

Title 18H

DEVELOPMENT REGULATIONS – FOREST PRACTICES

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Chapter 18H.10

GENERAL PROVISIONS

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18H.10.010 Title.

This Title shall be officially cited as Title 18H, Development Regulations – Forest Practices and Tree Conservation. (Ord. 2004-58s § 5 (part), 2004)

18H.10.020 Purpose.

This Title establishes the minimum standards and requirements associated with local government review and jurisdiction over Class IV forest practices and conversion option harvest plans and establishes local procedures for forest practice related development moratoria in accordance with RCW 76.09 (Washington State Forest Practices Act.) This Title also establishes minimum tree conservation requirements for developing properties within unincorporated Pierce County. (Ord. 2004-58s § 5 (part), 2005)

18H.10.030 Applicability.

This Title applies to all lands within unincorporated Pierce County. Unless the requirements of this Title are met, Pierce County shall not grant any approval or permission to alter the condition of any land or vegetation or to construct any structure or improvement regulated through the following: building permit, commercial or residential; binding site plan; site development permit; short subdivision; use permit; planned development district approval; subdivision; large lot division; forest practice approval pursuant to RCW 76.09; or any subsequently adopted permit or required approval not expressly exempted by this Title. (Ord. 2004-58s § 5 (part), 2004)

18H.10.040 Relationship to RCW 76.09.

- A. This Title is directly related to specific subsections in RCW 76.09 and its rules that refer to Class IV forest practices, conversion option harvest plans, and forest practice related development moratoria. The application of this Title to forest practice activities regulated by RCW 76.09 shall be limited to:
 - 1. Class IV-General forest practices;
 - 2. Class II, III, and IV-Special forest practices where the landowner elects to be processed as a conversion option harvest plan (COHP);
 - 3. Class I forest practices within urban growth areas (UGAs) that involve timber harvesting or road construction;

4. Class I forest practices outside UGAs which are associated with lands platted after January 1, 1960, or lands which have been or are in the process of being converted to a non-forestry use, and
 5. Imposition and removal of development moratoria pursuant the RCW 76.09.060.
- B. This Title establishes the minimum standards necessary for local review and approval of Class IV-General forest practices, COHP, Class I forest practices, and Diseased/Danger/Hazard Trees.
 - C. The provisions of this Title provide the criteria for the establishment or removal of development moratoria and exceptions for single-family dwellings located on lands subject to a development moratorium.
 - D. All forest practice approvals and associated development moratoria issued by Pierce County pursuant to RCW 76.09.060 shall comply with this Title.
- (Ord. 2009-18s3 § 6 (part), 2009; Ord. 2004-58s § 5 (part), 2004)

18H.10.055 Compliance With Other Codes.

An application filed pursuant to this Title shall also comply with the following Titles of the Pierce County Code, as now existing or hereafter amended:

- A. Title 18, Development Regulations – General Provisions;
 - B. Title 18A, Development Regulations – Zoning;
 - C. Title 17A, Construction and Infrastructure Regulations – Site Development and Stormwater Drainage;
 - D. Title 18D, Development Regulations – Environmental;
 - E. Title 18E, Development Regulations – Critical Areas;
 - F. Title 18F, Development Regulations – Land Divisions and Boundary Changes;
 - G. Title 18J, Development Regulations – Design Standards and Guidelines;
 - H. Title 19A, Comprehensive Plan; and
 - I. Title 20, Shoreline Management Use Regulations.
- (Ord. 2010-70s § 14 (part), 2010; Ord. 2009-18s3 § 6 (part), 2009)

18H.10.060 Reconsideration and Appeals.

Procedures for appeal of any administrative decision and procedures for reconsideration or appeal of a Hearing Examiner decision issued pursuant to this Title are set forth in Chapter 1.22, PCC. (Ord. 2004-58s § 5 (part), 2004)

18H.10.070 Fees.

Fees for applications and/or reviews of reports or studies filed pursuant to this Title are set forth in Chapter 2.05, PCC. (Ord. 2004-58s § 5 (part), 2004)

18H.10.080 Compliance.

The regulations for compliance with the provisions of this Title are set forth in Chapter 18.140, Development Regulations – General Provisions, Compliance. (Ord. 2004-58s § 5 (part), 2004)

18H.10.090 Liability of the County.

Nothing in this Chapter shall be deemed to impose any liability upon the County or upon any of its officers or employees, or to relieve the owner or occupant of any private property from the duty to keep in safe and healthy condition the trees upon his property. (Ord. 2004-58s § 5 (part), 2004)

18H.10.100 Severability.

If any provision of this Title is held invalid, the remainder of this Title or the application of the provision to other persons or circumstances shall not be affected. (Ord. 2004-58s § 5 (part), 2004)

Chapter 18H.20

FOREST PRACTICE APPROVALS

Sections:

- 18H.20.010 Purpose.**
- 18H.20.020 Exemptions.**
- 18H.20.030 Class IV-General Forest Practices.**
- 18H.20.040 Class I Forest Practices.**
- 18H.20.050 Conversion Option Harvest Plans (COHP).**
- 18H.20.060 Additional Requirements Applicable to all Applications.**
- 18H.20.070 Modifications.**
- 18H.20.080 Time Limitations.**

18H.20.010 Purpose.

This Chapter sets forth procedures and criteria for Pierce County approval of Class IV-Special conversion forest practices, Class IV-General forest practices, conversion option harvest plans (COHP) and certain Class I forest practices, regulated under the Washington State Forest Practices Act, RCW 76.09. (Ord. 2004-58s § 5 (part), 2004)

18H.20.020 Exemptions.

The following activities are exempted from the provisions of this Chapter:

- A. Class I forest practices located outside of UGAs, except when:
 - 1. The forest practices are associated with the conversion of land to a non-forestry use,
or
 - 2. The forest practices occur on land platted after January 1, 1960.
- B. Class I forest practices located within UGAs that do not involve road construction or timber harvesting.
- C. Class II, III, and IV-Special forest practices in a UGA where the landowner submits a 10-year statement of non-conversion to the 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 RCW 84.33.
- D. Class II, III, and IV-Special forest practices located outside UGAs, which are permitted or approved by the Department of Natural Resources, and do not have an associated COHP.

(Ord. 2006-103s § 3 (part), 2006; Ord. 2004-58s § 5 (part), 2004)

18H.20.030 Class IV-General Forest Practices.

- A. **State and Local Approval.** Pursuant to the RCW, Pierce County is designated lead agency for compliance with the State Environmental Policy Act. Pierce County is also permitted to exercise any: (a) Land use planning or zoning authority, (b) Taxing powers, (c) Regulatory authority with respect to public health, and (d) Authority granted by RCW 90.58 (Washington State Shoreline Management Act), provided that the land use planning or zoning authority regulations shall not be inconsistent with the forest practice regulations enacted under RCW 76.09. Accordingly, a SEPA threshold determination is required to be obtained from Pierce County prior to obtaining a Class IV-General forest

practices permit from Pierce County. Prior to conducting any forest practices defined as Class IV-General, an approved Class IV-General forest practices permit shall be obtained from Pierce County.

- B. **Application Filing.** Applications for Class IV-General approvals shall be reviewed for completeness in accordance with Departmental submittal standards checklist and pursuant to Title 18, Development Regulations – General Provisions.
- C. **General Requirements.**
1. An application for a Class IV-General approval shall be submitted prior to conducting forest practices on the project site.
 2. A Class IV-General approval shall not be issued until a SEPA threshold determination has been issued for the proposed forest practices.
 3. A Class IV-General approval shall not be issued until either a Site Development permit, which addresses the proposed logging and associated clearing, has been issued, or it is determined by Pierce County that a Site Development permit is not required.
 4. A Class IV-General approval will not be issued until any pending development permit applications that are associated with the site have been approved/issued.
 5. Where an interlocal agreement regarding tree preservation has been entered into between a city or town and Pierce County, the city's or town's tree preservation standards shall be applied to forest practices occurring within their designated urban growth area or urban service area, if those standards are more restrictive.
 6. Class IV-General forest practices shall comply with all applicable provisions of the Pierce County Code, including the Tree Conservation provisions of Chapter 18J.15 and RCW 76.09.
 7. Class IV-General forest practices shall comply with any conditions of approval established through the associated development permit or approval.
 8. Class IV-General forest practices conducted on vacant land that are not associated with an application for land division or subdivision, use permit, commercial building permit, or single- or two-family residential building permit shall be limited to the removal of not more than 35 percent of the total volume of merchantable timber throughout the gross area of the parcel during any 6-year period. For the purposes of this Section, parcels developed solely with accessory structures such as storage buildings or other similar structures shall be considered to be vacant.
 9. The site shall be posted with a copy of the issued Class IV-General approval prior to the initiation of timber harvest and until the harvest is finished at the main entrance to the property in such a manner that it is visible to the general public without having to trespass on the property.
- D. **Required Findings.** A Class IV-General approval may be issued by the Director only if all of the following findings can be made regarding the proposal and are supported by the record:
1. The granting of the proposed Class IV-General approval will not be detrimental to the public health, safety, and general welfare.
 2. The granting of the proposed Class IV-General approval will not be injurious to the property or improvements adjacent to and in the vicinity of the proposal.
 3. The granting of the proposed Class IV-General approval will not result in significant adverse environmental impacts.
 4. The granting of the proposed Class IV-General approval is consistent with the general requirements set forth in 18H.20.030 C.

5. The granting of the proposed Class IV-General approval is consistent and compatible with the goals, objectives, and policies of the Comprehensive Plan, appropriate community plan, and the provisions of this Title.
- E. **Burden of Proof.** The applicant has the burden of proving that the forest practices comply with the provisions of this Title.
- F. **Approval Authority.**
1. The Director shall review all requests for approvals, any comments received, and applicable County regulations or policies, and may inspect the property prior to rendering a decision.
 2. The Director may approve an application, 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 Title.

(Ord. 2009-98s § 6 (part), 2010; Ord. 2009-18s3 § 6 (part), 2009; Ord. 2006-103s § 3 (part), 2006; Ord. 2004-58s § 5 (part), 2004)

18H.20.040 Class I Forest Practices.

- A. Class I forest practices that result in the cutting and/or removal of less than 5,000 board feet of timber for personal use (e.g., firewood, fence posts, etc.) in any 12-month period, the cutting and/or removal of Diseased, Danger, and/or Hazard trees as defined in Chapter 18.25 of Title 18, Development Regulations – General Provisions, the culture and harvest of Christmas trees and seedlings, and/or emergency fire control or suppression shall not be required to obtain any forest practices approval from Pierce County. Although a forest practices approval is not required, the following requirements shall be met:
1. Class I forest practices, including the cutting and/or removal of diseased trees, Danger trees, and/or Hazard trees as defined in Chapter 18.25 of Title 18, Development Regulations – General Provisions, proposed within a wetland, stream, landslide hazard area, erosion hazard area, fish and wildlife area, or other critical area and associated buffer regulated pursuant to Title 18E, Development Regulations – Critical Areas, shall comply with all applicable requirements of that Title.
 2. Class I forest practices, including the cutting and/or removal of Diseased trees, Danger trees, and/or Hazard trees as defined in Chapter 18.25 of Title 18, Development Regulations – General Provisions, proposed within other open space areas or buffers, including but not limited to natural buffer areas, screening buffers, and tree conservation areas established pursuant to any other permit, approval, or regulation, shall comply with the following standards:
 - a. Written authorization from the Planning and Land Services Department shall be required prior to the removal of trees except as provided by 18H.20.040 A.2.e.
 - b. Tree cutting shall be authorized only when:
 - (1) It is demonstrated to the satisfaction of the Planning and Land Services Department that a hazard exists to public health or safety, the safety of private or public property, or the health of surrounding trees. In these cases, the landowner shall be required to submit a report and replanting plan from a registered landscape architect, certified arborist, professional forester, or other expert approved by Pierce County that document the hazard, the specific actions that must occur to abate the threat, and the schedule for replanting; or

C. General Requirements.

1. A COHP shall include a narrative description of the objectives of the timber harvest, relationship of the harvest to future development of the site, built and natural features present at the site, measures to be taken to preserve and protect critical areas, harvest method, including type of equipment to be used, and the expected dates of commencement, and completion of all harvest activity.
2. The COHP shall be submitted prior to application for development and/or conducting forest practices on the project site.
3. Upon approval of a COHP, a memorandum of agreement between the applicant and the County shall be recorded with the Pierce County Auditor.
4. The COHP shall be approved by the Department prior to the submittal of the associated forest practices permit to the DNR.
5. The approval of a COHP shall not release a landowner from the requirement to reforest a site pursuant to WAC 222-34.
6. The COHP shall comply with all applicable standards and provisions of the Pierce County Code and RCW 76.09.
7. The COHP shall result in the removal of not more than 70 percent of the total volume of trees throughout the gross area of the parcel. Retained trees shall consist of timber that is equivalent to the average size, species, and age of the harvested trees. Trees should be selected for retention based upon a consideration of windthrow potential, wildlife value, aesthetics, and compatibility with future development. Narrow strips of trees along a parcel's perimeter boundaries should be avoided due to windthrow potential.
8. Significant Trees. At a minimum, 30 percent of all significant trees as identified within Table 18J.15.030-1 shall be retained. Garry (Oregon White) Oak trees and stands meeting the criteria set forth in 18E.40.020 D. (Habitats of Local Importance) shall be subject to additional retention and protection pursuant to 18E.40.040 C.
9. Trees Proposed for Retention. Trees proposed for retention must meet the following minimum standards:
 - a. Must have a post-development life expectancy of greater than 10 years;
 - b. Must have a relatively sound and solid trunk with no extensive decay or hollow and no significant trunk damage;
 - c. Must have no major insect or pathological problem;
 - d. Must have no significant crown damage;
 - e. Must be fully branched and generally proportional in height and breadth for the tree age; and
 - f. Individual trees and groupings of trees proposed for retention must be windfirm in their post logging state.

D. Required Findings. A COHP may be approved by the Director only if all of the following findings can be made regarding the proposal and are supported by the record:

1. The granting of the proposed COHP will not be detrimental to the public health, safety, and general welfare.
2. The granting of the proposed COHP will not be injurious to the property or improvements adjacent to and in the vicinity of the proposal.
3. The granting of the proposed COHP will not result in significant adverse environmental impacts.
4. The granting of the proposed COHP is consistent with the general requirements set forth in 18H.20.050 C.

5. The granting of the proposed COHP is consistent and compatible with the goals, objectives, and policies of the Comprehensive Plan, appropriate community plan, and the provisions of this Title.
- E. **Burden of Proof.** The applicant has the burden of proving that the COHP complies with the provisions of this Title.
- F. **Approval Authority.**
1. The Director shall review all requests for approvals, any comments received, and applicable County regulations or policies, and shall inspect the property prior to rendering a decision.
 2. The Director may approve an application for a 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 Title.
 3. A Pierce County approved COHP application shall be submitted to the DNR in association with the pertinent Class II, III, or IV-Special forest practices application. A COHP shall not be final until the County approves the COHP and the Department of Natural Resources issues the associated forest practices application or notification.

(Ord. 2009-98s § 6 (part), 2010; Ord. 2009-18s3 § 6 (part), 2009; Ord. 2006-103s § 3 (part), 2006; Ord. 2004-58s § 5 (part), 2004)

18H.20.060 Additional Requirements Applicable to all Applications.

- A. **Site Plans.** All Class IV-General and COHP applications submitted pursuant to this Chapter shall include a site plan containing the following information, if applicable:
1. Harvest boundaries and tree retention areas;
 2. The approximate location of any structures;
 3. The location of all existing and proposed streets, rights-of-way, easements, skid roads, haul roads, and landings within the proposal;
 4. The location of future land development such as a building site, septic drainfield areas, and/or well;
 5. Site topography at a contour interval of 40 feet;
 6. Critical areas and critical area buffers regulated pursuant to Title 18E - Critical Areas;
 7. Drainage ways and culverts; and
 8. North seeking arrow and scale shall be shown on all site plans. The scale shall be no smaller than one inch to 200 hundred feet.
- B. **Field Marking of Site Features.** At the time of submittal of any application required pursuant to this Title, the following features shall be clearly marked at the site with flagging or colored paint by the applicant:
1. Critical areas and critical area buffers regulated pursuant to Title 18E - Critical Areas;
 2. Centerline of all proposed roads;
 3. Landing areas;
 4. Tree retention areas; and
 5. Cutting boundaries.

(Ord. 2009-18s3 § 6 (part), 2009; Ord. 2004-58s § 5 (part), 2004)

18H.20.070 Modifications.

A one-time modification to any application submitted pursuant to this Chapter may be permitted administratively provided the proposed modification is minor in nature and does not enlarge the area approved to be harvested or increase the volume of timber approved to be harvested by more than 10 percent or result in forest practices occurring within a critical area, critical area buffer, or tree retention area. Any modification exceeding these thresholds shall require a new application and associated fees. (Ord. 2004-58s § 5 (part), 2004)

18H.20.080 Time Limitations.

A. Expiration of Approvals.

1. A Class IV-General approval shall be valid for two consecutive years following the date of issuance unless a longer time period has been established through an associated approval (e.g., preliminary plat approval, conditional use permit, etc.) in which case the time limits applicable to the associated approval shall apply.
2. A COHP shall be valid for a period of two years unless a longer period of time is established for the associated forest practices permit or approval issued by DNR in which case the time limits applicable to the DNR permit or approval shall apply. If, however, a forest practices permit is not approved by DNR and executed by the landowner within two years of the approval of the COHP, the COHP shall become null and void.
3. A time extension of a development permit by the Hearing Examiner shall extend any associated Class IV-General approval. (Ord. 2004-58s § 5 (part), 2004)

Chapter 18H.30

DEVELOPMENT MORATORIA

Sections:

- 18H.30.010 Purpose.**
- 18H.30.020 Development Moratoria.**
- 18H.30.030 Allowable Activities.**
- 18H.30.040 Request for Removal of Development Moratoria.**
- 18H.30.050 Request for Single-Family Dwelling Exception.**
- 18H.30.060 Time Limitations.**

18H.30.010 Purpose.

This Chapter provides the criteria for establishing development moratoria. It also provides standards for the Hearing Examiner to remove a 6-year development moratorium, and for the Director to authorize the construction of one single-family dwelling unit on a site that is subject to a 6-year development moratorium. (Ord. 2004-58s § 5 (part), 2004)

18H.30.020 Development Moratoria.

- A. **General Requirements.** Where development moratoria are applicable, all applications for permits or approvals relating to non-forestry uses of land (e.g., building permits, development applications, project construction, subdivision approvals) shall be denied by Pierce County for a period of six years, unless lifted pursuant to this Chapter. All development moratoria established in this Chapter shall be mandatory, pursuant to RCW 76.09.
- B. **Applicability of Development Moratorium.** The applicability of 6-year development moratoria pursuant to RCW 76.09 shall be as follows:
 - 1. Class I forest practices shall not be subject to a 6-year development moratorium when conducted in accordance with RCW 76.09 and its rules.
 - 2. Class IV-General forest practices approved by Pierce County shall not be subject to a 6-year development moratorium when conducted in accordance with Title 18H and all associated conditions of approval imposed on the approved forest practices permit.
 - 3. Class II, III, or IV-Special forest practices with an associated COHP, shall not be subject to a 6-year development moratorium when conducted in accordance with RCW 76.09 and its rules, an approved forest practices permit (if applicable), and the Pierce County approved COHP.
 - 4. Class II, III, or IV-Special forest practices which do not have an associated COHP shall result in the imposition of a 6-year development moratorium.
 - 5. Any forest practice conducted in violation of RCW 76.09 or its rules, and/or Title 18H including failure to comply with the conditions of an approved forest practices permit or failure to obtain required forest practices permits or approvals, shall result in the imposition of a 6-year development moratorium.
 - 6. The violation of an approved COHP or condition of a COHP approval shall result in the imposition of a six year development moratorium.

C. Consequences of a Development Moratorium.

1. Except as provided by Section 18H.30.030, Pierce County shall not accept applications for any development of land that is subject to a 6-year development moratorium. Provided that any reports or studies associated with a request to remove a development moratorium pursuant to 18H.30.040 or a single-family dwelling exception pursuant to 18H.30.050 may be accepted, reviewed, and approved in conjunction with the request.
2. In those cases where a development moratorium is imposed on a parcel that is subject to pending development applications, Pierce County shall immediately cease to review the applications and shall deny the applications. The County shall provide notice of the moratorium to the applicant prior to the denial of applications and shall allow the applicant 30 days from the date of the notice to apply for moratorium removal pursuant to 18H.30.040. If an application for moratorium removal is received during the 30-day period, the denial of any development applications will be postponed until such time as a decision on the moratorium removal request is rendered.
3. All development moratoria imposed by Pierce County shall extend to the harvest area, including any associated road construction, indicated in the forest practices permit. If no forest practices permit was issued, or a condition of a COHP approval is violated, the moratorium shall apply to the entire parcel.
4. Pierce County shall notify the appropriate State agency if a forest practices activity that meets the definition of a Class II or III forest practices has been initiated on a parcel without an approved forest practices permit.

D. Effective Date of a Moratorium.

1. The 6-year development moratorium shall be imposed from the effective date of the applicable Class II, Class III, or Class IV-Special forest practices permit.
2. If forest practices occur on a site without the appropriate permit, a 6-year development moratorium shall be imposed from the date the unpermitted forest practices were documented by Pierce County or DNR.
3. Where a site is subject to an approved forest practices permit with or without a COHP, forest practices occurring at the site which are outside the scope of the approved permit shall be considered unpermitted forest practices for moratorium purposes. In these cases, a 6-year development moratorium shall be imposed from the date the unpermitted forest practices were documented by Pierce County or DNR.
4. If a condition of a COHP approval is violated, a 6-year development moratorium shall be imposed from the date the unpermitted forest practices were documented by Pierce County or DNR.

(Ord. 2009-18s3 § 6 (part), 2009; Ord. 2006-103s § 3 (part), 2006; Ord. 2004-58s § 5 (part), 2004)

18H.30.030 Allowable Activities.

The following activities shall be allowed on any parcel that is subject to a development moratorium:

- A. The division of land into lots, each of which is one thirty-second of a section of land or larger or 20 acres or larger; provided, the proposed division meets the minimum lot size or density requirements in Title 18A.
- B. Repair or remodeling within the existing footprint of existing structures.

- C. Reconstruction of a structure damaged or destroyed due to fire, explosion, wind, flood, earthquake, or other similar calamity.
 - D. The construction of a single agricultural building or accessory structure having a building footprint of not more than 750 square feet.
 - E. Utility uses specified under the Utility Use Category in Section 18A.25.100 of the Pierce County Zoning Code.
 - F. A Site Development Permit application may be submitted, reviewed and approved to address any site development violations on the parcel.
 - G. A Wetland and/or Critical Fish and Wildlife Habitat area application per Title 18E may be submitted, reviewed and approved to address any wetland and/or critical fish and wildlife habitat areas violations on the parcel.
- (Ord. 2009-18s3 § 6 (part), 2009; Ord. 2006-103s § 3 (part), 2006; Ord. 2004-58s § 5 (part), 2004)

18H.30.040 Request for Removal of Development Moratoria.

Any development moratorium established pursuant to Section 18H.30.020 may be considered for removal by the Hearing Examiner when the following requirements are met:

A. General Requirements.

- 1. No final approvals including, but not limited to, final inspection on any and all building permit applications, final short plat approval, final plat approval, and/or final site plan approval may be granted for activities located on parcel(s) which are subject to a six-year development moratorium unless, and until, a request to remove the six-year development moratorium has been granted by the Hearing Examiner and a Class IV-G forest practice permit application has been approved.

B. Public Hearing Required.

- 1. The Department shall set a date for public hearing before the Examiner after all the requests for additional information or plan correction, as set forth in subsection 18.60.020 C., have been satisfied.
- 2. The public hearing shall follow the procedures set forth in Chapter 18.80, Development Regulations – General Provisions, Notice, and Chapter 1.22, PCC.

C. Review Criteria. The Examiner shall consider the removal of a development moratorium established pursuant to this Chapter when the following criteria are met:

- 1. The forest practices conducted on the site meet the standards set forth in Section 18H.10.055.
- 2. Corrective actions are implemented which would bring the forest practices into compliance with this Title.
- 3. If critical areas or critical area buffers have been damaged, the critical areas and buffers shall be restored as required by Title 18E. Additionally, the Examiner may impose increased critical area buffer standards together with additional requirements to mitigate the damage beyond that specified in Title 18E when it is determined that such additional action is necessary to adequately address the damage caused by the forest practice activity.
- 4. The entire harvest area shall be reforested as follows, except as otherwise provided in this Section:

- a. A minimum of 250 trees and/or seedlings per acre shall be planted in the harvested area, excluding regulated Critical Areas and associated buffers. A minimum of 50 percent of the required plantings shall be no smaller than a 2 gallon container size. The remainder shall consist of a minimum 2-1 seedling size.
 - b. Trees and seedlings shall be of a commercial tree species native to the Puget Sound Basin. Reforested areas, wherever possible, should represent a mix of coniferous and hardwood native tree species.
 - c. The trees and seedlings to be replanted shall be free from injury, pests, disease and nutritional disorders.
 - d. Trees and seedlings may be clumped in the harvested area to achieve a net density of 250 trees and seedlings per acre, as long as sufficient spacing is maintained between individual trees and seedlings so as to prevent overcrowding at maturity. In no case shall trees and/or seedlings be planted closer than 10 feet.
 - e. It is recommended, wherever possible, that replanting within the harvest area take into consideration the long term functionality of the forest stand and connectivity with other habitat areas.
 - f. A minimum of 80 percent of the trees and seedlings in the reforested area shall survive for at least one growing season.
5. The reforestation standards set forth in subsection 18H.30.040 C.4.a. above shall not apply when the development moratorium was imposed as a result of harvesting associated with a development activity which previously received all necessary Pierce County approvals. In such cases, the tree conservation and site clearing standards set forth in Sections 18J.15.020 and .030 shall instead apply and reforestation shall occur to those standards.

D. Approval.

1. The Hearing Examiner shall review all requests for removal of a development moratorium, any comments received and applicable County regulations or policies, and may inspect the property prior to rendering a decision.
2. The Hearing Examiner may approve an application for a request to remove a development moratorium, 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 Title.
3. If the moratorium removal request is approved by the Hearing Examiner, a memorandum of agreement (MOA) shall be recorded with the Pierce County Auditor by the landowner. The MOA shall identify the actions to be taken by the landowner to reforest the site and to correct any violations of County ordinances or regulations.

E. Required Written Findings and Determinations. Removal of a development moratorium may be approved by the Examiner if the following findings can be made regarding the proposal and are supported by the record:

1. The removal of the 6-year development moratorium will not be detrimental to the public health, safety, and general welfare.
2. The removal of the 6-year development moratorium will not be injurious to the property or improvements adjacent to and in the vicinity of the proposal.
3. The removal of the 6-year development moratorium will not result in significant adverse environmental impacts.

4. The removal of the 6-year development moratorium is consistent with the review criteria in 18H.30.040 C.
5. The removal of the 6-year development moratorium is consistent and compatible with the goals, objectives, and policies of the Comprehensive Plan, appropriate community plan, and the provisions of this Title.

(Ord. 2009-98s § 6 (part), 2010; Ord. 2006-103s § 3 (part), 2006; Ord. 2004-58s § 5 (part), 2004)

18H.30.050 Request for Single-Family Dwelling Exception.

The Director may administratively grant an exception to the mandatory 6-year development moratorium to allow the construction of one single-family dwelling unit and associated accessory structures pursuant to the following standards:

A. General Requirements.

1. The area that is permitted to be developed pursuant to this administrative exception shall not exceed two acres in size. The area shall be undivided and shall be rectangular in shape;
2. Upon approval of a single-family dwelling exception, a memorandum of agreement (MOA) shall be recorded with the Pierce County Auditor by the landowner. The MOA shall identify the actions to be taken by the landowner to correct any violations of County ordinances or regulations;
3. When the moratorium was imposed as a result of harvesting under an approved Class II, Class III, or Class IV-Special forest practices permit, a minimum of two years shall have elapsed from the effective date of the forest practices application or notification.
4. When the moratorium was imposed as a result of unpermitted harvesting or a violation of an approved COHP or Class IV-General forest practices permit, a minimum of two years shall have elapsed from the date the moratorium was imposed by Pierce County.
5. The development moratorium shall remain in effect for all other non-forestry uses of the site.
6. Only one Single-Family Dwelling Exception application may be submitted on a parcel during the 6-year development moratorium.

B. Review Criteria. One single-family dwelling, permitted accessory structures, septic system, well, lawn and landscaped area, and access road may be constructed together with site development activities necessary to construct the dwelling on land subject to a development moratorium provided that:

1. The construction of the single-family dwelling, lawn and landscaping area, accessory structures, and access road are in compliance with all applicable County regulations;
2. The landowner mitigates any damage to critical areas resulting from the forest practices in accordance with the requirements set forth in Title 18E. The mitigation requirement shall apply to the entire parcel, including those areas outside of the maximum two acre exception area set forth in the request;
3. Reforestation of the parcel has occurred, if required pursuant to WAC 222-34, when the moratorium was imposed as a result of permitted harvesting. Reforestation shall not be required in the area subject to the Single Family Dwelling Exception application.

4. The harvest area, excepting the area subject to the Single Family Dwelling Exception application, shall be reforested pursuant to WAC 222-34 when the moratorium was imposed under subsection 18H.30.020 B.5.
 5. The entire area reforested pursuant to subsection 18H.30.050 B.3. or 18H.30.050 B.4. requires at a minimum 80 percent of the tree seedlings survive for at least one year growing season.
 6. Trees and seedling shall be of a commercial tree species native to the Puget Sound Basin. Reforested areas, wherever possible, should represent a mix of coniferous and hardwood native tree species.
 7. The trees and seedlings to be replanted shall be free from injury, pests, disease and nutritional disorders.
 8. It is recommended, wherever possible, that replanting within the harvest area take into consideration the long term functionality of the forest stand and connectivity with other habitat areas.
- C. **Required Written Findings and Determinations.** A single-family dwelling unit exception may be approved by the Director on a site that is subject to a 6-year development moratorium only if all of the following findings can be made regarding the proposal and are supported by the record:
1. The single-family dwelling exception to the 6-year development moratorium will not be detrimental to the public health, safety, and general welfare.
 2. The single-family dwelling exception to the 6-year development moratorium will not be injurious to the property or improvements adjacent to and in the vicinity of the proposal.
 3. The single-family dwelling exception to the 6-year development moratorium will not result in significant adverse environmental impacts.
 4. The granting of the single-family exception to the 6-year development moratorium is consistent with the review criteria in 18H.30.050 B.
 5. The single-family exception to the 6-year development moratorium is consistent and compatible with the goals, objectives, and policies of the Comprehensive Plan, appropriate community plan, and the provisions of this Title.

(Ord. 2009-18s3 § 6 (part), 2009; Ord. 2006-103s § 3 (part), 2006; Ord. 2004-58s § 5 (part), 2004)

18H.30.060 Time Limitations.

A. Expiration of Approvals.

1. A Single Family Dwelling Exception approval shall be valid for two consecutive years following the date of issuance.

(Ord. 2006-103s § 3 (part), 2006)