

Only those portions of Title 18H that are proposed to be amended are shown. Remainder of text, tables and/or figures is unchanged.

Chapter 18H.10

GENERAL PROVISIONS

Sections:

- 18H.10.010 Title.**
- 18H.10.020 Purpose.**
- 18H.10.030 Applicability.**
- 18H.10.040 Relationship to RCW 76.09.**
- 18H.10.055 Compliance With Other Codes.**
- 18H.10.060 Reconsideration and Appeals.**
- 18H.10.070 Fees.**
- 18H.10.080 Compliance.**
- 18H.10.090 Liability of the County.**
- 18H.10.100 Severability.**

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 IV-Special conversion forest practices;~~
 - ~~3.~~ 2. Class II, III, and IV-Special forest practices where the landowner elects to be processed as a conversion option harvest plan (COHP);
 - ~~4.~~ 3. Class I forest practices within urban growth areas (UGAs) that involve timber harvesting or road construction;
 - ~~5.~~ 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
 - ~~6.~~ 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, ~~Class IV-Special conversion forest practices~~, COHP, ~~and~~ Class I forest practices, ~~and~~ **Diseased/Danger/Hazard Trees.**

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;



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- 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 19A, Comprehensive Plan; and
- H. Title 20, Shoreline Management Use Regulations.



Chapter 18H.20

FOREST PRACTICE APPROVALS

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 (~~including Class IV-General forest practices that are reclassified to Class IV-Special~~), 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 ~~concurrent with an application for a site development permit, if one is required, and~~ 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.
 - 24. 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.
 - 35. 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.
 - 46. Class IV-General forest practices shall comply with all applicable provisions of the Pierce County Code, including Chapter 18H.40 of this Title, and RCW 76.09.
 - 57. Class IV-General forest practices shall comply with any conditions of approval established through the associated development permit or approval.
 - 68. 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 ~~trees~~ merchantable timber throughout the gross area of the parcel during any six-year period. For the



1 purposes of this Section, parcels developed solely with accessory structures such as
2 storage buildings or other similar structures shall be considered to be vacant.

- 3 9. The site shall be posted with a copy of the issued Class IV-General approval prior to
4 the initiation of timber harvest and until the harvest is finished at the main entrance
5 to the property in such a manner that it is visible to the general public without having
6 to trespass on the property.
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8 **18H.20.040 Class I Forest Practices.**

- 9 A. Class I forest practices that result in the cutting and/or removal of less than 5,000 board
10 feet of timber for personal use (e.g., firewood, fence posts, etc.) in any 12-month period,
11 the cutting and/or removal of Diseased, Danger, and/or Hazard trees as defined in
12 Chapter 18.25 of Title 18, Development Regulations – General Provisions, the culture
13 and harvest of Christmas trees and seedlings, and/or emergency fire control or
14 suppression shall not be required to obtain any forest practices approval from Pierce
15 County. Although a forest practices approval is not required, the following requirements
16 shall be met:

- 17 1. Class I forest practices, including the cutting and/or removal of Diseased trees,
18 Dangerous trees, as defined in Chapter 18.25 of Title 18, Development Regulations –
19 General Provisions, and/or Hazard trees as defined in Chapter 18.25 of Title 18,
20 Development Regulations – General Provisions, proposed within a wetland, stream,
21 landslide hazard area, erosion hazard area, fish and wildlife area, or other critical
22 area and associated buffer regulated pursuant to Title 18E, Development Regulations
23 – Critical Areas, shall comply with all applicable requirements of that Title.
24 2. Class I forest practices, including the cutting and/or removal of Diseased trees,
25 Dangerous trees, as defined in Chapter 18.25 of Title 18, Development Regulations –
26 General Provisions, and/or Hazard trees as defined in Chapter 18.25 of Title 18,
27 Development Regulations – General Provisions, proposed within other open space
28 areas or buffers, including but not limited to natural buffer areas, screening buffers,
29 and tree conservation areas established pursuant to any other permit, approval, or
30 regulation, shall comply with the following standards:
31 a. Written authorization from the Planning and Land Services Department shall be
32 required prior to the removal of trees except as provided by 18H.20.040 A.2.e.
33 b. Tree cutting shall be authorized only when:
34 (1) It is demonstrated to the satisfaction of the Planning and Land Services
35 Department that a hazard exists to public health or safety, the safety of
36 private or public property, or the health of surrounding trees. In these cases,
37 the landowner shall be required to submit a report and replanting plan from
38 a registered landscape architect, certified arborist, professional forester, or
39 other expert approved by Pierce County that document the hazard, the
40 specific actions that must occur to abate the threat, and the schedule for
41 replanting; or
42 (2) The permit or approval that established the open space or buffer area
43 expressly authorizes the proposed tree cutting.
44 c. Tree cutting shall be limited to limbing and crown thinning, unless otherwise
45 justified by the landowner's expert. All vegetation cut (tree stems, branches,
46 tops, etc.) shall remain within the open space or buffer area unless removal is
47 warranted due to the potential for disease transmittal to other healthy vegetation.



- d. The landowner shall replace any trees that are felled, ~~or topped~~ or removed with new trees at a ratio of two replacement trees for each tree felled, ~~or topped or removed~~. Replacement trees shall meet the standards set forth in 18H.40.050 B.1.-3., 5. and 6.
 - e. ~~Hazardous~~ Diseased, Danger, and/or Hazard trees determined to pose an imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation may be removed or topped by the landowner prior to receiving written approval from Pierce County; provided that within 14 days following such action, the landowner shall submit the necessary report and replanting schedule demonstrating compliance with the requirements of this Section.
3. The forest practices shall comply with all applicable requirements of Pierce County Code, including but not limited to Title 17A, Construction and Infrastructure Regulations – Site Development and Stormwater Drainage, Title 18E, Development Regulations – Critical Areas, and Title 20, Shoreline Management Use Regulations.

18H.20.050 Conversion Option Harvest Plans (COHP).

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 ~~approved associated forest practices application is received from the~~ Department of Natural Resources ~~issues the associated forest practices application or notification.~~

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 ~~including stormwater management facilities, and vegetation to be retained for site landscaping, open space, wildlife habitat, screening, and/or buffers~~ 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. ~~Site area targeted for further harvest including proposed timing; and~~



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98. 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.



Chapter 18H.30

DEVELOPMENT MORATORIA

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 six-year development moratoria pursuant to RCW 76.09 shall be as follows:
 - 1. Class I forest practices shall not be subject to a six-year development moratorium when conducted in accordance with RCW 76.09 and its rules.
 - 2. Class IV-General forest practices approved by ~~the Department of Natural Resources and~~ Pierce County shall not be subject to a six-year development moratorium when conducted in accordance with ~~RCW 76.09~~ Title 18H and its rules and the 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 six-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 six-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 six-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 six-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 site 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



1 be postponed until such time as a decision on the moratorium removal request is
2 rendered.

- 3 3. All development moratoria imposed by Pierce County shall extend to the harvest
4 area, including any associated road construction, indicated in the forest practices
5 permit. If no forest practices permit was issued, or a condition of a COHP approval
6 is violated, the moratorium shall apply to the entire parcel.
7 4. Pierce County shall notify the appropriate State agency if a forest practices activity
8 that meets the definition of a Class II or III, ~~or IV~~ forest practices has been initiated
9 on a parcel without an approved forest practices permit.

10 **D. Effective Date of a Moratorium.**

- 11 1. The six-year development moratorium shall be imposed from the effective date of
12 the applicable Class II, Class III, or Class IV-Special forest practices permit.
13 2. If forest practices occur on a site without the appropriate permit, a six-year
14 development moratorium shall be imposed from the date the unpermitted forest
15 practices were documented by Pierce County or DNR.
16 3. Where a site is subject to an approved forest practices permit with or without a
17 COHP, forest practices occurring at the site which are outside the scope of the
18 approved permit shall be considered unpermitted forest practices for moratorium
19 purposes. In these cases, a six-year development moratorium shall be imposed from
20 the date the unpermitted forest practices were documented by Pierce County or
21 DNR.
22 4. If a condition of a COHP approval is violated, a six-year development moratorium
23 shall be imposed from the date the associated unpermitted forest practices approval
24 became effective were documented by Pierce County or DNR.

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26 **18H.30.030 Allowable Activities.**

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

- 29 A. The division of land into lots, each of which is one thirty-second of a section of land or
30 larger or 20 acres or larger; provided, the proposed division meets the minimum lot size
31 or density requirements in Title 18A.
32 B. Repair or remodeling within the existing footprint of existing structures.
33 C. Reconstruction of a structure damaged or destroyed due to fire, explosion, wind, flood,
34 earthquake, or other similar calamity.
35 D. The construction of a single agricultural building or accessory structure having a
36 building footprint of not more than 750 square feet.
37 E. Utility uses specified under the Utility Use Category in Section 18A.25.100 of the Pierce
38 County Zoning Code.
39 F. A Site Development Permit application may be submitted, reviewed and approved to
40 address any site development violations on the parcel.
41 G. A Wetland and/or Critical Fish and Wildlife Habitat area application per Title 18E may
42 be submitted, reviewed and approved to address any wetland and/or critical fish and
43 wildlife habitat areas violations on the parcel.

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45 **18H.30.050 Request for Single-Family Dwelling Exception.**



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

4 **A. General Requirements.**

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

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

- 28 1. The construction of the single-family dwelling, lawn and landscaping area, accessory
29 structures, and access road are in compliance with all applicable County regulations;
- 30 2. The landowner mitigates any damage to critical areas resulting from the forest
31 practices in accordance with the requirements set forth in Title 18E. The mitigation
32 requirement shall apply to the entire parcel, including those areas outside of the
33 maximum two acre exception area set forth in the request;
- 34 3. Reforestation of the parcel has occurred, if required pursuant to WAC 222-34, when
35 the moratorium was imposed as a result of permitted harvesting. Reforestation shall
36 not be required in the area subject to the Single Family Dwelling Exception
37 application.
- 38 4. The harvest area, excepting the area subject to the Single Family Dwelling Exception
39 application, shall be reforested pursuant to WAC 222-34 when the moratorium was
40 imposed under subsection 18H.30.020 B.5.
- 41 5. The entire area reforested pursuant to subsection 18H.30.050 ~~AB.3.~~ or
42 18H.30.050 ~~AB.4.~~ requires at a minimum 80 percent of the tree seedlings survive for
43 at least one year growing season.
- 44 6. Trees and seedling shall be of a commercial tree species native to the Puget Sound
45 Basin. Reforested areas, wherever possible, should represent a mix of coniferous
46 and hardwood native tree species.



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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 six-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 six-year development moratorium will not be detrimental to the public health, safety, and general welfare.
2. The single-family dwelling exception to the six-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 six-year development moratorium will not result in significant adverse environmental impacts.
4. The granting of the single-family exception to the six-year development moratorium is consistent with the review criteria in 18H.30.050 B.
5. The single-family exception to the six-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.