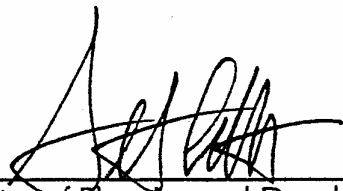


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POLICY
APPROVED BY:
Director of Planning and Development Services**POL-6300** **FOREST PRACTICES ACT**

This administrative process is intended to implement certain provisions of the State Forest Practices Act (FPA) with respect to the conversion of lands to non-forestry uses in unincorporated Snohomish County. This process establishes the basis for and process by which the Department of Planning and Development Services will consider lifting the six-year development moratorium which is imposed upon non-conversion lands at RCW 76.09.060 of the FPA.

1. APPLICABILITY

This administrative process applies to all development activity which occurs, or if a county permit is required, for which a complete development permit application is submitted to the department, after July 27, 1997, and relating to non-forestry uses of land subject to the FPA.

2. DEFINITIONS

BEST MANAGEMENT PRACTICES. "Best Management Practices" means management measures that are reasonable and available to mitigate adverse impacts to critical areas in accordance with WA State Department of Natural Resources and/or Department of Ecology guidelines.

BUILDING SITE. "Building Site" means that portion of the subject property within 200 feet of the development activity provided, however, that for subdivisions, short subdivisions, planned residential developments, and projects with binding site plans, the "building site" shall include the entire subject property.

CRITICAL AREAS. "Critical Areas" means streams and wetlands, including their buffers, geologically hazardous areas, fish and wildlife habitat conservation areas, aquifer recharge areas, and frequently flooded areas, all as defined or referenced at SCC Chapter 32.10.

DEPARTMENT. "Department" means the Snohomish County Department of Planning and Development Services.

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DEVELOPMENT ACTIVITY. "Development Activity" means any construction, development, earth movement, clearing, or other site disturbance which requires a permit, approval or authorization from the county.

FOREST PRACTICE. "Forest Practice" means practices related to growing, harvesting, or processing timber, including, but not limited to, road construction and maintenance, thinning, salvage, harvesting, reforestation, brush control, and using fertilizers or pesticides. These practices are regulated by the FPA and its corresponding rules.

MITIGATION. "Mitigation" means:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- (c) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
- (f) Monitoring the impact and taking appropriate corrective measures.

NON-CONVERSION LANDS. "Non-Conversion Lands" means any properties where the application for a forest practices permit has not indicated the intent to convert the land to non-forestry use (Question 10 on the FPA application) and where the forest practices application was not reviewed by Snohomish County as a conversion proposal. This includes forest practices applications on platted lands where the intent to convert is not identified and Snohomish County has not reviewed the conversion proposal. Non-conversion lands also include those lands which were required to obtain a forest practices permit but failed to do so. Lands on which a conversion permit was issued, but the conditions identified in the permit were not met, are also considered non-conversion for the purposes of this administrative process.

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RESTORATION. "Restoration" means action performed to re-establish historic or pre-existing critical area functions and values in areas impacted by human activity. Restoration may include improving some functions and values beyond the historic conditions with commensurate declines in others.

SUBJECT PROPERTY. "Subject Property" means the entire lot or parcel, or contiguous combination thereof, on which a development activity is proposed.

3. DEVELOPMENT MORATORIUM

- (a) The department shall, pursuant to Section 76.09.060 of the Revised Code of Washington, deny or recommend for denial, any and all applications for development activity on non-conversion lands. The denial shall be for a period of six years after the date of application for the State of Washington forest practices permit.
- (b) When a forest practice regulated under the WA State Forest Practices Act takes place without a State of Washington forest practices permit, the department shall impose the six-year development moratorium from the date the unpermitted forest practice was discovered by the department.

4. LIFTING OF DEVELOPMENT MORATORIUM

A development activity application on non-conversion lands may be approved, or recommended for approval by the department, if the application is otherwise approvable under Snohomish County codes and meets the following criteria:

- (a) The development activity applicant, including any applicant for the construction of a single-family residence or duplex and ordinary residential improvements, submits the critical area information required at SCC 32.10.230; and
- (b) The applicant demonstrates that there were no critical areas on the subject property prior to the forest practice; or
- (c) Critical areas on the subject property were not damaged as a result of the forest practice(s); or
- (d) The development application is for a single-family residence or duplex and ordinary residential improvements on a legal lot of 200,000 square feet or larger and:
 - (1) The forest practice application was filed on or before July 27, 1997; and
 - (2) There were no critical areas on the building site prior to the forest practice; and

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- (3) The remaining portions of the subject property will continue forest practice in compliance with best management practices; or
- (e) The site was logged under a non-conversion forest practice permit where a Conversion Option Harvest Plan had been approved by Snohomish County and all clearing activity complied with the harvest plan; or
- (f) Damage to critical areas can be restored to pre-forest practice activity functions and values. Damaged critical area functions and values shall be considered restorable if:
 - (1) Less than 10,000 square feet (measured as ground area) of critical area has been impacted on the subject property; or
 - (2) Greater than 10,000 square feet (measured as ground area) of critical area has been impacted on the subject property and the impacted functions and values can be restored within three (3) years of county development activity approval.

5. PERMIT PROCESSING

- (a) A decision to deny or recommend denial of a development activity based upon this moratorium, or a decision to lift, or recommend lifting of said moratorium is made in conjunction with the underlying permit application. The administrative process described herein is not a separate and distinct application or decision, but rather a part of the review process of the underlying development activity application. As such, public notice and appeals procedures will be as established for each underlying permit.
- (b) Public Notification. In addition to standard text of the public notification of the underlying permit, the following shall be added for development activity applications for non-conversion lands:

“ATTENTION: The proposed development application is on land regulated by the WA State Forest Practices Act. This Act imposes a moratorium on conversion of land to non-forestry uses except that Snohomish County may lift the moratorium if it finds that the proposed development complies with certain criteria.”