety hazard.
- (h) 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 222-34 WAC. Areas requiring reforestations should include a variety of tree species that mimics the species that were present prior to the harvest, provides diverse forestlands/bio-diversity, and are appropriate the on-site conditions/constraints.
- (i) 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.
- (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 subject to a Type II Forestry Permit from DCD. A Type II 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 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 the number of standing merchantable trees and trees 12 inches diameter-at-breast-height (dbh) or greater may be harvested under a COHP (whichever retains more large trees)
- (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 Stormwater Ordinance (CCC 27.14).

(d) Exceeding these thresholds shall require the timber harvest to be processed as a Conversion subject to the provisions of Section 27.11.400 of this Chapter.

5. Implementation of COHP. DNR 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. All COHP harvest activities shall be completed within two years from the date the COHP forest practice permit is issued by the WDNR.

(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.

(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.

Samples of COTHP
of Process to lift by
Moratorium in Clallam County

**CLALLAM COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
CONVERSION OPTION HARVEST PLAN (COHP)
FOR A PROPOSED TIMBER HARVEST**

LAND OWNERS: David Boyde and Susan Felix
7450 NE Grevena Avenue
Bremerton, WA 98311

DATE ISSUED: July 20, 2015 **Expiration Date:** July 20, 2018

CASE NUMBER: FPA2015-00001

CRITICAL AREA: None

LEGAL DESCRIPTION: The subject property is located 900 feet northeast of the City of Sequim, 650 feet north of West Sequim Bay Road, near the end of Tanager Lane, a private road. The 2.53 acre parcel is located in the SW 1/4 of Section 22, Township 30N, Range 3W, W.M. It is referenced by Assessor's Tax Parcel Number 033022-320030.

PROPOSAL: The subject parcel is located within an area divided into 2.5 acre parcels that is primarily in residential development. The 2.53 acre parcel is relatively small for being considered in forestry use and the applicant is proposing to harvest less than 30 percent of the volume of trees on the parcel. The parcel is flat with a slight slope of 22 percent from west (higher) to east (lower). The parcel contains Douglas fir with some cedar trees, which have diameters ranging between 3 to 22 inches. The proposal is to clear and stump the interior 0.6 acre portion of this 2.53 acre site for a future home and appurtenances. There would be 55 to 105 feet of forested area from the edge of the clear area to the property lines. These areas would have a maximum of 25 percent of the timber harvested from this area, but the stumps, duff and understory would be retained. The retention trees and natural vegetation around the interior portion of the site should minimize wind and rain (stormwater) impacts from the proposal. This proposal is considered a conversion from forestry to non-forestry use because the landowner wishes to have the option to develop a residence in 3 to 6 years in the future on the 0.6 acre clear-cut area. DCD is requiring 75 conifer trees to be planted on areas deficient in adequate tree cover on this 2.53 acre site to meet DNR reforestation requirements found in WAC 222.34.

FINDINGS:

1. **CONVERSION OPTION HARVEST PLAN GENERAL REQUIREMENTS:** A "Conversion Option Harvest Plan (COHP)" is a voluntary plan developed by the landowner and reviewed by Clallam County. A COHP should specify the 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 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 on a portion of the property in the near future. A good COHP should promote wildlife diversity by maintaining a diverse mix of tree and understory, or promote the health of the stand by replacing trees not suitable to the site with more suitable to the conditions found on the site. A COHP should also minimize the disturbance of the forest duff layer, which will minimize wind and water erosions while maintaining the natural infiltration rate of the area. By minimizing disturbed areas, the applicant may avoid the need for costly temporary erosion and sediment control Best Management Practices.

Once a COHP is approved by Clallam County, it will then be submitted to the Washington Department of Natural Resources (DNR) as part of the forest practice application (FPA). The county requirements of the COHP becomes conditions of the FPA permit approved by the DNR (per WAC 222-20-050(2)). Any harvest of trees shall be done in accordance with the approved COHP. A COHP is usually implemented through either a Class II or Class III FPA. COHP implemented through a Class II or III FPA by DNR are exempt from requiring a SEPA environmental checklist per RCW 43.21C.037.

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 without having to file a Class IV General application. (WAC 222-20-050(2)).

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 the alteration must be approved by the DNR.

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 actions by Clallam County and/or DNR.

All COHP harvest activities shall be completed within two years of the date the COHP forest practice permit is issued by the DNR.

2. **CRITICAL AREAS:** The application was reviewed by the Clallam County Department of Community Development staff to evaluate potential impacts to Critical Areas under the provisions of the Clallam County Critical Areas Code, 27.12. There are no critical areas on or within 200 feet of the subject parcel. This permit meets the requirements of a Certificate of Compliance per Section 27.12.030(2) CCC.

3. **SEPA:** COHP implemented through a Class II or III FPA by DNR are exempt from requiring a SEPA environmental checklist per RCW 43.21C.037.

RECOMMENDATION BASED ON ANALYSIS:

Based on the above, the Clallam County Department of Community Development Planning Division finds that the proposed COHP (FPA 2015-01), complies with all county requirements (including the Critical Areas, & SEPA), and is **APPROVED** subject to the following conditions:

CONDITIONS:

1. The harvesting of timber shall be in substantial conformance with the COHP & Site Plan approved July 20, 2015 submitted with the application, except as modified through the conditions cited herein. If the harvesting of timber is not in substantial conformance with the COHP or additional merchantable timber is removed from the property within 6 years of the completion of the COHP, a revised COHP and SEPA environmental checklist may be required from Clallam County, and subject to the applicable processing fee. All timber harvest activities shall occur within two years of approval of this COHP.
2. Areas that do not meet DNR natural regeneration criteria found in WAC 222.34 shall replanted in trees at 300 trees per acre. This shall include planting a minimum of 75 conifer trees on areas deficient in adequate tree cover on this 2.53 acre parcel.
3. A FPA from the WA State DNR is required for the removal of timber referenced in this proposal. Conditions of this approved COHP shall be incorporated into the FPA (per WAC 222-20-050(2)).
4. For this permit, grading and land disturbing activity does not include the harvesting of trees if the stumps are left in the ground, and the duff and the understory is left in tact.

All disturbed areas (as defined above), which are not covered with gravel, shall implement Construction Best Management Practices (BMP). These Construction BMP shall at a minimum include spreading straw/mulch and grass seed, or hydro-seeding disturbed areas. These Construction BMPs shall be accomplished within 2 days of disturbance between October 1 and April 30 and within 7 days between May 1 and September 30.

Decided this 20th day of July 2015.



Greg Ballard, Senior Planner
Clallam County Department of Community Development

RECEIVED

JUL - 9 2015

CLALLAM COUNTY DEPT.
OF COMMUNITY DEVELOPMENT

CONVERSION HARVEST PLAN APPLICATION
FOREST PRACTICES ACT (WAC 222-20-050)
(\$500 fee)

FPA 2015-00001

APPLICANT INFORMATION

Name David L. Boyde & Susan A. Felix
Mailing Address 7450 NE Grevena Ave
City Bremerton St WA Zip 98311
Phone Number (360) 692-9325 Business Phone (360) 315-1849

AGENT INFORMATION (If applicable)

Name _____
Mailing Address _____
City _____ St _____ Zip _____
Phone Number _____ Contact Person _____

PROJECT INFORMATION

Tax Parcel Number 033022 320030

Size of Parcel 2.53 Acres (Acres or Square Feet) Zoning NC

Shoreline Master Program Designation N/A

Stream Type (FPA Rules) N/A

Description of the proposed use (existing and proposed structures, road widths and grade, drainage and erosion control plan, limits of conversion area, timing of conversion, intended use and any other activities) – ATTACH MAP:

There are no existing structures on the property. The proposed structures include a 2185 square foot manufactured home with an attached 864 square foot 3-car garage as well as a potential second 400 square foot garage for RV storage. Additionally a 900 square foot concrete patio will be located at the rear of the house. The access will be via a 16 foot wide driveway with a grade of approximately 10% off Tanager Lane, a private road. Stormwater runoff will be controlled with dry wells and erosion control will be managed with either straw or hydro-seeding. The conversion will be limited to approximately 2/3rds of an acre including the homesite (Item C), garden / yard (Item A), septic system (Item B), patio (Item D) and parking area and driveway (Item E). The intent is to clear the conversion area during the summer of 2015 and to have the home and garage built during the summer of 2018. Intended use is for a single-family home and garden of flowers, vegetables and fruit trees.

Description of existing and proposed open space and vegetative buffers, critical areas (wetlands, aquatic areas, wildlife habitat, geologic hazards – erosion, landslide, and floodplains) – ATTACH MAP

The property is currently totally tree-covered with mostly Douglas fir and some cedar. Property was previously logged and tree sizes range from 3 to 22 inches in diameter. Development plan includes clearing, grading and removing or burning stumps and understory of approximately 2/3rds of an acre. The remaining property will be maintained as a buffer (Item F) in as natural state as possible. The buffer will be 55 feet on the north, 65 feet on the east (with the exception of driveway access to Tanager Lane), 90 feet on the south and 105 feet on the west. In addition to the homesite clearing, selective thinning in the buffer area will consist of removing dead or diseased trees, or to improve sunlight for the garden. Any logging in the buffer area will leave the stumps, understory and duff as much as practical. Tree removal in the buffer will be less than 25%. There are no critical areas or geologic hazards on the property or within 500 feet.

Agent

Applicant

Date Received _____ Receipt # _____ Date Approved _____ Initials _____

Certificate of Compliance Must be Attached for Approval of Application

COHP Drawing

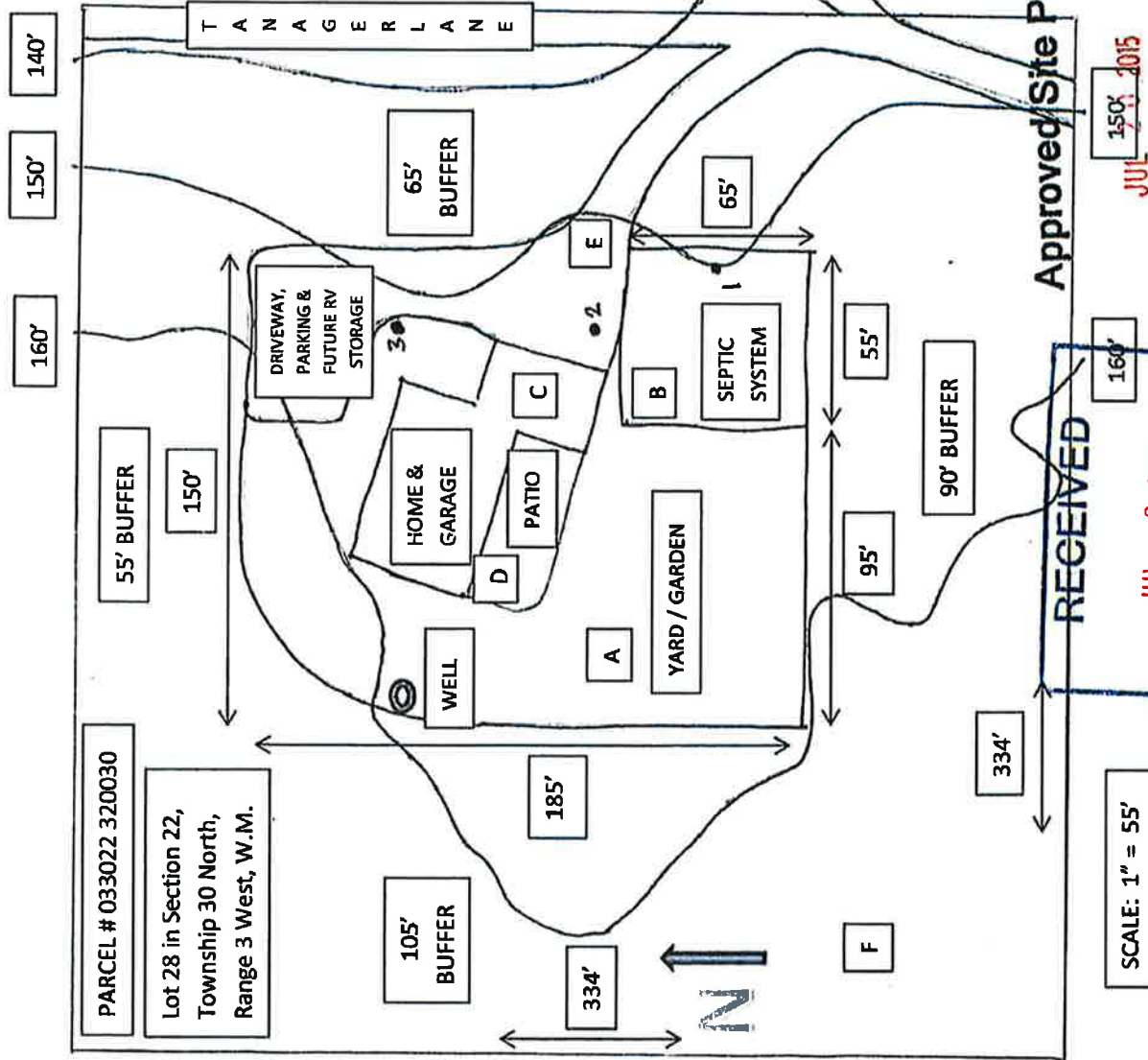
David L Boyde & Susan A. Felix
7450 NE Grevena Ave
Bremerton, WA 98311
(360) 692-9325

Property is 2.53 acres of forested land. Trees consist of mostly fir with some cedar, diameters from 3" to 22". There are no existing structures and no critical areas on the property.

Areas A, C, D and E will be cleared and graded the summer of 2015 for the yard / garden, home & garage, patio, driveway and parking area. The stumps and understorey will be removed from this approximate 0.59 acre area. Area B (.08 acres) is reserved for the septic system area, which will be cleared prior to building, planned for spring of 2018. A total of 0.67 acres will be cleared.

Area F will be retained in as natural a state as possible with the exception of selective thinning to remove dead or damaged trees or to improve sunlight. The stumps will be retained as well as the duff and understorey as much as possible. Except for the proposed driveway, a buffer of at least 50' will be retained on all sides of the property. Total amount cleared for the entire property will be less than 35%.

Soil logs indicating treatment level B (noted with three numbered dots on the map) were taken and registered with Clallam County, SR # 14-00173.



CLALLAM COUNTY DEPT.
OF COMMUNITY DEVELOPMENT

JUL - 9 2015

SCALE: 1" = 55'

Clallam County
Signature: [Signature]
Date: JUL 23 2015

**CLALLAM COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
MITIGATION PLAN TO LIFT THE 6 YEAR FPA MORATORIUM**

APPLICANT: Paul Stutesman
922 Benjamin Street
Port Angeles, WA 98362

DATE ISSUED: October 3, 2018 Expiration Date: October 3, 2021

CASE NUMBER: FPA 2018-00003

CRITICAL AREA: Class III Wetland

LOCATION: The 7.69 acre parcel is located 2 miles west of the City of Sequim and 0.6 miles south Atterberry Road. The site is located at 126 E Goforth Road within the NW¼ of Section 27, T30N, R4W, Clallam County, Washington. Referenced by Assessor's Tax Parcel Number 043027-240125.

PROPOSAL: The property was clear cut through a Class III Forest Practice Application 2614899 that was issued on June 21, 2017. The property has been replanted in the spring of 2018. The landowner is seeking the removal of the 6 year moratorium for the issuance of non-forest related permits (i.e. to sell the property for a home site). The landowner has submitted a Wetland Report prepared by Loggy Soil and Wetland Consulting dated June 2018, which indicated that the site contains 0.26 acre Class III wetland in the north central portion of the parcel. Clallam County Department of Community Development (DCD) visited the site on September 10, 2018 and verified that there was a wetland on the property and that the wetland and its associated buffer had been logged. A Wetland and Buffer Mitigation Plan was prepared by Loggy Soil and Wetland dated September 18, 2018 to mitigate impacts from the removal of trees from the wetland and the associated buffer.

FINDINGS:

1. PROCESS TO LIFT THE 6 YEAR MORATORIUM FOR THE ISSUANCE OF NON-FORESTED RELATED DEVELOPMENT PERMITS ON TIMBER HARVESTED AREAS:

RCW 76.09.460 addresses notice of conversion to non-forestry use, and denial of permits or approvals by the county, city, town, or regional governmental entity associated with non-conversion timber harvests.

This section states "If a county, city, town, or regional governmental entity receives a notice of conversion to non-forestry use by the department under RCW 76.09.060, then the county, city, town, or regional governmental entity must deny all applications for permits or approvals, including building permits and subdivision approvals, relating to non-forestry uses of the land that is the subject of the notification. The prohibition created by this section must be enforced by the county, city, town, or regional governmental entity:

- (1) For a period of six years from the approval date of the applicable forest practices application or notification or the date that the department was made aware of the harvest activities; or
- (2) Until the following activities are completed for the land that is the subject of the notice of conversion to a non-forestry use:
 - (a) Full compliance with chapter 43.21C RCW, if applicable;

Staff Comment: The applicant has submitted a SEPA Checklist of comply with RCW 43.21C (SEPA). Clallam County is the SEPA lead agency and has issued a Determination of Non-Significance (MDNS) on September 14, 2018 for this proposal. The fourteen-day comment period for the threshold determination ended on September 28, 2018. The only comment received on this proposal was a general comment letter dated September 28, 2018 from the WA State Department of Ecology.

(b) The department has notified the county, city, town, or regional governmental entity that the landowner has resolved any outstanding final orders or decisions issued by the department; and

Staff Comment: The property was reforested in spring 2018 to meet DNR Reforestation Requirements found in WAC 222-34-010. DNR has been notified of this proposal and have indicated that there are no enforcement actions on this parcel and that this proposal should be subject to SEPA. The Threshold Determination of a MDNS was also routed to DNR for comment.

(c) A determination is made by the county, city, town, or regional governmental entity as to whether or not the condition of the land in question is in full compliance with local ordinances and regulations. If full compliance is not found, a mitigation plan to address violations of local ordinances or regulations must be required for the parcel in question by the county, city, town, or regional governmental entity. Required mitigation plans must be prepared by the landowner and approved by the county, city, town, or regional governmental entity. Once approved, the mitigation plan must be implemented by the landowner. Mitigation measures that may be required include, but are not limited to, revegetation requirements to plant and maintain trees of sufficient maturity and appropriate species composition to restore critical area and buffer function or to be in compliance with applicable local government regulations."

Staff Comment: Section 27.12.215(5)(b) CCC outlines the procedures for lifting the 6 year moratorium when wetlands and their associated buffers have been logged. This includes the reforestation of the critical areas and their buffers along with a mitigation plan. The entire property was reforested at 431 trees per acre, which equates to a 10 by 10 foot spacing of trees. A Wetland and Wetland Buffer Plan dated September 18, 2018 was prepared by Loggy Soil and Wetland for this proposal. The plan entailed the planting of 50 shrubs (willows) in the wetland and 14 Western red cedar trees and 14 Red alder trees at 10 foot on-center along the eastern edge of the wetland that is deficient in adequate tree cover. DCD will ensure that the wetland buffer enhancement plan is implemented prior to the issuance of any non-forest related on the subject parcel. Therefore, it has been determined that the FPA and this proposal as conditioned complies with Clallam County Codes.

The site and surrounding area is zoned Rural Low (R5), and has been divided into 2 to 5 acres parcels primarily in residential use. When development is reviewed it will be reviewed to ensure compliance with the zoning and other county requirements.

Based on the above, DCD has determined that the proposal to lift the 6 year moratorium for the a future residence and appurtenances within the harvested area in FPA 2614899, as outlined in this decision, complies with the provisions of RCW 76.09.460.

2. CRITICAL AREAS:

General Critical Area Requirements: There is an irrigation ditch along the southern edge of the parcel, which is not designated as a critical area per Section 27.12.310(1)(a) CCC. The Critical Areas Map does not indicate that there are any critical areas on the site. However, there is a Class III wetland located in the north central portion of the parcel per the Wetland Report dated June 2018 prepared by Loggy Soil and Wetland for this site. The wetland and its associated buffer had trees removed from it. The duff and understory was not removed from these areas.

The logging of trees is considered land disturbing activity because it changes the vegetation cover of the area per Section 27.12.900(33) CCC. Because this proposal includes land disturbing activity within the wetland buffers, it is considered Major Development because it exceeds the criteria for Minor Development found in Section 27.12.900(39) CCC. There is a 75 foot buffer for Major Development per Table 5 of Section 27.12.215(1)(a) CCC. Although the wetland buffer had been replanted in trees within the wetland buffer and within the rest of the property, DCD required a wetland restoration plan be prepared by a wetland consultant for the wetland buffer as a condition of approval of the FPA to lift the 6 year moratorium per Section 27.12.215(5)(b) CCC.

A Wetland and Wetland Buffer Mitigation Plan was prepared by Loggy Soil and Wetland. The plan indicated that the site had been reforested at 431 trees per acre with a 10 by 10 foot spacing. The plan recommended that 50 shrubs (willows) be planted in the wetland and 14 Western red cedar trees and 14 Red Alder Trees be planted along the eastern edge of the wetland at a 10 by 10 foot spacing. DCD has approved this mitigation plan.

Section 27.12.035 CCC lists activities exempt from the Critical Areas requirements, and Section 27.12.035(10) CCC states that State forest practices conducted pursuant to Chapter 76.09 RCW are exempt from Critical Area requirements. This exemption does not apply to conversions from forestry to non-forestry use (i.e. residences development) per Section 27.12.035(1) CCC. Therefore this proposal is subject to the critical areas requirements. This permit meets the requirements of a Certificate of Compliance per Section 27.12.030(2) CCC.

3. SEPA: Clallam County is the lead agency and has issued a Determination of Non-Significance (MDNS) on September 14, 2018 for this proposal. The fourteen-day comment period for the threshold determination ended on September 28, 2018. The only comment received on this proposal was a general comment letter dated September 28, 2018 from the WA State Department of Ecology.

RECOMMENDATION BASED ON ANALYSIS:

Based on the above, the Clallam County Department of Community Development finds that the proposed the proposed Mitigation Plan to lift the 6 year moratorium (FPA 2018-03), complies with all county requirements (including Critical Areas, & SEPA), and is **APPROVED** subject to the following conditions:

CONDITIONS:

1. With the exception of the Class III wetland and its 75 foot buffer along the northcentral portion of the parcel that shall be enhanced and retained in forestry use, DCD will authorize non-forest related development permits on the remaining portions of this 7.69 acre parcel property provided that the provisions of permit are complied with.
2. Prior to the issuance of a building or septic permit on the subject parcel, the applicant shall implement the provisions of the Wetland Mitigation Plan prepared by Loggy Soil and Wetland dated September 18, 2018. In addition, the applicant shall remove the noxious weeds and replace any conifer trees (that were planted in the reforestation process) that have died within the Class III wetland and the 75 wetland buffer area. This will entail a site visit being conducted by DCD Planning Division.

Decided this 3rd day of October 2018.



Greg Ballard, Senior Planner
Clallam County Department of Community Development

FILED
JUL 20 2018
CLALLAM COUNTY DEPT
OF COMMUNITY DEVELOPMENT

CLALLAM COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
223 EAST FOURTH STREET, PO BOX 863
PORT ANGELES, WASHINGTON 98362-0149
(360) 417-2420

ECL 2018-00017

FLA 2018-00003

CONVERSION HARVEST PLAN APPLICATION

FOREST PRACTICES ACT (WAC 222-20-050)

(\$500 fee)

CLALLAM COUNTY DCD

EXHIBIT 2

DATE 9-12-18

APPLICANT INFORMATION

Name Paul G. Stutasman
Mailing Address 922 Benjamin Street
City Port Angeles St. WA Zip 98362
Phone Number 360-460-6661 Business Phone _____

AGENT INFORMATION (If applicable)

Name _____
Mailing Address _____
City _____ St. _____ Zip _____
Phone Number _____ Contact Person _____

PROJECT INFORMATION

Tax Parcel Number 04-30-27-240125/42849

Size of Parcel 7.69 ACRES (Acres or Square Feet) Zoning R5

Shoreline Master Program Designation _____ Stream Type (FPA Rules) _____

Description of the proposed use (existing and proposed structures, road widths and grade, drainage and erosion control plan, limits of conversion area, timing of conversion, intended use and any other activities) - ATTACH MAP:

Establish a building site for a single ~~home~~ family home of up to one acre. There is a standard (approx 12') driveway in place to the property and home site.

* (Agnew)
There is an irrigation on the south side of property. There is no buffer required on the irrigation ditch.

Description of existing and proposed open space and vegetative buffers, critical areas (wetlands, aquatic areas, wildlife habitat, geologic hazards - erosion, landslide, and floodplains) - ATTACH MAP:

There is a 1/4 acre wetland on the north side of the property. Attached is a wetlands report by David Logg.

The wetland has been flagged ~~with~~ and has a 50' marked buffer.

* There is no irrigation (Agnew) ditch on the south side which requires no buffer.

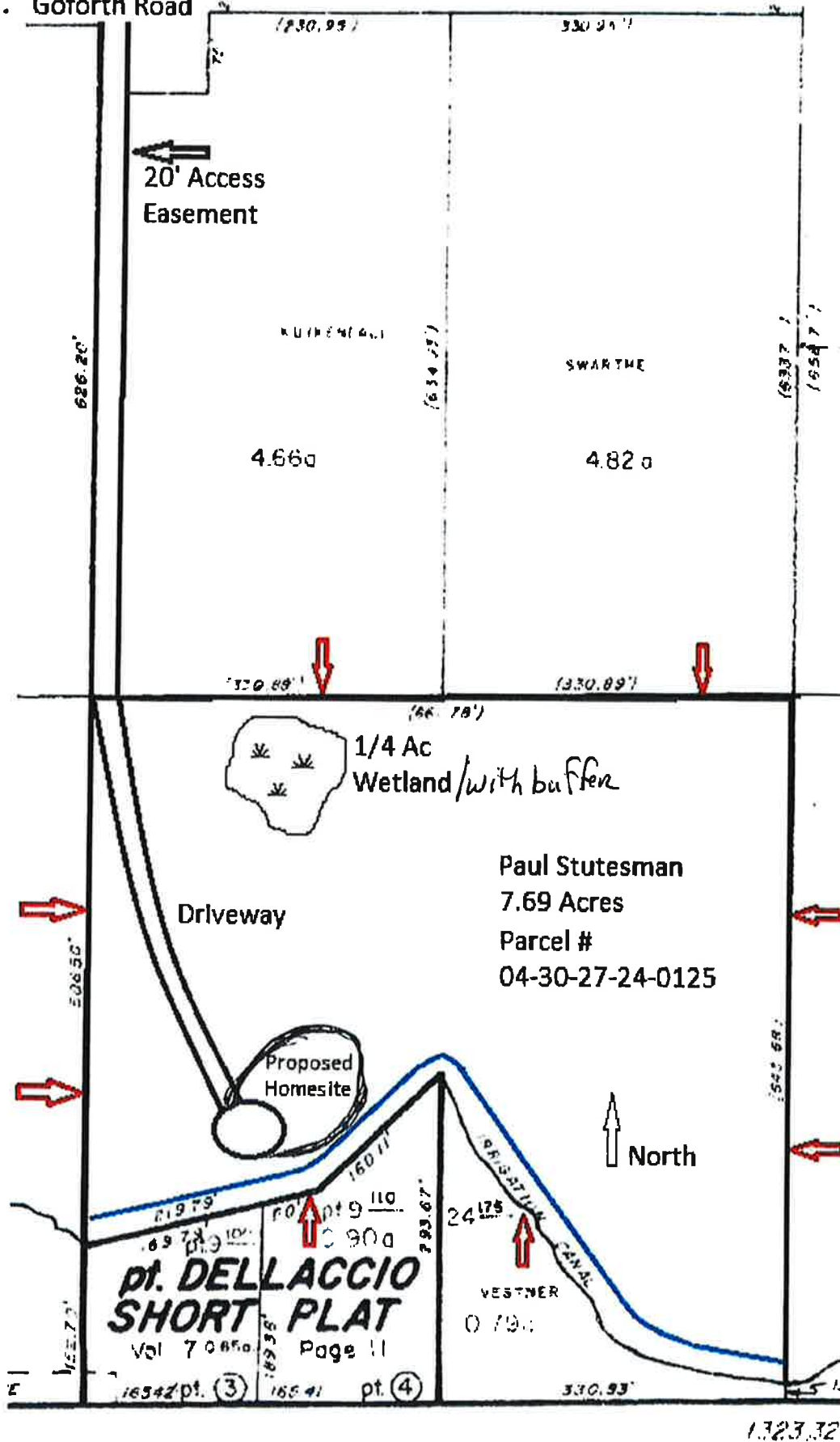
Agent

Applicant

Date Received _____ Receipt # _____ Date Approved _____ Initials _____

Certificate of Compliance Must be Attached for Approval of Application

E. Goforth Road



Loggy Soil and Wetland Consulting

W. David Loggy, CPSS and Wetland Specialist
P. O. Box 2347, Port Angeles, WA 98362
Phone: 360-457-3920 — Fax: 360-457-0131
Cell Phone 360-775-0901 Email: wdploggy@olypen.com



Specializing in:

Soil Mapping and Classification
Soil Investigations and Soil Site Analysis
Wetland Mapping, Delineation and Restoration
Soil Redox Potential Monitoring for Hydric Soil Determination

Approved Site Plan

OCT - 3 2018

Clallam County DCD
Signature: *[Handwritten Signature]*

**MITIGATION PLAN
STUTESMAN WETLAND AND BUFFER HARVESTING
18 SEPTEMBER 2018**

**PREPARED FOR PAUL STUTESMAN
PARCEL 043027-24-0125**

PREPARED BY

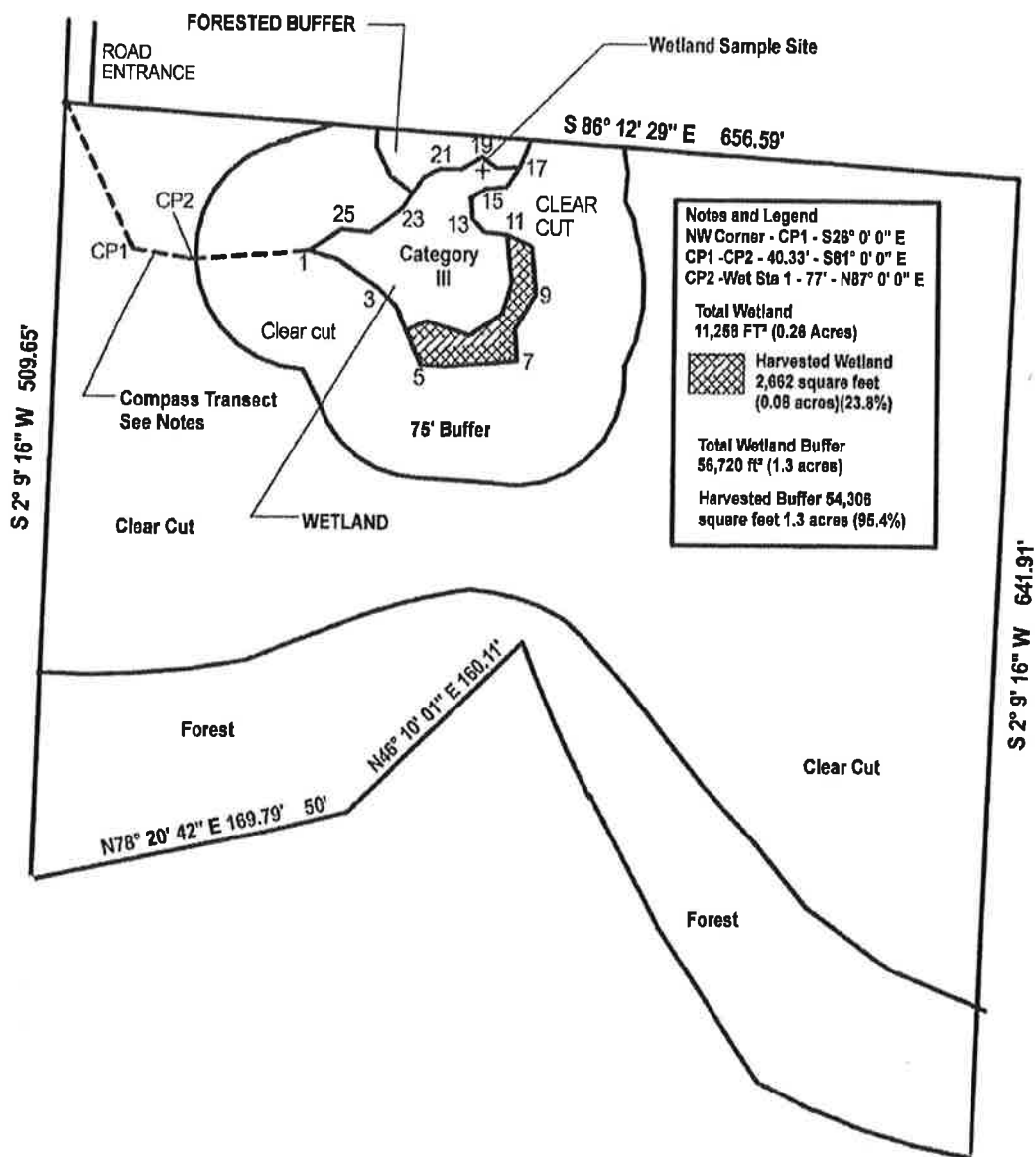
LOGGY SOIL AND WETLAND CONSULTING

During legal logging of Parcel 043027-24-0125 under Class III Forest Practice harvest application part of a Category III Forest/shrub-scrub wetland and nearly all of the wetland buffers were clear cut. The wetland is 11,258 square feet (0.26 acres) in size. Roughly two thousand six hundred sixty two (2,662) square feet (0.06 acres) or (23.8%) of the wetland was clear cut or disturbed by the clear cutting.

Mr. Pau Stutesman is requesting to lift a 6 year Moratorium on the issuance of Non-forest related permits on the area harvested for development of a single family residence. Clallam county issued a Mitigated Determination of Non-Significance (MDNS) to lift the 6 year Moratorium. The MDNS requires a 75 foot buffer for the wetland and mitigation of the buffer and impacted wetland area. The 75 foot buffer is equivalent to 45,510 square feet (1.0 acres). Roughly 43,080 square feet or 95 percent of the buffer was clear cut. The wetland total is 11,061 square feet (0.25 acres) in area. Approximately 2665 square feet (0.06 acres) or 24 percent of the wetland was clear cut or disturbed by clear cutting.

The clear cut portion wetland had western red cedar and red alder as the dominate tree species while red-osier dogwood is the dominate shrub. Other important shrubs included Douglas' hawthorn, Scoulers willow, Pacific willow, salmon-berry and Himalayan blackberry. Slough sedge dominates the understory plants with lesser amounts of creeping buttercup, soft rush and skunk cabbage. There is 278 linear feet of wetland clear cut/ boundary (out side boundary of hatch marked area that abuts the buffer). I recommend that 14 western red cedar and 14 red alder be planted along the boundary on a 10 foot spacing. I recommend planting 50 each of Scouler's and Pacific willow evenly spaced throughout the wetland hatched area. The wetland area is shown on the attached drawing. Willow cutting can be obtained from the property.

The non-wetland area including the 75 foot buffer area was required to be replanted after cutting. Current Western Washington reforestation regulation require a minimum of 190 healthy trees evenly distributed per acre (approximately 15' x 15' centers). The non-wetland area was planted on 10' x 10 foot spacing or 431 trees per acre in 2018. ;Under the mitigation conditions in the MDNS for removal of the 6 year moratorium the county is requiring the buffer to stalked at 12' x 12' centers equaling 300 trees per acres. The original planting in 2018 was done at 131 more trees than required under the mitigation requirement and 241 more trees seeding than required by the Western Washington reforestation regulations requirements. In Western Washington is common to plant approximately 390 seedlings per acre with an expected fifth year survival of 88percent. The original planting of 431 trees should meet requirements of the fifth year survival percentage for Western Washington.



SCALE: 1"=100' ALL DISTANCES ARE HORIZONTAL LENGTHS. DRAWING IS NOT A LEGAL LAND SURVEY.	DRAWN BY W. David Loggy		WETLAND CRITICAL AREA DRAWING		PROPERTY OWNER OR CLIENT Paul G Stutesman	LOGGY SOIL AND WETLAND CONSULTING P. O. Box 2347 Port Angeles, WA 98362 (O) 360-457-3820 (F) 360-457-0131
	DATE 18 SEP 2018	FILE NAME Stutesman 043027240125	LOCATION DESCRIPTION Located in a Portion S27, T30N, R04W, VM	TAX IDENTIFICATION NUMBER 043027-24-0125		

**CLALLAM COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
CONVERSION OPTION HARVEST PLAN (COHP)
FOR A PROPOSED TIMBER HARVEST**

APPLICANT: Joel Sisson
240325 Highway 101
Port Angeles, WA 98363

DATE ISSUED: October 5, 2012 Expiration Date: October 5, 2014

CASE NUMBER: FPA 2012-00001 SHORELINE: Sol Duc River (Conservancy)

CRITICAL AREA: Type 1 Stream, Erosion, Landslide Hazard, & 100 year floodplain

PROPOSAL: The applicant has submitted a Conversion Option Harvest Plan (COHP) to the Clallam County Department of Community Development (DCD) on September 28, 2012. This application focuses on the establishment of small campsites on the proposed 7 acres lots, but maintains an emphasis of growing trees on the lots. This review is related to the harvesting of timber only and other development permits (i.e. large lot subdivision, environmental checklist, perc approvals, water verification, access permits, etc) will require additional permits/reviews. The proposed campsites are located within the RW5 zoning district. The sites will be located over 200 feet from the Sol Duc River, which is designated Conservancy by the Clallam County Shoreline Master Plan. This is outside of the jurisdiction of the Clallam County Shoreline Master Plan.

Phase I of this proposal is to thin 15 percent of the trees from a 22 acre parcel for the creation of three 7 acre recreational lots. The applicant would utilize the old rail road grade to provide access to the proposed lots. A small 100 by 100 foot clearing, where trees, stumps, and understory would be removed, would be created on each lot for camping areas. A 105 foot no cut riparian management zone (RMZ) would be required adjacent to the Sol Duc River. A view corridor would be created between the camping area and the top of the 50 foot bluff above the Sol Duc River. Per the site plan, these view corridors would not entail harvesting more than 30 percent of the trees along the top of the bluff. Within the view corridor, all of the trees would be removed, but the stumps, duff and understory would be retained. The Washington State Department of Natural Resources (DNR) visited the site and indicated that removal of trees should not destabilize the bluff. Section 27.12.900(14) CCC defines development and development proposals, but this definition does not include timber harvest. This definition would include camping areas or the issuance of building/septic permits for residences. By retaining the duff and understory within the view corridor areas, the proposed should would not entail any clearing, grading, or development activity and would not meet the definition of Land Disturbing Action per Section 27.12.900(32) CCC. Based on the above, DCD finds that the harvest of trees within the 50 feet from the top of the bluff is not considered land disturbing activity and that the view corridors described above could occur without destabilizing the bluff.

Phase II – Would entail the identical proposal to Phase I but would occur on Lot 1 of Survey recorded Volume 73, Page 36. **No timber harvest or development is authorized for Phase II of this proposal on Lot 1 of Survey recorded Volume 73, Page 36 of Surveys.** However, DCD has the option of utilizing this COHP to authorize a FPA on the parcel to the west without having to approve another COHP application if no substantial modifications occur.

LEGAL DESCRIPTION: The proposal is located approximately 4 miles west of the City of Forks and 6 miles east of the Quileute Reservation, adjacent to La Push Road (SR 110) and the Sol Duc River. Phase I of this proposal is located on a 22 acre parcel described as Lot 2 of Survey recorded Volume 73, Page 36 of Surveys. This parcel is referenced by Assessor's Parcel Numbers 142815-330050 & 142822-210000. The applicant has a contract to purchase Lot 1 of the Survey recorded Volume 73, Page 36 of Surveys. Phase II of this proposal would be to conduct a COHP timber harvest in a similar manner as described below on the 22 acre parcel to the west (if the applicant completes his purchase of this parcel).

FINDINGS:

1. **CONVERSION OPTION HARVEST PLAN GENERAL REQUIREMENTS:** A "Conversion Option Harvest Plan (COHP)" is a voluntary plan developed by the landowner and reviewed by Clallam County. A COHP should specify the harvest areas, size and type of trees to be retained, road locations, critical area buffers, and other details that may include the location of the non-forest related uses if known.

A 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 on a portion of the property in the near future. A good COHP should promote wildlife diversity by maintaining a diverse mix of tree and understory, or promote the health of the stand by replacing trees not suitable to the site with species of trees more suitable to the conditions found on the site. A COHP should also minimize the disturbance of the forest duff layer, which will minimize wind and water erosions while maintaining the natural infiltration rate of the area. By minimizing disturbed areas, the applicant may avoid the need for costly temporary erosion and sediment control Best Management Practices.

Once a COHP is approved by Clallam County, it will then be submitted to the Washington Department of Natural Resources (DNR) as part of the forest practice application (FPA). The county requirements of the COHP becomes conditions of the FPA permit approved by the DNR (per WAC 222-20-050(2)). Any harvest of trees shall be done in accordance with the approved COHP. A COHP is usually implemented through either a Class II or Class III FPA. COHP implemented through a Class II or III FPA by DNR are exempt from requiring a SEPA environmental checklist per RCW 43.21C.037.

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 without having to file a Class IV General application. (WAC 222-20-050(2)). If a landowner fails to comply with the requirements of the conversion option harvest plan, the county shall impose the six-year moratorium from the date the FPA application was given final approval by the DNR. (RCW 76.09.060(3)(b)(i)(F).)

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 the alteration must be approved by the DNR. 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 actions by Clallam County and/or DNR. All COHP harvest activities shall be completed within two years of the date the COHP forest practice permit is issued by the DNR.

2. **SHORELINE:** The Sol Duc River is regulated by the Clallam County Shoreline Master Plan (SMP). This section of the Sol Duc River is designated Conservancy by the SMP. This proposal is subject to the Policies & Regulations found in the Forest Management (5.03), Residential (5.08), Road Construction (5.17) sections of the SMP.

- i. **Forest Management** –Section 5.03 of the SMP states that timber harvest activities conducted within the Conservancy designation is required to comply with the provision of RCW 90.58.150. RCW 90.58.150 allows 30 percent of the merchantable trees to be selectively harvested every 10 years within the 200 foot shoreline jurisdiction. The site plan indicates no timber would be cut on or below the 50 foot high bluff. This would provide between a 100 (east) to 200 (west) foot riparian zone along the Sol Duc River. RCW 90.58.150 states that " other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental: PROVIDED FURTHER, That clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted."

In this instance it has been determined that leaving all of the trees within a 105 foot RMZ adjacent to the river (that includes all of the area on and below the 50 foot bluff) would be more beneficial to the river than allowing a 30 percent selective cut within the entire 200 foot shoreline jurisdiction.

Per the site plan, the clear cutting of the trees for the view corridors outside of the RMZ and above the top of the bluff would not entail more than the removal of 30 percent of the trees along the top of the bluff. This would result in less than a 30 percent timber harvest of the merchantable trees within the 200 foot shoreline jurisdiction, and complies with Section 5.03 of the SMP & RCW 90.58.150.

- ii. Residential & Road Construction - The campsites, all residential appurtenances, and existing/proposed access roads would be located over 200 feet from the Sol Duc River. This is outside of the jurisdiction of the SMP. Per Section 5.08(C)(5)(b) of the SMP states that subdivision within the Conservancy designation are prohibited. Therefore when a large lot subdivision is proposed, all of the area within the shoreline jurisdiction (i.e. 200 feet from OHWM) will be required to be within ownership or under a conservation easement.

3. CRITICAL AREAS: The application was reviewed by the Clallam County Department of Community Development staff to evaluate potential impacts from the conversion of areas from forestry to non-forestry use would have on Critical Areas regulated under the provisions of the Clallam County Critical Areas Code, 27.12. The Clallam County Critical Area Maps depicts the following critical area: Aquatic Habitat Conservation Area (Sol Duc River - Type 1 Stream); Landslide Hazard, Erosion Hazard and 100 year floodplain between the Sol Duc River and top of 50 foot bluff.

Section 27.12.035 CCC list activities exempt from the Critical Areas requirements, and Section 27.12.035(10) CCC states that State forest practices conducted pursuant to Chapter 76.09 RCW are exempt from Critical Area requirements. This exemption does not apply to conversions from forestry to non-forestry use (i.e. residences/camping areas) per Section 27.12.035(1) CCC. Therefore this proposal is subject to the critical areas requirements. This permit meets the requirements of a Certificate of Compliance per Section 27.12.030(2) CCC.

The proposed 100 by 100 foot clear cut and stumped area areas being created for residential or camping areas and their associated improvements, would be considered a conversion from forestry to non-forestry use and subject to the Clallam County Critical Areas Code per Section 27.12.035(10) CCC. These cleared and stumped areas would be located over 200 feet from the Sol Duc River (Type 1 stream). The applicant is proposing view corridors where all the trees would be cut but the duff and understory would be retained. These view corridors would be located between these 100 by 100 foot cleared areas and the top of the bluff are not considered development and would not destabilize the bluff.

4. SEPA: COHP implemented through a Class II or III FPA by DNR are exempt from requiring a SEPA environmental checklist per RCW 43.21C.037.

RECOMMENDATION BASED ON ANALYSIS:

Based on the above, the Clallam County Planning Division finds that the proposed COHP (FPA 2012-01), complies with all county requirements (including the SMP, Critical Areas, & SEPA), and is **APPROVED** subject to the following conditions:

CONDITIONS:

1. This COHP is for the 22 acre parcel described as Lot 2 of Survey recorded Volume 73, Page 36 of Surveys. **No timber harvest or development is authorized for Phase II of this proposal on Lot 1 of Survey recorded Volume 73, Page 36 of Surveys.** The applicant shall provide proof of ownership to DCD prior to DCD providing a clearance to DNR that this COHP applies to Lot 1 of Survey recorded Volume 73, Page 36 of Surveys (Phase II).
2. No timber harvest shall occur on or below the 50 foot bluff or within 105 feet of the Sol Duc River (per DNR's RMZ requirements).

3. The harvesting of timber shall be in substantial conformance with the COHP & Site Plan approved October 5, 2012 submitted with the application, except as modified through the conditions cited herein.

If the harvesting of timber is not in substantial conformance with the COHP or additional merchantable timber is removed from the property within 6 years of the completion of the COHP, a revised COHP and SEPA environmental checklist may be required from Clallam County, and subject to the applicable processing fee.

4. All skid roads & log landings/clearing not needed for the active management of the forestry use on the property or the proposed residential use should be scarified and re-seeded or covered with mulch.
5. All timber harvest activities shall occur within two years from the date that the COHP Forest Practice Permit is Issued by WA State DNR.
6. The 100 by 100 foot camping areas (cleared and stumped) and associated improvements shall be located a minimum of 200 feet from the Sol Duc River. These camping areas would not have to be re-forested. With the exception of the proposed 100 by 100 foot camping areas, the remaining over 6.5 acres of the proposed lots is intended to be retained in forestry use. If the forestry areas do not contain adequate tree cover after the timber harvest, these areas shall be replanted in trees to meet DNR reforestation criteria found in WAC 222-34.
7. The boundary of the 100 by 100 foot camp site areas (cleared & stumped), as depicted on the approved site plan shall be flagged prior to harvesting timber from the property.
8. The view corridor areas where trees are removed but stumps, duff, & understory to be retained would be located between the 100 by 100 foot camp site areas and the top of the bluff.
9. A FPA from the WA State DNR is required for the removal of timber referenced in this proposal. Conditions of this approved COHP shall be incorporated into the FPA (per WAC 222-20-050(2)).
10. For this permit, grading and land disturbing activity does not include the harvesting of trees if the stumps are left in the ground, and the duff and the understory is left in tact.

All disturbed areas (as defined above), which are not covered with gravel, shall implement Construction Best Management Practices (BMP). These Construction BMP's shall at a minimum include installing silt fences, seeding and spreading straw/mulch, or hydro-seeding disturbed areas. These Construction BMPs shall be accomplished within 2 days of disturbance between October 1 and April 30 and within 7 days between May 1 and September 30.

11. The applicant is planning on receiving access from SR 110, a state highway. The applicant shall either obtain access connection permit (if none exists) or upgrade the access connection permit (if one exists) from the Washington State Department of Transportation prior to the issuance of either the FPA or development permits. Please contact the Washington State Department of Transportation at (360) 565-0680 for more information.

Decided this 5 day of October 2012.



Greg Ballard, Senior Planner
Clallam County Department of Community Development

cc: Connie Sallee, WA State DNR

RECEIVED
SEP 28 2012
CLALLAM COUNTY DEPT.
OF COMMUNITY DEVELOPMENT

#1 proposed spur & campsite and view opening
#2 proposed spur & campsite and view opening
#3 proposed spur & campsite and view opening
All 3 cleared & stumped
view opening ~~was~~ trees cut
3 stumps remain

No electrical power
within 2 miles in either
direction.

WILSON RD

Jack Sisson / Lyle Nielsen
240325 Hwy 101
Port Angeles, WASH 98363
360-460-~~541~~3410

Sample of Notice of Conversion from DNR



**DEPARTMENT OF
NATURAL
RESOURCES**

OLYMPIC REGION
411 TILlicum LANE
FORKS WA 98331

360.374.2800
OLYMPIC.REGION@DN
R.WA.GOV
WWW.DNR.WA.GOV

February 10, 2022

Greg Ballard
Clallam County
Department of Community Development
223 E 4th St, Suite 5
Port Angeles, WA 98362

Subject: Notice of Conversion to a Nonforestry Use #OLY-NCNU-22-110838

Dear Mr. Ballard:

Enclosed you will find a Notice of Conversion to a Nonforestry Use that the Department of Natural Resources has identified. For a period of six years or until required activities have taken place, RCW 76.09.460 requires all local government to deny all applications for permits and/or approvals, including building permits and subdivision approvals, relating to non-forestry uses of land subject to this notification.

See the attached RCW for additional information.

If you have any questions about the attached information, please call me at 360-374-2800.

Sincerely,

Chelsea Drum
Forest Practices Coordinator
Olympic Region
Department of Natural Resources

Enclosures: RCW 76.09.460
OLY-NCNU-22-110838
OLY-ICN-22-20069

C: Department of Ecology
National Marine Fisheries Service
Lower Elwha Tribe
Lorna J Sisson Lee & Harry David
Lee

Department of Fish and Wildlife
US Fish and Wildlife Service
Department of Revenue



WASHINGTON STATE DEPT OF
**NATURAL
RESOURCES**

**Forest Practices
Notice of Conversion to a
Nonforestry Use**

1. FPA No. None	2. Region Olympic	4. Class of Forest Practice None ☐ Class II ☐ Class IV-General ☐ Class III ☐ Class IV-Special	5. Legal Subdivision NE 1/4 of SW 1/4 Section TWP RgeE/W 03 30 07W
3. County Clallam	6. Landowner Lorna J Sisson & Harry David Lee	7. Timber Owner Same as L/O	8. Operator Same as L/O
NCNU No. OLY-NCNU-22-110838	Mailing Address 416 Sisson Road	Mailing Address	Mailing Address
City, State / Province, Zip / Postal Code Port Angeles, WA, 98363	City, State / Province, Zip / Postal Code	City, State / Province, Zip / Postal Code	City, State / Province, Zip / Postal Code

10.

☐ FPA Approval date: or ☒ Date DNR was made aware of activity: 01/25/2022

Activity Location (address, legal description, parcel # etc.): Parcel # 073003420175

11. Conversion Activity Observed: (check and describe location, amount and/or size)

- ☒ Removal of vegetation to bare soil (not including reforestation site preparation)
All vegetation removed approx. 0.6 acres in size (refer to map for approx. location).
approx. 40-50 merchantable Doug Fir/Western Red Cedar logs decked on site.
- ☒ Removal of stumps (when stumping was not part of an approved FPA/N)
All stumps removed in area approx. 0.6 acres in size
- ☐ Installation of utilities (water, sewer, electricity, natural gas, telephone, etc.)
- ☐ Digging of percolation test holes
- ☐ Construction or reconstruction of roads to local government standards (above FP standards)
- ☒ Grading and/or filling of the site (except for landings, pits, and roads)
approx. 0.6 acres graded at site. Existing road was improved/maintained to access site.
- ☐ Existence of permits or applications to convert the property to non-forestry use(s)
- ☐ Rock pit for non-forest practice activity
- ☒ Other:
Landowner states they intend on building a structure/ planting fruit trees on site at later date.
Refer to ICN #20069 for narrative and additional information.

This Notice of Conversion to a Nonforestry Use applies to the land described in the FPA/N, OR the area disturbed if harvesting occurred without an approved FPA/N.

DNR staff: If there is no FPA/N, attach a map showing the disturbed area.

Completed by: Levi Puksta 1621 Levi Puksta Date: 02/07/2022 JA

Copies sent to:

☒ Landowner: David Lee ☒ Operator: Same as Landowner
☒ ECY: Chris Briggs, Jason Lenz ☒ LGE: Clallam County: Greg Ballard
☒ WDFW: Danielle Zitomer ☒ DOR: Ross Goodwin, Ben Craig
☒ Other: USFWS/NMFS: Vince Harke, Scott Anderson

Right to Appeal

You have thirty (30) days to appeal this Notice to the Pollution Control Hearings Board in writing at the following address:

Mailing Address:
Pollution Control Hearings Board
P.O. Box 40903
Olympia, WA 98504-0903

OR

Physical Address:
Pollution Control Hearings Board
1111 Israel Rd. SW, Ste 301
Tumwater, WA 98501

At the same time you file an appeal with the Pollution Control Hearings Board, also send a copy of the appeal to the Department of Natural Resources' region office and the Office of the Attorney General at the following addresses:

Office of the Attorney General
Natural Resources Division
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

And

Department Of Natural Resources
Region
Olympic Region DNR
411 Tillicum Lane
Forks, WA 98331

See RCW 43.21B.110 and RCW 43.21B.230. Information regarding the Pollution Control Hearings Board can be found at: <http://www.eluho.wa.gov/Board/PCHB>

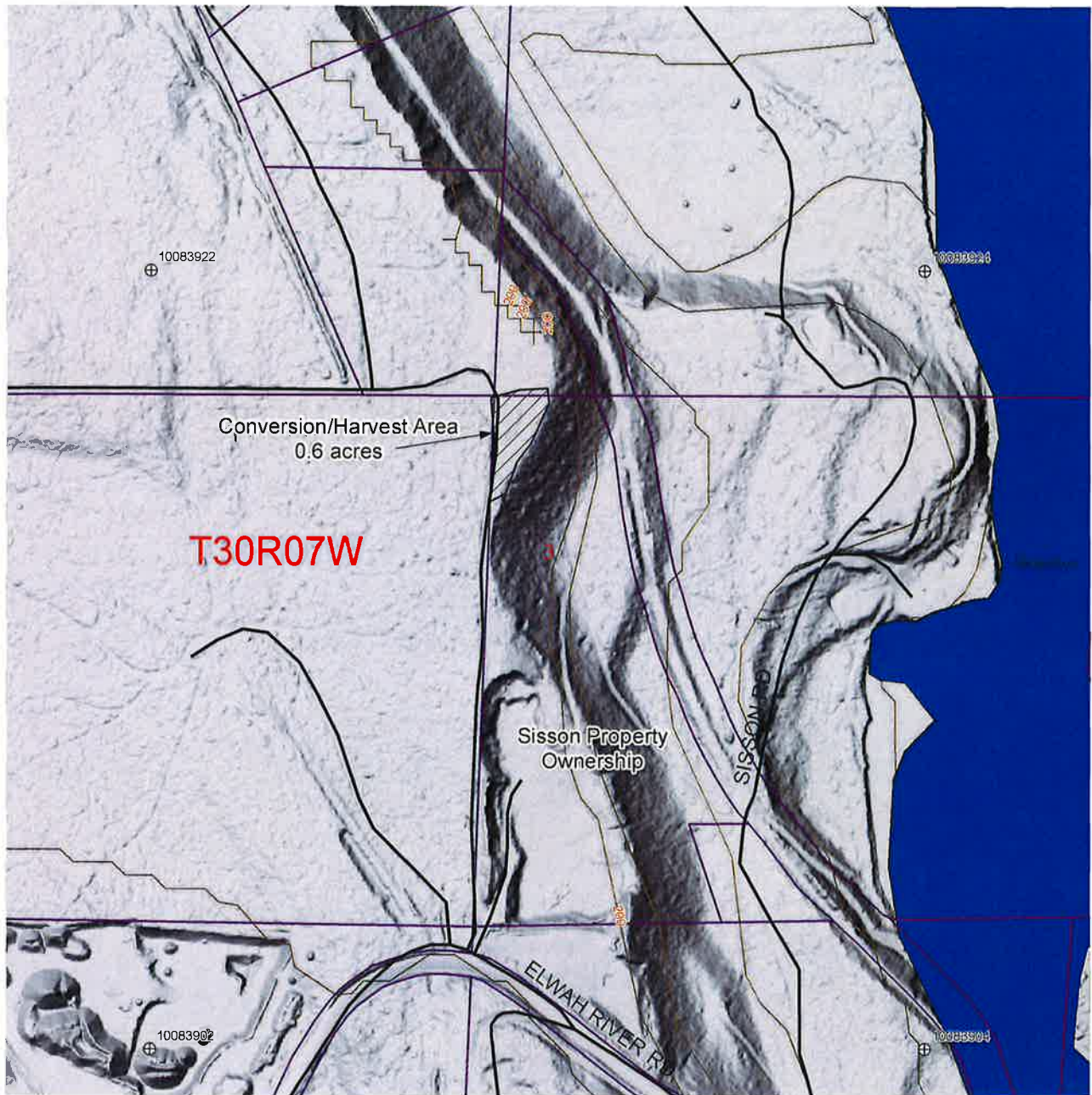
DNR affidavit of mailing to landowner:

On this day <u>2/10/2022</u>	I placed in the United States mail at <u>Forks</u> , WA,
(date)	(post office location)
postage paid a true and accurate copy of this document. Notice of Conversion to a Nonforestry Use # <u>110838</u>	
<u>Kala Jackson</u>	<u>[Signature]</u>
(Printed name)	(Signature)

Sisson Property Harvest Map

Owner Name: Lorna J Sisson & Harry David Lee
Parcel ID #: 073003420175
Property Address: 416 Sisson Road
OLY-NCNU-22-110838
ICN #: 20069

COUNTY(S): Clallam
TOWNSHIP(S): T30R07W



	Sisson Road Harvest Area		X, non-typed per WAC 222-16
	Contours 40-foot		Landslide Polygons (FP)
	Tics - 2000' Interval		Certainty: Unknown
	County Tax Parcels 2017		Certainty: Definite
	Type S		Certainty: Questionable
	Type F		Certainty: Probable
	Type N, Np, Ns		
	U, unknown		



Sisson Property NCNU Landowner: Lorna J Sisson & Harry David Lee
416 Sisson Road, Port Angeles, WA 98363 Parcel # 073003420175
NCNU-OLY-22-110838 ICN-20069 Photos taken by: FPF Puksta 02/04/2022



Image 1: Site of harvest/conversion activities. All stumps and vegetation removed from site. Site has been graded/leveled. Approximately 0.60 acres in size.



Image 2: Photo taken from the south facing north on existing road. Reprod is western property line (PL). Existing road continues north on PL through reprod/merchantable timber. Decked logs 40-50 of Douglas-fir and Western Red Cedar.

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Image 3 and 4: Photos of conversion site and decked merchantable timber (40-50 Douglas-fir and Western Red Cedar). Picture taken from NE corner looking SW toward western property line.



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Image 5: Photo taken from NE corner facing south. Vehicle side of image is the bluff to east. Slopes of bluff are 45-55% slopes where <5 cut stumps observed.



Image 6: Photo taken from south facing north. Pulp/Coal Deck of non-merc logs that are being utilized as firewood. Pulp deck is at northern edge of site. Bluff is on right side of pulp deck.

RCW 76.09.460**Notice of conversion to nonforestry use—Denial of permits or approvals by the county, city, town, or regional governmental entity—Enforcement.**

If a county, city, town, or regional governmental entity receives a notice of conversion to nonforestry use by the department under RCW **76.09.060**, then the county, city, town, or regional governmental entity must deny all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of the land that is the subject of the notification. The prohibition created by this section must be enforced by the county, city, town, or regional governmental entity:

(1) For a period of six years from the approval date of the applicable forest practices application or notification or the date that the department was made aware of the harvest activities; or

(2) Until the following activities are completed for the land that is the subject of the notice of conversion to a nonforestry use:

(a) Full compliance with chapter **43.21C** RCW, if applicable;

(b) The department has notified the county, city, town, or regional governmental entity that the landowner has resolved any outstanding final orders or decisions issued by the department; and

(c) A determination is made by the county, city, town, or regional governmental entity as to whether or not the condition of the land in question is in full compliance with local ordinances and regulations. If full compliance is not found, a mitigation plan to address violations of local ordinances or regulations must be required for the parcel in question by the county, city, town, or regional governmental entity. Required mitigation plans must be prepared by the landowner and approved by the county, city, town, or regional governmental entity. Once approved, the mitigation plan must be implemented by the landowner. Mitigation measures that may be required include, but are not limited to, revegetation requirements to plant and maintain trees of sufficient maturity and appropriate species composition to restore critical area and buffer function or to be in compliance with applicable local government regulations.

[2007 c 106 § 2.]



Informal Conference Note

ICN # 20069 20038	Legal Subdivision Parcel 0730 03 420 175	Section 03	TWP 31 N	RGE E/W 07 W	Application / Notification # NONE ON FILE	Class N/A
Landowner LORNA J Sisson AND HARRY DAVID LEE		Timber Owner SAME AS LO.			Operator SAME AS LO.	
Mailing Address 416 Sisson Road		Mailing Address			Mailing Address	
City, State / Province, Zip / Postal Code PORT ANGELES, WA 98363		City, State / Province, Zip / Postal Code			City, State / Province, Zip / Postal Code	
Meeting Location ON-SITE		Telephone Conference []	Date 02/04/2022	Time 10:30AM	Region OLYMPIC	
Subjects Discussed:						
ON 02/04/2022 FPK PUKSTA MET W/ L/O DAVID LEE						
ON ABOVE PROPERTY LISTED FOR A FOLLOW UP ON						
A COMPLAINT NOTIFICATION FROM CLALLAM COUNTY.						
COMPLAINT WAS FOR POTENTIAL HARVEST/CONVERSION						
WITHOUT A PERMIT OR FPA.						
SITE IS OBSERVED AS 0.6 ACRES IN SIZE.						
VEGETATION AND STUMPS REMOVED TO BARE						
EARTH SOILS. NO STUMPS PRESENT OR OBSERVED						
ON SITE. AREA APPEARED UNADOED. EXISTING ROAD						
WAS NOT FACTORED INTO ACTIVITY ACREAGE SIZE.						
A PULP DECK WAS ALSO ON SITE BEING UTILIZED						
FOR FIRE WOOD. 50 DF/WC MERCH TREES DECKED. L/O						
Decisions Made:						
STATES THEY ARE ALSO FIRE WOOD. L/O MAY						
BUILD STRUCTURE AT LATER DATE.						
FPK PUKSTA TO						
DECISIONS MADE: A FOLLOW UP W/ L/O ON						
PERMITTING STEPS THAT MAY BE NEEDED MOVING						
FORWARD AFTER REVIEWING FP RULES.						
FOLLOW UP W/ CLALLAM COUNTY TO DETERMINE						
PERMITTING REQUIREMENTS THAT MAY BE NEEDED						
NO EQUIPMENT ON-SITE AND ACTIVITIES ARE COMPLETE						
SO STOP WORK ORDER NOT REQUIRED.						
PRINT Participants' Names		*SIGNATURES of Participants		Representing Note: Distributed with NCNU	Copies Mailed	
LEU PUKSTA				DNR FOREST PRACTICES	[]	
DAVID LEE				LAND OWNER	[]	
Position No. 1621		Signature & Title of DNR Representative 		Date 02/04/2022	Work Phone 360-460-0900	
* Participant signature means Note is correct for subjects discussed and decisions made at the meeting.						
Did not attend -- mail copies to:						
[] Timber Owner [] Landowner ☒ Other Parties: BALLARD CLALLAM CO. ACO						