



Memorandum

TO: The Honorable Satpal Sidhu, Whatcom County Executive
The Honorable Whatcom County Council

FROM: Joshua Fleischmann, Planner

THROUGH: Steve Roberge, Assistant Director

DATE: March 31, 2022

SUBJECT: PLN2021-00014 – Forest Practices Transfer of Jurisdiction

This memo is intended to provide background on a docketed amendment for proposed zoning code amendments necessary to assume jurisdiction over Class I, II, III, and IV Forest Practices in Urban Growth areas, and Class IV – General Forest Practices countywide.

Substitute House Bill 1409 was passed by the 60th Legislature of Washington State during the 2007 Regular Session. This bill amended RCW 76.09.240 such that counties planning under RCW 36.70A.040 (Growth Management Act – GMA) which meet certain criteria, which Whatcom County does, are required to adopt and enforce ordinances or regulations for certain forest practices to take over regulatory jurisdiction from the Department of Natural Resources (DNR). Whatcom County meets the criteria and is required to assume jurisdiction.

Under the proposed amendments, Whatcom County would begin to regulate Class I, II, III, and IV- Special forest practices within designated Urban Growth Areas (UGAs). These forest practices are presently regulated by DNR and include activities such as commercial timber harvests and supplementary activities such as road building and construction of landings that support timber harvests, among others. Whatcom County would also become the sole regulatory agency over Class IV – General forest practices throughout the county, whereas both Whatcom County and DNR presently review these activities. Class IV – General forest practices involve timber harvest or road construction on forest lands that are being converted to another use.

Assuming regulatory jurisdiction is expected to have negligible impacts to PDS permit review capacity. Since 2008, there have been only six Forest Practice Applications (FPA) within Urban Growth Areas that have been approved by DNR, which would have been reviewed by Whatcom County if jurisdiction had already been transferred. Two of these six could continue to be reviewed by DNR if the landowner wishes to continue managing their land for active timber management, as the parcel size exceeds 20 acres. In contrast, Whatcom County has reviewed ~1,500 Land Disturbance Permits over the same time period and has the technical expertise to review these additional applications.

To coordinate transferring regulatory jurisdiction, we have provided documentation (on a DNR provided worksheet) that existing and proposed Whatcom County Code will meet State Forest Practices regulations. DNR has informally acknowledged that our proposed

amendments will allow us to assume jurisdiction. Upon adoption of the Forest Practices Transfer of Jurisdiction Ordinance, Whatcom County will provide DNR another 60-day notice of intent to begin regulating these forest practices. We propose the effective date of the amendments to regulate these forest practices to be August 1, 2022.

I look forward to discussing the merits of this recommendation with you.