

Written Public Comments

Forest Conversion Code Updates

Unique ID	Date	Name	Topic	Summary of Comment	County Response	Response Date
01	12/19/2023	Ken Miller	Forest Conversions	Skimmed most of it – looked somewhat reasonable – trusting that you reviewed the details with actual developers regarding tree spacing/drip lines etc. 100 TPA is fairly tight for mature tree’s, so betting that most developers will save a few and then add new tree’s with much smaller drip lines for usable space between.	Comment will be submitted to BoCC	12/20/2023
02	1/11/2024	Mike Lowman	Tree definitions	Public Works is fine with the term “Landmark” instead of significant. We would like the definition to remain “24” and greater DBH”. The additional distinction by species may cause additional cost, confusion and complexity for residents.	Comment will be submitted to BoCC	1/16/2024
03	2/2/2024	Jessie Simmons (Olympia Master Builders)	Clarity of code language	See attachment 03 for full letter	Comment will be submitted to BoCC	2/5/2024
04	2/5/2024	Stephen Bernath	Clarity of code language	See attachment 04 for full letter	Comment will be submitted to BoCC	2/6/2024

**From:** [kenbonniemiller@gmail.com](mailto:kenbonniemiller@gmail.com)  
**To:** [Dana Bowers](#)  
**Subject:** RE: Status Update - Forest Lands Conversion Code Revision  
**Date:** Tuesday, December 19, 2023 4:23:02 PM

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Skimmed most of it – looked somewhat reasonable – trusting that you reviewed the details with actual developers regarding tree spacing/drip lines etc. 100 TPA is fairly tight for mature tree's, so betting that most developers will save a few and then add new tree's with much smaller drip lines for usable space between.

Hope I was at least of some help. Thanks for the outreach.

Ken

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**From:** Dana Bowers <[dana.bowers@co.thurston.wa.us](mailto:dana.bowers@co.thurston.wa.us)>  
**Sent:** Tuesday, December 19, 2023 2:51 PM  
**Subject:** Status Update - Forest Lands Conversion Code Revision

Hi Everyone,

Thank you very much for your interest in the Forest Lands Conversion Code Updates. We appreciate your comments and insight into what level of tree protections will work for our community.

Over the last few months, Planning Commission reviewed the Forest Lands Conversion Code Update and held a public hearing. After considering public comments and making minor edits related to tree classifications, permit coordination, and wildfire building code references, the Planning Commission voted 5-2 in support of moving the package of proposed updates forward for the Board of County Commissioners to review.

The Board of County Commissioners is currently reviewing the recommended amendments and has directed staff to set a public hearing for early next year. Once a date has been set, we will send out another update. In the meantime, all current revisions and materials are available on the county website at [www.thurstonforests.org](http://www.thurstonforests.org). If you have any questions, please don't hesitate to get in touch.

Thank you,

**Dana Bowers** | Associate Planner  
**Thurston County Community Planning & Economic Development**  
3000 Pacific Ave SE, Olympia, Washington 98501  
**Phone** (360) 786-5475 | **Mobile** (360) 490-0834 | **Fax** (360) 754-2939 | **TDD** (800) 833-6388  
[dana.bowers@co.thurston.wa.us](mailto:dana.bowers@co.thurston.wa.us) | [www.thurstoncountywa.gov/planning](http://www.thurstoncountywa.gov/planning)

*This communication is a public record and may be subject to disclosure under the Washington State Public Records Act, RCW 42.56.*

**From:** [Mike Lowman](#)  
**To:** [Dana Bowers](#); [Nick Bemis](#)  
**Cc:** [Andrew Deffobis](#); [Matt Unzelman](#)  
**Subject:** RE: Forest Lands Conversion Updates  
**Date:** Thursday, January 11, 2024 5:34:18 PM

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Dana,

Public Works is fine with the term “Landmark” instead of significant. We would like the definition to remain “24” and greater DBH”. The additional distinction by species may cause additional cost, confusion and complexity for residents.

Thanks,

**Mike Lowman**

(360) 867-2350 | [mike.lowman@co.thurston.wa.us](mailto:mike.lowman@co.thurston.wa.us)

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**From:** Dana Bowers <[dana.bowers@co.thurston.wa.us](mailto:dana.bowers@co.thurston.wa.us)>  
**Sent:** Monday, January 8, 2024 10:50 AM  
**To:** Mike Lowman <[mike.lowman@co.thurston.wa.us](mailto:mike.lowman@co.thurston.wa.us)>; Nick Bemis <[nick.bemis@co.thurston.wa.us](mailto:nick.bemis@co.thurston.wa.us)>  
**Cc:** Andrew Deffobis <[andrew.deffobis@co.thurston.wa.us](mailto:andrew.deffobis@co.thurston.wa.us)>  
**Subject:** RE: Forest Lands Conversion Updates

Just to clarify, you comments would be appreciated before Feb 6.

Thank you,  
Dana

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**From:** Dana Bowers  
**Sent:** Monday, January 8, 2024 10:16 AM  
**To:** Mike Lowman <[mike.lowman@co.thurston.wa.us](mailto:mike.lowman@co.thurston.wa.us)>; Nick Bemis <[nick.bemis@co.thurston.wa.us](mailto:nick.bemis@co.thurston.wa.us)>  
**Cc:** Andrew Deffobis <[andrew.deffobis@co.thurston.wa.us](mailto:andrew.deffobis@co.thurston.wa.us)>  
**Subject:** RE: Forest Lands Conversion Updates

Hi Mike,

I am attending tomorrow’s meeting to request a public hearing for Feb 6. I appreciate your willingness to solicit feedback before then if possible. The board plans to have further work sessions after public comments are submitted as well.

Thanks,  
Dana

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**From:** Mike Lowman <[mike.lowman@co.thurston.wa.us](mailto:mike.lowman@co.thurston.wa.us)>  
**Sent:** Monday, January 8, 2024 10:09 AM  
**To:** Dana Bowers <[dana.bowers@co.thurston.wa.us](mailto:dana.bowers@co.thurston.wa.us)>; Nick Bemis <[nick.bemis@co.thurston.wa.us](mailto:nick.bemis@co.thurston.wa.us)>

**Cc:** Andrew Deffobis <[andrew.deffobis@co.thurston.wa.us](mailto:andrew.deffobis@co.thurston.wa.us)>

**Subject:** RE: Forest Lands Conversion Updates

Hi Dana,

When we first spoke, the change was to be verbiage only (as you indicate below). The latest additions serve to broaden the definition of “Significant/Landmark” trees. In light of this new proposal, I will need to solicit feedback from others within the department. Is there a timeline associated with these changes you are trying to meet?

Thanks,

**Mike Lowman**

(360) 867-2350 | [mike.lowman@co.thurston.wa.us](mailto:mike.lowman@co.thurston.wa.us)

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**From:** Dana Bowers <[dana.bowers@co.thurston.wa.us](mailto:dana.bowers@co.thurston.wa.us)>

**Sent:** Monday, January 8, 2024 9:33 AM

**To:** Mike Lowman <[mike.lowman@co.thurston.wa.us](mailto:mike.lowman@co.thurston.wa.us)>; Nick Bemis <[nick.bemis@co.thurston.wa.us](mailto:nick.bemis@co.thurston.wa.us)>

**Cc:** Andrew Deffobis <[andrew.deffobis@co.thurston.wa.us](mailto:andrew.deffobis@co.thurston.wa.us)>

**Subject:** RE: Forest Lands Conversion Updates

Hi Mike,

My understanding is that they apply to both public and private applicants. We can get a clearer understanding from Nick to see how this is currently interpreted. With the code changes as they're currently written, directors approval is required for removal of significant trees. There may be a process for that administratively in place that would not change with these updates.

The only thing that changes in these updates is the definition for significant trees. When I was working with the cities we determined definitions that would be consistent given current codes and plans for future amendments. This is why we need to change the name from Significant to Landmark. The new definition of landmark will include trees at 24" and greater DBH. I discussed this with you when I was first proposing changes in Title 13.

The piece that changed since we spoke is the addition of certain trees at smaller diameters including:

- Cascara over 8"
- Madrone over 8",
- Pacific Yew over 8",
- Lodge pole or shore pine over 12"
- Vine maple over 12".

I understand from Nick that this may be problematic for Road Ops crews. I think a good solution would be to create a secondary “Small Legacy Trees” and then do not include the small trees in the right of way standards. Since this code has already been approved by Planning Commission, revisions

may need to come directly through public comments. I will let you know if we need you to make a comment to make changes.

Feel free to call if any of this is unclear and I would be happy to discuss it further.

Thank you,  
Dana

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**From:** Mike Lowman <[mike.lowman@co.thurston.wa.us](mailto:mike.lowman@co.thurston.wa.us)>  
**Sent:** Friday, January 5, 2024 1:19 PM  
**To:** Dana Bowers <[dana.bowers@co.thurston.wa.us](mailto:dana.bowers@co.thurston.wa.us)>; Nick Bemis <[nick.bemis@co.thurston.wa.us](mailto:nick.bemis@co.thurston.wa.us)>  
**Subject:** RE: Forest Lands Conversion Updates

Hi Dana,

Am I correct that these provisions are related to work conducted by others (not Road Ops) when a permit is needed?

**Mike Lowman**

(360) 867-2350 | [mike.lowman@co.thurston.wa.us](mailto:mike.lowman@co.thurston.wa.us)

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**From:** Dana Bowers <[dana.bowers@co.thurston.wa.us](mailto:dana.bowers@co.thurston.wa.us)>  
**Sent:** Thursday, January 4, 2024 4:22 PM  
**To:** Nick Bemis <[nick.bemis@co.thurston.wa.us](mailto:nick.bemis@co.thurston.wa.us)>  
**Cc:** Mike Lowman <[mike.lowman@co.thurston.wa.us](mailto:mike.lowman@co.thurston.wa.us)>  
**Subject:** Forest Lands Conversion Updates

Hi Nick,

Below is a link to the latest draft of code. Please note Appendix A Section I which states the definition of Landmark Trees. Feel free to send in your concerns and I'll find a pathway forward to recommend amendments to the current draft.

<https://www.thurstoncountywa.gov/media/20375>

Thanks,

**Dana Bowers** | Associate Planner

**Thurston County Community Planning & Economic Development**

3000 Pacific Ave SE, Olympia, Washington 98501

**Phone** (360) 786-5475 | **Mobile** (360) 490-0834 | **Fax** (360) 754-2939 | **TDD** (800) 833-6388

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*This communication is a public record and may be subject to disclosure under the Washington State Public Records Act, RCW 42.56.*

**From:** [Jessie Simmons](#)  
**To:** [Dana Bowers](#)  
**Subject:** Letter on Tree Conversion Policy Amendment  
**Date:** Friday, February 2, 2024 9:57:41 AM  
**Attachments:** [Letter on Tree Conversion Code Amendments.docx](#)

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Hey Dana,

Here is our (OMB's) letter as promised. (See attached).

Best regards,  
Jessie W Simmons  
Government Affairs Director  
Olympia Master Builders  
C: (360) 525-4142  
O: (360) 754-0912 ext. 102

February 1, 2024

Thurston County Board of County Commissioners  
Attn: Dana Bowers  
Associate Planner, Thurston County Community Planning and Economic Development  
Department  
3000 Pacific Ave SE, Olympia, WA 98501

Re: Comments on Proposed Amendments to Thurston County's Tree Conversion Code

Dear Commissioners:

Olympia Master Builders (OMB) is a membership driven organization that represents over five hundred members across five counties. We range from general contractors to remodelers and many others tied to the building industry. As such, our membership is and has been actively engaged in stakeholder conversations around changes to the County's Tree Conversion Code. While we commend the County for the great progress and the arduous work put into the proposed plan, our membership does have some minor concerns.

For context, the simplest way to explain the tree conversion code is that it governs the process around changing forested lands to buildable land ready for development. As such, the interpretations of the language throughout this code can either promote smart development or deny development all together. So, it is easy to see how specific changes, or a misinterpretation of intent, can make or break the future development for our growing Thurston County community. Therefore, it is important to ensure clear and concise code language with any changes and make clear the intent of the rules that must be followed.

The specific concerns of our members are as follows:

- In Chapter 13.56.030 – “Definitions,” some minor adjustments to descriptions of the “landmark” trees. For example, a mature Madrone is often well over 8” DBH, but a Vine Maple will rarely (if ever) get above 12” DBH. These proposals should match real world scenarios and be consistent.
- In the same chapter, each description of a tree's size should expressly say DBH to ensure clarity.
- In Chapter 17.27.200 – “Definitions,” the definition of “culturally modified tree” is too broad and allows for manipulation from bad actors. To further clarify this definition, a

pre-determined list (approved by stakeholders) should be developed, as well as a distinct process allowing for additions to said list.

- Adherence to the Wildland Urban Interface (WUI) definition of “defensible space” is premature, as the WUI has not yet been implemented.
- Requirements around the minimum retention requirement for Heritage/Landmark trees is too vague. Clarity should be expressly given in the case of, for example, a property with one tree. Do we keep 30% of that tree, or do we keep the whole tree?
- 6” is an extremely low threshold for a “significant tree.” Most trees in our community are beyond that, and such a low threshold will add extra costs and time to the building process, thus increasing the end cost of the home.

Again, we believe it is important to recognize the hard work that staff has put into getting this policy right. Olympia Master Builders, as a proud stakeholder in this process, generally supports the end results after the suggested changes listed herein are addressed. Trees are an important part of creating a healthy and desirable community, and our members want to ensure that they can follow clear rules and ensure the right trees are in the right places.

Thank you for your time and consideration. If you have any further questions please contact our Government Affairs Director, Jessie Simmons, at (360)525-4142 or (360)754-0912.

Sincerely,

Jessie W Simmons  
Government Affairs Director  
Olympia Master Builders

Remarks by Stuart Drebitz

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING AND REPLACING THURSTON COUNTY CODE CHAPTER 17.25, AMENDING TITLES 13, 14, 20 AND 26, AND CREATING A NEW CHAPTER 17.27 RELATED TO FOREST LANDS CONVERSIONS AND TREE CONSERVATION.**

**WHEREAS**, pursuant to the Forest Practices Act RCW 76.09.240, Thurston County adopted Ordinance 11518 on September 29, 1997 to regulate Class IV Forest Practices; and

**WHEREAS**, in 2020 the Board of County Commissioners (Board) adopted the Thurston County 2022-2023 Official Development Code Docket, which included Item A-25: Amend the Forest Lands Conversion Ordinance and Review Tree Protection Standards; and

**WHEREAS**, the amendments were promulgated to ensure the forest lands conversion codes are transparent, easy to implement, and reduce illegal harvesting practices; and

**WHEREAS**, pursuant to RCW 36.70A.106, a notice of intent to adopt was sent to the Washington State Department of Commerce on October 24, 2023; and

**WHEREAS**, pursuant to RCW 43.21C.030, a State Environmental Policy Act notice of determination of non-significance was sent to all public agencies which have jurisdiction by law or special expertise with respect to any environmental impact for comments on October 27, 2023; and

**WHEREAS**, the Thurston County Planning Commission held work sessions on the proposed code updates and held a public hearing with notice requirements consistent with the Thurston County Code (TCC) and state law on August 16, 2023 to take public testimony on the proposed Forest Lands Conversion Code Updates; and

**WHEREAS**, on September 20, 2023, the Planning Commission issued a recommendation supported by a vote of 5-2 to the Board to approve updates to the Forest Lands Conversion code; and

**WHEREAS**, the Board held work sessions on the proposed code updates and a public hearing with notice requirements consistent with the TCC and state law on February 6, 2023 to take public testimony on the proposed Forest Lands Conversion Code Updates; and

**WHEREAS**, the Board agrees with the findings and recommendation of the Thurston County Planning Commission and has determined that the amendments contained in this ordinance are consistent with the Forest Practices Act, Thurston County Comprehensive Plan and Strategic Initiatives; and

10:500v

**WHEREAS**, the Board finds that the proposed amendments will improve implementation of the Forest Lands Conversion code, consistency across codes, and transparency for residents of Thurston County; and

**WHEREAS**, the Board believes adopting the amendments is necessary for the preservation of the public health, safety, and general welfare of Thurston County residents; and

**WHEREAS**, Thurston County has performed professional review, provided public notice, and received public comment with respect to these development code amendments.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:**

**SECTION 1. THURSTON COUNTY CODE REPEALING AND REPLACING CHAPTER 17.25, AND AMENDING TITLE 13, TITLE 14, TITLE 20, AND TITLE 26.** In accordance with the provisions of this ordinance, the Thurston County Code Chapter 17.25 and Titles 13, 14, 20 and 26 are hereby amended as shown in Attachment A.

**SECTION 2. THURSTON COUNTY CODE CREATING NEW CHAPTER 17.27.** In accordance with the provisions of this ordinance, a new chapter (Chapter 17.27) is hereby added to Title 17 of the Thurston County Code as shown in Attachment B.

**SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause, phrase or other portion of this Ordinance or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

**SECTION 4. CORRECTIONS.** Upon approval of the Prosecuting Attorney's Office, the Clerk of the Board is authorized to make any necessary corrections to any section, subsection, sentence, clause, phrase or other portion of this Ordinance for scriveners or clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect \_\_\_\_\_, 2024.

ADOPTED: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS

ATTEST:

Thurston County, Washington

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Vice-Chair

JON TUNHEIM  
PROSECUTING ATTORNEY

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Travis Burns  
Deputy Prosecuting Attorney

\_\_\_\_\_  
Commissioner

## ATTACHMENT A

### Thurston County Forest Lands Conversion Code Amendment

Deleted Text: ~~Strikethrough~~ / Changes: Underlined / Unaffected Omitted Text: (...)

I. **Thurston County Code Chapter 13.56 TCC (THURSTON COUNTY RIGHTS-OF-WAY) shall be amended as follows:**

13.56.030 - Definitions.

"Significant Tree" means a healthy tree (i.e., a tree that does not have a high probability of falling due to a debilitating disease or a structural defect) ~~twenty-four inches in diameter at breast height (four and one-half feet above grade) located within the rights-of-way or overhanging the rights-of-way.~~ "Landmark trees" any trees over 24 inches DBH with the exception of the following species which are classified as landmark trees at different sizes:

- Cascara over 8" *why?*
- Madrone over 8" *to small*
- Pacific Yew over 8" *to few exist why?*
- Lodge pole or shore pine over 12" *not native*
- Vine maple over 12" *Don't get this Big.*

13.56.090 - Applications.

A. An applicant for a Permit to allow Work in the rights-of-way under this Chapter shall:

6. Submit a description, drawings, plans and specifications of the Facilities to be constructed in sufficient detail meeting the following requirements:

- f. The location and dimension of all ~~Significant~~ Landmark ~~Trees~~ that would be impacted by the project (e.g., tree removal, topping, locating above ground and underground facilities within the drip line) and a detailed description of the proposed impacts on such trees. Information on trimming of ~~significant~~ Landmark trees shall be submitted in accordance with Section 13.56.310;

13.56.100 - Permit Activities.

E. Other Rights-of-Way Work. All non-exempt activities not listed above that require Work in the rights-of-way including, without limitation, major

Landscaping, ~~Significant~~ Landmark Tree removal/trimming and other miscellaneous Excavations.

...

### 13.56.310 - Vegetation and Landscaping Management.

...

- B. Whenever any Person proposes to remove or perform major trimming on ~~Significant~~ Landmark Trees within a County rights-of-way in an area which is not identified on the above 'Sensitive Areas of Interest' list, the Director shall approve, condition or deny the proposed action after review of the request for approval of removal or major trimming.

...

- D. Vegetation Management by Owners.

...

#### 6. Aesthetic and Scenic Considerations.

- a. ~~Significant~~ Landmark Trees shall not be impacted (e.g., tree removal, topping, locating Facilities within the drip line) without prior approval by the Director, except during emergency situations as described in Section 13.56.340.

...

## II. **Thurston County Code Chapter 14.37 TCC (APPENDIX J, GRADING) shall be amended as follows:**

International Building Code sections J103.1 and J103.2 are amended to read as follows; and new section J103.3 is added to read as follows:

...

J103.2 Exemptions. A land disturbing activity construction permit is not required for the following:

...

11. Cumulative clearing of less than seven thousand square feet annually. However, this exception shall not apply to development proposals:

- a. ~~Regulated as a Class IV forest practice conversion under TCC 17.25. Forest practices regulated under WAC Title 222, including approved conversion option harvest plans, and Class IV general forest practices (TCC 17.25) that are conversions from timber land to other uses.~~

...

11. Forest practices regulated under WAC Title 222, including approved conversion option harvest plans, except for Class IV general forest practices that are conversions from timber land to other uses.

12. Site investigative work necessary for land use application submittals such as surveys, soil borings and test pits, soil logs and other related activities, provided the land-disturbing activity is no greater than is necessary to accomplish the work.

...

**III. Thurston County Code Chapter 17.25 TCC (FOREST LANDS CONVERSION ORDINANCE) shall be repealed and replaced with the following:**

**17.25.100 - Purpose.**

These regulations are intended to:

- A. Provide procedures and criteria for Thurston County approval of Class IV-General forest practices, conversion option harvest plans (COHP), certain Class I forest practices, and the removal of development moratoria regulated under the Washington State Forest Practices Act, Chapter 76.09 RCW and WAC 222
- B. Implement the Washington State Environmental Policy Act, Chapter 43.21C RCW;
- C. Meet the goals of the Thurston County Comprehensive Plan;
- D. Provide consistency between forest conversion policy and other land use and development standards;
- E. Establish processes to release lands from a moratorium placed due to Class II and III permits; and
- F. Establish processes and procedures for the department to review and enforce Class IV-General forest practices permits, conversion option harvest plans, certain Class I forest practices in Thurston County.

**17.25.200 - Definitions.**

Except as provided for in this section, this chapter will use existing definitions which are already in common use regarding the subject of forest practices. Definitions contained in the Washington State Forest Practices Act (RCW 76.09.020), Rules for the Washington State Forest Practices Act (WAC 222-16), and the Thurston County Code will not be included here.

"Class I, Class II, Class III, Class IV- General, and Class IV- Special forestry practices" as defined in WAC 222-16.050

"Clearing" means the destruction and/or removal of understory vegetation and stumps by manual, mechanical, or chemical methods.

"Commercial tree harvest" means removing trees to sell, trade or barter any portion of the volume removed.

"Conversion, forest lands" or "forest lands conversion" means cutting and removal of trees for the purpose of converting forest land to non-forestry use.

"Conversion option harvest plan (COHP)" means a voluntary plan developed by the applicant and approved by the department, indicating the limits and types of harvest areas, road locations, and open space. This approved plan, when submitted to the Washington State Department of Natural Resources (DNR) as part of the forest practice application and when followed by the applicant, maintains the applicant's option to convert to a use other than commercial forest production and releases the applicant from the six-year moratorium on future development.

"Covered Species" means species covered in the Habitat Conservation plan

"Danger Tree or Hazard tree" defined in TCC 17.15.200

"Department" means the Community Planning & Economic Development Department, unless otherwise indicated in the specific section.

"Development moratorium" means the department shall deny any and all applications for permits or approvals for a period of time established in Chapter 76.09 RCW. This shall include but not be limited to building permits, septic system permits, right-of-way permits, subdivision approvals, or change of zoning relating to the legal description described on the forest practices permit. The moratorium does not apply to expansions, alterations, or maintenance of existing structures or their accessory structures, nor does the moratorium apply to boundary line adjustments done for purposes of conservation of open space or natural areas.

"Development permit" means a permit issued by the department giving an applicant permission to: perform land disturbing activity; remove vegetation; construct roads, shared accesses, alleyways, driveways, parking areas, impervious surfaces or other hard surfaces; perform grading and/or clearing; and construct stormwater facilities.

"Director" means the Thurston County director for Community Planning & Economic Development, or the director's designee

"Forest inventory" is a report of the existing tree resources, their species, size, age, and other health characteristics and is prepared by a qualified forester.

"Forest land" as defined in WAC 222-16-10.

"Forest practices" as defined in WAC 222-16-10.

"Habitat areas of covered species" means areas where habitat is protected under the Habitat Conservation Plan.

"Harvest area" means that area on which timber harvesting is conducted including that area where soil and/or vegetation has been disturbed or damaged during harvesting, including road construction and landings.

"Logging" means the harvesting or removal of timber. Logging does not include the removal of stumps or under story vegetation. The removal of stumps and under story vegetation is defined as clearing.

"Natural" means materials present in or produced by nature and not produced or changed artificially.

"New development" means the following activities: land disturbing activities; external structural development including construction, installation, or expansion of a building or other structure; creation of impervious surfaces; Class IV-general forest practices that are conversions from timber land to other uses; and subdivision and short subdivision of land as defined in RCW 58.17.020.

"Non-conversion" means any Class II, Class III, or Class IV-Special Forest Practice as defined by WAC 222-16-050 where land is being retained for uses consistent with timber growing. Examples include but are not limited to the cutting and removal of trees and the replanting for commercial forest production.

"Non-forestry use" means an active use of land which is incompatible with timber growing.

"Qualified forester" means an individual with academic and field experience in forestry. This includes foresters with a degree in forestry from a Society of American Foresters accredited forestry school.

"Regulated shorelines" includes all "shorelines" and "shorelines of statewide significance" as defined in RCW 90.58.030.

"Tree" means a class of vegetation which is self-supporting, perennial, woody and matures at a height of 20 feet or greater.

"Windfirm" means a tree which is capable of withstanding typical winds for the area.

#### **17.25.250 - Applicability.**

This chapter applies to forest lands as defined by the Washington State Department of Natural Resources (DNR) within the unincorporated territories of Thurston County which are subject to county permitting jurisdiction.

A. New Development. Any development permit resulting in removal of timber shall be approved for a forest land conversion permit unless exempted. This includes land disturbing activities such as:

1. Cutting and/or removal of equal to or greater than five thousand board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any twelve-month period.
2. Commercial or residential site development
3. Short subdivision
4. Subdivision
5. Large lot division
6. Planned rural residential development
7. Septic planning and installation
8. Special use permits
9. Road development

10. Utility and well installation
- B. Exemptions. Certain exemptions from forest conversion permitting requirements are defined in TCC 17.25.300
- C. Other Applicable Chapters. An application filed pursuant to this Title shall also comply with the following Titles of the Thurston County Code, including but not limited to:
1. Chapter 14.37, Grading
  2. Title 15, Public Works
  3. Chapter 17.15, Agricultural Uses Critical Areas
  4. Chapter 17.40, Habitat Conservation Plan Implementation
  5. Title 18, Platting and Subdivisions
  6. Title 19, Shoreline Master Program
  7. Title 20, Zoning
  8. Title 24, Critical Areas

**17.25.300 - Exemptions.**

The following activities are exempt from the provisions of this chapter unless proposed on a regulated shoreline:

- A. Class I forest practices,
- B. Agricultural uses outlined in a Farm Conservation Plan as defined in TCC Chapter 17.15.200.
- C. Class II, III, and IV-Special forest practices on ownerships of contiguous forest land greater than 20 acres in a UGA where the applicant submits a 10-year statement of non-conversion to the Washington State 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 Designated Forest Land, under the provisions of Chapter 84.33 RCW.
- D. Class II, III, and IV-Special forest practices located outside UGAs, which are permitted or approved by the DNR, and do not have an associated conversion option harvest plan.

**17.25.400 - Class IV – General Permit requirements.**

- A. General Requirements.
1. Class IV-General forest practices shall comply with all applicable provisions of the Thurston County Code, including the Tree Conservation provisions of Chapter 17.27.
  2. A Class IV-General forest practices application shall be submitted and approved prior to conducting forest practices on the project site.

3. A Class IV-General forest practices application shall be submitted with a development application for the affected site.
  4. A Class IV-General forest practices permit shall comply with any conditions of approval established through the associated development permit.
- B. Application Requirements. All Class IV-General applications subject to review under this chapter, shall contain the following, where applicable:
1. A Site Plan:
    - a. As described in TCC Subsection 20.60.30.3(C); and
    - b. Harvest boundaries and tree retention areas; and
    - c. Tree conservation plan consistent with the provisions of TCC Section 17.27.500; and
    - d. Location of all existing and proposed skid roads, haul roads, and landings within the harvest area.
  2. A completed "forest lands conversion application" form as provided by the department;
  3. A completed environmental checklist when required by the State Environmental Policy Act, the State Forest Practices Act, and Chapter 17.09 of the Thurston County Code;
  4. An application fee, as established by resolution from the Thurston County Board of County Commissioners.
- C. Field Marking of Site Features. At the time of submittal of any application required pursuant to this Chapter, the applicant shall clearly mark the following features at the site with flagging or colored paint:
1. Critical areas and critical area buffers regulated pursuant to Title 24 TCC, Critical Areas;
  2. Landing areas;
  3. Tree retention areas; and
  4. Cutting boundaries.
  5. Roads.

#### **17.25.500 - Conversion Option Harvest Plan.**

- A. A Conversion Option Harvest Plan (COHP) is required to preserve the option to convert forest land to a use incompatible with forestry. Upon approval, this plan exempts the applicant from the development moratorium ordinarily imposed under RCW 76.09. Applicants using this option shall submit a COHP to the department for pre-approval. Once the department has issued a pre-approval, the applicant shall submit the COHP to the Washington State Department of Natural Resources with other required Class II, Class III or Class IV-Special permit application documents. A COHP shall not become final until the department pre-approves the COHP and the DNR issues the associated forest practices permit or notification.

B. Application Filing. The department shall review a COHP for completeness in accordance with all other Thurston County development regulations and any applicable standards set forth in RCW 76.09 and its rules.

C. General Requirements.

1. A COHP shall include:

- a. a narrative description of the objectives of the timber harvest; and
- b. timeframe and location of the harvest in relation to future development of the site including expected dates of commencement and completion of all harvest activities; and
- c. built and natural features present at the site; and
- d. proposed measures to preserve and protect critical areas, habitat of covered species, and regulated shorelines; and
- e. harvest method, including type(s) of equipment to be used.

2. The applicant shall submit the COHP prior to development application and conducting forest practices on the project site.

3. The department shall pre-approve the COHP prior to the applicant submitting the associated forest practices permit to the DNR.

4. The approval of a COHP does not release an applicant from the requirement to reforest a site pursuant to Chapter 222-34 WAC. If the applicant has not initiated development within three years from the issuance of an associated forest practices permit by the DNR, the applicant shall reforest the site to the standards of Chapter 222-34 WAC. Applicants submitting development permits subsequently to COHPs shall follow standards from TCC Chapter 17.27.

5. The COHP shall comply with all applicable standards and provisions of the Thurston County Code and Chapter 76.09 RCW.

6. The COHP shall include retention of trees on twenty percent of the total area of the parcel or more as needed to comply with critical areas, habitat for covered species, and regulated shorelines and other buffers required by code. Trees retained for other conservation purposes such as conservation easements, open space, critical areas and buffers, and stormwater infrastructure may be included toward the twenty percent retention requirement. Retained trees shall:

- a. Be similar in scale to the average relative size and type of the harvested trees. Where possible, the largest trees shall be prioritized for retention.
- b. Commercial harvests done within a COHP shall submit timber cruise documentation.
- c. Trees shall be conserved in clusters to avoid windthrow potential.

D. Burden of Proof. The applicant has the burden of proving that the COHP complies with the provisions of this Chapter.

**17.25.600 – Administration.**

A. Authority and Duties of the Department and Director.

1. The department shall administer the provisions of this chapter.
  2. The department has the authority to review applications, issue permits, impose conditions, and conduct inspections as necessary to assure compliance with the provisions of this Chapter.
  3. The department may approve an application for a conversion option harvest plan (COHP), approve the application with conditions, require modification of the proposal to comply with specified requirements or local conditions, or deny the application if it fails to comply with requirements of this Chapter.
  4. The department shall coordinate with other state and local forestry representatives regarding the implementation of this Chapter.
  5. When choosing to submit a COHP, applicants shall submit a pre-approved COHP to the Washington State Department of Natural Resources (DNR) in association with the pertinent Class II, III, or IV-Special forest practices application. A COHP shall not be final until the department pre-approves the COHP and the DNR issues the associated forest practices permit and notification to the department.
- B. Application Procedure and General Conditions. The department shall process applications for forest lands conversion according to the same permitting procedures described in Chapter 20.60 of the Thurston County Code. For purposes of this chapter:
1. A Type I process involves any proposed forest lands conversion that requires a county permit but does not require an environmental checklist. A COHP shall follow the Type I process.
  2. A Type II process involves any proposed forest lands conversion that requires a county permit and an environmental checklist. A release from moratorium for a single-family residence shall follow the Type II process.
  3. A Type III process involves any proposed forest lands conversion associated with any other Type III process provided for by the Thurston County Code.
  4. The department shall forward a copy of the conversion forest practices and the county's action to the Thurston County assessor for their use.
  5. A forest land conversion approval by the department is valid for a period of one year or the duration of the associated development permit or approval.
  6. The department may approve an amendment to the approved forest lands conversion permit if the amendment is consistent with the conversion standards. If granted, the department shall provide a written record of the amendment and will provide a copy of it to the applicant.
  7. The applicant shall post the Class IV-General permit on the site no more than 5 days after the approval for the forest conversion permit has been received and not prior to the initiation of timber harvest. The permit shall be posted until the harvest is finished. The applicant shall post the permit at the main entrance to the property, visible to the public without having to trespass on the site.

*not prior to cutting*

- C. Change of conversion status. Landowners who did not initially state an intent to convert must follow processes outline in RCW 76.09.470 to be approved for conversion.
1. The department must:
    - a. Notify DNR and request the status of any pending forest applications, notifications, final orders or decisions;
    - b. Require landowner to fully comply with 43.21C RCW and local critical areas, shoreline, and habitat for covered species requirements as applicable;
    - c. Determine the compliance with local ordinances and regulations and require a mitigation plan; and
    - d. Withhold approval for further development until mitigation has occurred.
  2. The applicant must:
    - a. Stop all forest practices activities on parcels for conversion;
    - b. Contact the Washington State Department of Ecology, and the department to begin the forest conversion application process;
    - c. Notify DNR and withdraw applications for forest practices.
- D. Appeals. Any aggrieved person may appeal an administrative decision made under this chapter to the Thurston County hearing examiner. Such appeals are governed by Chapter 2.06 TCC. The decision of the hearing examiner on an appeal under this chapter is final. The hearing examiner shall not entertain motions for reconsideration. The decision of the hearing examiner may only be appealed to Superior Court pursuant to the Land Use Petition Act, Chapter 36.70C RCW, or other applicable statute.

#### **17.25.700 - Development moratorium requirements.**

- A. General Requirements. Where development moratoria apply, the department shall not accept any applications for permits or approvals relating to non-forestry uses of land (e.g., building permits, development applications, project construction, subdivision approvals) for a period of six years from the approval date of the applicable forest practices application or from the date unpermitted activities were reported.
- B. Applicability of Development Moratorium. The applicability of 6-year development moratoria pursuant to Chapter 76.09 RCW will be as follows:
1. The department will place a 6-year development moratorium on a property where any forest practices have been conducted in violation of Chapter 76.09.460 and 76.09.470 RCW or its rules, and Chapter 17.25 TCC including failure to comply with the conditions of an approved forest practices permit or failure to obtain required forest practices permits or approvals.
  2. The department will place a 6- year development moratorium on all properties with approved Class II, III, or IV-Special forest practices which do not have an associated conversion option harvest plan (COHP).

3. The department will place a 6- year development moratorium on properties where a violation of an approved COHP or a violation of a condition of a COHP approval have been conducted.

C. Consequences of a Development Moratorium.

1. The department shall not accept a development proposal for land that is subject to a 6-year development moratorium, unless it is associated with a single-family dwelling exception set forth in Section 17.25.700(E) TCC.
2. In cases where a development moratorium is imposed on a site that is subject to pending development applications, the department shall immediately deny the applications.
3. The department shall provide notice of the moratorium to the applicant prior to the denial of development permit applications and shall allow the applicant 30 days from the date of the notice to apply for moratorium release according to Section 17.25.700(E) TCC.
4. If an application for moratorium release is received during the 30-day period, the department shall postpone denial of any development permit applications until a decision on the moratorium release is rendered.
5. If an applicant violates a forest practices permit including a COHP, the department shall apply a development moratorium to the harvest area indicated in the permit.
6. If no forest practices permit was issued, the department shall apply the development moratorium to the entire parcel.

D. Allowable activities. Applicants may perform any of the following activities on any parcel that is subject to a development moratorium:

1. Repair or remodeling within the existing footprint of existing structures.
2. Reconstruction of a structure damaged or destroyed due to fire, explosion, wind, flood, earthquake, or other similar calamity.
3. Essential Public Facility uses specified under the Special Use Chapter, TCC Chapter 20.54.
4. A development permit application may be submitted, reviewed and approved to address any site development violations on the site.
5. Applicants may submit critical area, shoreline, and habitat conservation plan applications to address any related violations on the site.
6. The department may review and approve critical area, shoreline and habitat conservation plan applications to address any related violations on the site.

E. Moratorium Release for Single-Family Dwelling. The director may administratively grant a release from the mandatory 6-year development moratorium to allow the construction of one single-family dwelling unit and associated accessory structures, including septic system and wells, pursuant to the following standards:

1. General Requirements.

- a. Applicants shall not submit a request for single-family dwelling moratorium release until after the associated Washington State Department of Natural Resources (DNR) forest practices permit has been closed or withdrawn by the applicant.
  - b. The department shall not permit area for development released from a moratorium to exceed two acres in size.
  - c. When the moratorium was imposed as a result of harvesting under an approved Class II, Class III, or Class IV-Special forest practices permit, the applicant shall wait three years from the effective date of the forest practices notification. The three-year waiting period may be waived if:
    - i. the applicant provides the department information that no regulated shorelines, habitat areas of covered species, or critical areas were impacted by forest practices; and
    - ii. the applicant preserved regulated shorelines, habitat areas of covered species, or critical areas during forest practices pursuant to applicable provisions of the Thurston County Code; and
    - iii. the applicant provides proof that sufficient plant materials were purchased to reforest the area according to the (DNR) forest practices permit and photos of the replanted site in lieu of a site visit.
  - d. The department shall not waive the three-year waiting period if the department placed a moratorium as a result of unpermitted harvesting or a violation of an approved COHP or Class IV-General forest practices permit.
  - e. The department shall determine compliance with County regulations as part of the request for single family dwelling moratorium release.
  - f. The applicant may submit an application for a building permit concurrently with the request for single family dwelling moratorium release; however, if the department determines that regulated shorelines, habitat areas of covered species, or critical areas were impacted by logging activities, the 3-year waiting period applies.
  - g. The department shall retain the development moratorium for all other non-forestry uses of the property.
  - h. Applicants may only submit one request for single family dwelling moratorium release for each parcel during the 6-year development moratorium.
- F. Rescission of Moratorium. Upon request of the applicant, the moratorium may be rescinded by the department if an approved forest practices notification or application has been either withdrawn by the applicant or expired, and no harvest has taken place.

**17.25.800 - Violations and enforcement.**

Violations of this chapter shall be enforced through the provisions of Title 26 TCC.

**IV. Thurston County Code Section 20.38 (COTTAGE HOUSING) shall be amended as follows:**

...

**20.38.030 - Development standards.**

...

**P. Landscaping.**

1. The cottage housing development shall be designed with goal of retaining significant landmark and heritage trees which will not create a safety hazard.

...

**V. Thurston County Code Section 20.64 (MAJOR EDUCATIONAL INSTITUTIONS (MEI)) shall be amended as follows:**

...

**20.64.040 - Design standards.**

...

5. All landscaping shall be provided in accordance with Chapter 20.45. In addition:

...

- ii. In required landscaping areas, the applicant shall retain significant landmark and heritage trees which do not constitute a safety hazard. ~~This includes trees over sixty feet in height and sixteen inches in measured twenty-four inches above grade.~~

...

**VI. Thurston County Code Section 26.05.010 TCC (Code Enforcement General Provisions) shall be amended as follows:**

**26.05.010 - Purpose.**

- A. This title is adopted for the purposes of governing enforcement remedies for the following codes or as subsequently amended: Roads and Bridges (Title 13 TCC), Buildings and Construction (Title 14 TCC), Thurston County Stormwater Standards (Chapter 15.05 TCC), Sewer Systems (Chapter 15.09 TCC), Water Systems (Chapter 15.10 TCC), Cross-connections (Chapter 15.11 TCC), State Environmental Policy Act (Chapter 17.09 TCC) Agricultural Activities Critical Areas (Chapter 17.15 TCC), Mineral Extraction and Asphalt Production (Chapter 17.20 TCC), ~~Thurston County~~

Forest Lands Conversion Ordinance (Chapter 17.25 TCC), Tree Conservation Practices (Chapter 17.27), Platting and Subdivisions (Title 18 TCC), Shoreline Master Program for the Thurston Region (Title 19 TCC), Zoning Ordinances (Titles 20, 21, 22, and 23 TCC), Critical Areas Ordinance (Title 24 TCC), Habitat Conservation Plan Implementation Ordinance (Chapter 17.40) and including any permit, permit condition, or other remedy issued pursuant to any of the codes listed above. This title hereby replaces and supersedes all code provisions referenced therein.

## **ATTACHMENT B**

### **Chapter 17.27 - Tree Conservation Practices**

**I. Thurston County Code Chapter 17.27 TCC (TREE CONSERVATION PRACTICES) shall be created as follows:**

**17.27.100 - Purpose.**

These regulations are intended to:

- A. Establish standards for tree conservation;
- B. Fulfill goals stated in the Thurston County Comprehensive Plan for preserving tree canopy;
- C. Fulfill goals stated in the Thurston County Climate Mitigation Plan;
- D. Conserve large existing trees and enhance forest lands;
- E. Preserve important ecosystem benefits that trees provide such as managing stormwater runoff, improving air quality, and providing habitat;
- F. Allow forest thinning to improve the health of a tree stand and reduce fire hazards;
- G. Allow for clearing around dwellings to maintain defensible space in the wildland urban interface; and
- H. Allow for flexible planning of new development.

**17.27.200 - Definitions.**

Except as provided for in this section, this chapter will use existing definitions which are already in common use regarding the subject of forest practices. Definitions contained in the Washington State Forest Practices Act (RCW 76.09.020), Rules for the Washington State Forest Practices Act (WAC 222-16), and the Thurston County Code will not be included here.

"2-0 seedling" means a seedling that is 2 years old having been grown in a seedling bed outdoors. These seedlings have no soil on their roots when they are transplanted.

"Critical root zone" means the area in which the tree's roots are located. This root zone is generally the area surrounding a tree at a distance which is generally equal to one foot for every d.b.h inch of tree.

"Culturally modified trees" means any tree that has been cut into and scarred by humans.

"Defensible space" as defined in the International Wildland-Urban Interface Code 2021 (IWUIC 2021) Section 202 as adopted in WAC 51-55-0500.

“Diameter breast height (DBH). The outside bark diameter at breast height. Breast height is defined as 4.5 feet (1.37m) above the forest floor on the uphill side of the tree. For the purposes of determining breast height, the forest floor includes the duff layer that may be present, but does not include unincorporated woody debris that may rise above the ground line.

“Forest Inventory” means a document which uses a vegetation survey used by qualified foresters to identify the age, size and species of trees and other plants in a forest.

“Forest Management Plan” means a document which determines timing and extent of management activities to increase health or growth goals for a particular group of trees.

“Heritage Trees” means any tree over 40 inches DBH or those which are historically or culturally significant at any size and are identified in a list managed by recognized community groups.

“Landmark trees” any trees over 24 inches DBH with the exception of the following species which are classified as landmark trees at different sizes:

1. Cascara over 8”
2. Madrone over 8”,
3. Pacific Yew over 8”,
4. Lodge pole or shore pine over 12”
5. Vine maple over 12”.

“Mature tree” means a tree close to maximum height, can produce seeds or fruit, and exhibiting reduced shoot elongation.

“Mature tree canopy” means the expected size of a tree’s canopy when it reaches maturity.

“Minimum tree unit density” means the least tree units that are required on an acre of land.

“Replacement seedlings” means seedlings of no less than type 2-0 or 2 years old with bare roots that are used to reforest a site after development has occurred.

“Significant Trees” means any tree between 6 inches and 24 inches DBH.

“Thinning” means to reduce amount of vegetation in a given space.

“Timber Cruise” means a vegetation survey used by commercial qualified foresters to determine the volume of standing timber in a forest.

“Tree conservation plan” is a document that provides information about the trees that are planned for removal and those that are planned for retention.

“Tree units” is a value assigned to categories of trees based on size and relative ecological value.

### **17.27.300 - Applicability.**

The standards of this Chapter apply to any development application requiring a Class IV – General forest practices application with the following exemptions:

- A. Multifamily, commercial, and industrial development which are subject to the landscaping standards in TCC Title 18 and 20.
- B. Applications subject to the platting and subdivision standards in TCC Title 18
- C. Construction, reconstruction or maintenance of public roads, paths, bicycle ways, trails, bridges, sewer lines, utilities, storm drainage facilities, related critical area mitigation activities and other similar public infrastructure excluding public buildings.
- D. Other Applicable Chapters. An application filed pursuant to this Title shall also comply with the following Titles of the Thurston County Code, including but not limited to:
  - 1. Chapter 14.37, Grading;
  - 2. Title 15, Public Works;
  - 3. Chapter 17.15, Agricultural Uses Critical Areas;
  - 4. Chapter 17.25 Forest Conversions
  - 5. Chapter 17.40, Habitat Conservation Plan Implementation
  - 6. Title 18, Platting and Subdivisions;
  - 7. Title 19, Shoreline Master Program;
  - 8. Title 20, Zoning
  - 9. Title 24, Critical Areas
  - 10. Drainage and Design Erosion Control Manual

#### **17.27.400 - Tree Conservation Standards.**

- A. Minimum Tree Unit Density
  - 1. All sites which are subject to provisions in this chapter shall retain or replant trees to maintain an average of 100 tree units per acre.
  - 2. As trees grow, thinning is allowed to maintain appropriate density.
- B. Tree Units. All trees on-site that meet the standards of this Section and are retained may be counted toward the minimum tree unit requirements. Tree units are also established in this chapter for replacement seedlings.
- C. Standards – General.
  - 1. Construction Buffer. No construction shall occur within the anticipated mature critical root zone of a tree planted or retained to meet tree unit density requirements.
  - 2. Restored areas and replanted trees shall be recorded on a form provided by the department, the final plat, and in the abbreviated drainage plan as applicable.

3. Defensible space. The department shall refer to the provisions for defensible space found in International Wildland-Urban Interface Code 2021 (IWUIC 2021) Section 603 and 604 as adopted in WAC 51-55-0500. *This has not been adopted. add if so.*
4. Landmark Trees. At a minimum, applicants shall retain 30 percent of landmark trees on site, preferably reflective of the diversity of species and age within the stand, up to the minimum tree density requirements. All retained landmark trees shall be shown to be windfirm. To determine quantities of trees using a survey, standards shall follow accepted industry methods as determined by a qualified forester. *what if there is 1?*
5. Heritage Trees. At a minimum, 70 percent of heritage trees on site shall be retained, up to the minimum tree density requirements. All retained heritage trees shall be shown to be windfirm. Where a sampling method is proposed for treed project sites, standards shall follow accepted industry methods as determined by a qualified forester. *what if this is one?*

Table 17.27.400-1. Tree Conservation Categories<sup>(1)</sup>

Tree Category	Size	Tree Credits
Replacement Seedling	Shall be at least 2-0 seedling	1
Significant Trees	Over- 6" DBH <i>to small</i>	5 <i>add ↑ for ↑ DBH</i>
Landmark Trees	Over 24" DBH or greater; except: <ul style="list-style-type: none"> <li>• Cascara over 8" <i>why</i></li> <li>• Madrone over 8", <i>to small</i></li> <li>• Pacific Yew over 8", <i>why</i></li> <li>• Lodge pole or shore pine over 12" <i>not native</i></li> <li>• Vine maple over 12" <i>NA Don't get that</i></li> </ul> <i>should say DBH ↑ Big</i>	30
Heritage Trees	40" DBH or greater; or <i>not defined</i> <u>historically or culturally modified or culturally significant at any size and are identified in a list managed by recognized community groups or tribes.</u> <i>Publish lists</i>	50

**Footnote:**

- <sup>(1)</sup> See also habitat protection standards for Oregon White Oak trees/stands in TCC Chapter 24 (add subsections).

6. Retained Trees. Trees to be retained on site shall meet the following minimum standards to be credited toward the tree unit density requirements of this Section:
  - a. Post-development life expectancy of greater than 10 years; and
  - b. Sound and solid trunk with no extensive decay or hollow and no trunk damage that would cause mortality; and

- c. No major insect or pathological problem; and
  - d. No significant crown damage; and
  - e. Full branching and general proportionality in height and breadth for the tree age; and
  - f. Individual trees and groupings of trees proposed for retention shall be wind-firm in their post development state; and
  - g. Heritage trees and those located within a critical area or shoreline and associated buffers may be credited toward the tree unit density requirements, regardless of the health or state of the tree.
7. Replacement Trees. Each tree proposed for planting shall meet the following minimum standards to be credited toward satisfying the tree unit density requirements of this Section:
- a. Trees shall be free from injury, pests, diseases and nutritional disorders and shall be fully branched and have a healthy root system;
  - b. Trees utilized for planting shall be a minimum 2-0 seedling size;
  - c. Trees planted shall include a mix of coniferous and deciduous trees, with a minimum of 30 percent coniferous, unless the area is deemed to have been Oregon white oak habitat, in which case the standards in Title 24 TCC, Development Regulations – Critical Areas, shall apply; and
  - c. Trees shall be planted within clusters to form stands.
- D. Tree Conservation Plans. Applicants shall provide sufficient information regarding tree conservation to support the design and location of all proposed developments.
1. Tree Conservation Plan.
- a. Applicants shall prepare, submit, and receive approval for the tree conservation plan concurrent with the approval of an associated development permit.
  - b. Applicants shall draw plans to the same scale as the development permit site plan, show approximate locations of trees to be retained or planted, and shall meet the applicable standards of TCC Section 17.27.400.
  - c. A qualified forester shall prepare the plan.
  - d. The applicant may substitute the tree conservation plan with a forest management plan, provided it contains the same details.
  - e. The department shall require a tree conservation plan for any development which is subject to the standards of this Chapter unless one or more of the following applies:
    - i. Applicant does not reduce the original vegetation lower than an average of 200 tree units per acre; or
    - ii. Applicant removes vegetation from less than 20% of the parcel; or
    - iii. The only trees on the site exist in a critical area such as, but not limited to, a steep slope or wetland/buffer, shoreline or habitat of covered species where provisions in Title 24 TCC would apply; or

- iv. Existing trees are less than 6" DBH in diameter and are not proposed to be retained to satisfy tree unit requirements.

2. The plan shall include:

- a. Tree unit density calculations, including the estimated volume of timber proposed to be removed from the site; and
- b. Labels for all landmark, heritage, and protected trees including species name and DBH; and
- c. Drip-lines of retained individual trees or tree clusters outlined on the site plan.
- d. The mature tree canopy for each tree proposed for retention and/or replacement tree located within 100 feet of a buildable area to identify and minimize potential future conflicts between such trees and adjacent infrastructure and defensible space.
- e. The applicant may substitute a timber cruise or forest inventory where information is duplicative to the tree conservation plan.

E. Replacement Trees.

New plantings shall consist of a variety of tree species native and resilient to changes in climate and shall be planted between October to February.

F. Survivability

Applicants shall detail care instructions for the first two (2) years of the planting to include watering frequency, maintenance of protective structure, removal of adjacent vegetation. This document will be included with the tree conservation plan.

**17.27.500 Violations and enforcement.**

Violations of this chapter shall be enforced through the provisions of Title 26 TCC.



**From:** [scbernath@comcast.net](mailto:scbernath@comcast.net)  
**To:** [Dana Bowers](#)  
**Cc:** [Andrew Deffobis](#)  
**Subject:** Planning Commission - Public Comments on Proposed Forest Land Conversion Ordinance  
**Date:** Monday, February 5, 2024 3:21:40 PM  
**Attachments:** [public comments on conversions 020524.docx](#)

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Dana, attached are my public comments regarding the Proposed Forest Land Conversion Ordinance. Please let me know if you have any questions or concerns. I had previously committed to you to send you a link to the forest practice application. That is included within my comments to the Board of County Commissioners. Please pass these comments on to the Commissioners. Thank you. Sb.

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360-359-0422 cell

February 5, 2024

Honorable Thurston County Commissioners

SUBJECT: Comments on the Proposed Amendments to the Forest Lands Conversion Ordinance

Thank you for the opportunity to comment on the amendments to the Forest Lands Conversion Ordinance. I want to congratulate the county for continuing to want to maintain jurisdiction on lands likely to convert. I have some general comments and then will provide some specific comments regarding the ordinance. I will not be able to join you for the in-person hearing since this is scheduled at the same time as the CAW.

#### GENERAL Comments

- This is a huge improvement to the original ordinance adopted in the 1990s and much needed since the last statutory update took place in the 2000s.
- Dana Bowers did a great job of listening and incorporating comments in conjunction with the Planning Commission.
- I am concerned that with these amendments, the county staff is adequately staffed to implement the changes. I know after the initial adoption of the ordinance in the 1990s, there was one staff member that implemented the new ordinance, but, over time and with budget cuts, I am concerned that this has not been a priority for the county. Adequate staffing to implement this ordinance, including having a qualified forester on staff, will be extremely important to the county's success.
- I am also concerned that the county's notification process (if there is one) to residents that development in the county is going to occur as a result of the conversion of forest land to another land use is inadequate. I live within a quarter mile of two recent developments and no one in the area knew anything was happening until trees came down. Having adequate notification during the SEPA process and associated permitting process is absolutely necessary so that residents know what is about to happen on nearby lands. The act of converting forest lands to another land use permanently alters the hydrology on the site and affects anyone down gradient because of increased stormwater. In addition, wildlife is permanently affected when their habitat disappears (most noticeable are deer and coyotes), there is an increase in traffic, and consideration of bike/walking in the area is critical.
- As you probably know, by continuing to take responsibility for conversion of forest lands on lands likely to convert, this ordinance is a necessary tool to have a clean handoff and continuous line of jurisdiction between the state and county. This prevents what is otherwise known in the industry as "backdoor conversions" where some counties are not as progressive in assuring environmental requirements are maintained throughout the process of conversion.
- This ordinance also allows for landowners to change their minds if they harvested under the Forest Practices Act (RCW 76.09) Class II or III or IV Special and had intended to maintain forest land for at least 6 six years and reforested, but then decides at some time to convert. This ordinance allows for that possibility provided the property owner mitigates according to county code to come into compliance with GMA and before a building permit can be issued.
- This ordinance also recognizes that DNR will notify the county with a Notice of Conversion if a property owner harvests under a Class II, III or IV Special but then begins to appear like a conversion (such as wider roads than necessary for logging, utility placement, or other indicators) which would lead the county to put a 6-year building moratorium on the parcel.

- This ordinance will be another tool for encouraging developers to leave some vegetation on converted grounds which recently has not been evident in areas currently being developed.

#### SPECIFIC Comments

- I assume that trees within one's property that need trimming or may be of danger to dwellings within reach of said trees can still be trimmed or removed without a permit and considered maintenance of the property (outside of county right-of-ways).
- Under 17.25.500©(6) - I have suggested alternative wording to Dana for consideration that is clearer and not meant to change the intent.
- Under 17.25.500(D)(6)(b) - FYI: Commercial harvesting generally is not required to cruise the timber and submit to Forest Practices unless the applicant has a riparian or wetland area included in a harvest application. They are only required by DNR to provide an estimate on how much timber will be harvested and by what methods (see a Forest Practice application at this link <https://www.dnr.wa.gov/programs-and-services/forest-practices/review-applications-fpars/forest-practices-forms-and>).
- I assume that the approved conversion permit is provided not only to the county assessor but also to the state Department of Revenue so that timber tax can be collected.
- 17.27.200 - I have suggested an alternative definition to critical root zone. The measurement of root zone based on 1" of DBH equals a foot is not a common forestry measurement. I would suggest using the drip line of the crown of the particular tree as an approximation of the critical root zone.
- 17.27.400 - I see oak trees referenced. This is important for the Western grey squirrel habitat at the southern end of Fort Lewis and along places such as the Chehalis Western Trail or roads near SR 507.

In summary, please let me know if you have any questions regarding my comments. I am happy to clarify or answer any questions. This ordinance hopefully protects forest lands outside of urban growth areas. Where conversions on areas likely to convert are approved, environmental protections are maintained both under the Forest Practices Act and Growth Management Act. This is especially important as the county implements its climate mitigation plan and looks to maintaining or increasing crown cover for carbon sequestration, energy efficiency near buildings, and natural stormwater mitigation.

Respectfully submitted,

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