Planning Commission Executive Summary

Issue Title: Update to Kitsap County Code Chapter 18.16 *Timber Harvest*

Meeting Date: June 18, 2019

Time Required: 1 hour

Attendees: Scott Diener, Manager, Development Services & Engineering (DSE)
Steve Heacock, Senior Planner, DSE

Action Requested at this Meeting
No action requested; work study only

Background

DCD is continuing the conversation with the Planning Commission (PC), stakeholders and interested parties on code changes that are needed as a result of the proposed Transfer of Jurisdiction of Class 4 General forest permit activities from DNR to Kitsap County.

At the June 18, 2019 PC meeting, DCD will review proposed code and the overall framework for forest practices as they would be managed by DCD and as they currently are managed by DNR.

At the May 14, 2019 PC work study, the PC asked DCD to hold additional stakeholder meetings. DCD will have met with major timber landowners on June 17, 2019 and we will discuss that meeting as well.

Attachment(s)

May 14, 2019 Staff Report and Recommendation

Kitsap County Department of Community Development

Staff Report and Recommendation
Update to Kitsap County Code
Chapter 18.16 *Timber Harvest*
Section 21.04.210 *Notice of Application*

Report Date: May 3, 2019
Hearing Date: May 14, 2019

Background
The WA Dept of Natural Resources (DNR) and DCD have for some time been discussing the Transfer of Jurisdiction (ToJ) of 'Class IV-General' forest permit activities. These permits are a narrow subset of forest practices permits that DNR manages overall and the Class IV-General permits are limited to Conversion Permits (for land intended to be developed) and Conversion Option Harvest Permits (where an applicant is not sure of a future use but wants to reserve the right to develop).

The transfer will save applicants time and money (currently DNR charges $1500 for each permit and requires submittal to their Enumclaw offices). The ToJ results in DCD solely administering the permits (DCD's current fees will remain unchanged).

RCW 76.09.240 authorizes 'Transfer of Jurisdiction' between DNR and local jurisdictions. The process requires an intensive review by DNR and WA Dept of Ecology of much of our development code to ensure that once the transfer occurs the County regulatory requirements would meet DNR expectations and mission.

Department Recommendation
DCD recommends that the Planning Commission consider the proposed changes in a public hearing with subsequent deliberation and findings.

This report and recommendation are based on information available at the time of publication. If new relevant and material facts are discovered, this staff report will be revised and the department recommendation may change.

Justification of Recommendation
DCD believes the code—when coordinated with the ToJ from DNR—will promote a more efficient and effective permitting process, and one that will hopefully be a more satisfactory experience by users. Once the ToJ is complete, an applicant will pay for a permit with DCD, but no longer pay for a DNR permit for the same proposed clearing activity.

Other Alternatives Considered
NA

Policy Implications

The transfer and revised code will be tied to a less costly permit, less vehicle miles driven (to Enumclaw), more efficient services (DCD will be looking at the forest practices permitting applications more holistically), and more effective management of forest practices (DCD will have more of a ground presence before, during, and after forest practices). While the 'package' of revised code, local control, more ground presence, and streamlined permitting is not captured specifically in Comprehensive Goals and Policies, it is noted in County Mission and Vision statements or elements.

The proposal is supportive of the Kitsap County Mission:

> Kitsap County government exists to protect and promote the safety, health and welfare of our citizens in an efficient, accessible and effective manner.

The proposal incorporates elements of the Kitsap County Vision Statement:

- Effective and Efficient County Services - County government continuously assesses its purpose, promotes and rewards innovation and improvement, fosters employee development and uses effective methods and technologies to produce significant positive results and lasting benefits for citizens.
- Inclusive Government - County government conducts all activities in a manner that encourages citizen involvement, enhances public trust and promotes understanding.

The proposal is also supported by vision elements of the Comprehensive Plan 2016-2036 Vision:

> County Government. County government that is accountable and accessible; encourages citizen participation; seeks to operate as efficiently as possible; and works with citizens, governmental entities and tribal governments to meet collective needs fairly while respecting individual and property rights.

Public Involvement and Outreach

DCD began public outreach in late December 2018 when it prepared its programmatic outreach plan and established a project website. DCD advertised the proposed ToJ and code change through its GovDeliv and NextDoor.com media listserves, and to known stakeholders, the Kitsap Building Association and the DCD Advisory Group. Beginning in early February 2019, DCD met with the Manchester Citizens Advisory Committee, Kingston Citizen Advisory Council, Suquamish Citizens Advisory Committee, Central Kitsap Community Council, and twice with the Kitsap Environmental Coalition. The Planning Commission workstudy was advertised through our listserves and at every step of the way the public has been advised to stay tuned to both the project website and the Planning Commission website for meeting dates. DCD began receiving comments from the public right around the beginning of this year. A Programmatic Determination of Nonsignificance was issued on December 26, 2018, subsequently advertised, and no comments were received.

Staff Contact

Report prepared by:

Scott Diener
Manager, Development Engineering and Services, DCD
(360) 337-5777
sdiener@co.kitsap.wa.us

Report approved by:

Jim Bolger
Assistant Director, DCD

Attachments

A. Draft Code—KCC 18.16 *Timber Harvest* and 21.04.210 *Notice of Application*
B. Public Comments Response Summary and Matrix

Attachment A1

Note: The summary table below summarizes comments and responses shown in the Comment Matrix (Attachment A2).

Public Comment Matrix Response Summary			
Issue Ref. No.	Comment Ref. No.	Summary of Concern	Staff Response Summary
1	1, 2, 5, 7, 10, 14, 33, 38	General Comments 1. DCD/DNR do not enforce code/law. 2. Unaware of forest management on adjacent parcel. 3. Is not in favor of logging. 4. Is already complicated without DCD being involved. 5. Does state authorize this transfer of authority?	Comments do not inform on recommended changes.
2	3	Concerns about HOA-owned greenbelts and danger trees.	Greenbelts, by condition of approval, typically belong to an HOA. HOAs must contact DCD for clearing activities. Comments do not inform on recommended changes.
3	4, 6, 8, 29	Support code change; or support but with adequate budget, permit oversight, and slash burns not allowed; does DCD have the expertise?	DCD has budget. Prohibition on slash burns will be advised in standard conditions. DCD has expertise. Comments do not inform on recommended changes.
4	9	Want to log own farm property for fuel; would like danger tree exemptions for all farming infrastructure.	Will be examining danger tree removal protocols, but will still require DCD check for tree removal adjacent to non-habitated or non-livestock buildings, or where greater than 5000 board feet would be cleared. Comments do not inform on recommended changes.
5	11, 12, 20, 39	Supports the banning of chemical aerial and hand-spraying associated with herbicide application (ie, glysophate) for Type 4 Special forest practices.	DCD will not be assuming DNR's Type 4 Special forest activity permits. These applications will remain with DNR. Comments do not inform on recommended changes.

Public Comment Matrix Response Summary			
Issue Ref. No.	Comment Ref. No.	Summary of Concern	Staff Response Summary
6	13, 21, 34	Would like notification and ability to review permit applications. Does not want to dilute public access to information on clearing activities or activities requiring DNR's sole approval.	Proposed code would require notification for Type 1 administrative Conversion permits (currently not required). County portal allows viewer to follow permit application. Will be improving processes concurrently with code development. DCD will be proposing greater notification for timber harvest permit applications and website portal access will be available for all DCD permits.
7	15, 28, 32	Would like a greater update to code based on forestry science, specifically (re)planting of multiple species when reforestation is required in order to minimize wetlands degradation and use of chemicals. Asks for clarification on applicability to permit type.	Staff will be encouraging multi-species (re)planting. Detailed analysis of proposal is beyond scope of code being considered.
8	16, 17, 18, 22, 23, 25	Concerned that public access to applications is being limited or deleted for DNR permit applications, or that application requirements are being reduced (eg, site plan). Concerned code is not just limited to conversion or conversion option permit applications. Needs to be able to monitor clearing operations for herbicide spraying.	Comment seems to be oriented to commercial clearing and DNR applications for herbicide spraying. DCD will only be assuming Class 4 General permit applications. There will be greater noticing requirements than current processes. DCD will be proposing greater notification for timber harvest permit applications. Public access through web portal will be available.
9	19, 26	Wants to ensure Tribal governments are consulted and that archeological resources are not impacted.	Changes to KCC 18.16 included the movement of process requirements to KCC 21.04, where procedural requirements for all development code is housed. DCD has expanded proposed code to ensure Tribal concerns are met.

Public Comment Matrix Response Summary			
Issue Ref. No.	Comment Ref. No.	Summary of Concern	Staff Response Summary
10	24	Concerned that the SEPA checklist was not accurate as to logging's effects on environment.	The code is subject to a programmatic SEPA. Project-specific activities are reviewed against explicit SEPA requirements, and those determinations are subject to appeal. Comments do not inform on recommended changes.
11	26, 27, 35, 37	Wants to make sure road access is evaluated during clearing proposals. Also wants to ensure Tribal resources are protected via language in WAC 222-24-052. Also would like to ensure appropriate agency and tribal staff review permit applications.	Staff supports comments for proposed code changes, except that WAC 222-24-052 appears to apply to commercial clearing activities, for which DCD will not be responsible (and DNR will be). DCD will be recognizing DNR's role in cultural resource notification and review via WAC 222-20-120.
12	30	Comments to clarify proposed practices. Has concerns that mining needs to be added to definition of a 'forest practice activity.' Believes silt and erosion controls are too onerous. Specific comments on thinning/topping of trees, and 'leave' trees volume and critical aquifer recharge areas. Advised that future uses for COHP permits may not be known. Wants to maintain 30-days-or-less requirement for permit issuance.	Advise that DCD is holding off on 'surface mining' discussions since it is associated with a DCD PEP work program to understand Kitsap County's resource needs and designations. Advised there are practices that can minimize silt and erosion control practices and costs. Advised that not knowing future uses for COHP will be ok. Advised that we will target 30 days or less for permit issuance. Provided specific comments on thinning/topping and volume of 'leave' trees and impact to Critical Aquifer Recharge.
13	31	Advised on a mix of stakeholders for program development.	DCD will be considering outside partners or users in process improvements. Comments do not inform on recommended changes.
14	36	Comment proposed clarifications to proposed code re purpose and definitions.	DCD agrees with the clarifications to code.

Comment Matrix

Kitsap County Proposed Timber Harvest Code
Dec 2018 through May 3, 2019

The comments provided below were either submitted via the Project Webpage or emailed directly to staff. For ease of review, columns showing addresses, email addresses, and form of submission are not shown here. Please contact Scott Diener if a complete copy is desired (11 x 17" format).

To provide ease of use, the first column 'Comment ID' is highlighted if a change was proposed and has been incorporated into draft code; highlighted text in the 'Staff Response' column discusses the associated changes.

Some comments emailed to DCD contained attachments that are too long for the table. In these instances, the table takes note that a comment was received and provides a Staff Response to the comments. However, the attachments themselves follow the table. Comments with attachments or letters are from:

- John Willett, Comments 15, 28, and 32
- Stephen Swann, Comment 20
- Mark Mauren, Comment 30
- Bob Hunter, Comment 34
- Martha Wehling, Comment 36

A list of acronyms is provided below the table.

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
2019 TH-001	Kitsap County and WA DNR have not been enforcing guidelines/practices for logging or thinning operations causing severe damage to stream beds.	Forest practice rules differ greatly between DNR and Kitsap County. State timber harvests for Class 1, 2, 3 and 4 special permits are managed by DNR and are exempt from County rules and regulations. Class 3 County COHP and Class 4 General logging permits are pre-approved by review of the County and then approved and managed by the DNR. These permits meet all County buffers and setbacks for wetlands, streams, slopes and shorelines. *No changes to proposed code.*	Thomas Garrett Garrett Subsea LLC	12/27/18

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
2019 TH-002	I was unaware of any forest management in this area. The 6+ acres was clear cut in a matter of days under a DNR permit. Take a look at the property between 15200 and 15020 on Central Valley road.	Logging completed under State DNR permits for class 1,2, 3 and 4 special permits allow a 100% harvest. These types of logging permits are exempt from County permits and codes and do not require noticing. This type of logging can occur on properties of two-acres or greater in size. *No changes to proposed code.*	Jim Barnes	12/27/18
2019 TH-003	Kitsap County is controlling greenbelt property owned by HOAs and with disregard for fire hazards. The County seems to rely on a single concept; leave fallen trees and undergrowth where it falls, as it is. As I understand the current regulations, the HOA is not allowed to sell greenbelt areas or to turn over such areas to homeowners adjacent to greenbelt lands. If one has questions about their greenbelt safety or danger trees, the HOA is forced to hire an inspector through the County. The county has declined to consider taking the greenbelt area, in one instance, at least, retaining control but no responsibility for the property or potential damage from fires or other natural causes.	Greenbelt areas identified in a Plat, Short Plat or Large Lot subdivision vary in type, configuration and requirement. The County has allowed removal of limbs and debris in specific instances, and in conjunction with permission by the HOA, which is why a County permit is typically required to examine the specific situation in removal of dangerous trees. Greenbelt functions typically require tree and underbrush buffers for land use screening purposes, but also often contain drainage easements, or critical area that require buffers and protections. Complications arise in the absence of an HOA. Residential safety is always a paramount concern, but does require staff expertise and may require outside risk assessment examination by a qualified arborist. *No changes to proposed code.*	Doug McNeill	12/28/18
2019 TH-004	I support giving more authority to Kitsap County, over local timber harvest regulations. In particular, Class IV forest practices which are defined as having critical impact on the environment, public health. I have only three reservations regarding this change: 1. Does DCD have the resources (budget and expertise) to actually manage and enforce the regulations they would be taking on? What impacts will this change have on staffing and	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. The impact to	Jayne Larson	12/28/18

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
	budgets? 2. I would request that property line borders and easements be buffered more carefully, perhaps with larger buffers, and that buffers be enforced, as part of the implemented changes. 3. I also request that burning of slash piles not be allowed, as this practice adds harmful smoke into our air, especially where there are residences nearby. Thanks for your consideration.	DCD's operations will be negligible and hopefully even streamlined with a concurrent process evaluation. Part of the program is to also evaluate a better on-the-ground presence by inspectors to monitor clearing. The slash burning of cleared land is not allowed, and at the request of PSCAA, DCD will be adding a note to permit conditions advising this. *No changes to proposed code.*		
2019 TH-005	Pretty much every day I drive on Highway 16 between Silverdale and Gig Harbor. And pretty much every day, I see trucks full of logged, large, healthy-looking trees that have been culled. Is this what Kitsap County is hoping to do, also? Is this what we're up to, in a crisis of Climate Change, LOGGING a lot of TREES? Because not only is that a stupid idea, it's suicidal. I'm not for "streamlining" any permit process that will further eliminate our planet's lungs. Wake up and smell the insanity. Because the trees can't speak for themselves, and they also have rights! Thank you.	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. What the commenter may be witnessing is commercial clearing activities subject to DNR regulation (not County regulation) and replanting. *No changes to proposed code.*	Jan Carter	12/31/18
2019 TH-006	YES ! to transitioning regulatory authority for forest practice regulations to Kitsap County. YES, YES,YES !	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits.	Leela Menon	12/31/18

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
		No changes to proposed code.		
2019 TH-007	Please do not get involved with trees. This will affect a lot of people to many permits and hoops already.	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. *No changes to proposed code.*	Andrew Hamilton	01/03/19
2019 TH-008	The proposal to take on responsibility for RCW 76.09 Class 4 forestry projects seems a substantial increase in DCD scope. What are the reasons for the change? Does DCD have forestry expertise? Will the County Forester be involved? What is the impact on DCD's budget?	DCD has the expertise in managing this Transfer of Jurisdiction from the DNR. Department of Community Development environmental staff have been overseeing Conversion timber harvest applications for several decades and have the training and expertise to perform the duties and responsibilities. The County Forester is currently responsible for the stewardship and management of timber on County Parks properties, and is not involved in DCD permit-related processes (unless there is a permit requirement). There is no projected budget impact to DCD, and DCD is hopeful that a process review can streamline processes. Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits.	Joe Lubischer	01/04/19

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
		No changes to proposed code.		

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
2019 TH-009	As a farmer, there are concerns with this idea. First off, am I still allowed to manage timber on my own property? Am I still allowed to harvest trees to keep my family warm each Winter? If there is a tree "endangering" my fence line or one of my various outbuildings - am I still allowed to remove this tree without a permit? The wind storms we have been having do not allow for time to acquire a permit, nor should I have to pay our government be telling me how to best care for my land. The definition of a "danger tree" needs to include farm infrastructure, not just "human habitation". Also, I feel there should be a distinction made between what is done by a private resident vs a corporations who's goal is to finance itself through the production of timber. This can not be a blanket statement to cover all lands.	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. We are examining the current process for danger tree removal. Under our agreement with DNR, fencing, power lines or farming-related outbuildings that are not regularly habitated by humans do not qualify as meeting the danger tree harvest provision. However, you are still able to harvest trees for personal use, outside of critical areas and associated buffers, as long as the use falls below the 5,000 board foot provision and you do not grade shrubs or groundcovers, and that you retain stumps and replant the areas as needed to keep the forest stand intact. If there are specific trees that you believe are a risk, DCD has developed a permit review procedure to examine those situations. *The danger tree harvest requirements are being examined during a systems wide DCD review of harvest processes and procedures. No changes to proposed code.*	Roni Lynn Smith	01/10/19
2019 TH-010	Three questions: (1) First: Will comments written here become part of the public record? (2) State authority legally must get state approval to be transferred to a county or any other body, so who in the state level of Washington state government gave the approval	All comments received are part of the public record. DCD is initiating the official procedure for Kitsap County DCD to take over jurisdiction of Class 4 General Timber harvest permits as guided by RCW 76.09.240. Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific	Brian Kenward	01/12/19

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
	to transfer state forest authority to Kitsap county, and what document can we view to read about this transfer of authority? (3) Is it possible that the criminal posing as an authority such as a policeman while not actually being a policeman is similar to a county legal entity posing as a state authority and presenting itself as having state legal authority? Would persons doing so be committing a crime of impersonation?	land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. DCD is unsure of Q3; however, no officer of a jurisdiction can represent more authority then they have. To do so may have consequences that are beyond the scope of this program. *No changes to proposed code.*		
2019 TH-011	I support the banning of glysophate on county forest practices. These lawsuits are now slowly making their way thru the legal system, and someday they will be as prevalent as cigarette smoke lawsuits, and the county will be liable. These chemicals make it on to the market without research ahead of time on their potential harm. This is a flaw in our legislation. I will have to move if they spray the land that backs up to my property on Sawdust Hill in Poulsbo, WA. I have been in touch with Griffin Chamberlin at Pope & Talbot (360 394 0536. I went for a hike thru some Pope & Talbot clearcutting in Jefferson County. I became extremely ill, and had to turn back. It was only then that I realized they spray for big leaf maple and Himalayan blackberries to give their seedlings a good start. If they do that here, I will have to move. Joan Walz 360 697 6168	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. The County is not proposing to take over Class 4 Special permits (for aerial spraying and other DNR-specific harvest operations). Kitsap County is required to follow the guidance of WSU cooperative extension in all herbicide and pesticide application procedures. The noxious weed control board and associated staff will be notified and consulted in the event of any permissions sought for County-managed harvest permits. *No changes to proposed code.*	Joan B Walz	01/17/19

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
2019 TH-012	Companies are not required to provide any safety data when they notify the agency about a new chemical, and they rarely do it voluntarily, although the E.P.A. can later request data if it can show there is a potential risk. If the E.P.A. does not take steps to block the new chemical within 90 days or suspend review until a company provides any requested data, the chemical is by default given a green light. This is how Roundup and Glysophate have been able to enter the marketplace. Kitsap County will pay the price for this legislative oversight, because lawsuits are now making their way through the courts, and Kitsap County owns that land.	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. The County is not proposing to take over Class 4 Special permits (for aerial spraying and other DNR-specific harvest operations). Kitsap County is required to follow the guidance of WSU cooperative extension in all herbicide and pesticide application procedures. The noxious weed control board and associated staff will be notified and consulted in the event of any permissions sought for County-managed harvest permits. *No changes to proposed code.*	Joan B Walz	01/19/19
2019 TH-013	I live within the Grover's Creek watershed in north Kitsap County and am concerned about nearby timber/forest practices that may have detrimental effects on the watershed. While I don't pretend to understand the details of the proposed changes to the Kitsap County code regarding timber practices, I do want to ensure that people living in any affected watersheds are: - notified of any proposed applications and have access to easily understood maps - can depend on the code to protect the health of the watersheds and the people living within them An emphasis on transparency, communication, health and safety is paramount!	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The specific projects have already gone through the public noticing process, identification and protection of cultural and historic resources, environmental review for wetlands, streams, slopes, associated buffers, and stormwater control review. The projects are reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these Class 4 General conversion applications. The change is that the DNR will no longer be required to approve the conversion logging permits. DNR will still review and approve all Class 1, 2, 3 and 4 Special logging permits.	Carol Haskins	01/24/19

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
		DCD will be recommending that the Type 1 stand-alone Timber Harvest permits be noticed to neighbors. *Changes to KCC 21.04.210 'Notice of Application' will be recommended to require noticing for Type 1 Timber Harvest permit applications.*		
2019 TH-014	Dear Commissioners, I am not in agreement with the proposed change to transition regulatory authority from WS DNR to Kitsap County. This proposal appears to be a tax negative agenda. Why move this from an agency that is funded at the state level to a non funded county level? This change only makes sense when the purpose is intended to restrict logging of private land. Is this the reason for the change? It is surly not to save any tax funds.	There is no projected budget impact to DCD. The process is fee-based and reviewed, approved and inspected by DCD personnel. Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits, and nor will applicants be required to pay an additional $1500 for DNR permits. *No changes to proposed code.*	Edward Eliasen	02/05/19
2019 TH-015	Scott, I hope KC does not stop here with their reworking of their forest management codes. There is still a lot of work to be done to get our Codes up to 21st Century science and planning. DNR and the County need to have a forest management plan and codes that work together and not as currently they do, differently. As a Builder I cannot even get close enough to smell a "wetland" of any type, but as a Logger under current DNR and County Codes I can run right through them and harvest everything in them if it is deemed small. 21st Century Science has shown us that small is	See response to Comment 32	John Willet	12/29/18

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
	important and connectivity of small wetlands is as well. Habitat dies and the flora and fauna that rely on it can die from a thousand small cuts. My paper that I have attached addresses some ideas and reasons for updating existing laws and making DNR and County Codes and purposes mirror each other with impacts to future generations honored. Thanks for moving the Ball forward and helping the evolvement of our County into a more sustainable environmentally and economically healthy place to live.			
2019 TH-016	Dear Commissioners Gelder, Lester, and Franz, On December 26th Kitsap County Department of Community Development made a press release announcing proposed significant changes in Kitsap County Code re Timber Harvest Practices. Can your policy staff please look into this ASAP, including the fine print which seems to suggest it is unappealable, and clarify the changes? As "option to convert" is included it is unclear that the changes apply solely to timber land conversions. The amendment also "streamlines the permit process", removing the ability of the public to follow FPAR applications, including maps. The existing system allows us to track major logging projects and the application of pesticides and we've repeatedly been referred to it (as has KPUD) as our right to be informed and take measures ahead of time to protect farms, gardens, property, and vulnerable individuals. We have serious concerns and need your help to clarify what exactly is included in	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. The County is not proposing to take over Class 4 special permits (for aerial spraying and other DNR-specific harvest operations). Kitsap County is required to follow the guidance of WSU cooperative extension in all herbicide and pesticide application procedures. The noxious weed control board and associated staff will be notified and consulted in the event of any permissions sought for County-managed harvest permits. Logging of lands having merchantable timber can still occur under DNR permit procedures for Class 1, 2, and 3 forest practice permits,	Pam Keeley Kitsap Environ-mental Coalition	01/02/19

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
	these amendments to county code as soon as possible. Commissioner Gelder has offered to facilitate a meeting between us and we are eager to do so since the deadline for public comment is January 16th and we need to clearly understand the proposed changes.	and Class 4 Special forest practices permits. Harvests under DNR-approved permits are exempt from local County code requirements. Aerial spraying permits would still be guided by the DNR under Class 4 special permit review procedures. All the approved DNR forest practice permits are electronically tagging by the DCD permitting agency, applying a 6-year permit moratorium Hold onto the associated parcels. The Hold effectively limits application of any County development permit for a six-year period. The County will still offer applications for a COHP to pre-approve a DNR Class 2 or 3 permit, but all County codes must be followed in these applications and logging is typically limited to tree-thinning activities. The moratorium is not applied to COHP permits. Maps to understand the harvest level and guide the logging limits will still be required in the COHP applications, but the DNR FPARS map will not be required, as it is for DNR applications (it does not show any detail of topography, or unmapped County critical areas). SEPA will be processed for COHP applications that have surface waters, or applications for multiple parcels per the SEPA requirements in Title 18. Transparency is ensured via Title 21 Land Use and Development Procedures. *Changes to KCC 21.04.210 'Notice of Application' will be recommended to require noticing for Type 1 Timber Harvest permit applications.*		
2019 TH-017	Hi Scott, I'm writing on behalf of Kitsap Environmental Coalition with some questions about the proposed amendments to Kitsap County Code and Timber Harvest Practices announced by DCD last week. A review of the language stricken from Kitsap County code shows removal of the public's ability to monitor forestry projects by replacing the established, open DNR process (timber harvest and/or aerial pesticide permit application, review, and approval or not) with a "streamlined" review only by a county staff	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. Logging of lands having merchantable timber can still occur under DNR permit procedures for Class 1, 2, and 3 forest practice permits, and Class 4	Pam Keeley Kitsap Environ-mental Coalition	01/03/19

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	person and one DNR staffer. Until now we've been able to watch online for local permit applications submitted to DNR and anticipate likely permits for aerial pesticide spraying after "harvest". Commercial foresters provide little if any notice before spraying dangerous pesticides over thousands of logged acres, often as close as 50 feet from private homes, businesses, gardens, and farms and over vulnerable water areas. It's essential for citizens to be able to prepare ahead of these applications, but if this new policy is approved we will have no way to know what's going on until after the fact, which, in the case of toxins, is too late. Language in the proposed code amendment isn't clear and seems to apply not just to "conversion", but possibly to timber harvesting in general or harvesting with the option to convert, meaning the public will be locked out of knowledge of all forestry-related permits in Kitsap county. We are eager for more information on the scope of these changes and hope you can provide clarification. Since the deadline for public comment to DCD is January 16th, any help you can offer with this in mind is deeply appreciated.	Special forest practices permits. Harvests under DNR-approved permits are exempt from local County code requirements. Aerial spraying permits would still be guided by the DNR under Class 4 special permit review procedures. All the approved DNR forest practice permits are electronically tagging by the DCD permitting agency, applying a 6-year permit moratorium Hold onto the associated parcels. The Hold effectively limits application of any County development permit for a six-year period. The County will still offer applications for a COHP to pre-approve a DNR Class 2 or 3 permit, but all County codes must be followed in these applications and logging is typically limited to tree-thinning activities. The moratorium is not applied to COHP permits. The SEPA process is required as part of all COHP applications. Maps to understand the harvest level and guide the logging limits will still be required in the COHP applications, but the DNR FPARS map will not be required, as it does not show any detail of topography, or unmapped County critical areas. SEPA will be processed for COHP applications that have surface waters, or applications for multiple parcels per the SEPA requirements in Title 18. *Any issued permit will be viewable through the County portal. Changes to KCC 21.04.210 'Notice of Application' will be recommended to require noticing for Type 1 Timber Harvest permit applications.*		
2019 TH-018	Senator Rolfes, Thank you so much for this background information and help sorting through the proposed changes. Mr. Bernath of DNR indicates that only conversion projects will be involved and that standard FPAR procedures still apply to all non-conversion forestry projects. However, the language of the amendment also refers to	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest	Pam Keeley Kitsap Environ-mental Coalition	01/07/19

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	(1) "timber harvest application" and (2) potential replanting of buffer areas (as you noted). We reached out to our attorney, Wyatt Golding, for additional clarification and will hear from him early this week and are also expecting Commissioner Gelder to weigh in soon. Note: we are asking DCD for an extension on the comment deadlines since their contact person has been unavailable (since the announcement was made until tomorrow). Thank you again, hoping for a positive outcome, and looking forward to visiting with you in Olympia during Environmental Lobby Day. (1) 18.16.100 Contents of an application. A timber harvest application or conversion option harvest plan shall contain information required by the submittal requirements checklist established by the DCD as set forth in Section 21.04.160.the following: (2) 18.16.070 Standards. The following standards shall apply to land being converted to a non-forestry use, except where these standards conflict with the provisions of an approved primary development, in which case the primary development requirements will take precedence: • (a) Compliance with any other applicable Kitsap County Ordinances. • (b) In the event that thinning or topping in a buffer area is necessary the director may require replanting of the buffer area.	for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. Logging of lands having merchantable timber can still occur under DNR permit procedures for Class 1, 2, and 3 forest practice permits, and Class 4 Special forest practices permits. Harvests under DNR-approved permits are exempt from local County code requirements. Aerial spraying permits would still be guided by the DNR under Class 4 special permit review procedures. All the approved DNR forest practice permits are electronically tagging by the DCD permitting agency, applying a 6-year permit moratorium Hold onto the associated parcels. The Hold effectively limits application of any County development permit for a six-year period. The County will still offer applications for a COHP to pre-approve a DNR Class 2 or 3 permit, but all County codes must be followed in these applications and logging is typically limited to tree-thinning activities. The moratorium is not applied to COHP permits. The SEPA process is required as part of all COHP applications. Maps to understand the harvest level and guide the logging limits will still be required in the COHP applications, but the DNR FPARS map will not be required, as it does not show any detail of topography, or unmapped County critical areas. SEPA will be processed for COHP applications that have surface waters, or applications for multiple parcels per the SEPA requirements in Title 18. *Any issued permit will be viewable through the County portal. Changes to KCC 21.04.210 'Notice of Application' will be recommended to require noticing for Type 1 Timber Harvest permit applications.*		

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2019 TH-019	Scott, attached please find a pdf of our comment letter to you regarding this proposed transfer of responsibilities to the County from DNR. Thank you for the opportunity to provide comments. *Attachment letter via email reads:* The Washington State Department of Archaeology and Historic Preservation (DAHP) is in receipt from the WA State Department of Commerce of Kitsap County's Request for Expedited Review for the above referenced proposal. From the request, we understand this proposal to amend development regulations to transfer regulatory management of Class 4 Forest Practices from WA State Department of Natural Resources (DNR) to Kitsap County. In response and based upon our review, we are concerned that the draft amendment language does not include a consultation process with Tribes nor assessing the presence of cultural/historical resources in proposed project areas. At this point, we are in contact with DNR to clarify if the agency has consulted with and received comments from interested/affected Tribes about the proposed transfer. Once we have that information from DNR, we will be able to provide more informed and specific comments. These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer (SHPO) under provisions of the State Environmental	The Class 4 General permits are indeed guided by individual County grading permits (SDAP's) and are also vetted regarding SEPA, any land use or subdivision approvals. All interagency reviews have already occurred in these kinds of Class 4 General conversion logging permits. Where required by law, all permits applications received will be reviewed by agency partners, including DFW, DAHP, Dept of Ecology, Tribal partners, and even DNR. We will perform SEPA decisions for all logging proposals as required by RCW. Logging permits that have streams or wetland will also require SEPA decisions. The specific SEPA decisions will be noticed on the County DCD website. We will create a COHP logging permit notification type, for any individual interested in the status of a County COHP timber harvest permit. Consultation, as well as application and noticing requirements for all of DCD's development code is contained in KCC 21.04 *Permit Application Procedures*. Nonetheless, DCD has strengthened certain elements of the proposed code in response to comments from the Suquamish Tribe. The author requests electronic submittal of resource documentation associated with cultural or historic resources. DCD has implemented an electronic submittal policy, which will meet this objective. *Additional code changes are suggested. See responses to Comment 26 for scope of those recommended changes.*	Greg Griffith WA Dept of Archeological and Historic Preservation	01/07/19

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	Policy Act (SEPA). Should additional information become available, our assessment may be revised. Finally, please note that in order to streamline our responses, DAHP requires that Resource documentation (HPI, Archaeology sites, TCP) and reports be submitted electronically. Correspondence must be emailed in PDF format to the appropriate compliance email address. For more information about how to submit documents to DAHP please visit: https://dahp.wa.gov/project-review. To assist you in conducting a cultural resource survey and inventory effort, DAHP has developed Guidelines for Cultural Resources Reporting. You can view or download a copy from our website. Thank you for the opportunity to review and comment. Please ensure that the DAHP Project Number (a.k.a. Project Tracking Code) is shared with any hired cultural resource consultants and is attached to any communications or submitted reports. If you have any questions, please feel free to contact me.			

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2019 TH-020	Hand-mailed. See attached letter.	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. The County is not proposing to take over Class 4 special permits (for aerial spraying and other DNR-specific harvest operations). Kitsap County is required to follow the guidance of WSU cooperative extension in all herbicide and pesticide application procedures. The noxious weed control board and associated staff will be notified and consulted in the event of any permissions sought for County-managed harvest permits. *No changes to proposed code.*	Stephen Swann	02/28/19
2019 TH-021	Mr. Diener, I am a resident of Kitsap County residing in Indianola, WA. As a member of Kitsap Environmental Coalition I am concerned about the impact of forestry practices in the county. The recently proposed changes are confusing to those of us without legal degrees or years in the timber industry. It appears that the changes take away the power of the local citizens to protect the environment from the dangers inherent in the use of industry practices such as aerial spraying of glyphosate. The numerous strike-through sections appear to be removing information readily available to citizens of the county to see maps of proposed	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. Logging of lands having merchantable timber can still occur under DNR permit procedures for Class 1, 2, and 3 forest practice permits, and Class 4 Special forest practices permits. Harvests under DNR-approved permits are exempt from local County code requirements. Aerial spraying permits would still be guided by the DNR under Class 4 special permit review procedures. All the approved DNR forest	Doug Hayman	01/13/19

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	timber harvests and/or spraying operations. Perhaps the changes are merely a streamlining and not a negation of thoughtful environmental oversight and protection. Would you provide us with information on why these changes have been made and by whom? Do these benefit all in the area or do they primarily benefit those in the timber industry? Reading through the proposed changes does not provide the answers to the above questions. How would our area be better served by moving oversight from DNR to the Kitsap DCD? How does this benefit the timber industry? What benefit, if any, is there for the citizens of Kitsap County? What I would like to see is the timber industry do all they can to protect the environment while carrying out their business. And I would like to see the county and the state do what they can to inform the citizens in plain language of what such changes to code mean to all of us.	practice permits are electronically tagging by the DCD permitting agency, applying a 6-year permit moratorium Hold onto the associated parcels. The Hold effectively limits application of any County development permit for a six-year period. The County will still offer applications for a COHP to pre-approve a DNR Class 2 or 3 permit, but all County codes must be followed in these applications and logging is typically limited to tree-thinning activities. The moratorium is not applied to COHP permits. The SEPA process is required as part of all COHP applications. Maps to understand the harvest level and guide the logging limits will still be required in the COHP applications, but the DNR FPARS map will not be required, as it does not show any detail of topography, or unmapped County critical areas. SEPA will be processed for COHP applications that have surface waters, or applications for multiple parcels per the SEPA requirements in Title 18. *Any issued permit will be viewable through the County portal. No notification processes are being reduced. Changes to KCC 21.04.210 'Notice of Application' will be recommended to require noticing for Type 1 Timber Harvest permit applications.*		
2019 TH-022	Dear Mr Diener and Commissioner Gelder, I am writing regarding the proposal for the jurisdictional transfer from Wa DNR to Kitsap County for Class 4 forest practices. As a community member of North Kitsap for over 30 years I am alarmed by the degree of heavy logging and deforestation happening in the County at present. During this time of crisis for our environment with declining health of Puget Sound and	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. Logging of lands	Beth Nichols	01/13/19

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	resident orcas, we must proceed with care in practices that impact the environment detrimentally. I read of this proposed change with caution and concern. I am not sure what benefit this change would bring and who would benefit. Can you answer the question of how this proposed change came to be? What parties stand to benefit? (would this be most positive for large timber owners to more easily log ?) Why is this happening so quickly and at this time? I hope there can be time to give the citizens of Kitsap County a better explanation of why this change is proposed. If it leads to easement of regulations on timber harvesting and less protection to vulnerable waterways and sensitive lands, then it is not correct to say that " it does not have a probable significant adverse effect on the environment" I would like to hear a further explanation of what it means that it will streamline permitting and monitoring practices. Any streamlining of the processes should not diminish the protection of sensitive areas.	having merchantable timber can still occur under DNR permit procedures for Class 1, 2, and 3 forest practice permits, and Class 4 Special forest practices permits. Commercial harvests under DNR-approved permits are exempt from local County code requirements. Aerial spraying permits would still be guided by DNR under Class 4 special permit review procedures. All the approved DNR forest practice permits are electronically tagging by the DCD permitting agency, applying a 6-year permit moratorium Hold onto the associated parcels. The Hold effectively limits application of any County development permit for a six-year period. The County will still offer applications for a COHP to pre-approve a DNR Class 2 or 3 permit, but all County codes must be followed in these applications and logging is typically limited to tree-thinning activities. The moratorium is not applied to COHP permits. *DCD is proposing to evaluate the efficiency of the current permitting processes, including on-the-ground monitoring, while still meeting its mandates of transparency, accessibility and meeting all legal requirements. Any issued permit will be viewable through the County portal. No notification processes are being reduced; rather, they are being enhanced.* *Changes to KCC 21.04.210 'Notice of Application' will be recommended to require noticing for Type 1 Timber Harvest permit applications.*		

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2019 TH-023	KCC Department of Community Development. Amendment KCC 18.16 My concern is adequate and proper notification of timber harvest or conversion harvest option be given to the public and local residents near the harvest. I am also concerned about no EIS being required. Please retain the SEPA review. And that Kitsap County water is will be safe before any permit to harvest timber and during the harvesting process	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. Logging of lands having merchantable timber can still occur under DNR permit procedures for Class 1, 2, and 3 forest practice permits, and Class 4 Special forest practices permits. Harvests under DNR-approved permits are exempt from local County code requirements. Aerial spraying permits would still be guided by the DNR under Class 4 special permit review procedures. All the approved DNR forest practice permits are electronically tagging by the DCD permitting agency, applying a 6-year permit moratorium Hold onto the associated parcels. The Hold effectively limits application of any County development permit for a six-year period. The County will still offer applications for a COHP to pre-approve a DNR Class 2 or 3 permit, but all County codes must be followed in these applications and logging is typically limited to tree-thinning activities. The moratorium is not applied to COHP permits. The SEPA process is required as part of all COHP applications. *Changes to KCC 21.04.210 'Notice of Application' will be recommended to require noticing for Type 1 Timber Harvest permit applications.*	Bert Jackson	01/14/19
2019 TH-024	SEPA Checklist revisions Reading the italicized content of text related to changes I have the following concerns: Section 3. Water, a) Surface Water, 1: refers to the Kitsap Shoreline Management Program. Does this Program include requirements that	The State Environmental Policy Act (SEPA) Programmatic Determination of Non-significance (DNS) is a finding that is given to the legislative act of changing development code (the programmatic element here). It is not the same as a project-specific DNS or Mitigated DNS (MDNS) that you would see with Class IV - General forest practice permit applications for a specific site or parcel, and	Kath Wilham	01/15/19

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	will fully encompass the current requirements of items 2-6, which will now be listed as N/A? The complete removal of Sections 3b and c, on Ground water and water runoff is unacceptable for any Class IV Timber Harvest use. These must be evaluated. We need much clearer information and the SEPA change should state clearly that the codes referred to at the beginning of the SEPA changes will effectively maintain all the water protections that are being listed as N/A: i.e., KCC Title 2, Government; KCC Title 11, Roads; KCC Title 12, Stormwater; KCC Title 18 Environment; KCC 19 Critical Areas Ordinance; KCC 21 Land Use and Development Procedures. Will be amended as noted herein: KCC Title 18 Environment.	we would most certainly evaluate these permit applications for potential minimized impact and mitigation of environmental disturbances using the SEPA. (DCD is) available for any further questions. It may also be helpful for us to walk through a recent SEPA process for one of the recent DNR-permitted forest practices. *No changes to proposed code.*		
2019 TH-025	I have concerns about the proposed changes to Kitsap County Code Chapter 18.16 Timber Harvest. It is unclear why these changes have been proposed and for whom they actually will be useful. Are the application requirements stricken out in sections 18.16.100 and 18.16.110 fully covered by replacements in section 21.04.160? Added to 18.16.100 is language pointing to 21.04.160, which apparently is seen as a substitute for the old stricken out items. However, 21.04.160 only stipulates in item 6, "If applicable, SEPA compliance documentation." How do we know that the requirements in this section of the code will be sufficient to enforce protections of our land and water, and thus protect our health and safety?	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. Logging of lands having merchantable timber can still occur under DNR permit procedures for Class 1, 2, and 3 forest practice permits, and Class 4 Special forest practices permits. Harvests under DNR-approved permits are exempt from local County code requirements. Aerial spraying permits would still be guided by the DNR under Class 4 special permit review procedures. All the approved DNR forest practice permits are electronically tagging by the DCD permitting agency, applying a 6-year permit moratorium Hold onto the associated parcels. The Hold effectively limits application of any	Kath Wilham	01/15/19

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	I object to any approval of use of timber lands that does not require the following: • applicants provide complete maps with all the data required in the crossed out sections of 18.16.110, • applications and maps be available to the public, and • all local area residents within an adequate buffer zone to be fully informed about any timber harvest applications when they are submitted.	County development permit for a six-year period. The County will still offer applications for a COHP to pre-approve a DNR Class 2 or 3 permit, but all County codes must be followed in these applications and logging is typically limited to tree-thinning activities. The moratorium is not applied to COHP permits. The SEPA process is required as part of all COHP applications. Maps to understand the harvest level and guide the logging limits will still be required in the COHP applications, but the DNR FPARS map will not be required, as it does not show any detail of topography, or unmapped County critical areas. SEPA will be processed for COHP applications that have surface waters, or applications for multiple parcels per the SEPA requirements in Title 18. *Any issued permit will be viewable through the County portal. No notification processes are being reduced. Changes to KCC 21.04.210 'Notice of Application' will be recommended to require noticing for Type 1 Timber Harvest permit applications.*		
2019 TH-026	Mr. Diener, Kitsap County lies within the Suquamish Tribe's "Usual and Accustomed Fishing Area" (U & A). The Tribe seeks protection of all treaty-reserved natural resources through avoidance of impacts to habitat and natural systems. The Tribe urges Kitsap County to avoid land use decisions that will impact natural resources within the Tribe's U & A. The Tribe has reviewed the draft and has the following comments. General Comment • SEPA contacts for these activities remains the same as all other SEPA notifications. The contacts are myself and Stephanie Trudel, Tribal archaeologist. 18.16.020 Purpose	The Class 4 General permits are indeed guided by individual County grading permits (SDAP's) and are also vetted regarding SEPA, any land use or subdivision approvals. All interagency reviews have already occurred in these class 4 General conversion logging permits. The COHP revision that we are performing is essentially to correct several scrivener's errors in our code. We do not propose to change any current process with the Washington State Department of Natural Resources for reviewing COHP logging applications, nor interactions with our agency partners, including consultations with the Washington State Department of Fish and Wildlife, Washington State Division of Archeology and Historic Preservation, all Kitsap County tribal partners and governments, and the Washington State Department of Ecology. We will perform SEPA decisions for all logging proposals within the Urban Growth Area, as required by RCW. Logging permits that have streams or wetland will also require SEPA decisions. The specific SEPA decisions will be noticed on the County DCD website. We will create a COHP logging permit	Alison O'Sullivan Suquamish Tribe	01/16/19

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	• Add language regarding forest roads. For example: "The purpose of this chapter is to identify and mitigate, minimize, or eliminate potential impacts from timber harvest and associated forest roads (which includes but is not limited to ways, lanes, roads or driveways that are on or used to access forest land) on drainage courses and critical areas. 18.16.070 Standards • Add section (f) containing language regarding forest road maintenance to ensure protection of drainages and critical areas. It is suggested that the County use language in WAC 222-24-052 which is currently in place or something that is considered more protective. Not including this language would make these applications less protective than what they are now and would potentially impact Tribal Treaty resources. 18.16.080(a) Application for Timber Harvest Permit Text states:"……..Review of the application and a field visit will be conducted by DCD staff and DNR forester". • Please add Washington Department of Fish and Wildlife (WDFW) and affected Indian Tribe(s). 18.16.090(c) Application for Conversion Option Harvest Plan • Add site visit language and include appropriate regulatory agencies: Department of Ecology (DOE), WDFW, and affected Indian Tribe(s) if there is a SDAP or SEPA trigger to ensure that	notification type, for any individual interested in the status of a County COHP timber harvest permit. *18.16.020 Purpose: Will add modified language.* *18.16.070 Standards: The proposed language to the left refers to 'forest roads' maintenance as defined by WAC and regulated by DNR for commercial clearing activities associated with 'forest lands'. DCD reviews its forest activities permit applications for environmental impacts, which is often determined by consensus of agency and tribal representatives visiting a proposed site.* *18.16.080 Application for timber harvest permit: Will add modified language.* *18.16.090 Application for conversion option harvest plan: Will add language.*		

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	the Tribe and appropriate agencies are included on invitations to site visits. This is similar to the ID Team approach discussed in the forest practice Rules and will assist the county in providing input on issues surrounding riparian functions, fish and wildlife, unstable slopes, water typing, cultural resource protections, and mitigation. Thank you for the opportunity to comment on the above referenced material. Please keep us informed of project status and any relevant project related actions. If you have questions regarding the comments stated above please don't hesitate to call 360-394-8447.			
2019 TH-027	Mr. Diener, Thank you for the opportunity to review and comment on the proposed updates to KCC 18.16. We had an excellent meeting today with County staff, DNR, and the Suquamish Tribe. We offer the attached comments for consideration. *Attachment via email reads:* The Washington Department of Fish and Wildlife (WDFW) appreciates the opportunity to review and provide comment on Kitsap County's proposed updates to Chapter 18.16 of the Kitsap County Code regarding timber harvest activities. We met with County staff, the Suquamish Tribe, and the Department of Natural Resources (DNR) on January 16, 2019 to discuss the proposed changes, and we appreciate the multi-agency	DCD supports the multi-agency review of code as well as review of permits that the County will be responsible for issuing. DCD is proposing code to reinforce field visits by DCD staff, staff from affected Indian Tribes, and representatives from stage agencies including, but not limited to, DNR, and DFW. DCD observes that the code reference to WAC 222-24-052 is for commercial forests and when a landowner chooses to apply for a Class 4 General forest permit, the WAC is no longer applicable. *Additional code changes are suggested. See responses to Comment 26 for scope of those recommended changes.*	Brittany Gordon WA Dept of Fish and Wildlife	01/16/19

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	coordination. WDFW supports the transfer of jurisdiction over Class IV-General Forest Practices with a few reservations as described in the following comments. Under the current DNR Forest Practice rules, forest landowners are required to maintain forest roads to prevent potential or actual damage to public resources, as described in WAC 222-24-052. In practice this means that as a condition of approval of forest practice applications, DNR requires the landowner to upgrade any road conditions, such as drainage culverts and water crossing structures that are detrimental to waters of the state. Through this regulatory framework via DNR, forest landowners have replaced thousands of privately owned fish passage barrier culverts and restored access to over 700 miles of fish habitat. As currently proposed, the updates to Chapter 18.16 of the Kitsap County Code do not directly reference WAC 222-24-052 or identify an alternative regulatory mechanism to continue requiring upgrades to fish passage culverts or other road conditions potentially harmful to habitat and waters of the state. WDFW feels it is important that the Kitsap County Code either adopt DNR language or incorporate new language to ensure this code update is at least as protective as the current Forest Practice rules with regards to water crossings. WDFW area habitat biologists would be happy to work with			

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
	County staff to draft more protective language for consideration. Additionally, WDFW requests that area habitat biologists be invited to site visits for timber harvest conversion permits and for lifting of development moratoria when waters of the state may be present. Thank you again for the opportunity to participate in this update to the Kitsap County Code. Please contact me at (360) 620-3601 to discuss any questions you might have.			
2019 TH-028	*Note: This comment is composed of two emails. The referenced attached 'paper' is included after the table.* Scott, Questions about new forest practices code for KC? WAC 22-6-03-(2)-(c)-(ii) I believe says that a governmental agency other than DNR can require other permitting requirements, review and notifications for forest harvesting and conversion? Is this KC forestry code update doing just that? DNR forest harvest permitting for Class iv harvesting must have a KCDCD permit attached to a submittal to/for a DNR forest harvesting permit? It looks as though this KC update just applies to iv forestry class and this KC update only applies to Government/Public held forest harvesting for purposes of building public infrastructure?	Kitsap County and DNR will still have differing code guidance based on the RCW and WAC for timber harvest permits. Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits) in this code revision effort. These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. Logging of lands having merchantable timber can still occur under DNR permit procedures for Class 1, 2, and 3 forest practice permits, and Class 4 Special forest practices permits. Harvests under DNR-approved permits are exempt from local County code requirements. Aerial spraying permits would still be guided by the DNR under Class 4 special permit review procedures. All the approved DNR forest practice permits are electronically tagging by the DCD permitting agency, applying a 6-year permit moratorium Hold onto the associated parcels. The Hold effectively limits application of any County development permit for a six-year period.	John Willett	01/19/19

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
	Taking away the requirement of a 7 year moratorium and back taxes paid for conversion from forest to development? This KC code update does not affect Privately held forest lands permitting, unless there is an illegal harvest on someone's forest land? Thanks, jw From: John Willett [mailto:johnwillett@embarqmail.com] Sent: Saturday, December 29, 2018 12:15 PM To: sdiener@co.kitsap.wa.us Cc: 'John Willett' Subject: New KCo Forest Convertion Code Scott, I hope KC does not stop here with their reworking of their forest management codes. There is still a lot of work to be done to get our Codes up to 21st Century science and planning. DNR and the County need to have a forest management plan and codes that work together and not as currently they do, differently. As a Builder I cannot even get close enough to smell a "wetland" of any type, but as a Logger under current DNR and County Codes I can run right through them and harvest everything in them if it is deemed small. 21st Century Science has shown us that small is important and connectivity of small wetlands is as well. Habitat dies and the flora and fauna that rely on it can die from a thousand small cuts.	The County will still offer applications for a COHP to pre-approve a DNR Class 2 or 3 permit, but all County codes must be followed in these applications and logging is typically limited to tree-thinning activities. The moratorium is not applied to COHP permits. The SEPA process is required as part of all COHP applications. Maps to understand the harvest level and guide the logging limits will still be required in the COHP applications, but the DNR FPARS map will not be required, as it does not show any detail of topography, or unmapped County critical areas. SEPA will be processed for COHP applications that have surface waters, or applications for multiple parcels per the SEPA requirements in Title 18. DCD cannot find reference to WAC 22-6-03-(2)-(c)-(ii) or a similar alpha-numeric WAC.		

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
	My paper that I have attached addresses some ideas and reasons for updating existing laws and making DNR and County Codes and purposes mirror each other with impacts to future generations honored. Thanks for moving the Ball forward and helping the evolvement of our County into a more sustainable environmentally and economically healthy place to live			
2019 TH-029	Dear County Officials, Regarding Amendments to KCC 18.16- I feel this is an important step in helping the community feel they have more of a say in Timber practices. Particularly when it directly effects the residents living around the area being effected. I'm a little worried how this change will be implemented. The county already feels spread thin with not a lot of money being able to care for Parks, Trails, and Open Spaces. I hope there is funding to help create a position for someone to oversee this rather than adding to the existing overloaded workload of those that are are already volunteers or staff members of the county. Besides that, I'm happy to see that there is hopefully some better conversations that will come out of this for all involved. Sincerely, Svetlana Skalican	*No changes to proposed code.*	Svetlana Skalican	01/25/19
2019 TH-030	*Note this comment was via a lengthy email with an attachment. They are included after the table.*	There are several comments and requested revisions in the email. Several inform on changes that have already been suggested, and others that are new suggestions. They will be noted here: Request to add Excise Tax reporting requirements—DCD has proposed language in place. See proposed 18.16.140.	Mark Mauren Ueland Tree Farm	01/25/19

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
		Discussion of critical areas, 18.16.030.8.b—The definition provided matches the Critical Areas Ordinance definition of 'critical areas' and cannot be changed. However, Critical Aquifer Recharge Areas are not being reviewed in COHP permits. Discussion of 18.16.030.16 'Forest Practice' activity—*The definition has been modified to include road maintenance*. However, DCD is holding off on adding surface mining as this is outside of the scope of the code needed by the ToJ and informs on a larger and much different conversation that DCD's Planning and Environmental Programs division will be having about surface mining, appropriate zones for mining, and County-wide resource availability and mapping. Discussion of 18.16.070.c and silt and erosion control—DCD notes there are clearing practices and best management practices that mitigate and reduce the need for silt and erosion control. Those should be considered for harvesting activities. Discussion of 18.16.070.b—The thinning or topping is associated with a non-forestry use, ie, land development, and it is appropriate that the Director may consider the effect of thinning/topping on the intended outcome. Specifically, thinning logging is preferred if the stand is dense, and we have authorized thinning in buffers as a component of a specific on-site evaluation with the agency partners for forest health purposes. It would be unusual to allow topping in a County COHP permit based on snag development/recruitment, unless there is an aspect of an associated danger tree harvest or if a biological report made the specific recommendation. DCD would review these requests with agency partners. Discussion of 18.16.080.d—The discussion of future COHP uses or not being able to identify uses makes sense. *DCD will modify the code to require uses when known.* If a decision point for a specific development is needed, but a specific development is not known, it		

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		is DCD's practice to assume for modeling purposes the most impacting use allowed in the zone. If future development requires additional logging, it will be guided in a Conversion logging permit, tied to an approved site development activity permit. Discussion of 18.126.090.a—The volume of leave trees is typically encouraged under a plan to reduce wind throw and provide a clumped reserve protection area, when possible. Land use and zoning rules typically requires a forested buffer between properties and is dependent on the adjacent uses. Hazard trees on neighboring properties are typically assessed in the field and tree removal and replanting is required for danger tree perimeter harvests. The agency partners typically guide the recommended harvest level and replanting is often the result of this decision-making process. Allowing a greater harvest level is typically a problem for stormwater review, and it is not based on aquifer recharge requirements. Much of this question about leave trees and harvest limits is dependent on the tree stand in place at the time of harvest. An even-aged harvest is more difficult to assess, and sloped properties require adherence to County slope buffers, geotechnical guidance and analysis of stormwater impacts both on and off site. Comment regarding DNR's current timeframe of 30 days for processing, except when additional information is required—DCD will be targeting a timeframe that meets or exceeds DNR's performance. This will be tied to a process review of forest permit activity applications		
2019 TH-031	Hi Scott You have a mix of groups that have different purposes. I would suggest that you break it in to 3 groups and ask each group to make sure that	The Class 4 General permits are indeed guided by individual County grading permits (SDAP's) and are also vetted regarding SEPA, any land use or subdivision approvals. All interagency reviews have already occurred in these class 4 General conversion logging permits.	Mark Mauren	01/25/19

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
	you have a complete list of possible interested parties. You may want to meet with each group to establish the side boards and have someone from the county facilitate an organized discussion which would give you a better idea of the issues. It would also help keep people focused on what input you need and not other agendas . You may also want to think about separating the issues and only take on the Class IV general which should be easy for all parties involved and save the COHP revisions for either another time or take your time to deal with it. Happy to talk through this with you.....fortunately or unfortunately I did a lot of this type of stuff at the DNR:) Mark Arborist • Anderson Tree Service • Archon tree Service • Arborist Katy Land Trust and Landowners • Sandra at GPC • Western Timber • Cedar Land Forest Resources • Pope Resources • Olympic Resources • Overton • Manke • Alpine • UTF Environmental Groups • Conservation NW - Mitch Friedman	The COHP revision that we are performing is essentially to correct several scrivener errors in our code. We do not propose to change any current process with the Washington State Department of Natural Resources for reviewing COHP logging applications, nor interactions with our agency partners, including consultations with the Washington State Department of Fish and Wildlife, Washington State Division of Archeology and Historic Preservation, all Kitsap County tribal partners and governments, and the Washington State Department of Ecology. We will perform SEPA decisions for all logging proposals within the Urban Growth Area, as required by RCW. Logging permits that have streams or wetland will also require SEPA decisions. The specific SEPA decisions will be noticed on the County DCD website. We will create a COHP logging permit notification type, for any individual interested in the status of a County COHP timber harvest permit. *No changes to code.*	Ueland Tree Farm	

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
	On Fri, Jan 25, 2019 at 9:00 AM Scott Diener <SDiener@co.kitsap.wa.us> wrote: Mark: I do not know most of the folks or businesses below, and occasionally have worked with a couple larger landowners. My question to you: Is it reasonable to suggest the folk below can provide one voice and set of comments on the next iteration of code once it is ready? Or are there variables at play that I am unaware of and we will get comments as they come in? Regards, Scott andersontree@gmail.com; inquiries@archontree.com; info@backtonaturedesign.com; arboristkaty@gmail.com; contact@peninsulauf.com; Sandra@greatpeninsula.org; mitch@conservationnw.org; admin@westerntimberinc.com; info@cedarlandforestresources.com; webmaster@orminc.com; david@EEOverton.com; kim@mankelumber.com; mauren.wa@gmail.com; anestg@gmail.com; --			

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
2019 TH-032	*Note the referenced attached 'paper' is included after the table, and is the same paper referenced in Comment 28.* Thanks Scott for the update and clarifications. I am looking forward to the "KCDCD Responses" next week. Good luck, I mean it! There's drum beats and dancing around the KEC war fires up here right now. Me, I am focused on other things with forest policy, as you know. FYI; I have a meeting with DNRCS Dan Stonington in Olympia to talk more about forest timber harvests and wetlands management policies as it applies to logging in more densely populated areas in our state, in two weeks. As you know, I see that there is some contradictions in County and State policies in regards to timber harvesting in and around wetlands and with setbacks from property lines that currently have no buffers; unlike what I have to do as a Developer when I am developing properties to build on. Also, We have been exploring, as I have with the County, ideas about incentives for sustainable restorative forest lands management and harvesting with taxation scenarios to make clear cutting less economically positive on the balance sheet for small forest land owners in more densely populated areas and "restorative thinning" (which we r using at KCP) more	Kitsap County and DNR will still have differing code guidance based on the RCW and WAC for timber harvest permits. Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits) in this code revision effort. These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. Logging of lands having merchantable timber can still occur under DNR permit procedures for Class 1, 2, and 3 forest practice permits, and Class 4 Special forest practices permits. Harvests under DNR-approved permits are exempt from local County code requirements. Aerial spraying permits would still be guided by the DNR under Class 4 special permit review procedures. All the approved DNR forest practice permits are electronically tagging by the DCD permitting agency, applying a 6-year permit moratorium Hold onto the associated parcels. The Hold effectively limits application of any County development permit for a six-year period. The County will still offer applications for a COHP to pre-approve a DNR Class 2 or 3 permit, but all County codes must be followed in these applications and logging is typically limited to tree-thinning activities. The moratorium is not applied to COHP permits. The SEPA process is required as part of all COHP applications. Maps to understand the harvest level and guide the logging limits will still be required in the COHP applications, but the DNR FPARS map will not be required, as it does not show any detail of topography, or unmapped County critical areas. SEPA will be processed for COHP applications that have surface waters, or applications for multiple parcels per the SEPA requirements in Title 18.	John Willett	01/26/19

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
	advantageous to the small forest owners pocket book. Heacock: I have attached my over distributed opinion paper about forest management policy, if you have not read it already. Tx jw From: Scott Diener [mailto:SDiener@co.kitsap.wa.us] Sent: Friday, January 25, 2019 8:42 AM To: John Willett Cc: Peter Best; Steve Heacock Subject: RE: New KCo Forest Convertion Code John: We have slipped the meetings on code review and do not have a current schedule before the Planning Commission. Due to the volume of comments received (most with concerns about herbicide, which Kitsap County cannot administer), we are preparing responses next week. But in essence you are correct, this does not affect long-term timber production lands. The moratorium associated with clearing is not going away. The proposal is geared to Class IV General activities, not Class IV Special activities that DNR will continue to own. Look for a detailed response next week. FYI, Peter is not involved too much in this; our subject matter expert is Steve Heacock, Cc'd above.	Kitsap DCD will be encouraging multi-species replanting in COHP and hazard tree harvest permits, similar to protocol used by Kitsap County Parks for reforestation. *While this does not inform on changes to code, DCD will be exploring it as a suggested condition for reforestation.*		

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
	Regards, Scott *Note: The balance of this email thread is captured in Comment 28*			

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2019 TH-033	You know what I think would be extremely beneficial? Someone to provide a synopsis of this discussion in layman's terms. Nobody likes to, or normally has time to, read the entire document and the related DNR documents and WAC codes - just tell us, in normal English, what this is all about so we can decide how we need to respond.	Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. Logging of lands having merchantable timber can still occur under DNR permit procedures for Class 1, 2, and 3 forest practice permits, and Class 4 Special forest practices permits. Harvests under DNR-approved permits are exempt from local County code requirements. Aerial spraying permits would still be guided by the DNR under Class 4 special permit review procedures. All the approved DNR forest practice permits are electronically tagging by the DCD permitting agency, applying a 6-year permit moratorium Hold onto the associated parcels. The Hold effectively limits application of any County development permit for a six-year period. The County will still offer applications for a COHP to pre-approve a DNR Class 2 or 3 permit, but all County codes must be followed in these applications and logging is typically limited to tree-thinning activities. The moratorium is not applied to COHP permits. The SEPA process is required as part of all COHP applications. Maps to understand the harvest level and guide the logging limits will still be required in the COHP applications, but the DNR FPARS map will not be required, as it does not show any detail of topography, or unmapped County critical areas. SEPA will be processed for COHP applications that have surface waters, or applications for multiple parcels per the SEPA requirements in Title 18. *No changes to proposed code.*	Melody Y Rocky Point	02/28/19

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
2019 TH-034	*Note the referenced attached letter is included after the table. The Staff Response column, however, summarizes its interpretation of the comments and shows its response.* Hi Scott, The attached comment letter is from the Kitsap PUD Board. A hard copy will follow.	KPUD's letter is composed of 5 sections: 1) KPUD suggests a noticing that is greater or equal to DNR's Forest Practices Application Review System (FPAR), which is essentially DNR's noticing and awareness portal. KPUD would like a 400-ft notification radius, and DCD uses 800 ft. *DCD will be noticing for Type 1 harvesting permits,* which goes beyond what is currently required by code for what is considered administrative decisions. DCD has its own land use permit software, SmartGov, and public portal to become aware of permits. This section of the letter also references notification to agencies, which is included in proposed code. Finally, there is reference to a recent aerial spraying approval for which there was inadequate notice; however, DCD notes this is for Class 4 Special forest activities for which Kitsap County has no jurisdiction. 2) KPUD is opposed to the removal of the map location and mapped features requirement in draft code. As noted elsewhere, DCD houses all application and processing requirements in KCC 21.04 *Permit Application Procedures.* Mapping requirements, including the identification of environmental features, will still be required. DCD examines the environmental features that KPUD would like to have considered during application review. The concerns KPUD has for application review are currently addressed and will be maintained. 3) This section speaks to a request for County notification for aerial or hand spraying of herbicides, fertilization and more, and we believe it is based on an assumption of County approval of these activities. However, these activities are subject to a permit and process that is managed by DNR. 4) KPUD laments no 'direct mention' of SEPA and its associated process and outcomes. SEPA for all development and land-influencing activities is outlined in KCC 18.04 *State Environmental Policy Act*, as well as application requirements in KCC 21.04 *Permit Application Procedures.*	Bob Hunter Kitsap Public Utilities District	02/28/19

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
		5) This section references a scrivener's error that has been acknowledged. *Any issued permit will be viewable through the County portal. No notification processes are being reduced, but instead enhanced. Changes to KCC 21.04.210 'Notice of Application' would require noticing for Type 1 Timber Harvest permit applications.*		
2019 TH-035	NOTE: S Diener replied to this comment to clarify scope on 2-22-19 ---------- Hello Scott, Below are the specific forest practices rules for cultural resources protection (i.e. WAC 222-16-050 and WAC 222-20-120). DAHP is interested in knowing how Kitsap County will be incorporating these into their forest practice reviews; any documentation that will help with that understanding will be greatly appreciated. WAC 222-16-050 Classes of forest practices. (1) "Class IV-special" (f) Timber harvest or construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on the following except in (f)(iv) of this subsection: (i) Archaeological sites or historic archaeological resources as defined in RCW 27.53.030; or (ii) Historic sites eligible for listing on the National Register of Historic Places or the Washington Heritage Register as determined by the Washington state department of archaeology and historic preservation; or (iii) Sites containing evidence of Native American cairns, graves, or glyptic records as provided for	The County is not proposing to take over Class 4 special permits (for aerial spraying and other DNR-specific harvest operations). Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. *This comment was received prior to clarification by DCD, and DCD received a subsequent email comment on 3/15/19. See Comment 37.* *DCD proposes adding a section to KCC 18.16.80 'Application for timber harvest permit' that would recognize DNR's role in cultural resource notification and review. DCD will reference WAC 222-20-120.* *DCD is also proposing adding a section to KCC 21.04.210 'Notice of Application' to address notification and cultural resources.*	Morgan McLemore WA Dept of Archeological and Historic Preservation	02/22/19

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
	in chapters 27.44 and 27.53 RCW. The department of archaeology and historic preservation shall consult with affected Indian tribes in identifying such sites. (iv) A forest practice would not be a class IV-special under this subsection if: (A) Cultural resources management strategies from an approved watershed analysis conducted under chapter 222-22 WAC are part of the proposed forest practices, and the landowner states this in the application; or (B) A management plan agreed to by the landowner, the affected Indian tribe, and the department of archaeology and historic preservation is part of the proposed application, and the landowner states this in the application. (5) "Class III". (k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, have been identified to the department as being of interest to an affected Indian tribe. WAC 222-20-120 Notice of forest practices that may contain cultural resources to affected Indian tribes. (1) The department shall notify affected Indian tribes of all applications in geographic areas of interest that have been identified by such tribes, including those areas that may contain cultural resources.			

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	(2) Where an application is within a tribe's geographic area of interest and contains cultural resources the landowner, at the tribe's discretion, shall meet with the affected tribe(s) prior to the application decision due date with the objective of agreeing on a plan for protecting the archaeological or cultural value. (3) The department will consider the requirements in subsection (2) of this section complete if prior to the application decision due date: (a) The landowner meets with the tribe(s) and notifies the department that a meeting took place and whether or not there is agreement on a plan. The department shall confirm the landowner's information with the tribe(s), or (b) The department receives written notice from the tribe(s) that the tribe(s) is declining a meeting with the landowner; or (c) The tribe(s) does not respond to the landowner's attempts to meet and the landowner provides to the department: (i) Written documentation of telephone or e-mail attempts to meet with the tribe's designated cultural resources contact for forest practices; and (ii) A copy of a certified letter with a signed return receipt addressed to the tribe's designated cultural resources contact for forest practices requesting a meeting with the tribe; or (d) The department receives other acceptable documentation. (4) The department may condition the application in accordance with the plan.			

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
2019 TH-036	Please see attached comment letter on proposed amendments to KCC 18.16.	The Association would like clarification of code to reinforce this applies to Class 4 General activities alone. *DCD will make changes to 18.16.020.* The Association suggests improvements (eg, to DCD's website) to ensure small landowners understand Class 4 General conversion limitations, and to generally be more helpful. DCD will be examining these processes alongside the code review. The Association suggests more clarity in the definition of 'forest land' and that will be proposed with the exception of discussion on agricultural lands since Kitsap County does not have designated agricultural lands. *DCD agrees and is otherwise proposing the RCW definition in 18.16.030.15.* The Association would like clarity in use of the term 'timber harvest permit'. *DCD has modified the definition in 18.16.030.25.*	Martha Wehling, WA Forest Protection Association	03/06/19
2019 TH-037	*Note the referenced attached letter is included in this column* Scott, attached please find a pdf of our comment letter to you regarding the above referenced proposal. Thank you for your assistance and let me know if you have any questions. Dear Mr. Diener: The Washington State Department of Archaeology and Historic Preservation (DAHP) is in receipt of the notification regarding the above referenced proposal. From the notification, we understand that Kitsap County proposes to assume responsibility for administration of Class 4 General Forest Practice applications from the Department of Natural Resources. This proposal	*In response to issue 1 in the letter, DCD proposes adding a section to KCC 18.16.80 'Application for timber harvest permit' that would recognize DNR's role in cultural resource notification and review. DCD will reference WAC 222-20-120.* *In response to issue 2 in the letter, DCD is also proposing adding a section to 21.04.210 'Notice of Application' to address notification and cultural resources.*	Greg Griffith WA Dept of Archeological and Historic Preservation	03/15/19

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
	has been reviewed on behalf of the State Historic Preservation Officer (SHPO) under provisions of the State Environmental Policy Act (SEPA). As a result of our information gathering process DAHP has a neutral position on adoption of the proposal. In addition, we are submitting the following comments and recommendations that refer to Forest Practice applications need to consider the presence and impacts upon cultural resources in proposed timber harvest boundaries. Therefore, 1) We recommend that new language be inserted in Title 18.16.010 to serve as notification to applicants that WA DNR retains jurisdiction for review of all Forest Practice class applications in order to identify the presence of cultural resources in proposed harvest areas in coordination with DAHP and consultation with Tribes in accord with WAC 222-20-120. 2) We recommend similar language be included in Title 18.16.070 Standards, or alternatively in Title 21.04.210 Notice of Application to serve as notification that all Forest Practice class applications are reviewed for the presence and consideration of impacts to cultural resources. Thank you for the opportunity to review and comment. If you have any questions, please feel free to contact me at 360-586-3073 or greg.griffith@dahp.wa.gov.			

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
2019 TH-038	When is the deadline to comment on the forest practices?	Staff advised the comment period was essentially open throughout the process—only with cutoff dates to report on comments—and until a final cut-off date by the Board of County Commissioners is given when the Board is readying for a final decision. *No changes to proposed code.*	Niki E Quester	03/30/19
2019 TH-039	DCD NOTE: THE TEXT BELOW ADDRESSES ONLY THE COUNTY PORTION OF COMMENTS RECEIVED, since the email has too many characters to be included below. The full email is available, sent to scott diener and others, Thurs 4-4-19 Good afternoon. KEC wishes to follow up on items regarding glyphosate in Kitsap County. Although individuals may have different roles in the situation, everyone addressed on this email is involved and there may be jurisdictional overlap. Regarding glyphosate, the primary objective of KEC is to protect our drinking water. KPUD and Kitsap County: Dana Coggon: gave a presentation to KPUD's Board of Commissioners last week on noxious weed control in the county. As the scientist in charge of pesticide applications for Kitsap County, her recommendation is that glyphosate be removed from public access, used sparingly, and only by trained, certified applicators. The county's current approach involves Integrated Vegetative Management, incorporating chemical, mechanical, and other non-toxic practices to ensure public safety and a healthy environment. KEC proposes a joint public	The County is not proposing to take over Class 4 special permits (for aerial spraying and other DNR-specific harvest operations). Kitsap DCD will only be taking on the transfer of jurisdiction for Class 4 General forest practice permits (called conversion logging permits). These permits are currently reviewed and pre-approved by County staff, and later issued by the DNR. The projects have already been reviewed for all County code requirements by County environmental staff through the specific land use permits, grading permit review, and SEPA review and approval procedures. The County will still review, inspect and control the associated conversion timber harvest for these applications. The change is that the DNR will no longer be required to approve the conversion logging permits. DCD has advised that all dates for code review meetings will be published on the project website as well as the Planning Commission website. *Changes to KCC 21.04.210 'Notice of Application' will be recommended to require noticing for Type 1 Timber Harvest permit applications.*	Pam Keeley Kitsap Environ-mental Coalition	04/04/19

Com-ment ID	Comment	Staff Response	Name / Organization	Submitted
	education program (enthusiastically supported by Dana), where KEC and other environmental groups partner with the county to educate the public on safe alternatives to toxic chemicals. Commissioner Lester: KPUD will conduct water testing at three different ground levels to test for glyphosate contamination. We are waiting to hear when that will happen. We are also waiting to hear about outreach from KPUD to Pope Resources regarding pesticide application plans in Kitsap county, aerially and otherwise. Direct questions from community members who live adjacent to clear cut areas do not receive clear responses from Pope. In one case they were told Pope doesn't know what they are going to do, but one option includes using a chemical "far worse than glyphosate." Another party was told Pope may not spray this year, but opt instead to develop 20 acre parcels for part of the area and create a "conservation area" in another section. A local business woman, Hollis Fay, operates Farm Kitchen, and her 500 foot deep well runs directly into the aquifer which sits below a site that could possibly be sprayed. We refer you again to three recent local studies which demonstrate the link between glyphosate and serious adverse effects, including one from WSU that directly implicates the consumption of contaminated WELL WATER and premature death from Parkinson's Disease: https://www.mdpi.com/1660-4601/15/12/2885 , another that confirms a 41% increase in the risk of cancer, including Non-Hodgkin's Lymphoma: https://www.washington.edu/news/2019/02/13			

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	/uw-study-exposure-to-chemical-in-roundup-increases-risk-for-cancer/ , and a study from the Canadian Journal of Forest Research which demonstrates the persistence of glyphosate in plant tissue for at least one year: https://vancouversun.com/news/local-news/the-herbicide-glyphosate-persists-in-wild-edible-plants-b-c-study Commissioner Gelder: KEC is waiting to know when the side-by-side test of alternatives (ostensibly through the Noxious Weeds Department) proposed by Com. Gelder will happen. KEC now asks Commissioner Gelder and our other county commissioners to join Los Angeles County and other sites around the country that have completely banned Roundup and glyphosate due to health concerns https://www.usnews.com/news/health-news/articles/2019-03-22/los-angeles-county-bans-use-of-roundup-weed-killer Kitsap County Department of Community Development: KEC remains concerned about proposed county code changes regarding timber harvest practices. We believe that revised practices must not eliminate public access to the permit application process or contribute to public health risks, including through the skirting of environmental impact reviews. KEC asks to know the date/s and location of public hearings on the revisions.			

Acronyms

COHP – Conversion Option Harvest Permit

DAHP – Washington Dept of Archeology and Historic Preservation

DCD – Kitsap County Dept of Community Development

DFW, WDFW – Washington Dept of Fish and Wildlife

DNR, WDNR – Washington Dept of Natural Resources

FPARS – Forest Practices Application Review System

HOA – Homeowner's Association

KCC – Kitsap County Code

KEC – Kitsap Environmental Coalition

KPUD – Kitsap Public Utility District

PSCAA – Puget Sound Clean Air Agency

RCW – Revised Code of Washington

SEPA – State Environmental Policy Act

ToJ – Transfer of Jurisdiction

WAC – Washington Administrative Code

By John Willett,
via email 12.29.18

Washington State Forest and Open Space Restoration and Preservation.

Hirst H2O Legislation and DNR Forest Health Bill interface/expansion.

Reasons why mature forests are more important today on privately and publicly held properties;

The new Washington State Forest Restoration Law only includes Eastern Washington DNR lands and not Western, Federal and Private lands. Forest Restoration and open space planning legislation should be expanded and considered in the Hirst decision and Senate Bill 6091, which mitigates the Supreme Courts ruling on Water Planning for all of the State. These two laws should work together and the Forest Health law should include Western Washington to restore/preserve forest, habitat, wetlands and open spaces; as healthy forests and open spaces are prime water resource enhancers, as to in stream flow regulators, aquifer rechargers and water filtration enablers, along with land/mud slide protectors.

The big Wildfires that we have seen in the past few years are game changers and have been scientifically proven to be from 100 years of forest management practices that are now creating this massive destruction. It is also a misconception that massive wildfires can only happen in Eastern Washington. Historically; there was a fire that started in LaPush and raged to Shelton in the early 1700s. The forest management problem does not stop or change on the Cascade ridge. The fire fuel load problem is very real in Western Washington too and is a time bomb waiting to explode, as we saw just last summer.

As we know, a functional ecosystem helps our economy by keeping costs low for mitigating things like invasive species and over populated species that ruin our gardens, fields, houses, forests, wetlands, waters, streams, lakes and so much more. Healthy Ecosystems help keep predator populations up, invasive and non-native species down, and consequently native species strong and more disease resistant. Today, a lot of our forests are poor wildlife habitats and ecosystems, leaving our forests in poor health and with huge amounts of dead and dry fuels waiting to explode and cause these massive fires, habitat and infrastructure destruction, and unfortunately human and wildlife life's lost.

If we are talking about ecosystems and how well they help us manage so many things, for economic and environmental purposes, then we must also be aware of managed dense forests, where there is no light that reaches the forest floor and where nothing much else grows on the ground under the canopy. Consequently these types of managed forests are not much of a habitat for any species to live and to be there to balance the ecosystem and ward off invasions of tree and forest destroying invaders. These dense, sparsely managed and sometimes unthinned forests are very dangerous and poor habitats.

What is the science and economics: Forest play a big part in cleaning up our air as trees filter out CO2 and capture it's carbon as a building block for tree growth and putting it back in the ground.

Trees and plants also capture CO2 by root filtration of rain water, know as Acid Rain, helping to keep CO2 out of all waters, and from the harmful acidification of our rivers, lakes, Sound and Ocean.

Forests also decrease flooding as rain water absorption into the ground and into wetlands is maximized, instead of into streams and rivers that can overflow their canals (which have been established for

centuries). Clear cutting increases run off beyond the historical margins in stream volumes, because the water is not being held and used by a working ecosystem and forest anymore, but let run off and released, to flood our infrastructure, that was built for past historical volumes.

We also must remember that forests and the shade that they provide slows evaporation way down and consequently more rain water can percolate down into the aquifer and not be lost to the atmosphere.

Clear cutting and massive wildfires also increase drastic mud/landslides that kill, wipeout infrastructure and clog with silt our streams and rivers. What is the real cost of clear cutting to the state and other private concerns? The science says that a prime cause of the Oso slide was clear cutting the hillside.

Sustainable harvesting of our forests creates local year around timber jobs again. It also creates year around timber milling jobs with sustainable harvesting. Not the boom or bust timber economy that we are in today and the resent past in our timber businesses and communities.

We also need to remember that nowhere else in the world can they grow the trees that the Northwest can. Big, straight, strong and highly workable. This Mature Tree commodity is highly sought after and we see that industry/homeowners will pay good money for this special commodity.

Let's look at the lumber industry now and back when I was young. Back then you had plenty of clear VG fir and hemlock trim that every one raved about, world around. We had big timbers that we could use for structural underpinning, roofs and floors. Now we have wood products that are glued together with caustic chemicals that out gas in our houses, schools and offices for years on end resulting in who knows what chemical exposure that can do who knows what to us and our families. All because we didn't mind our resource and we cut down most all the mature trees and forests. Now we grow and cut immature trees that are too small for structural or finish material so we have to bond small chemically infused and treated pieces together to use to build our infrastructure and constantly inhale its fumes in our closed spaces, homes, offices and in our manufacturing plants.

Sustainable forestry and logging is not a new way of doing things. It has been used successfully for centuries. Families have prospered and have sent their children through college by managing their forests of a few hundred acres, and up, sustainably. Economically sustainable and all the while logging out trees, managing/preserving habitat and most often having more standing board feet and bigger trees in the air than when they first started logging their property; and still logging selected big trees.

Diversity of tree species also helps the forest floor in keeping diseases like root rot in check. These diseases along with invasive insects that thrive in mono culture forest can be devastating, not only to the forests trees but to the property owners pocket book. These diseased trees die and like in Eastern Washington recently, turn into highly combustible fuel that can destroy whole forests, communities and scrubland over night. Historic evidence shows that even in Western Washington huge wildfire can happen, which we saw almost happen just last year as a Eastern Washington wildfire moved from the East to the West over the Cascades ridge and almost destroying Crystal Mt Resort and all its infrastructure, lodges and cabins. These huge wildfires can destroy a forest and habitat for centuries to come and in its wake leave behind mud and landslides that come crashing down drainages and

mountain/hill sides on the heavy rains that seem to come right afterwards, destroying roads, houses, people, more forests and infrastructure. What does this cost? Wouldn't it cost less to restore and preserve healthy forests and manage them with that in mind?

DNR got Mother Nature's message and helped pass the Restorative Forest Health Act last year, along with the Tribes, Nature Conservancy and Trust for Public Lands. We have learned over and over again that Mother Nature does not care about how she restores her forests and open spaces. She will also take her time about doing it and will destroy everything you and your neighbor own along the way.

The USFS needs to get more involved and make forest health again their priority. They are the largest forest manager and owner in the state. USFS must put policies in place to manage their (our) poorly protected and vulnerable forests back into vibrant and healthy economic and ecological status. DNR has created a good template that they can be used for their forests planning and management.

There is a County and State (DNR) disconnect with Tree harvest laws and building codes, which is obvious for those of us that have worked in both areas. County Building Codes require a developer to set back their project and do clearing with a buffer from property lines, State harvest law does not. Trees that are exposed to newly logged/open areas are extremely susceptible to being blown down. Fir trees, which are our dominate species here in WW, have very shallow roots and topple over easily from strong winds, especially around Puget Sound where we have a impenetrable clay layer (thanks to many Glacier periods) just below the top soil. Buffers should take into account this natural problem and require setbacks in clear cuts so that the trees on the neighbors property are not impacted and the trees that are left on the logged areas or the neighbors unlogged areas do not fall on the neighbors structures, infrastructure or knock down other trees on the neighbors property and off the logged property.

Wetland designations and setbacks should be the same at the County and for State allowed Clear Cut Logging. Wetland setbacks that apply to county developers of lands should apply to state allowed logging. Small wetlands (below 1 acre) that can support amphibians, birds and other species are being ignored by DNR rules today for clear cuts and are being destroyed. Here, connectivity is being ignored where multiple small wetlands that have some separation are not being counted as a connected system and are being allowed to be logged off and consequently their small ecosystem destroyed. We should learn by now that things sometimes die (small and large ecosystems) by a thousand small cuts.

Counties are making strides to preserve forests, but they are not making habitat connectivity part of their overall plan. Islands of habitat, as any scientist will tell you, are good, but they are limited in their success in time because of their isolation from other populations of species as diversity in any species is important for success and the long term health of that species.

We know that Counties can make laws that are more stringent than the state, though they can't make laws that are more lenient. We do not have to reinvent the wheel here, as some Counties in the state are already addressing this problem of habitat connectivity and habitat loss in their new laws and incentifying restorative thinning practices. But, every County in this diverse state has different landscapes, climate and different habitat needs and like the recently passed plan to mitigate the

Hirst/Water Decision; planning needs in the state and Logging in densely populated Counties should not be a one size fits all approach. Though there are many rules that do fit most all situations.

The focus for Tree harvesting should be not only on growing big trees again and everything that comes with a mature forest ecosystem and more fire resistant forests, but water management, neighbors property rights and of habitat sustainability and connectivity, too.

Ideas for forest enhancement and management on all lands in densely populated counties;

Incentives are a must:

If we incentify sustainable restorative thinning, like Kitsap County Parks is doing today with their management of their newly acquired tree farms that they're turning back into mature forests and connecting to other forests and habitats (Kitsap Forest and Bay Project), we can reach a goal of sustaining/restoring ecosystems that work. At the same time creating sustainable timber jobs to manage the forests, growing and harvesting mature trees, not immature trees, for better quality and stronger cleaner more long lasting wood products for building our communities and economy.

As we know, a forest does not start to function like a ecosystem until it is a least 50 years old. That is when light begins to come back to the forest floor, and that is if it is 'pre-commercially' thinned and 'commercially' thinned as a tree farm. So, how do we incentify growing longer, thinning not clear cutting, thinning more and longer (restorative thinning can go on forever is the thought), growing bigger trees, and diverse more fire resistant forests?

How do we incentify restorative forestry emphasizing growing multiple tree species, making open spaces in the forest and making/protecting wetlands? Taxes and Laws?

So to incentify this might be where there are no or little taxes on the land that adheres to restorative/sustainable forest management plans.

Laws like the new DNR law for restorative thinning should apply to Western Washington. Federal laws should parallel the DNR law so that there is collaboration and continuality in our overall management.

Do we do these incentives just in 'dense' Counties, like the Kitsap? The Counties that have GMA laws?

Do we do this just outside and/or inside GMAs? How far would the boundaries be outside a GMA that this would apply? Is this in all Rural Zones? Is this in suburban zones, too?

Do we de-incentify clear cutting in forests of certain acres, unless the property owner owns big surrounding forests and do we incentify restorative harvesting.

Do we make a rule that only a certain percentage of any forest, say 1%, of a property of less than a certain acreage and not connected to a much larger forest can be clear cut (focus is getting 200+ year old trees?).

Do we make a rule that clear cutting is allowed on sections of a forest that have disease or invasive species destroying it, for reasons of not allowing the disease and destruction to travel elsewhere?

Do we disallow clear cutting in semi-rural and rural areas where a forest is surrounded on 3 to 4 sides by developed lands. This is a habitat issue and linking existing and working habitats together.

Do we de-incentify clear cutting by taxing those properties at much higher rates; say 10X today's tree farm designation rate. Example; right now property taxes for tree farms are minimal. Pope and Talbot paid 22K a year in property taxes for 6000 acres in North Kitsap, that the KFBP just bought.

Do we de-incentify clear cutting by (after the above tax increase for clear cutting) back taxing (like when forests are converted to development) 7 years at the higher and new rate to offset collateral costs?

Do we require that "legacy" clumps or "skips" be a part of every clear cut to preserve some very old mature trees and their habitat?

If a property owner still wants to clear cut then there still needs to be a rule that they need to replant within a year. Is that with a historic diversity of tree species (the UW has that research now).

Should there be a rule that clear cut property should have the tree debris that is left after harvesting chipped and spread out over all the clear cut area (a lot of fire districts are not allowing these debris piles to be burned anymore) instead of leaving huge piles of debris all over the property. Would this also help in soil building and rain water retention, evaporation and absorption?

So, do we then leave, reduce, or do away with property taxes on restorative thinning (selective logging) forest projects and sustainably harvested forests that meet certain criteria certified by agencies Like NNRG or DNR and increase taxes on clear cuts?

Can we use King Counties Current Use and Taxation program for Resource protection in rural and semi rural areas as a template for other counties? And make it state wide with the focus on restorative forestry, not clear cutting in densely populated counties? Or in all Counties in the State?

Resource protection programs in King County

There are four current use taxation programs in King County that offer an incentive (a property tax reduction) to landowners to voluntarily preserve open space, farmland or forestland on their property. Once enrolled, a participating property is assessed at a "current use" value, which is lower than the "highest and best use" assessment value that would otherwise apply to the property. These programs encourage the conservation of natural resources in King County by conserving its land and water resources, which include important wildlife habitat, wetland and streams, working forests and productive farmlands.

Two of these programs, the **Public Benefit Rating System (also known as Open Space)** and the **Timber Land** program are administered by the Department of Natural Resources and Parks. The **Forestland** and the **Farm and Agricultural** land programs are administered by the Department of Assessments.

The Public Benefit Rating System (PBRS): PBRS enrollment and associated tax savings are based on a point system. Points are awarded for each PBRS resource category a property qualifies for (such as protecting buffers to streams and wetlands, ground water protection, preserving significant wildlife habitat, conserving farmland and native forestland, preserving historic landmarks and more). The total points awarded for a property's PBRS resources translate into a 50% to 90% reduction in the land assessed value for the portion of the property enrolled. For more information on each qualifying resource category and program specifics, please refer to the Resource Information document.

Timber Land: program enrollment requires a property have between five and twenty acres of manageable forestland, and be zoned RA, F or A. Land participating in this program must be devoted primarily to the growth, harvest, and management of forest crops for commercial purposes and must be managed according to an approved forest stewardship plan.

Farm and Agricultural Lands & Designated Forest Land Programs *Department of Assessments*

For landowners who own revenue generating farm property or larger commercial forests, there are two programs that also offer financial incentives similar to PBRS and Timber Land. **Farm and Agricultural Land:** for land used for the production of livestock or agricultural commodities for commercial purposes. There are financial requirements for enrollment, which are dependent on the size of the land and the gross annual revenue received for the land for three out of the past five years (please refer to RCW 84.34.020 for more details).

Forestland: this program is similar to Timber Land but is for property containing more than twenty acres of eligible forestland primarily devoted to the growth and harvest of timber.

Conclusion;

There is no doubt anymore of the problems that come from ecosystem destruction and our planning and management practices that have gotten us to this point. It is obvious to most scientist, people and law makers in our state that we need to keep evolving our processes if we are going to preserve what we all are living here for. Where is there a place where you can raise a family, go from a desert, range, mountains, islands, to rain forests in a day and have such great business opportunities. We are attracting more businesses and people to our state every day because of what we have here; our great business opportunities and our special outdoors. More people means, as you know, more pressure on our environment and infrastructure.

Ecosystem or economic success is not a either or proposition anymore. Our environment is one of our biggest attractors to business. Because of the advances in science and the 21st Century business strategies, we now have better ideas available for sustainable planning. In business we calculate our risks, expenses and do projections from the best available facts and then make good decisions that will guarantee our success and vitality. The fact is that working ecosystems cost less and failing systems cost us more, on so many levels. Here, for our future economic success, business and ecosystem planning must go hand in hand. Done strategically, a Win-Win for all.

Lana and Steve Swann
18431 Fjord Drive NE
P.O. Box 394
Poulsbo, WA 98370

Commissioner Rob Gelder
District 1, North Kitsap
619 Division Street
MS-4
Port Orchard, WA 98366

January 7, 2019

Dear Commissioner Gelder:

I trust you had a great Christmas and we wish you a Happy New Year.

Yesterday, Lana and I had the opportunity to learn about timber harvesting here in Kitsap County, and the use of sprayed, lethal herbicides (e.g., Roundup) by logging operators. Admittedly we are a little behind in addressing the issues facing the Hansville and Port Gamble communities.

I am writing more specifically to share my concerns over a proposed regulatory amendment to timber harvesting requirements in KCC 18.16. It is my understanding that the current permit application criteria of KCC 18.16.100, Contents of Application, are being considered for revision. The draft proposal, along with the existing statute, are attached.

In a nutshell, the regulatory checklist which now provides valuable details required of applicants, including key location information supported by maps, would be replaced by a significantly less detailed requirement. It would appear that this amendment does little to benefit the communities effected, in the name of regulatory simplification.

I suggest a thirty (30) day extension of the published January deadline (January 25th) to provide greater opportunity for public participation in the amendment review process.

Thank you for your consideration of this suggestion. Sincerely, I am

Stephen L. Swann

Attachments: KCC 18.16 (and draft amendment)

Copies (w/attachments): Rep. Appleton
Rep. Hansen
Sen. Rolfes

(c) Danger tree harvest applications are processed under a Kitsap County Site Evaluation permit. The permit specifies a building safety tree removal within ~~of~~ a "tree-length and a half" around a permanent structure (or a planned single-family residence). Removal of trees within critical areas or associated buffers must demonstrate compliance with KCC Title 19 Critical Areas and Title 22 Shoreline Master Program, or otherwise follow the guidelines for tree removal within KCC Titles 19 and 22.

(d) All timber harvest applications shall declare the type, scale and schedule of future development plans. If primary development approval is required, a timber harvest permit will not be granted until the primary development permit is issued by the department.

(Ord. 150-A (2000) § 8, 2000)

18.16.090 Application for conversion option harvest plan.

(a) The purpose of the conversion option harvest plan is to allow limited selective logging prior to final primary development approval. Each conversion option harvest plan shall be reviewed by the director on an individual basis.

(b) A conversion option harvest plan shall be submitted to the Kitsap County department of community development pursuant to WAC 222-20-051~~0~~ prior to application for primary development and/or timber harvest activities on the project site.

(c) Application for approval of a conversion option plan shall be ~~reduced to a written contract between Kitsap County and the applicant, that shall be recorded with the Kitsap County auditor~~initiated by a property owner or his authorized agent by filing an application with DCD. Applications for a variance shall be consistent with the review authority table found in Section 21.04.100 and WAC 222-20-040.

(d) The conversion option harvest plan shall expire upon expiration of the forest practices application/notification.

(Ord. 150-A (2000) § 9, 2000)

18.16.100 Contents of an application.

A timber harvest application or conversion option harvest plan shall contain information required by the submittal requirements checklist established by the DCD as set forth in Section 21.04.160.~~the following:~~

~~a) Name, address and telephone number of the owner of record of the real property;~~

~~(b) A legal description of the real property to be divided;~~

~~(c) Two copies of the map of proposed timber harvest area as described in Section 18.16.110;~~

~~(d) The signature of the owner of record of the real property;~~

~~(e) Assessor's account number;~~

~~(f) A statement declaring the type and scale and schedule of future development plans;~~

~~(g) An environmental checklist; and~~

~~(h) A completed Department of Natural Resources forest practices application.~~

(Ord. 150-A (2000) § 10, 2000)

~~**18.16.110 Map of proposed timber harvest.**~~
~~The map of the proposed timber harvest or conversion option harvest plan shall contain the following:~~

~~(a) Map drawn to scale no less than one inch to two hundred feet, which scale shall be shown on the drawing;~~

~~(b) The map shall show areas to be cut, buffers, drainage ways and culverts;~~

~~(c) A temporary silt and erosion control plan and any other proposed mitigation efforts;~~

~~(d) North point;~~

~~(e) The approximate location of structures;~~

~~(f) The location of all existing and proposed streets, right-of-way, easements, skid roads, haul roads and landings within the proposal and, where possible, labeling each of the foregoing by width; and~~

~~(g) The approximate location of any lakes, ponds, wetlands, streams, creeks, shorelines, marshes, and slopes approximately thirty percent or greater.~~

~~(Ord. 150-A (2000) § 11, 2000)~~

18.16.120 Application fee.
All applications for permits or actions by the county shall be accompanied by a filing fee in an amount established by county resolution, per KCC 21.10.010.

~~An application fee per the Kitsap County Development Permit Fee Schedule (Section 21.06.100) shall be submitted to the department of community development.~~

(Ord. 291 (2002) § 14, 2002: Ord. 150-A (2000) § 12, 2000)

~~**18.16.130 Review by director.**~~
~~(a) The director shall consider the following to assure the application meets the guideline of WAC 222-20-040:~~

~~(1) Zoning, Title 17 Kitsap County Code;~~

~~(2) Comprehensive Plan and subarea plans;~~

~~(3) Shoreline Management Master Program, Title 22 Kitsap County Code;~~

.140 Third party review.

The department may require, or the applicant may request, at the applicant's expense, third party review in cases where additional professional or technical expertise is required due to scale or complexity and/or in cases where independent review is deemed necessary.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.04.150 Vesting.

A. Applications for the division of land under Title 16 shall vest to and be considered under the development regulations in effect when a complete application is submitted and all initial deposit fees are paid. The requirements for a fully completed application vary by permit type and are established in Section 21.04.160.

Applications for other permits shall vest to and be considered only under the specific regulations applicable to the permit (e.g., shoreline permits vest only to the shoreline management plan under Title 22) in effect when a complete application is submitted and all initial deposit fees are paid. They shall not vest to development regulations generally. The requirements for a fully completed application vary by permit type and are established in Section 21.04.160.

The requirements for a fully completed application are established in Section 21.04.160. Requirements vary by permit type, but all permit applications include the payment of all initial deposit fees.

Vesting of building permit applications is governed by RCW 19.27.095.

B. The vesting of an application does not:

1. Imply that the application will be approved or that the applicant has permission to proceed with the development;

2. Vest any subsequently required or related permits, except as required by statute or case law, nor does it affect the requirements for the vesting of subsequent permits or approvals;

3. Restrict the ability of the department to impose conditions under Chapter 43.21C RCW; or

4. Restrict the ability of the department to impose newly enacted building, health and fire codes that are necessary to protect public health and safety.

C. No application may vest to regulations governing procedures, including the regulations in this chapter, or fees.

D. An applicant may voluntarily waive vested rights at any time during the processing of an application by submitting a written and signed waiver to the department stating that the applicant agrees to comply with the new regulations in effect on the date the waiver request is submitted.

E. Rights vested for a project permit application shall terminate upon expiration of the project permit application.

(Ord. 539 (2016) § 7, 2016: Ord. 490 (2012) § 3 (Att. 1), 2012)

21.04.160 Contents of application.

A. Except as provided elsewhere in this code, the department shall establish and may revise written submittal requirements for each type of project permit application required by this title. The department shall prescribe checklist forms, which shall clearly describe the material that must be submitted for an application to be accepted for processing.

B. At minimum, a project permit application and any supplemental application shall include the following:

1. A completed original project application form signed by the owner(s) of the property which is the subject of the application;

2. A completed original supplemental application form;

3. Parcel identification;

4. A copy of the pre-application meeting summary, if applicable;

5. The applicable fee(s) adopted by the board for the application(s);

6. If applicable, SEPA compliance documentation;

7. Permit-specific information required by submittal checklists distributed by the department in accordance with this section, or other relevant sections of Kitsap County Code; and

8. Any additional information, identified by the review authority following a pre-application meeting or following determination of a fully complete application, needed to provide the department with sufficient information about the proposed project.

C. An applicant may request waiver of a submittal requirement when they can demonstrate in writing that a particular requirement is not relevant and can further show that the requirement has been met or is not necessary to demonstrate compliance with applicable requirements. If a waiver is denied, the application will be deemed incomplete until such time as the required information is provided. Approvals or denials of a waiver must occur within twenty-eight days of the request. Waiver decisions may not be administratively appealed.

D. Additional materials may be required by the department as it determines necessary for review of the application, regardless of whether a waiver has been granted.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.04.170 General review – Conditions and requested information.

A. Disagreement Regarding Conditions. In some circumstances, the department and the applicant may disagree on department-recommended conditions. In instances where disagreement on conditions cannot be resolved, the department may approve such conditions or, in the case of Type III or IV project permit applications, recommend such conditions for approval.

B. Requested Information. Where an applicant does not provide information requested by the department regarding a project permit application that has been deemed complete for processing, the review authority may approve a project permit application with conditions or deny the project permit application. For Type III or IV project permit applications, the department may make a recommendation of either approval with conditions or denial.

(Ord. 490 (2012) § 3 (Att. 1), 2012)

21.04.175 Revisions to project permit applications.

A. This section applies to proposed revisions to project permit applications, except as otherwise noted.

B. Major Revisions.

1. Major revisions proposed by an applicant will cause the application to lose its vesting and be reviewed under the regulations in effect at the time of the revised project permit application as set forth in Section 21.04.150(A). A major revision shall be processed as the original project permit application type and require revised public notice or other processes, additional fees or supporting information as necessary for consistent and informed review.

Meeting over spraying of herbicides gets contentious

Pope Resources met with Hansville residents for first time.

By Nick Twietmeyer
Monday, September 17, 2018 4:01pm | NEWS

In their first public meeting since recent backlash against Pope Resources' intent to aerially spray herbicides on more than 330 acres south of Hansville, officials with the company met with locals in an attempt to assuage the concerns of those who have spoken out against the spraying.

Jon Rose, vice president of Pope's real estate branch, was at the meeting. He assured the packed audience that their voices had been heard. Rose said that the spraying of herbicides was not the preferred method of preventing noxious weed growth on Pope's harvest units.

"We'd rather not [spray]," Rose said. "It's scary for people, it's risky for us, it's expensive."

Rose added that in the past, the method for managing noxious weeds was to conduct a controlled burn on harvest units before planting — something the vice president regarded as "really, really effective."

"It didn't use any chemicals," he said, "but it was upsetting."

At the meeting, Rose detailed Pope's history with working with the residents of Hansville, including the 10-year effort started in 2007 to attempt to sell 1,775 acres of their timber holdings in Hansville.

"We asked the question, 'Do you guys want to work with us on buying our land? Because we'd love to leave a legacy in the birthplace of our company,'" Rose said. "We had almost no interest from Hansville."

Mike Mackelwich, vice president of timberland operations, gave a presentation about the importance of Washington's working forests. Mackelwich noted to the audience that Pope's forests work to sequester carbon in the atmosphere and provide materials used in many consumer products.

"If everybody's dead, nobody is going to buy your trees," said someone in the audience as Mackelwich was giving his presentation. This prompted Rose to take control of the microphone and rebuff the commenter.

"We agreed that we are going to be able to make a presentation, without pot-shots from the audience," Rose said, as a round of applause swelled in agreement with his reprimand.

Griffin Chamberlain, manager for the Hood Canal harvest area, followed Mackelwich and explained that Pope had intended to spray chemical concentrations that were below the allowable limits listed on the labels. Adrian Miller, Pope's director of administration and corporate affairs, provided information to the audience on the governing bodies for forest practice laws and how they may contact them.

"It's easy for me to stand up here and say, 'Hey, it's legal.' That's not going to be a satisfactory answer to a lot of people here," Miller said.

"Many of you probably know that the Environmental Protection Agency is the agency that regulates the use of these products," he said, eliciting a number of groans and exaggerated eye-rolling from numerous members of the audience. "I know, nobody loves EPA right now, but an administration ago people loved them," Miller joked.

Following Miller's presentation, the meeting took on a question and answer format.

Many raised concerns for the group's intent to spray the chemical glyphosate. Miller continued to point to the governing bodies for forest practices and the laws which he said Pope Resources continues to follow.

"I have to make decisions and recommendations based on science and the law. I understand that there's different opinions about the philosophy of forest management and I get that. ... You do have a voice, and it's good to talk to me and it's good for me to hear that, but it's more important for the people and the boards and your elected officials," he explained.

Randi Strong-Petersen, one of the opposition organizers with the Kitsap Environmental Coalition, said after the meeting she was unsatisfied with the responses from Pope.

"I think it was a dog-and-pony show to try and make them feel better about dropping poison out of a helicopter," Strong-Petersen said. While she said some questions had been answered, and the speakers did a great job, she felt that the representatives misrepresented many facts.

Last Friday, Pope Resources announced that the group would hold off on spraying any herbicides until after the Kitsap Environmental Coalition's appeal had been reviewed by the Pollution Control Hearings Board. Strong-Petersen said the group would continue to prepare in advance of the February meeting.

"I think our group is going to be focused on preparing for the [Pollution Control] Hearings Board in February because we have lots of work to do to get ready for that."

—Nick Twietmeyer is a reporter with the North Kitsap Herald. Nick can be reached at ntwietmeyer@soudnpublishing.com

KITSAP
Daily News

Scott Diener

From: Mark Mauren <mauren.wa@gmail.com>
Sent: Friday, January 25, 2019 8:45 AM
To: Scott Diener
Subject: Fwd: Ueland Tree Farm draft comments - Provide feedback on Kitsap County Code intended to regulate Forest Practices within Kitsap County
Attachments: DNR TOJ KCC 18.16 PUBLIC DRAFT.pdf *

* This attachment is only County-proposed code prior to any recommended changes

Hi Scott

This is a follow up to the phone conversation we had on Wednesday regarding the Counties proposed changes to Chapter 18.16 " Forestry. I was happy to hear that you will be slowing down the process and doing more outreach. As we discussed, I am more then willing to meet with you and the other impacted landowners to provide feedback on your proposed changes. You mentioned that you have been working with the DNR and other parties to make changes to the attached Ordnance but you encouraged me to send in my comments by January 25th. The following is my initial feedback realizing that some of my concerns may have already been addressed. As a way of background, I manage 2,300 acres of forest land within the County and City of Bremerton for Ueland Tree Farm. The Tree Farm, has been submitting CHOP and Class IV General permits to both the County and City of Bremerton since 2005. The following are my comments on your proposed changes to Chapter 18.16 " Forestry (Attached draft)"

It seems like you are taking two actions:

- Assuming DNR's FPA responsibility for Class IV General Permits.
- Modifying the County Code for COHP

Assuming DNR's FPA responsibility for Class IV General Permits.

Class IV General Permits - Historically, prior to the DNR issuing a Class IV General Harvest Permit the permitted area, the permitted area would have gone through and received a SDAP permit from the County (Including SEPA and Public input). Receiving a Class IV General Permit from the DNR was considered a formality so the legislature granted the ability to Counties to take over the permit process for just Class IV General permits. However, the legislature did not give the County authority to take over Class IV Specials or Type I. II or III forest practice permits. The legislature did pass a law allowing Counties to issue the Class IV General Permit because all the review had already been done by the County and it would be redundant for the DNR to then issue a FPA. I would not make this very complex, it seems that the County should issue the Class IV General permit either as part of the SDAP permit or in conjunction with the permit. The reason being that the County has reviewed the design to ensure that it meets County codes and the project has gone through SEPA and public input. To issue the permit separately would cause the project to go through SEPA and Public input again which is redundant and would not add any value or additional protections. I would also recommend that the County add that any development project that sells timber from the approved project and or utilizes more then 5,000 bdft for their own personal use has to report the value to DOR and pay Forest Excise Tax on that amount.

Modifying the County Code for COHP

Historically, the legislature recognizing that developers were using the FPA to remove timber from projects and then submitting their project to the County for an SDAP permit thus avoiding county regulations pertaining to stormwater, critical areas and design requirements. To avoid this the legislature instituted a 6 year moratorium on development on harvested areas unless the landowner/harvester receives a letter from the County stating that the harvest meets County codes (COHP). The purpose of the COHP was for landowners, such as Ueland Tree Farm who do not always know what our long term development plans maybe but what to preserve our options and not have the property tied up for 6 years. This was the reasoning behind why the legislature established the COHP options for landowners. With that said I have concerns about the changes that the County is proposing to the Counties COHP Code:

- 18.16.030 8 (b) - Adding Critical Aquifer Recharge Areas for forestry operations seems excessive when no impervious surfaces or re-contouring the landscape is occurring and the site is being re-vegetated. Harvests of any kind (selective, shelterwood or final harvest) is no different then what occurs in nature through fire, wind storms, diseases, etc. Which is different then when you go to develop a piece of property and make fundamental changes to the surface and possibly the sub surface flow of water which could impact a given Critical Aquifer Recharge area at a micro and macro level. In general, having the majority of the land within a Critical Aquifer Recharge area in Forest management is considered a positive thing. For those reasons County should not include "Critical Aquifer Recharge area" in COHP's. However it should be include for Class IV Generals when the land is actually being converted to another use(Non-forestry). If the County does decided to add it, the County should provide the public with the science behind adding it, what it will protect and how big a threat small harvest operations would have on a critical aquifer recharge area.
- 18.16.16 - I would add "Forest Road Maintenance and Surface Mining to the list of Forestry activities. Both of these activities are recognized as important forestry activities by the Forest Practice act. The surface mining is tied to producing aggregate to support forest activities within the ownership/tree farm, who use to managing our road system and protecting the environment.
- 18.16.070(c) - Currently DNR Forest Practices are exempt from DOE stormwater rules because they are not adding impervious surfaces and water run off can be contained within the property. Our average harvest units range from 6 to 15 acres. It would be costly and in effective to be held to Kitsap County Stormwater Standards (Silt fences, seeding, covering any exposed soil, etc) for a harvest operation (selective harvest, Commercial Thinning and Final Harvest). Kitsap County stormwater standards should only apply to development when you are constructing impervious structures, changing land form and not fully re-vegetating the site.
- 18.16.070 (b) - Thinning and topping in a buffer zone is usually done to enhance the buffer and develop future characteristics ie snags and diversity of over and understory. I would make the distinction between harvesting to generate income from harvesting to enhance a buffer. By adding another layer of bureaucracy (ie director may require replanting) you are making it harder(more costly in time and $) for landowners including Land Trusts to enhance and or treat buffers.
- 18.16.080 (d) - As a landowner we don't always know what our long term development plans maybe which is why we keep our options open by applying for COHP. So stating in County Code that "All timber harvest applications shall declare the type, scale and schedule of future development plans" is not possible and circumvents the RCW which provides the landowner with the ability to keep their options open. From a practical perspective what will happen if the landowner changes their mind and does a different type of project down the road????? This requirement could potentially open the County and landowner to legal challenges and more importantly over reaches the law passed by the legislature which was intended to provide flexibility to forest landowners and encourage them to keep their land in forestry as long as possible.

- 18.16.090 (a) - The RCW doesn't restrict COHP's to selective harvest and I think the County should keep the options open by saying "Harvest". The Counties current requirement of leaving 30% of the volume is hard to administer from both the landowner perspective as well as the Counties. A much easier way is to specify the number, size and type of tree that should be left after harvest based on the makeup of the existing stand (This is the approach the FPA has taken). I was told that leaving 30% of the volume was to protect Aquifer.....I would challenge the science behind that statement especially if you are mostly talking about small harvest areas. Leaving that many trees to blow down doesn't seem like a good policy decision especially if steep slopes, wetlands, streams, etc are already being protected. As I mentioned previously, protecting Aquifers should be tied to the development activities and the impact the proposed activity would have on the aquifer and not the harvest operation. This aspect of the policy should really be thought through to make sure that what you are requiring passes mustard with the best available science, is practical/enforceable and achieves the desired outcome and not a "sounds good" result that doesn't add any real value to the environment.
- Finally, the County should be held to the DNR's legislative mandate to process FPA's within 30 days except if there is additional information required.

I am more then willing to come in and meet with you and your planner to go over my comments and answer any questions you may have.

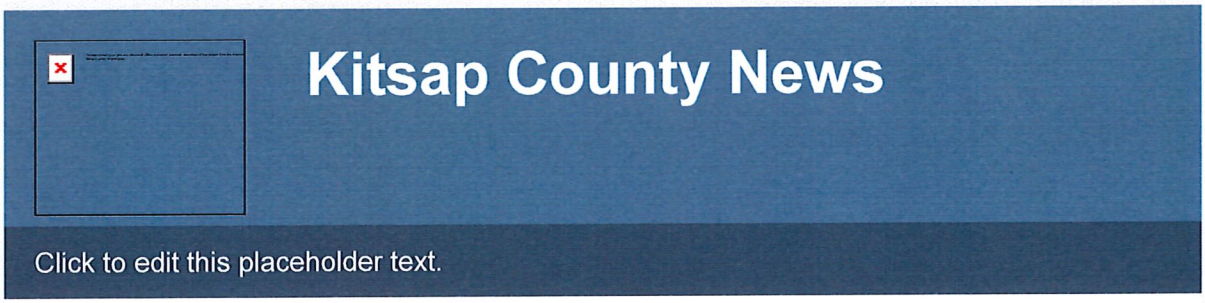
Please make sure that I am on your distribution for any public meetings and mailings.

Sincerely;

Mark

---------- Forwarded message ---------
From: **Kitsap County** <kitsapcounty@public.govdelivery.com>
Date: Thu, Dec 27, 2018 at 5:47 AM
Subject: Provide feedback on Kitsap County Code intended to regulate Forest Practices within Kitsap County
To: <mauren.wa@gmail.com>

Having trouble viewing this email? View it as a Web page.



Date: December 26, 2018

Provide feedback on Kitsap County Code intended to regulate Forest Practices within Kitsap County

(*Port Orchard, WA*) - In late December 2018, the Kitsap County Department of Community Development introduced draft changes to Kitsap County Code (KCC) Chapter 18.16 Timber Harvest. The proposed changes will enable Kitsap County to assume sole regulatory authority from the Department of Natural Resources (DNR) over Class IV-General Forest Practices in accordance with RCW 76.09.

Assumption of authority through permitting and enforcement will help to ensure forest practices in the County adhere to the requirements of the Forest Practices Act, the State Environmental Policy Act, and implement the County Comprehensive Plan. Additionally, the program will streamline permitting and monitoring practices. A summary of the Kitsap County Code update process and project materials can be found online at Kitsap County Current Code Update Projects

The initial release of this draft code is intended to get feedback prior to preparation of draft code for the Planning Commission's review. The tentative schedule is for the Planning Commission to hold a hearing in early February 2019 and for a recommendation to be provided to the Board of County Commissioners soon after.

All hearings are tentatively scheduled in the Kitsap County Administration Building, Commissioner's Chambers, 619 Division Street, Port Orchard, WA. Interested parties are encouraged to attend the public hearing or use our Online Public Comment Form

to provide feedback on the proposed administrative updates to Kitsap County Code.

If you are interested in staying informed on these items or future code update projects, please sign up for our 'Code Development Update List' to receive electronic notifications: click here.

Contact Information

Scott Diener, Manager
Development Services and Engineering
360.337.4966 or sdiener@co.kitsap.wa.us

Resources

Click the links below for more information about County resources.
All news releases | *County Home Page* | *Inclement Weather* | *The Road Report*

Other Contacts

Public Communications Manager
Doug Bear
360.337.4598

Commissioner's Office
Rebecca Pirtle
360.337.4650

Sheriff's Office
Public Information Officer
Scott Wilson
360.337.5698

www.kitsapgov.com

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Mark Mauren
Chief Operating Officer
Ueland Tree Farm, LLC
(253) 307-5900
mauren.wa@gmail.com

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Mark Mauren
Chief Operating Officer
Ueland Tree Farm, LLC
(253) 307-5900
mauren.wa@gmail.com

KPUD
CONNECTING KITSAP

Kitsap PUD
1431 Finn Hill Road
PO Box 1989
Poulsbo, WA 98370
360.779.7656
Fax 360.779.3284

To whom it may concern,

Kitsap County community members have contacted and met with Kitsap Public Utility District (KPUD) and expressed concern regarding the proposed changes to Kitsap County Timber Harvest Code Chapter 18. These concerns pertain primarily to the protection of drinking water and water resources and due process for citizens and public agencies. The proposed changes would enable Kitsap County to assume sole regulatory authority from the Department of Natural Resources (DNR) over Class IV-General Forest Practices in accordance with RCW 76.09. These code changes state the Kitsap County Department of Community Development (DCD) and the Hearing Examiner would perform the permitting and enforcement roles rather than DNR.

The follow concerns expressed are shared by Kitsap Public Utility District:

1. NOTIFICATION

KPUD recommends the notification should be the same or improved over current DNR notification practices.

Local control by Kitsap County should have comparable and if possible greater notification than those currently provided by Forest Practices Application Review System (FPARS) and Forest Practices Activity Mapping Tool located on the website for the Department of Natural Resources (DNR). Website: https://www.dnr.wa.gov/programs-and-services/forest-practices/forest-practices-application-review-system-fpars

Currently citizens and local agencies can sign up to receive notification for Timber Harvest as well as aerial spraying permits. This gives the public and local agencies the ability to review proposed forest activities with 24/7 online access.

We/KPUD recommend that in addition to Kitsap County website having similar information and notification via its website, specific mailing notification occurs within a 400 foot radius of the proposed Timber Harvest action. This would enable those individuals that do not have access or frequent the internet to have direct notification of a Timber Harvest proposed action.

Specific agencies that would be considered stakeholders relating to the Timber Harvest be included in the notification.

In the recent request and approval by DNR for aerial spraying for a property in Kitsap County, Kitsap County elected officials - Senators, House of Representatives, Kitsap County Commissioners, Kitsap Public Utility District Commissioners, Mayors and City Council Members - were not notified by DNR of this action. Specifically for KPUD, being that agency charged with the protection of drinking water in Kitsap, it was most alarming as KPUD has the most current and accurate maps that would assist in identifying critical watersheds and well-head protection areas.

2. REQUEST TO REMOVE "REPEAL" OF MAP REQUIREMENT

Requirement of a map of proposed timber harvest has been repealed in the proposed Timber Harvest Code Update, 18.16.110.

KPUD recommends that map of proposed timber harvest still be required.

Without a map of the location, citizens and agencies would not have a clear understanding of the proposed Timber Harvest and/or conversion and would have to spend time researching. Kitsap County requires every other proposed land use action have a map defining location of said action so that Kitsap County can do its formal review of critical areas, watersheds, streams, buffers, etc. There is no reason to not include a map with this land use action as well.

Kitsap County was designated as a Ground Water Management Area in 1986 and KPUD was designated lead agency for development of the county Coordinated Water System Plan and the county Ground Water Management Plan. The District established a Geographic Information System (GIS) program that is integrated with the county system and produces the water source related material. This GIS mapping, which provides the location to nearby watersheds, aquifer recharge areas, streams, and drinking water systems, is map dependent. Maps provide buffer delineations that should be adhered to, critical area classifications, stream locations, and drinking well protection areas.

Based on map submitted by the Timber Harvest applicant; Kitsap County, using KPUD's GIS mapping system, could identify water source related material in the Timber Harvest location. Citizens and public agencies would have a better understanding of water systems and/or adjacent properties that may be affected and could provide informed comments and specific concerns.

3. AERIAL AND/OR HAND SPRAYING PERMITTING

The Kitsap County Timber Harvest Current Code and Proposed Changes do not include permitting as related to aerial spraying, fertilization, prevention and suppression of diseases, and insects and brush control.

18.16.030 Definitions, 24 states: "Timber harvest" means the activity pertaining to the cutting and/or removal of forest product, **but shall not include** fertilization, prevention and suppression of diseases and insects and brush control."

KPUD recommends having the same and/or improved permitting and notification process for aerial and/or hand spraying as DNR currently has.

This would give citizens and public agencies the ability to provide comment.

4. STATE ENVIRONMENTAL POLICY ACT AND ENVIRONMENTAL IMPACT STATEMENT

There is no direct mention of State Environmental Policy Act (SEPA) and Environmental Impact Statement (EIS).

Certainly "streamlining the process" is often a goal of public agencies. However, Kitsap County would still be required to follow Washington State Law regarding SEPA and EIS. Please amplify

this so citizens and public agencies know the process to participate in reviewing and commenting on a Timber Harvest project and the requirements the Timber Harvest applicant needs to meet.

5. MINOR CORRECTION
Citation correction needs to be made: RCW 76.09.240 (not 76.09.0240) as found in the paragraph below:

18.16.020 Purpose.
The purpose of this chapter is to identify and mitigate, minimize or eliminate potential impacts from timber harvest on drainage courses and critical areas. Orderly development and protection of critical areas directly concern the public's health, safety and welfare. **Pursuant to RCW 76.09.0240** and WAC 222-20-040, Kitsap County has limited authority to regulate Class IV forest practices and this chapter is an exercise of that authority. These regulations establish procedures for review of conversion forest practices application(s), conversion option harvest plan and lifting of permit moratoria.

Thank you for your consideration of these comments.

Sincerely,

Debra Lester
Kitsap Public Utility Commissioner, President of the Board

WASHINGTON FOREST PROTECTION ASSOCIATION
724 Columbia St NW, Suite 250
Olympia, WA 98501
360-352-1500 Fax: 360-352-4621

March 6, 2019

Submitted via Smartsheet Comment Page

Scott Diener
Kitsap County DCD
614 Division Street, MS-36
Port Orchard, WA 98366
sdiener@co.kitsap.wa.us

Re: Proposed Amendments to KCC 18.16 Timber Harvest

Dear Mr. Diener:

In late December 2018, the Kitsap County Department of Community Development proposed amendments to Kitsap County Code (KCC) Chapter 18.16 (Timber Harvest). As of today, neither the Kitsap County Planning Commission or the Board of County Commissioner have scheduled a public hearing. Kitsap County is continuing to meet with advisory committees, the Kitsap Environmental Coalition, and the Central Kitsap Community Council through early March. Its website identifies the written comment period as "open" for both the Planning Commission Briefing and Work Study, neither of which has a scheduled date.[1]

The Washington Forest Protection Association (WFPA) is a trade association representing large and small forest landowners and managers of nearly four million acres of productive working timberland located in the coastal and inland regions of Washington State. WFPA members are founding partners in the historic Forests & Fish Agreement that created a forestry blueprint for science-based, collaborative assurances under the federal Endangered Species Act (ESA) and the Clean Water Act (CWA).

WFPA supports local government regulation of forest practices, as permitted by the Forest Practices Act and rules. RCW 76.09.240 (local regulation of Class IV FPAs); WAC 222-20-040(3) (optional limited land use planning on conversion forest practices). The proposed amendments to KCC Chp. 18.16 may result in three areas of ambiguity and WFPA suggests that Kitsap County DCD consider modest revisions to clarify its intent and minimize that risk in its adopted code.

[1] https://www.kitsapgov.com/dcd/Pages/Code-Updates.aspx (last visited February 25, 2019).

First, WFPA agrees with Kitsap County DCD's explanation of the forest activities on its fact sheet.[1] Kitsap County's code proposal, consistent with the Forest Practices Act, will transfer jurisdiction to process forest practices applications that are classified as Class IV-general to the County, rather than to the Department of Natural Resources (DNR). In statute, Class IV forest practices are limited to conversions *or* activities that have the potential to substantially impact the environment. RCW 76.09.050(1). In rule, Class IV forest practices are divided into "Class IV-special" or "Class IV-general". WAC 222-12-030(4); 222-16-050(2). Both the Forest Practices Act and rules provide further restrictions on forest practices that will result in a "conversion." RCW 76.09.060(3); WAC 222-20-050 – -052, 222-16-060.

Kitsap County DCD has the discretion to acquire jurisdiction only over conversion Class IV-general forest practices if it qualifies as a county not planning under RCW 36.70A.040. RCW 76.09.240(1)(c). To avoid confusion, it should clarify that this is its intent in the amended code in order to avoid the perception that it is also seeking to acquire jurisdiction over any forest practice that has the potential for a substantial impact on the environment. RCW 76.09.240(1)(a), (b) (Counties planning under RCW 36.70A.040 may acquire jurisdiction over forest practices under RCW 76.09.050(1)(Class IV(a)-(d)).[2] For example, Kitsap County DCD may want to further amend KCC 18.16.020 to read "... This chapter does not affect Class I, II, ~~or~~ III, or IV-special forest practices as defined in the Forest Practices Act, Chapter 76.09 RCW and rules, WAC Title 222. ..."

Small forest landowners, who may only submit one forest practices application during their ownership, and interest groups, can find forest practices terminology overwhelming and the regulatory system complex. WFPA suggests that Kitsap County DCD clarify the limitation to forest practices conversions in its Code, and, after adoption, on its website. A reference on the County's website to DNR's "small forest landowner office"[3] as well as the appropriate Kitsap County staff may be useful for County residents submitting future forest practices applications or timber harvest permits.

Second, the classification of "forest land" can be confusing due to multiple definitions. Since the amended code does not define "commercial", but adds it to the definition of forest land in KCC 18.16.030(15), WFPA suggests that to minimize ambiguity about what types of forest activities are subject to County regulation, Kitsap County DCD either cross reference the definition in RCW 76.09.020(15) or provide its own definition. Currently, the amended code states forest land is "defined in 76.09.020", but then uses only part of the statutory definition and modifies the remainder.

Third, the amended code deletes the definition of a "timber harvest permit" from KCC 18.16.030(25), but continues to use the term throughout the remainder of the code. *See, e.g.* KCC 18.16.040 ("All timber harvest permits shall comply with this chapter."); 18.16.060 ("A timber harvest permit shall be

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[1] https://www.kitsapgov.com/dcd/Documents/FACT%20SHEET%20DNR%20ToJ%2001242019.pdf (last visited February 25, 2019).

[2] "Class IV: Forest practices other than those contained in Class I or II:
(a) On forestlands that are being converted to another use;
(b) On lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development;
(c) That involve timber harvesting or road construction on forestlands that are contained within 'urban growth areas,' designated pursuant to chapter 36.70A RCW, except where the forest landowner provides [documentation that there is not intent to convert for 10 years or an approved conversion option harvest plan]; and/or
(d) Which have a potential for a substantial impact on the environment and therefore require an evaluation ..." under SEPA.

[3] https://www.dnr.wa.gov/sflo (last visited February 25, 2019).

required for applications involving Class IV general forest practices on land proposed for conversion to a use other than commercial timber production"); 18.16.100 (Contents of "timber harvest application or conversion option harvest plan"). To avoid ambiguity, particularly where there are multiple permits available for forest practices, Kitsap County DCD should consider defining "timber harvest permit" as its own permit issued for Class IV-general conversion forest practices, keep its separate definition for a "conversion option harvest plan", and amend its definition for "forest practices application" as Class I, II, III, or IV-special permits submitted to and issued by DNR. KCC 18.16.030(6), (17); *see also* 18.16.080 (application for timber harvest permit), 18.16.090 (application for COHP). If Kitsap County DCD chooses to define these terms, it should then ensure that their use in the code is consistent with its intent, as the prior version of "timber harvest permit" did not include County jurisdiction over Class IV-general conversion forest practices.

WFPA appreciates the opportunity to comment on Kitsap County DCD's proposed amendments. Please feel free to contact me at (360) 352-1500 if I can assist in any way.

Sincerely,

Martha Wehling
Forest and Environmental Policy Counsel

Attachment B

KCC Chapter 18.16 Timber Harvest
and Section 21.04.210 Notice of Application
Code Change Discussion Points

Notes on use of this document
The second column of the table below describes changes to proposed to code that the reader may consider significant or otherwise not minor.
Minor changes are not discussed and include refreshing the section table of contents, correcting references to Kitsap County Code (KCC) and programs, Revised Code of Washington or Washington Administrative Code (RCW, WAC), and correcting grammar or punctuation.
Text that is highlighted reflects additional changes that have been asked for consideration by the public.

Chapter 18.16 Timber Harvest

Sections:

18.16.010 Title.
The ordinance codified in this chapter shall be known as the "Timber Harvest Ordinance."

18.16.020 Purpose.
The purpose of this chapter is to identify and mitigate, minimize or eliminate potential impacts from timber harvest and associated forest accesses (which includes but is not limited to improved and unimproved rights-of-ways, access easements or driveways that are on or are used to access land to be cleared) on drainage courses and critical areas. Orderly development and protection of critical areas directly concern the public's health, safety and welfare. Pursuant to RCW 76.09.~~0~~240 and WAC 222-20-040, Kitsap County has limited authority to regulate Class IV forest practices and this chapter is an exercise of that authority. These regulations establish procedures for review of conversion forest practices application(s), conversion option harvest plan and lifting of permit moratoria.

This chapter implements WAC 222-20-040(3) relating to conversion forest practices and is not intended as a separate Forest Practice permit system. This chapter does not affect Class I, II, ~~or~~ III, or Class IV-Special forest practices as defined in the Forest Practices Act, Chapter 76.09 RCW and WAC 222 rules. Conditions of issuance of timber harvest permit pursuant to this chapter are intended to be conditions on the forest practices application to the Washington State Department of Natural Resources when that department issues a forest practices application pursuant to WAC 222-020-040. Issuance of a timber harvest permit does not grant authority to begin any forest practice as defined in Chapter 76.09 RCW, as such authority is statutorily vested in the Department of Natural Resources.

This chapter implements WAC 222-20-051~~0~~ relating to conversion option harvest plans and RCW 76.09.060 relating to the six-year permit moratorium.

This section shows WAC 222-20-051 and describes conversion option requirements.

1. For Class II, III, and IV-special forest practices, if a landowner wishes to maintain the option to convert forest land to a use other than commercial timber operations, the landowner may request that the appropriate local governmental entity approve a conversion

option harvest plan. 2. If a local governmental entity approves a plan, the landowner must attach it to the forest practices application or notification. 3. The plan will be a condition of the approved application or notification. 4. Violation of the plan shall result in the development prohibitions or the conditions described in RCW 76.09.460. 5. Reforestation requirements will not be waived regardless of the existence of a conversion option harvest plan.	
This chapter will be supplemented with a memorandum of agreement between the Department of Natural Resources and Kitsap County.	*Placeholder for updated Memorandum of Agreement (MOA)*

18.16.030 Definitions.

For the purpose of this chapter, unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

1. "Applicant" means the person, party, firm, corporation or legal entity that proposes a timber harvest of property in Kitsap County or agent thereof.

2. "Board" means the legislative authority of Kitsap County.

3. "Buffer" means a strip of land that provides visual screening, and/or protection of critical areas by preserving existing natural vegetation to the greatest extent possible.

4. "Comprehensive Plan" means the current Comprehensive Plan of Kitsap County approved by the board pursuant to state law.

5. Conversion. "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use that is incompatible with timber growing.

6. "Conversion option harvest plan" means a plan for landowners who want to harvest their land but wish to maintain the option for conversion pursuant to WAC 222-20-05~~0~~1.

7. "County" means Kitsap County.

8. Critical Areas. Pursuant to the Critical Areas Ordinance (Title 19 of this code), and as hereafter amended, "critical areas" include the following areas and ecosystems:

(a) Wetlands;

(b) Critical Aquifer Recharge Areas: Areas with a critical recharging effect on aquifers used for potable water;

(c) Fish and wildlife habitat conservation areas;

(d) Frequently flooded areas; and

(e) Geologically hazardous areas.

9. "Critical areas buffer" means an area of protection around a critical area.

10. Danger Trees. Pursuant to the Critical Areas Ordinance (Title 19 of this code), and as hereafter amended, "danger trees" means any tree of any height, dead or alive, that presents a hazard to the public because of rot, root system or limb damage, lean or any other observable condition created by natural process or man-made activity consistent with WAC 296-54-505. ~~529(290).~~

11. "Department" means the Kitsap County Ddepartment of Ccommunity Ddevelopment or DCD.

12. "Director" means the director of the county's Ddepartment of Ccommunity Ddevelopment or an assigned designee.

13. "Engineer" means the county's engineer.

14. Essential Public Facilities. An "essential public facility" ("EPF") may be any facility which provides a public service as its primary mission; the facility may be owned or operated by a unit of local or state government or by a privately-owned entity. EPF's include, but are not limited to, the following examples: state education facilities; publicly supported education facilities; state or regional transportation facilities; prisons, jails and other correctional facilities; solid waste handling facilities; airports; in-patient facilities (including substance abuse and mental health institutions and group homes); and communications towers and antennas used exclusively for governmental purposes.

15. "Forest land," as defined in RCW 76.09.020(15), shall mean all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with commercial timber growing. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small

forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

16. "Forest practice" means any activity conducted on or directly pertaining to forestland and relating to growing, harvesting or processing timber, including but not limited to:

(a) Road and trail construction and maintenance;

(b) Harvesting, final and intermediate;

(c) Precommercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

17. "Forest practices application" means the application required to be submitted to the Washington State Department of Natural Resources (DNR) for the harvest of forest products.

18. "Hearing examiner" means a person appointed to hear or review certain land use applications and appeals pursuant to Title 21 of this code, the Land Use and Development Procedures Ordinance.

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

20. "Owner" means any person or persons having

a legal or equitable property right or interest, whether it be legal or equitable in character, including a fee owner, contract purchaser or seller, mortgagor or mortgagee, option or optionee, and beneficiary or grantor of a trust and deed of trust. 21. "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions. 22. "Primary Development" Primary development shall include: (a) All short plats, large lots, long plats; (b) Site plan review; (c) Planned unit developments or performance-based development; (d) Shoreline development permits; (e) Unclassified use permits; and (f) Conditional use permits. 23. "Shoreline Management Program" means RCW 90.58.030, the Shoreline Management Act, and the Kitsap County Shoreline Management Master Program. 24. "Timber harvest" means the activity pertaining to the cutting and/or removal of forest product, but shall not include fertilization, prevention and suppression of diseases and insects and brush control. 25. "Timber harvest permit" shall apply to those harvest activities which result in greater than 5000 board feet of merchantable timber. ~~Class IV general forest practices on land which is proposed for conversion to a use other than commercial timber production or land which has been platted after January 1, 1960, as set forth in RCW 76.90.050.~~ 26. "Vegetation" means all the plants or plant life on a specific parcel.	RCW 76.90.050 no longer references land which has been platted after Jan 1, 1960.

18.16.040 Compliance required.
All timber harvest permits shall comply with this chapter.

18.16.050 Exclusions.
This chapter shall not apply to timber harvest operations, other than Class IV general forest practices on land proposed for conversion to a use other than commercial timber production ~~or land, which has been platted after January l, 1960, as, set forth in RCW 76.90.050~~.

18.16.060 Permit required.
A timber harvest permit shall be required for applications involving Class IV general forest practices on land proposed for conversion to a use other than commercial timber production ~~or land, which has been platted after January 1, 1960, as, set forth in RCW 76.90.050 and WAC 222-20-010~~.

18.16.070 Standards.
The following standards shall apply to land being converted to a non-forestry use, except where these standards conflict with the provisions of an approved primary development, in which case the primary development requirements will take precedence:

(a) Compliance with any other applicable Kitsap County Ordinances.

(b) In the event that thinning or topping in a buffer area is necessary the director may require replanting of the buffer area.

(c) Required erosion control measures shall be implemented and maintained to the current Kitsap County silt and erosion control policies.

(d) When a project is phased, the timber harvest may also be phased.

(e) It is the applicant's responsibility to arrange for on-site inspection of the project as may be outlined in the conditions of the timber harvest permit.

18.16.080 Application for timber harvest permit. ~~(a) All timber harvest applications shall be made to the Kitsap County department of community development prior to submittal of the forest practices application to the Department of Natural Resources.~~ ~~(b) All timber harvest applications shall declare the type, scale and schedule of future development plans. If primary development approval is required, a timber harvest permit will not be granted until the primary development application is approved by the county~~ (a) Applications for a Kitsap County Conversion Option Harvest Plan (COHP) timber harvest permit shall be made to DCD. Review of the application and a field visit will be conducted by DCD staff, staff from affected Indian Tribes, and representatives from stage agencies including, but not limited to, DNR, and DFW. After completion of any	This section has been rewritten to speak to the different timber harvest permit types: Conversion Options, Conversions, and Danger Trees.

corrective actions on the application through review and approval procedures, DCD shall provide an approval letter to DNR prior to submittal of the forest practices application. (b) Applications for a timber harvest conversion permit shall be submitted to DCD and processed according to Kitsap County code. When DNR receives an application for a conversion permit, they shall send the applicant to DCD for permit assistance and processing. (c) Danger tree harvest applications are processed under a Kitsap County Site Evaluation permit. The permit specifies a building safety tree removal within ~~of~~ a "tree-length and a half" around a permanent structure (or a planned single-family residence). Removal of trees within critical areas or associated buffers must demonstrate compliance with KCC Title 19 Critical Areas and Title 22 Shoreline Master Program, or otherwise follow the guidelines for tree removal within KCC Titles 19 and 22. (d) All timber harvest applications shall declare the type, scale and schedule of known future development plans. If primary development approval is required, a timber harvest permit will not be granted until the primary development permit is issued by the department. (e) Areas of forest practice permit applications that may contain cultural resources to affected Indian tribes shall be subject to the notification and review provisions of WAC 222-20-120.	

18.16.090 Application for conversion option harvest plan.

(a) The purpose of the conversion option harvest plan is to allow limited selective logging prior to final primary development approval. Each conversion option harvest plan shall be reviewed by the director on an individual basis.

(b) A conversion option harvest plan shall be submitted to the Kitsap County department of community development pursuant to WAC 222-20-0510~~0~~ prior to application for primary development and/or timber harvest activities on the project site.

(c) Application for approval of a conversion option plan shall be ~~reduced to a written contract between Kitsap County and the applicant. that shall be recorded with the Kitsap County auditor~~initiated by a property owner or his authorized agent by filing an application with DCD. Applications for a variance shall be consistent with the review authority table found in Section 21.04.100 and WAC 222-20-040. Applications shall initiate site visits with DCD staff, staff from affected Indian Tribes, and representatives from stage agencies including, but not limited to, DNR, and DFW. Site visits will assist in in understanding input on issues including, but not limited to, surrounding riparian functions, fish and wildlife, unstable slopes, water typing, cultural resource protections, and mitigation.

(d) The conversion option harvest plan shall expire upon expiration of the forest practices application/notification.

18.16.100 Contents of an application. A timber harvest application or conversion option harvest plan shall contain information required by the submittal requirements checklist established by the DCD as set forth in Section 21.04.160.~~the following:~~ ~~a) Name, address and telephone number of the owner of record of the real property;~~ ~~(b) A legal description of the real property to be divided;~~ ~~(c) Two copies of the map of proposed timber harvest area as described in Section 18.16.110;~~ ~~(d) The signature of the owner of record of the real property;~~ ~~(e) Assessor's account number;~~ ~~(f) A statement declaring the type and scale and schedule of future development plans;~~ ~~(g) An environmental checklist; and~~ ~~(h) A completed Department of Natural Resources~~	KCC Title 18 *Environment* is subject to KCC Title 21 *Land Use and Development*, and modifications are needed: This section and the section below (.110) are being changed (or removed) in favor of outlining application requirements via DCD policy as referred to in KCC Title *21 Land Use and Development Procedures* and specifically referenced in KCC Section 21.04.160 *Contents of Application*. Removing specific application requirements from development code gives DCD the agility to require certain application features deemed necessary and to remove certain application requirements when they are not necessary or are

~~forest practices application.~~ (Ord. 150-A (2000) § 10, 2000) **~~18.16.110 Map of proposed timber harvest.~~** ~~The map of the proposed timber harvest or conversion option harvest plan shall contain the following:~~ ~~(a) Map drawn to scale no less than one inch to two hundred feet, which scale shall be shown on the drawing;~~ ~~(b) The map shall show areas to be cut, buffers, drainage ways and culverts;~~ ~~(c) A temporary silt and erosion control plan and any other proposed mitigation efforts;~~ ~~(d) North point;~~ ~~(e) The approximate location of structures;~~ ~~(f) The location of all existing and proposed streets, right-of-way, easements, skid roads, haul roads and landings within the proposal and, where possible, labeling each of the foregoing by width; and~~ ~~(g) The approximate location of any lakes, ponds, wetlands, streams, creeks, shorelines, marshes, and slopes approximately thirty percent or greater.~~	burdensome—without having to go through a code change process.

18.16.120 Application fee.

All applications for permits or actions by the county shall be accompanied by a filing fee in an amount established by county resolution, per KCC 21.10.010.

~~An application fee per the Kitsap County Development Permit Fee Schedule (Section 21.06.100) shall be submitted to the department of community development.~~

~~18.16.130 Review by director.~~ ~~(a) The director shall consider the following to assure the application meets the guideline of WAC 222-20-040:~~ ~~(1) Zoning, Title 17 Kitsap County Code;~~ ~~(2) Comprehensive Plan and subarea plans;~~ ~~(3) Shoreline Management Master Program, Title 22 Kitsap County Code;~~ ~~(4) Flood Hazard Areas, Title 15 Kitsap County Code;~~ ~~(5) Environment, Title 18 Kitsap County Code;~~ ~~(6) Critical Areas Ordinance, Title 19 Kitsap County Code;~~ ~~(7) Storm Water Drainage, Title 12 Kitsap County Code;~~ ~~(8) Construction of Approaches to County Roads, Chapter 11.24 Kitsap County Code;~~ ~~(9) Location and design of roads;~~ ~~(10) Other applicable ordinances and regulations.~~ ~~(b) The director shall determine if the application conforms to the requirements of this chapter.~~ ~~(c) If the director approves of the timber harvest permit or conversion option harvest plan, he or she shall signify his or her approval by providing a letter to the owner within thirty calendar days of the application submittal.~~ ~~(d) If the director disapproves or finds the application incomplete, he or she shall provide a written explanation thereof within 30 calendar days of the application submittal to the owner.~~	This section, like earlier existing sections, speaks to requirements that are outlined in KCC Chapter 21.04 *Land Use and Development Procedures; Project Permit Application Procedures* and specifically KCC 21.04.020 *Applicability*. Since permit applications of KCC Title 18 *Environment* are subject to Title 21, this language is not needed here.

18.16.140 Tax Reporting. All County timber harvest permit applications, including danger tree permit applications, shall include forest excise tax reporting requirements and reference requirements for the landowner or timber owner to contact the Washington State Department of Revenue to obtain a Forest Tax Reporting Account number at 1-800-548-8829.~~(Repealed)* * **Editor's Note:** Former Section 18.16.140, "Review by engineer," was repealed by Section 13 of Ord. 290 (2002). This section was originally derived from Ord. 150-A (2000) § 14.~~	Upon adoption, the applicant shall be responsible for tax reporting, and this requirement is reflected here.
18.16.150 Timber harvest permit approval expiration. Approval shall be valid for two years following approval and shall expire thereafter.	
18.16.160 Appeal. Any person wishing to appeal the granting, denial or conditions of approved timber harvest permit or conversion option harvest plan shall follow the appeal procedure for a departmental ruling as set forth in ~~the~~KCC Chapter 21.04 Project Permit Application Procedures ~~Land Use and Development and Procedures Ordinance (Title 21 of this code)~~ and subsequent amendments.	
18.16.170 Amendment to approved timber harvest permit. A timber harvest permit, which has been approved, may be amended by the applicant. The contents and procedure for an amended application shall be the same as Sections 18.16.080, 18.16.090 and 18.16.100. The application fee shall be per the Kitsap County Development Permit Fee Schedule (Section 21.10.010~~.06.100)~~. Amended applications shall be forwarded to DNR~~the Department of Natural Resources~~ on approval, if applicable.	
~~**18.16.175 Forestry in Rural Wooded Incentive Program development.**~~ ~~Forestry activities in the Wooded Reserve and Permanent Open Space tracts of a Rural Wooded Incentive Program development shall be reviewed by the Department for consistency with Washington State Department of Natural Resources timber harvest standards. Forestry activities within these tracts will not be considered Class IV general applications for conversion~~.	The Rural Wooded Incentive Program was eliminated in 2010.
18.16.180 Lifting of forest practices six-year development moratorium. The purpose of this section is to provide criteria and a process for lifting a forest practices six-year development moratorium under certain circumstances. It establishes a public notification process, with criteria and standards by	

which ~~the board of county commissioners may lift~~ a six-year development moratorium may be lifted. A. Process for Lifting a Forest Practices Six-Year Development Moratorium. Any person who intends to convert property which has been logged pursuant to a Class II, III or IV special non-conversion forest practices application or notification, or without any such application or notification, from forestry use to another use, shall notify the director in writing of such an intent. Upon receipt of a written intention for conversion of a non-conversion forest practices application/notification, the director shall insure that the property owner causes notice of intention thereof to be published at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the area in which the property is located. In addition, the director shall insure that the property owner provides additional notice of such intention by the following methods: (1) Mailing to the latest recorded real property owners as shown by the county assessor within eight~~at least four~~ hundred feet of the boundary of the property upon which the conversion is proposed. If the applicant owns property adjoining or across a right-of-way or easement from the property that is the subject of the request, notice shall be mailed to owners of property within an eight~~four~~ hundred-foot radius, as provided in this subsection, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the request. (2) Posting in a conspicuous manner on the property upon which the conversion is requested. An affidavit that the notice has been properly published, the property posted, and notice letters deposited in the U.S. Mail pursuant to this section shall be affixed to the request. Such notices shall include a statement that within fifteen days of the final publication, any interested person may submit his or her written views upon the conversion request to the director or to notify the director of his or her desire to receive a copy of the action taken upon the	An 800 ft notification radius is the standard for all permit notifications in DCD.

request. All persons who notify the director of their desire to receive a copy of the final order shall be notified in a timely manner of the action taken upon request. Notice of a hearing shall include a statement that any person may submit oral or written comments on an application at such hearing. All notices of conversion request shall be submitted on the county-approved notice application form and be approved by the director prior to publication.	
The director shall review the request for conversion, any comments received, applicable code, including~~standards of Sections 18.16.130, 18.16.140 and~~ subsection (B) of this section, and inspect the property prior to setting a public hearing before the Hearing Examiner ~~board of county commissioners~~. At least seven days before the date of the first hearing on the request for conversion the director shall issue a written staff report and recommendation. The director shall make a copy of the staff report available to the public for review and inspection, mail a copy of the consolidated report and recommendation to the review authority, and mail or provide copies to other parties who request it.	The policy recommendation by DCD is for the (quasi-judicial) Hearing Examiner to make recommendations on lifting six-year development moratoria, subject to conditions of this section.
B. Criteria. The Hearing Examiner~~board of county commissioners~~ may lift a six-year development moratorium only upon finding that each of the following criteria has been met: (1) Lifting the moratorium will not be detrimental to the public health, safety, and general welfare. (2) Lifting the moratorium will not be injurious to the property or improvements adjacent to and in the vicinity of the proposal. (3) Lifting the moratorium will be neutral or more beneficial as to environmental effects. (4) Lifting the moratorium is consistent with the goals, objectives and policies of the Kitsap County Comprehensive Plan. (5) One of the following has occurred: (a) The site has been designated for an essential public facility as defined in this chapter	

or has been designated as a public facility on the Comprehensive Plan Map; or

(b) Is a capital facility of the state or its political subdivision necessary for the protection of a natural resource; or

(c) The landowner has provided evidence that a theft of timber or a fraudulent forest practice application has been submitted without his or her knowledge or consent.

(6) The logging activities conducted on the site complied with requirements of the Forest Practices Act, including but not limited to replanting requirements. When applicable, a notification shall be provided by DNR that all outstanding final orders or decisions on any forest practice application have been resolved.

(7) Lifting of the moratorium would meet County review requirements of this chapter and KCC Chapter 21.04~~Sections 18.16.130 and 18.16.140~~ or could be mitigated to do so.

(8) There has been no intentional circumvention of the requirements of this chapter (timber harvest) rendering the property ineligible for lifting a moratorium for its entire term.

C. Performance Requirements. The lifting of the six-year moratorium shall be conditioned upon compliance with the following requirements:

(1) All corrective actions necessary to bring the site into compliance with ~~Sections 18.16.130 and 18.16.140~~Kitsap County Code must be completed or adequately bonded prior to final land use, grading or site development, and/or building permit approval.

(2) Where forest practice activity has encroached upon or damaged, removed or altered buffers, critical areas or critical areas buffers, ~~the board shall require~~ mitigation, enhancement, or increased buffers as necessary for compliance with current Kitsap County land use ordinances shall be required.

(3) Where applicable, the State Environmental Policy Act (SEPA) determination and any associated conditions. (4) Provision of any performance bonds for mitigation measures not completed. (45) Lifting of the development moratorium is valid only for the specific land use proposed and that land use is subject to the applicable implementing regulations of the Comprehensive Plan.	

18.16.190 Enforcement. (a) The director is authorized to enforce this chapter and to authorize county employees to represent the department to investigate suspected violations of this chapter, issue orders to correct violations and issue notices of infractions. (b) Kitsap County Civil Enforcement Ordinance (Chapter 2.116 of this code), and as hereafter amended, applies to violations of this chapter. Any person, firm or corporation who fails to obtain a timber harvest permit when required to do so under this ordinance, or who violates any condition of a timber harvest permit shall have committed a Class I civil infraction. Each and every day or portion thereof during which harvesting that occurs without a timber harvest permit shall constitute a separate infraction. Each and every day or portion thereof during which a violation of a condition of a timber harvest permit is committed, continued or permitted, shall constitute a separate violation. (c) Code Compliance and Project Permit Application Review Suspension. If an open and active code compliance case exists on a parcel, and a proposed permit application is submitted for that parcel which may, in the department's interpretation, impact or be impacted by the code compliance case, the permit application may be suspended until the resolution of the code compliance case.	This language mirrors language in KCC 21.04.020 *Land Use and Development Procedures; Applicability,* and gives the County leverage on new permit applications when there are relevant code compliance concerns on site.
18.16.200 Construction. This chapter shall be liberally interpreted and construed to secure the public health, safety, morals and welfare and the rule of strict construction shall have no application.	

Section 21.04.210 Notice of Application

21.04.210 Notice of application. A. Timing. Within fourteen days of issuing a letter of completeness under Section 21.04.200, the county shall issue a notice of application for Type II, III and IV applications that are not exempt under subsection (D) of this section. In cases where an open public record hearing will be held, the notice of application and SEPA threshold determination shall be issued at least fifteen days prior to the date of the hearing. B. Content. The notice shall be dated and shall include, but not be limited to, the following information: 1. The case file number(s), the date of application(s), the date the application(s) was deemed complete; 2. A description of the proposal with a list of any project permit requests included with the application(s) and, if applicable, a list of any further studies required by the review authority; 3. A notice of the proposed date, time, place, and type of hearing, if applicable; 4. Identification of other necessary permits not included in the application, to the extent known by department staff; 5. Identification of existing environmental documents evaluating the proposal and the location where the documents can be reviewed; 6. A statement describing the public's rights to provide comment and to request a copy of the decision, the deadline for submitting written comments, and notice of public hearing participation and appeal rights regarding the application; 7. If a SEPA threshold determination has been made, a statement of the preliminary determination of what development regulations will be used for project mitigation and consistency under RCW 36.70B.040 and	

that the SEPA review document will be available for inspection at no cost at least fifteen days before a Type II administrative decision or Type III public hearing;

8. A SEPA threshold determination and/or a scoping notice may be issued with a notice of application; provided, that a final threshold determination of nonsignificance or mitigated determination of nonsignificance may not be issued until after the expiration of the public comment period on the notice of application when the optional DNS process (WAC 197-11-355 and Section 18.04.120) is utilized;

9. A statement that a consolidated staff report will be available for inspection at no cost at least three business days before a Type II administrative decision and seven days before a Type III public hearing;

10. The name of the applicant or applicant's representative and the name and address of the contact person for the applicant, if any;

11. A description of the site which is reasonably sufficient to inform the reader of its location, current zoning designation and the nearest road intersections;

12. The date, place and times where information about the application may be examined and the name and telephone number of the department representative to contact about the application;

13. The designation of the review authority, and a statement that the hearing will be conducted in accordance with adopted rules of procedure; and

14. Any additional information determined appropriate by the review authority.

C. Distribution.

1. Mailing. The director shall mail a copy of notices of application and hearings, or a summary postcard as provided in this section, to:

a. The applicant and the applicant's representative, except that electronic mailing may

be used.

b. For Type III and IV applications only, any citizen advisory committee/council known to the review authority and in whose area the property in question is situated.

c. Owners of property within a radius of eight hundred feet of the property which is the subject of the application. The department shall use the records of the Kitsap County assessor's office for determining the address of all of the owner(s) of record within the appropriate radius.

i. The failure of a property owner to receive notice shall not affect the decision if the notice was sent in accordance with this subsection. A certificate or affidavit of mailing shall be evidence that notice was properly mailed to parties listed or referenced in the certificate.

ii. If the applicant also owns property adjoining or across a right-of-way or easement from the property that is the subject of the application, notice shall be mailed to owners of property within the radius, as provided in this subsection, of the edge of the property owned by the applicant adjoining or across a right-of-way or easement from the property that is the subject of the application.

d. County departments, agencies with jurisdiction, including tribal governments, and the Department of the Navy of the United States.

e. Shoreline property owners, for in-water project permit applications. When the department determines that a proposed in-water project may have impacts on areas within one mile of the proposed project site, the department may expand the notification radius in its sole discretion. In addition, the department shall use a mailing area extending eight hundred feet in both directions from the project site along the ordinary high water mark of the project site. The department shall use the records of the Kitsap County assessor's office

for determining the address of all of the owner(s) of record within the appropriate radius. f. Other persons who request such notice in writing. 2. Publication. For Type III review, the department shall publish in a newspaper of general circulation a summary of the notice, including the date, time and place of the proposed hearing, the nature and location of the proposal and instructions for obtaining further information. 3. Posting. For Type III review, at least fifteen days before the hearing, the department or the applicant shall place a notice sign(s) on the property which can be clearly seen and readily readable from each right-of-way providing primary vehicular access to the subject property. Signs shall provide contact information. Corner lots shall use one two-sided sign placed diagonally to the corner to be visible from both streets. Signs shall be located to not interfere with vehicular line of sight distance. The applicant shall remove and properly dispose of the notices within seven days after the hearing. a. The sign shall state the date, time, and place of the hearing; the nature and location of the proposal; and instructions for obtaining further information. b. At least two days before the hearing, the person responsible for posting the sign shall execute and submit an affidavit to the review authority certifying where and when the sign notices were posted. 4. For notices that are required to be mailed pursuant to this chapter, the department may substitute a postcard notification that includes a short summary of information and provides the recipient with instructions regarding obtaining complete notice either electronically or in person.	
D. Forest Practices permits. All applications for forest practice permits shall be subject to noticing	The proposed change to this section is supportive of comments from the public about

requirements of this section. Further, forest practice permit applications for areas that may contain cultural resources to affected Indian tribes shall be subject to the notification and review provisions of WAC 222-20-120. E~~D~~. Exemptions. A notice of application may be issued, but shall not be required, for project permits that are categorically exempt under Chapter 43.21C RCW, unless a public comment period or an open record pre-decision hearing is required or an open record appeal hearing is allowed on the project permit decision. A notice of application is also not required for Type II site development activity permits where notice was already given under a previously issued land use or commercial permit. F~~E~~. Continuations. If for any reason a commenced hearing on a pending project permit application action cannot be completed on the date set in the public notice, the hearing may be continued to a date certain and no further notice under this section is required.	permit activity awareness, and DAHP's request that WAC be included which addresses DNR's role in areas where there may be Tribal cultural resources.