

From: [Erin Greenlee](#)
To: [Andrew Deffobis](#)
Subject: Fwd: public comment on proposed tree ordinance
Date: Tuesday, August 15, 2023 3:36:42 PM

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From: **Erin Greenlee** <ekgreenlee@gmail.com>
Date: Tue, Aug 15, 2023 at 11:36 AM
Subject: public comment on proposed tree ordinance
To: <dana.bowers@co.thurston.wa.us>

Dear Dana,

I appreciate all the work you have done on the tree ordinance proposals for the county. I am pleased to see your focus on simplifying code language, creating consistent standards, requiring replanting, incentivizing retention of significant trees, granting moratorium releases only for single family homes and requiring forest conversion applications occur with development applications. I hope you will continue to move forward with these proposals.

There are a few changes I hope you will consider implementing:

- 1) That trees over 24" DBH should be at minimum 70% saved.
- 2) That trees over 40" DHB should be 100% saved.
- 3) That the tree category you refer to as Prevailing be changed to Significant, and the the tree category you call Significant be changed to Exceptional (to allow for consistency with other surrounding jurisdictions.)

Thank you again for your work on this complex and extremely important issue. The critical role trees play in providing shade and local climate control, air filtration and carbon drawdown seems even more urgent as we face the recent heat spikes and as surrounding regions are consumed with fire and smoke.

With appreciation,

Erin Greenlee

From: scbernath@comcast.net
To: [Andrew Deffobis](#); [Rebecca Harvey](#)
Subject: RE: Commission meeting on aug 2
Date: Tuesday, August 15, 2023 5:23:48 PM
Attachments: [bernath comments on draft forest lands conversion code 081423.docx](#)

Andrew, here are my comments for the public hearing tomorrow. Please let me know if you have any questions regarding the comments. I plan on being at the hearing to provide some general comments as well and to listen to others that may have an interest. As I said in the comments, I am glad the county is updating the code and hope my comments may be of assistance in that process. Sb.

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From: Andrew Deffobis <andrew.deffobis@co.thurston.wa.us>
Sent: Wednesday, August 9, 2023 2:24 PM
To: Rebecca Harvey <rebecca.harvey@co.thurston.wa.us>; scbernath@comcast.net
Subject: RE: Commission meeting on aug 2

Hello Stephen,

Thanks for meeting with us on Monday. Here are some follow-up materials that I captured from my notes.

- You can access the June 7 Forest Conversions Planning Commission materials I referenced on [the Planning Commission's website](#). Under **2023 Meeting Dates & Materials**, click on June 7 to expand the tab and see the various materials. You can also watch the June 7 meeting [on the County's YouTube channel](#).
- The staff report for the August 16 public hearing, which is a distillation of the June 7 materials, will be published on the Planning Commission's website this week. This document contains the most recent proposed code, and public comments received to date.
- Here is a link to the [Healthy Forests project homepage](#).
- You mentioned observing forest clearing occurring around the County, and wondering if there are associated land use applications. If you have a parcel #, you can try to look up whether any parcels have a pending land use application on [the County's Project/Permit Lookup tool](#). This tool may be retired in the future but seems to be working now. If you still have questions

August 14, 2023

Thurston County Planning Commission

Subject: Public Comment on Updated Forest Lands Conversion Code

Thank you for the opportunity to comment on the proposed amendments to the Thurston County forest lands conversion code. I am a member of the public and formerly the designated Chair of the Forest Practices Board responsible for the forest practices program statewide which includes the permitting and enforcement of timber harvest and other forest practices on 12 million acres of state and private land in the state.

In addition, I was present when the initial conversion statute was brought to the legislature around 1994 which placed lands likely-to-convert in local government hands provided they adopted appropriate code. I also had a hand in the updated legislation in the 2000's to make it easier for local governments to implement. Specifically, the latest statutory change provided that conversions needed to meet the standards of both the forest practices act and the growth management act, while allowing those landowners that may have changed their minds regarding remaining in forestry, a pathway for counties to convert through mitigation to meet local code and to allow the 6-year moratorium to be released.

I have some general comments and then would like to provide some specific comments on the code as drafted.

GENERAL

I laud the fact that Thurston County was one of the first local governments to take advantage of the opportunity to adopt code for forest conversions where forest is likely-to-be-converted to a use incompatible with forestry. Local government is the best place for these decisions to be made provided they have adopted the appropriate code, they have staff to implement the code, and can enforce the code as intended.

It is important that in this code, the handshake between jurisdictions, specifically between the state (both DNR and Ecology) and local government, is tight. Without this tight relationship, developers who like to cut corners are likely to use any daylight created between the state and local government authorities to avoid the following: permit fees, SEPA when converting to a land use not compatible with forestry, and permitting such as for construction stormwater. The end result in these cases of "backdoor" conversions, need to be mitigated at the local level and sometimes new landowners are surprised when the property has been subdivided with lingering continuing obligations such as reforestation or a moratorium on development.

I commend the county for wanting to update the older code to include the changes to statute from the 2000's.

In addition, I have seen several hundred acres in our community be converted for development purposes, and I am very concerned about how local government is going to live up to the needs for both

climate adaptation and mitigation of greenhouse gas emissions. As you consider the code update, I see no connection as yet to the climate plan that local governments have adopted in this county.

Finally, as you may know, the forest practices program is a programmatic HCP for aquatic resources. However, conversions are not included in the coverage under ESA. Therefore, anyone converting to a use incompatible with forestry is not included in the forest practices ESA aquatic coverage.

SPECIFIC

- 17.25.100(C). I assume that meeting the goals of the Thurston Comp Plan will eventually include those changes to the comp plan being considered for 2025 and any updates to GMA (RCW 36.70A).
- 17.25.100 (D) Low density development is not defined, so do not know what this means.
- Forest practices is not defined, recommend you reference the definition in RCW 76.09/WAC 222. To be clear, forest practices include not just harvest, but also road construction, reforestation, pesticide application, and other forest management activities (see WAC 222-16-010).
- 17.25.200 – typo on WAC 222-16-050 reference
- 17.25.200 – The definition of a conversion option harvest plan is usually written for 10 years to demonstrate to local government that the intent is to remain in forestry for that period of time.
- 17.25.200 – Development moratorium should also include the subdivision of lands that remain in forestry including plats so that, until a conversion goes thru SEPA, the land is not subdivided.
- 17.25.200 – qualified forester... I do not know whether an urban forester has the skills to oversee a forest practice activity.
- 17.25.200 – Shorelines of statewide significance are mentioned but not shorelines of the state?
- 17.25.250 - When the county considers whether there is conversion activity, it should also include wider than normal forestry roads, installation of utilities, wells, etc., that would indicate it is likely-to-convert and not remain in forestry.
- 17.25.250 - Need to make sure that the code is in sync with WAC 222-20-050 & 051.
- 17.25.400(C) - roads should be included in the field marking of site features. I assume that critical areas include the review and designation of culturally modified trees which the local tribe(s) can assist with.
- 17.25.500(C)(4) – I am confused regarding this code. Generally, DNR considers any parcel that has not undergone some development (i.e., clearing and grading) within 3 years needs to be reforested.
- 17.25.500(C)(6) – This should state 20 percent or more as needed to comply with critical areas and other buffers required by code.
- 17.25.600 – Notice to the public should be included in any conversion. The only time the public is aware that development is about to happen in their neighborhood is when trees start falling and by then it is too late to be included in the decision-making. Some kind of notification process within a quarter mile to a mile should be part of the process, or a way for people to get on an email list for forest conversions. I would also hope that tribes would be notified if the parcel is within any of their usual and accustomed areas.
- 17.27.700(B)(1) – This is where DNR is likely to copy you on a - "**Notice of a conversion to a nonforestry use**" which means a notice issued by the department pursuant to

RCW **76.09.060** (3)(b). A landowner who receives such notice is subject to the actions and requirements described in RCW **76.09.460** and **76.09.470**. Citation WAC 222-20-052.

- 17.25.700(D)(1) – I do not agree that the division of lots should be allowed when a moratorium is in place. That shows the landowner wants to eventually convert the parcel into a land use incompatible with forestry.
- 17.25.700(E)(1)(a) – A forest practices application/notification may only be approved, approved with conditions or disapproved. Only the applicant can withdraw the application (WAC 222-20-040).
- 17.25.700(E)(1)(c) - What is the role of the MOA with the auditor and is it enforceable?
- 17.25.700(E)(1)(d) – If there is a 6 year moratorium, why are they not limited to a 6 year waiting period, unless the moratorium has been released? Also, a Class 2 forest practice is a notification, not an application.
- 17.25.700(F) – Should read.....”approved forest practices notification/application has been either withdrawn by the landowner or expired with no harvest taken place.”
- 17.27.200 – Carbon storage or sequestration should have a method for calculating.
- 17.27.200 – landmark trees – insert inches after 24.
- I do not see any recognition of culturally modified trees.
- 17.27.300 – I am not familiar with Title 18 and 20 so do not know whether an exemption for multifamily, commercial and industrial development is appropriate when meeting climate needs.
- 17.27.400(A) – Tree density should be based on the species of trees to be maintained at full canopy closure when mature.
- 17.27.400(C)(1) – Standards should be based on the functions you are trying to maintain. For example, a mature Douglas fir has a drip line/critical root zone with approximately 30-foot radius from the trunk of the tree. If you are trying to provide shade, a 75-foot minimum zone is needed.
- 17.27.400(1)(E)(ii) – Should read 80% or less to meet all requirements.
- 20.64.040(4)(ii) – Should be diameter breast height or DBH.

I hope these comments are helpful to your deliberations. Please let me know if I can be of further assistance.

Respectfully submitted,

Stephen Bernath

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