



MEMORANDUM

DATE: June 28, 2019

TO: Kitsap County Planning Commissioners

FROM: Scott Diener, Manager, Development Services and Engineering, DCD

RE: Timber Harvest Code
Meeting with timber landowners

On June 17, 2019 DCD met with interested timber landowners, as requested by the Planning Commission at its May 14 workstudy. The invite was sent to eight major timber landowners and in-house counsel for the Washington Forest Protection Association. In attendance were three landowners, each with varying sizes of timber landholdings, and WFPA's counsel.

The meeting was productive and informed on several discussion items, some of which may present code tweaks. DCD staff began by explaining the three objectives of the code revisions: (1) acquire jurisdiction over Class IV-general forest practices; (2) create a better presence on the ground for County residents; and (3) create process improvements for permits. Most of the meeting was information sharing and learning, discussing processes and permitting, and some discussion informed on other policy considerations. This memo is meant to be brief and cover key topics discussed.

Code

There was discussion about KCC 18.16.070(b) and whether buffer replanting should be required. The existing language notes the director 'may' require replanting, but staff will be preparing language to clarify when replanting would (or would not) be required. This language will be ready for comment by the PC public hearing notice.

KCC 18.16.090(a) was also discussed. There is reference in comments to 30% volume of tree stand being left during Conversion Option Harvest Permits, and it was observed that this is hard to administer and Best Available Science should help to inform on conditions assigned to a COHP. DCD currently does not have a 30% threshold in code (nor is one being proposed), but it has been required in prior COHPs. We will be talking about past practices, BAS, and BMPs during process review, which will better inform on this issue.

Concern about appeals

Conversion Permits (harvest permits) are typically associated with a land use or site development decision and any appeal is usually tied to the project decision itself, since it is the buildout impact that people often express concerns about. The group was not concerned about these appeals.

The group expressed concern that the Conversion Option Harvest Permits (COHP) may become subject to frequent appeals, since the appeal fee is relatively low at \$500 (a low cost to get adjudication or to obstruct), and stakeholders appeared confused by the different regulating agencies. It was noted DNR has little appeal activity of COHPs, and the group wanted to maintain that trend within Kitsap County.

DCD explained that its current appeal fee is within financial reach of all, or at least most, but that it may need to consider alternatives which prevent frivolous appeals since they impact county resources, as well as the permittee. This is a policy discussion that is being deferred at the moment, but which may be considered during discussion about process.

Permits and Process

It is worth noting that we discussed use of inspectors on the ground and the group wanted to make sure the inspectors were well-informed in forest practices, Best Management Practices, and the roles of working with the applicant to ensure permits are efficiently regulated.

We also talked about permit improvements, eg, combining the Conversion Permit and the Site Development Activity Permit (SDAP) into one application, and raising the size threshold for when SDAPs are triggered and when the activity is related to access. The idea of permit and process improvement is especially important because DCD has committed to issuing permits at a relatively quick pace of within 30 days, which DNR is required to do by statute. Without this commitment, there is perhaps less support to transfer jurisdiction (it is hard to pin down the value of a quicker permit since it involves other factors, eg, project holding costs).

It was observed that certain forest maintenance or trail construction in forest lands are exempt in other counties, and DCD will investigate this as well.

Real Estate Disclosure

There was also some discussion about HB 1011, which passed this legislative session. It amends the existing real estate disclosure forms to include notice of the protections to working forests, similar to the disclosure for moving next to a farm.

Forest Practices and Mineral Extraction/Borrow Pits

The group observed that mineral extraction or borrow pits in forest lands should be exempt from SDAPs when the material is used to maintain or enhance the efficiency of the harvest activity. An example of this would be extracting rock to maintain a section of access road. DCD will be examining this during the Use Table exercise that PEP has recently initiated.