

CHAPTER 21.17 DEVELOPMENT STANDARDS - FOREST PRACTICE REGULATIONS

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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 17.07.030.
- (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 Chapter 17.11 WMC and 17.09.060 WMC.
 - (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 21.15.

- (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 the required tree-credits per acre pursuant to WMC 21.15.070 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 WMC 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 17.09.030 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 Chapter 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

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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.