



FOREST PRACTICES IN PIERCE COUNTY

FREQUENTLY ASKED QUESTIONS

What is a Forest Practice?

A “forest practice” as defined by the State Forest Practices Rules (WAC 222-16-010) as “any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber.”

What is Forest Land?

“Forest Land” is all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include land within one and a half tree lengths of an existing, permanent structure, regardless of whose property the structure is on.

What is a Merchantable Stand of Timber?

“Merchantable Stand of Timber” means a stand of trees that will yield logs and/or fiber suitable in size and quality for the production of lumber, plywood, pulp or other forest products.

Who regulates Forest Practices in Pierce County?

Forest Practices are regulated on non-federal lands in Pierce County by both the Washington State Department of Natural Resources (DNR) which is responsible for administering the State Forest Practices Rules, Title 222 WAC and by the Pierce County Department of Planning and Land Services which is responsible for administering Title 18H, Pierce County Development Regulations - Forest Practices. In general, the DNR regulate the harvest of merchantable timber for commercial purposes, whereas, Pierce County regulates the harvest of merchantable timber when associated with the development (conversion) of property to a use other than forestry (i.e., pasture, home site, commercial use, etc.).

How do I determine if I need a Forest Practices permit to harvest my timber?

Information can be obtained from the State of Washington Department of Natural Resources (DNR) South Puget Sound Region office located at: 950 Farman Street North, Enumclaw, WA 98022-9282. Phone: (360) 825-1631 or 1(800) 527-3305. Information is also available on the DNR website at <http://www.dnr.wa.gov/BusinessPermits/ForestPractices/Pages/Home.aspx>. The Pierce County website also contains information on forest practices, including, but not limited to, Title 18H <http://www.co.pierce.wa.us/DocumentCenter/View/1163>, the Forest Practices Submittal Standard <http://www.co.pierce.wa.us/DocumentCenter/View/4446>, which is used when requesting approval from Pierce County to harvest timber or to lift/waive a development moratorium, and a handout entitled “3 Steps to Determine if a Forest Practices Permit is Necessary.” <http://www.co.pierce.wa.us/DocumentCenter/View/4229>.

What is a Class IV-General forest practice?

Class IV-General forest practices are: 1) forest practices on land that has or is being converted to another use; or 2) forest practices taking place within an Urban Growth Area (UGA) or County Urban Growth Area (CUGA).

How much does a Class IV-General forest practices permit cost?

A \$770 application fee is required for a Class IV-General forest practices permit. In addition, all Class IV-General Forest Practices permits require environmental review in accordance with the State Environmental Policy Act (SEPA). An additional \$970 SEPA review fee is required if SEPA review has not already been performed for the proposal. Additional application review fees may be required for any associated reports and/or studies that may be required by Pierce County.

What is a Development Moratorium?

A Forest Practices Development Moratorium is a restriction placed on a parcel as a result of logging conducted as a Class II, III, or Class IV-Special Forest Practices, OR certain Forest Practices which are commenced without a Forest Practice authorization. A development moratorium prohibits Pierce County from accepting permit applications for the development of land (i.e. septic permit, well permit, building permit, site development permit, formal subdivision, short plat, large lot division, Conditional Use Permit, and Site Plan Review). The development moratorium lasts for a period of six years or until a request to remove the moratorium is approved by Pierce County.

Why is a Development Moratorium imposed on a parcel?

A six-year development moratorium is imposed on a parcel as a result of one of two actions:

1. Approval by the Washington State Department of Natural Resources of a Class II or Class III forest practices permit where no associated Conversion Option Harvest Plan (COHP) has been approved by Pierce County. The development moratorium extends to the harvest area indicated in the forest practices permit; or
2. Activity meeting the definition of a Class II, III, or IV-General forest practice occurs on a parcel without an approved Class II, III, or IV-General forest practices permit. The development moratorium extends to the entire parcel.

What is a “Notice of Moratorium on Non Forestry Use of Land”?

A “Notice of Moratorium on Non Forestry Use of Land” is a form that was, until July 21, 2007, required to be filled out as part of an application for a Class II or Class III forest practices permit without an approved COHP. The Notice was brought to the Pierce County Planning and Land Services Department to verify that the landowner(s) name on the Notice was consistent with the landowner(s) indicated in the Pierce County Assessor-Treasurer’s records. The form was then stamped by Pierce County and returned to the DNR’s office in Enumclaw as part of the Class II and Class III forest practices permitting process. The Notice was not required to be filled out when the parcel was zoned Designated Forest Land (FL) by the Pierce County Zoning Code, Title 18A. The form was ultimately recorded at the Pierce County Auditor’s Office under the landowners name as indicated on the Notice. Effective July 22, 2007, the State Legislature amended the State Forest Practices Rules to no longer require completion and recording of the Notice. However, Title 18H still requires the imposition of a 6-year development moratorium on a parcel in association with an approved Class II or Class III FPA.

Can I develop my parcel when there is a 6-Year Development Moratorium on it?

Possibly. First off, no applications may be submitted for the subdivision of land if any portion of a parcel has a moratorium. Applications may be submitted for building and site development if the limits of work, as depicted on the site plan, are entirely outside the moratorium area. Title 18H exempts the submittal of an application for the construction of a single agricultural building or accessory structure having a building footprint of not more than 750 square feet within the moratorium area. (Pierce County Code, 18H.30.030.D)

Where can I look to see if a parcel has a 6-Year Development Moratorium?

The best place to look is on the Pierce County Planning and Land Services webpage <http://www.co.pierce.wa.us/index.aspx?NID=117>. Look under “About My Property,” then under “Development Moratorium.”

Can a Development Moratorium be removed?

Yes. Title 18H, Forest Practices provides two avenues for seeking relief from a development moratorium:

1. **Request for Removal of Development Moratorium.** Used to lift development moratorium from entire parcel. Public hearing and Hearing Examiner approval required;
2. **Request for Single-Family Dwelling Exception.** Used to allow development of a single-family residence and accessory structures/uses on an undivided area up to 2 acres in size. The development moratorium remains in effect on the remainder of parcel until it expires. You must wait until the approved forest practices permit expires before submitting an application for a SFDE when the harvest was permitted through an FPA. You must wait at least two years to submit an application from the date the moratorium was imposed when the harvest was unpermitted All impacts to Critical Areas must be mitigated and reforestation must either be bonded or completed (except where reforestation was not required by the forest practices permit) to obtain approval. No public notice or hearing.

Do I need a forest practices permit from Pierce County to cut down trees in order to install a septic system and/or well?

An approved Class IV-General forest practices permit may be required for the removal of merchantable timber associated with the installation of a septic system and/or well. Please review <http://www.co.pierce.wa.us/xml/services/home/property/pals/pdf/logging3stepshndout.pdf> to assist you. There are no special exemptions from either the State Forest Practices Rules or Title 18H for these activities.

Do I need a forest practices permit from Pierce County to cut down trees in order to clear my parcel for my future home?

An approved Class IV-General forest practices permit may be required for the removal of merchantable timber associated with site preparation work for the future construction of a single family residence. Please review <http://www.co.pierce.wa.us/DocumentCenter/View/4311> to assist you. There are no special exemptions from either the State Forest Practices Rules or Title 18H for these activities.

What is a Conversion Option Harvest Plan (COHP)?

A “Conversion Option Harvest Plan” (COHP) is a timber harvest plan developed by the landowner and approved by Pierce County, indicating the limits of timber harvest, road location, critical areas, etc.

- The proposed COHP is subject to review and approval by Pierce County. The COHP must comply with Title 18E, Pierce County Development Regulations – Critical Areas (Wetlands, Streams, Wildlife Habitat, and Steep Slopes) and Title 18H, Pierce County Development Regulations – Forest Practices.
- The approved COHP typically includes conditions of approval, resulting from Pierce County’s review, which the landowner must follow during timber harvest.

- The Pierce County-approved COHP is submitted by the landowner/applicant to the Washington State Department of Natural Resources (DNR) and is attached to the approved Class II or Class III State Forest Practice Application (FPA). The COHP becomes the conditions of approval for the FPA.
- When followed, the COHP releases the landowner from the otherwise mandatory six-year development moratorium which is imposed on the proposed harvest area(s) by Pierce County for DNR-approved logging permits.
- The COHP grants no other rights to the landowner and does not release the landowner from state reforestation requirements.

Do I have to pay any taxes on the timber I harvest?

You may have to pay a Forest (Timber) Excise Tax on timber you own at the time of harvest to the Washington State Department of Revenue. Contact Dave Weiss, Revenue Forester with the Washington State Department of Revenue at 253-597-4354 for information on the Forest Tax Program and Timber Excise tax or review the Washington Department of Revenue webpage at <http://dor.wa.gov/> (Search under Timber).

Do I need a forest practices permit from Pierce County to cut down danger/hazard trees?

A forest practices permit is not required for the removal of danger/hazard trees. However, written authorization may be required by Pierce County depending on the location of the danger/hazard tree. In general, the removal of danger/hazard trees in a Critical Area (wetland, fish and wildlife habitat area, landslide/erosion hazard area) will require Pierce County review and approval. The removal of danger/hazard trees from within an Open Space area or Natural Buffer area in a residential or commercial development will also require Pierce County review and approval. The removal of "Danger/Hazard Trees" within a "tree length and-a-half" of a permanent structure must comply with Pierce County Code, Title 18E, Critical Areas, when the activity occurs in an area regulated by Title 18E, Critical Areas. A Habitat Assessment and/or a Hazard Tree Removal Report may be required by Title 18E for the proposed activity. Please contact 253-798-7005 for information. The removal of "Danger/Hazard Trees" within "Open Space Areas" or "Natural Buffer Areas" in residential or commercial developments is subject to the conditions of approval established for that development, if any, and Pierce County Code, Subsection 18H.20.040 of Title 18H.)

Do I need a forest practices permit from Pierce County to cut down a "few" trees?

A Forest Practices permit is not normally required to harvest a "few" merchantable trees. A landowner may log up to 5,000 board feet of merchantable timber on a parcel every 12 months, for personal use only as long as none of the logging operation occurs in a wetland and/or buffer, stream and/or buffer, or impacts threatened or endangered species. 5,000 board feet is approximately 1 to 1 ½ log truck loads (Class I forest practice, see WAC 222-16-050). Additionally, a Forest Practices permit is not required to harvest merchantable timber within 1 ½ tree lengths of an existing, permanent structure.