

**CITY OF WOODINVILLE, WASHINGTON**

**ORDINANCE NO. 307**

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING DEFINITIONS IN WOODINVILLE MUNICIPAL CODE CHAPTER 21.06 AND ADDING WOODINVILLE MUNICIPAL CODE CHAPTER 21.17 REGULATING CLASS IV – GENERAL FOREST PRACTICES AS MANDATED BY STATE LAW SUBSTITUTE SENATE BILL 5714, AND ESTABLISHING AN EFFECTIVE DATE.

**WHEREAS**, pursuant to State Law, the City of Woodinville is required to adopt Class IV – General Forest Practice regulations by December 31, 2001; and

**WHEREAS**, the City conducted the required Environmental Review under the State Environmental Policy Act (SEPA), and

**WHEREAS**, the Planning Commission held a Public Hearing on the proposed Zoning Code Amendment on November 7, 2001, and closed the Hearing on November 19, 2001.

**WHEREAS**, the Planning Commission forwarded its Findings and Recommendation of Approval to the City Council, and

**WHEREAS**, the City Council has received and reviewed the Planning Commission's report, findings and recommendations, and

**WHEREAS**, the City Council has approved Zoning Code Amendment File No. ZCA2001-0054, and

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Woodinville Municipal Code Chapter 21.06.134 is hereby added and reads:

**21.06.134 Conversion option harvest plan.** Conversion option harvest plan: a voluntary plan developed by the landowner and approved by the State Department of Natural Resources and the City of Woodinville for property being converted from commercial timber production to a non-forestry land use. The conversion option harvest plan (COHP) indicates the limits of forest harvest areas, road locations, and open space for forest practices.

Section 2. Woodinville Municipal Code Chapter 21.06.268 which reads:

**Forest practices.** Forest practice: any activity regulated by the Washington Department of Natural Resources in Washington Administrative Code ("WAC") 222 or RCW 79.06 for which a forest practice permit is required, together with:

- (1) Fire prevention, detection and suppression; and,
- (2) Slash burning or removal.

Is hereby amended as follows:

**21.06.268 Forest practices.** Forest practice: any activity regulated by the Washington Department of Natural Resources in Washington Administrative Code (WAC) 222 or RCW 79.06 for which a forest practice permit is required, together with fire prevention, detection and suppression; and slash burning or removal. The four classifications of forest practices activities described in WAC 222-16-050 is determined by considering several factors including but not limited to the type of activity proposed (e.g., harvesting, thinning, etc.), its scale, the affected environment, and future use of the site. The description of the classes of forest practices paraphrased below are intended to summarize the classifications and do not supersede the specific definitions described in WAC 222-16 and RCW 76.09:

- (1) Class I are those minor forest practices that have no direct potential for damaging a public resource. Examples of Class I forest practices include timber harvests on parcels where contiguous ownership is less than two acres in size that are not within a shoreline designation or UGA, and none of the operation takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary high water mark of a Type 4 Water or flowing Type 5 Water (see WAC 222-16 for definitions of Water Types); the culture and harvest of Christmas trees and seedlings; tree planting and seeding; and cutting and/or removal of less than 5,000 board feet of timber for personal use (e.g., firewood, fence post, etc.) in any consecutive 12-month period. Class I forest practices do not require approval of a permit by DNR.
- (2) Class II are those forest practices which have less than an ordinary potential for damaging a public resource. Examples of Class II forest practices include the construction of advance fire trails; timber harvests of less than 40 acres; and the partial cutting of 40 percent or less of the live timber volume on a site. Class II forest practices require notification to DNR prior to being conducted; they do not require an application. Property logged pursuant to a Class II permit must be reforested and is intended to remain in timber production.

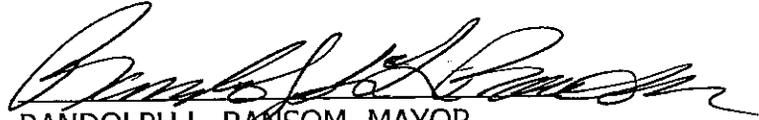
- (3) Class III are those forest practices not listed under Class I, II, and IV. Class III forest practices require permit approval by the DNR. Property logged pursuant to a Class III permit must be reforested and is intended to remain in timber production.
- (4) Class IV forest practices are divided into two categories as follows:
  - (a) Class IV-General are those forest practices occurring on lands within Urban Growth Areas; lands platted after January 1, 1960, or on lands which are being converted to a use other than commercial timber production. Examples of Class IV-General forest practices include harvest of timber and conversion of land to residential or commercial uses. Reforestation is not required under a Class IV-General forest practices permit as the property subject to the permit is being converted to a non-forestry use. All Class IV-General forest practices are considered conversion forest practices.
  - (b) Class IV-Special are those forest practices which have the potential to result in a substantial impact to the environment. Examples of Class IV-Special forest practices include forest practices conducted on lands designated as critical wildlife habitat for threatened or endangered wildlife species; timber harvest in National, State, or local parks; and forest practices involving the filling or draining of more than 0.5 acres of wetland. Class IV-Special forest practices include two subcategories: conversion and non-conversion. Class IV-Special conversion forest practices include those practices which result in the conversion of timber land to a non-forestry use, such as residential, commercial or industrial. Class IV-Special non-conversion forest practices include those practices that will result in uses of the property consistent with timber growing.

Section 3. Chapter 21.17 is hereby added to the Woodinville Municipal Code as shown in Exhibit B, pages 1 through 8.

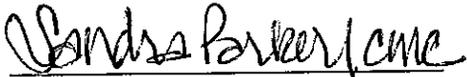
Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force no sooner than five (5) days after publication. This ordinance shall become ineffective if the City receives objection of the regulations from the State.

PASSED BY THE CITY COUNCIL OF THE CITY OF WOODINVILLE THIS 10<sup>th</sup> DAY OF December, 2001.

  
RANDOLPH L. RANSOM, MAYOR

ATTEST:

  
Sandra Parker  
City Clerk/CMC

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:   
Jeff Taraday  
City Attorney

PASSED BY THE CITY COUNCIL: 12-10-2001  
PUBLISHED: 12-17-2001  
EFFECTIVE DATE: 12-22-2001  
ORDINANCE NO. 307

**Chapter 21.17**  
**FOREST PRACTICE REGULATIONS**

**Sections:**

**21.17.010 Authority.**

**21.17.020 Purpose.**

**21.17.030 Applicability.**

**21.17.040 Administration.**

**21.17.050 Application Requirements.**

**21.17.060 Development Moratoria Related to Forest Practices.**

**21.17.070 Request for Removal of Development Moratoria.**

**21.17.080. Request for Single-Family Exception.**

**21.17.010 Authority.** This Chapter is established to regulate Forest Practices – Class IV General pursuant to RCW 76.09 and WAC 222-20.

**21.17.020 Purpose.** This Chapter provides regulations, which set forth procedures and review criteria for approval of Class IV-General forest practices only as identified in WMC 21.06.268 and establishes a process for implementing development moratoria on properties which have been harvested in violation of forest practice requirements. Other forest practices may require permits or approvals from the Washington State Department of Natural Resources.

**21.17.030 Exemptions.** The following activities are exempted from the provisions of this Chapter:

- (1) Forest practices on lands in a UGA where the landowner submits a 10-year statement of non-conversion to the Department of Natural Resources (reforestation agreement) together with either an acceptable 10-Year Forest Management Plan or proof that the land is currently enrolled in Current Use Assessment-Timber Lands, under the provisions of RCW 84.33.
- (2) The division of land into lots, each of which is one thirty-second of a section of land or larger, or 20 acres or larger.
- (3) Repair or remodeling within the existing footprint of existing structures.
- (4) Reconstruction of a structure damaged or destroyed due to fire, explosion, wind, flood, earthquake, or other similar calamity.

**21.17.040 Administration.**

- (1) **Approvals Required.** An approval pursuant to this Chapter must be obtained from the City for the following:
  - (a) **Forest Practice Approvals Class IV-General Forest Practices.** An approved forest practices permit is classified as a Type II project permit application in accordance with WMC 17.07 and shall be obtained from the City prior to conducting any forest practices as defined WMC 21.06.268 for Forest Practices Class IV-General.
  - (b) **Request for Removal of Development Moratorium.** An approved Request for Removal of Development Moratorium pursuant to WMC 21.17.070 shall be required prior to the approval of any development permits by the City for land which is subject to a development moratorium as a result of a forest practice except for the construction of one single-family residence. The application shall be processed as a Type III pursuant to WMC 17.07.030.

- (c) **Request for Single-Family Dwelling Exception.** An approved Request for Single-Family Dwelling Exception shall be required prior to the construction of a single-family residence or related improvements on land which is subject to a development moratorium above. The request shall be processed as a Type III application pursuant to WMC 17.17.030.
- (2) **Public Notice.** Public notice for notice of application; threshold determination, if applicable; public hearing, if applicable; and final decision pursuant to this Chapter are subject to WMC 17.11.
- (3) **Time Limitations.**
- (a) **Expiration of Approval.** Class IV-General permit shall be valid for two consecutive years following the date of issuance unless a different time limit has been established through an associated development permit approval. Expiration of the Class IV-General permit shall be the same as the expiration date of the approved development permit.
- (b) **Time Extensions.** A time extension for a development permit shall extend any associated Class IV-General permit of no more than one (1) year.
- (c) **Time Period for Final Decision.** The provisions for issuing a notice of final decision on any application filed pursuant to this Chapter are set forth in Chapter 17.09.060.

### 21.17.050 Forest Practice Application Requirements

#### (1) General Requirements.

- (a) A Class IV-General permit shall be submitted concurrent with an application for a Land Surface Modification permit and prior to conducting forest practices on the project site.
- (b) All Class IV-General permit applications shall describe the harvest method, including type of equipment to be used and the expected dates of commencement and completion of all harvest activities.
- (c) All Class IV-General permit applications shall declare the type, extent, and schedule of future development plans.
- (d) A Class IV-General permit approval will not be granted until any pending development permit applications associated with the site have been approved.
- (e) Tree preservation standards shall be applied to forest practices in accordance with WMC 21.16.130 through 21.16.200.
- (f) All Class IV-General permit applications are subject to environmental review in accordance with WMC 14.04

#### (2) Review Criteria.

- (a) Class IV-General forest practices shall comply with all applicable regulations and standards as adopted by the City.
- (b) Class IV-General forest practices shall comply with the conditions of approval established through the associated development permit or approval.
- (c) Class IV-General forest practices proposed where a development permit, other than a Land Surface Modification permit, has not been submitted shall comply with the following additional requirements:
- (i) No more than 35 percent of the volume of trees, by species shall be removed or no less than 30 tree-credits per acre pursuant to WMC 21.16.130 shall remain, which ever is greater, within any six year period throughout the gross area of the site. Sensitive areas and associated buffers may not be

- applied. The retained trees shall consist of timber that is equivalent to the average size, age, and species of the harvested trees; and,
- (ii) Upon the approval of a development permit, excluding a Land Surface Modification permit, no additional timber volume shall be removed without submittal and approval of a new Class IV-General forest practices permit.

#### **21.17.060 Development Moratoria Related to Forest Practices.**

- (1) General Requirements.** All development moratoria established pursuant to this Chapter shall be mandatory. Development applications and project construction for any development activity shall be prohibited for a term of six years on a site subject to a moratorium.
- (2) Actions That Result in a Development Moratorium.** The following actions shall result in a six-year development moratorium being imposed:
  - (a) The violation of a Class IV-General forest practices permit.
  - (b) Activity that meets the definition of Class IV forest practices on a parcel without an approved forest practices application.
- (3) Consequences of a Development Moratorium.**
  - (a) City of Woodinville shall terminate review of any application for development of land which is, or becomes, subject to a six-year development moratorium. A new application shall be required for development of the site after the six-year moratorium expires.
  - (b) City of Woodinville shall not accept applications for any development of land which is subject to a six-year moratorium, during the moratorium period.
  - (c) All development moratoria imposed by City of Woodinville shall extend to the harvest area indicated in the forest practices permit. If no forest practices permit or Conversion Option Harvest Plan (COHP) was issued by the DNR, the moratorium shall apply to the entire parcel.
  - (d) Prior to any development permit application, the property owner shall be required to submit a Class IV-General permit application on land that was cleared without a required forest practices.
  - (e) City of Woodinville shall notify the appropriate State agency if a forest practices activity that meets the definition of a Class II, III, or IV-Special forest practices has been initiated on a parcel without an approved forest practices application or notification.
- (4) Effective Date of a Moratorium.** If forest practices occur on a site without the appropriate permit or approval, a six-year development moratorium shall be imposed from the date the unpermitted forest practices were documented by City of Woodinville or DNR and recorded with the County to be attached to the title of the parcel.

**21.17.070 Request for Removal of Development Moratoria.** Any development moratorium established pursuant to Section 21.17.060 may be considered for removal by the Hearing Examiner when the following requirements are met:

- (1) Public Hearing Required.**
  - (a) The Department shall set a date for an open record public hearing before the Hearing Examiner after all the requests for additional information or plan correction and/or application information of WMC 17.09.020 have been satisfied, and either a determination of non-significance or a mitigated determination of non-significance (DNS or MDNS) or final or final supplemental environmental impact statement (FEIS or FSEIS), if required, has been issued.

- (b) The public hearing shall follow the procedures set forth in WMC 17.15.
- (2) **Review Criteria.** The Examiner shall consider the removal of a development moratorium established pursuant to this Chapter when the following criteria are met:
- (a) The forest practices conducted on the site meet the standards set forth in subsection 21.17.050(2).
  - (b) Corrective actions are implemented which would bring the forest practices into compliance with this Chapter.
  - (c) If sensitive areas or sensitive area buffers have been damaged, the Hearing Examiner may impose increased sensitive area buffer standards together with additional requirements to mitigate the damage.
  - (d) The entire site shall have been reforested in accordance with the requirements set forth in WAC 222-34.
- (3) **Approval.**
- (a) The Hearing Examiner shall review all requests for removal of a development moratorium, any comments received, and applicable City regulations or policies, and may inspect the property prior to rendering a decision.
  - (b) The Hearing Examiner may approve an application for a request to remove a development moratorium, approve the application with conditions, require modification of the proposal to comply with specified requirements or local conditions, or deny the application if it fails to comply with requirements of this Chapter.
- (4) **Required Written Findings and Determinations.** Removal of a development moratorium may be approved by the Hearing Examiner if the following findings can be made regarding the proposal and are supported by the record:
- (a) The removal of the six-year development moratorium will not be detrimental to the public health, safety, and general welfare.
  - (b) The removal of the six-year development moratorium will not be injurious to the property or improvements adjacent to and in the vicinity of the proposal.
  - (c) The removal of the six-year development moratorium will not result in significant adverse environmental impacts.
  - (d) The removal of the six-year development moratorium is consistent with the review criteria in 21.17.050(2).
  - (e) The removal of the six-year development moratorium is consistent and compatible with the goals, objectives, and policies of the Comprehensive Plan, appropriate community plan, and the provisions of this Chapter.

**21.17.080 Request for Single-Family Dwelling Exception.** The Hearing Examiner may grant an exception to the mandatory six-year development moratorium to allow the construction of one single-family dwelling unit and associated accessory structures pursuant to the following standards:

- (1) General Requirements.
  - (a) The area that is permitted to be developed pursuant to this exception shall not exceed one acres in size in addition to the minimum area for necessary to provide safe vehicular access;
  - (b) Upon approval of a single-family dwelling unit exception, a memorandum of agreement (MOA) shall be recorded with the County Auditor by the landowner which includes a site plan depicting the area of the parcel to be dedicated for the single-family dwelling, yard area, permitted accessory structures, and access road. The MOA shall identify the actions to be taken by the landowner to correct any violations of City ordinances or regulations;

- (c) The development moratorium shall remain in effect for all other non-forestry uses of the site.
- (2) **Review Criteria.** One single-family dwelling, permitted accessory structures, lawn and landscaped area, and access road may be constructed together with site development activities necessary to construct the dwelling on land subject to a development moratorium provided that:
- (a) The construction of the single-family dwelling, lawn and landscaping area, accessory structures, and access road are in compliance with all applicable City regulations;
  - (b) The landowner corrects any violations of sensitive area and resource lands if any have occurred on the parcel;
  - (c) Reforestation of the site has occurred if required pursuant to WAC 222-34.
- (3) **Required Written Findings and Determinations.** A single-family dwelling unit exception may be approved by the Hearing Examiner on a site that is subject to a six-year development moratorium only if all of the following findings can be made regarding the proposal and are supported by the record:
- (a) The single-family exception to the six-year development moratorium will not be detrimental to the public health, safety, and general welfare.
  - (b) The single-family exception to the six-year development moratorium will not be injurious to the property or improvements adjacent to and in the vicinity of the proposal.
  - (c) The single-family exception to the six-year development moratorium will not result in significant adverse environmental impacts.
  - (d) The granting of the single-family exception to the six-year development moratorium is consistent with the review criteria in WMC 21.17.080(2).
  - (e) The single-family exception to the six-year development moratorium is consistent and compatible with the goals, objectives, and policies of the Comprehensive Plan, appropriate community plan, and the provisions of this Chapter.