



**LINCOLN COUNTY**  
**TIMBER AND FOREST PRACTICES**  
**ORDINANCE**

**Adopted by Resolution No. \_\_\_\_\_ April 5, 1999**

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## **CHAPTER 8.02**

### **GENERAL PROVISIONS**

#### **SECTIONS:**

#### **8.02.010 Authority**

#### **8.02.020 Purpose**

#### **8.02.010 Authority**

Chapter 76.09 of the Revised Code of Washington provides the authority and the requirements for County involvement in State Forest Practice activities.

#### **8.02.020 Purpose**

The purpose of this title is to attempt to assist and serve the property owners of Lincoln County in dealing with the State requirements and regulations associated with private timber harvest and forest management within the limits and constraints imposed by the legislature of the State of Washington.

## **CHAPTER 8.04**

### **WAIVING OR LIFTING THE SIX-YEAR MORATORIUM**

#### **SECTIONS:**

#### **8.04.010 Purpose**

#### **8.04.020 Single Family Residence – Administrative Process**

#### **8.04.030 Public Process**

#### **8.04.010 Purpose**

The purpose of this chapter is to provide a public process and an administrative process for the lifting of the mandatory six-year moratorium imposed pursuant to RCW Chapter 76.09.

#### **8.04.020 Single Family Residence – Administrative Process**

- A. The Director of the Planning Department, or his/her designee, may lift or waive the six-year moratorium imposed pursuant to RCW Chapter 76.09 for the purpose of allowing an applicant to construct a single-family residence or outbuildings, or both, on a legal lot and building site, subject to the applicant's compliance with all local regulations, ordinances, and/or resolutions.
- B. The procedure for administrative lifting or waiving of the six-year moratorium is as follows:
  1. The current property owner(s) must complete and sign an application on the form provided for such purpose by the Lincoln County Planning Department.
  2. The non-refundable fee, established by the Board of County Commissioners for processing the application, must be paid at the time of submittal for review.
  3. If no timber harvesting or removal of vegetation, except that authorized by the original Forest Practices cutting permit and/or the County, has occurred within fifty (50) feet of any Type 1, 2, or 3 stream as defined in WAC 222-16-030 or within twenty-five (25) feet of the ordinary high-water mark of any Type 4 or 5 stream within the past six years, as determined by the County with the assistance of the State of Washington Department of Natural Resources or the Department of Fish and Wildlife, then the application shall be approved with the following conditions:
    - a. If the proposed location for any structure(s) is within the jurisdiction of the Lincoln County Shoreline Master Program, setbacks and other requirements shall be applied as specified in the master program. If the proposed location is not within the jurisdiction of the shoreline master program, no residence or outbuilding is permitted within fifty (50) feet of the ordinary high-water mark of

any Type 1, 2, or 3 stream as defined in WAC 222-16-030 or within twenty-five (25) feet of the ordinary high-water mark of any Type 4 or 5 stream. **Provided**, these setback requirements may be adjusted by the County based on the unique site characteristics of a proposed location and upon such terms and conditions as the County may require to protect or minimize degradation to fish and/or wildlife habitat.

- b. A minimum fifty (50) foot vegetative buffer shall be retained on each side of any Type 1, 2, or 3 stream as defined in WAC 222-16-030. A minimum twenty-five (25) foot vegetative buffer shall be retained on each side of Type 4 and 5 bodies of water. No timber harvesting or removal of trees or vegetation is permitted within the buffer area, except as may be selectively authorized by the County, after review of the recommendation(s) of the Washington State Department of Fish and Wildlife.
4. If the County determines that timber harvesting or removal of trees or vegetation, except that authorized by the original Forest Practices cutting permit and/or the County, has occurred within fifty (50) feet of any Type 1, 2, or 3 stream or within twenty-five (25) feet of any Type 4 or 5 stream within the past six years, then the applicant shall be required to replant or restore vegetation within the buffer strip to the satisfaction of the County, after review of the recommendation(s) of the Washington State Department of Fish and Wildlife.
- C. The Planning Director, or his/her designee, may issue a permit lifting or waiving the six-year moratorium upon review of the application and subject to the provisions of this chapter. The permit shall include any applicable conditions of approval. Failure to comply with any conditions of approval shall result in rescission of the permit and reinstatement of the moratorium for a total of six years.
- D. The decision on waiving or lifting the six-year moratorium may be appealed subject to the provisions of Lincoln County Zoning Code.

#### **8.04.030 Public Process**

- A. The six-year moratorium imposed pursuant to the provisions of Chapter 76.09, Revised Code of Washington, may be lifted as follows:
  1. The current property owner(s) must complete and sign appropriate applications on forms provided for such purpose by the County.
  2. The non-refundable fee, established by the Board of County Commissioners for processing the application, must be paid at the time of submittal for review.
  3. The County shall consolidate the application for lifting the moratorium with any other proposed development applications that are subject to the procedures specified in the Lincoln County Zoning Code, Local Project Review. A decision on the lifting of the moratorium shall be included in the Final Decision issued pursuant to the Lincoln County Zoning Code.

4. If no other application for proposed development is pending or consolidation is not a feasible option, as determined by the County, the procedure for processing the application for lifting the six-year moratorium shall be subject to the Full Administrative Review procedures specified in the Lincoln County Zoning Code.
  5. If no timber harvesting or removal of vegetation, except that authorized by the original Forest Practices cutting permit and/or the County, has occurred within fifty (50) feet of any Type 1, 2, or 3 stream or within twenty-five (25) feet of any Type 4 or 5 stream within the past six years, as determined by the Planning Department with the assistance of the State of Washington Department of Natural Resources or the Department of Fish and Wildlife, then the application shall be approved with the following conditions:
    - a. Lifting the six-year moratorium shall be subject to State Environmental Policy Act (SEPA) (RCW 43.21C) and SEPA Rules (Chapter 197-11WAC) compliance; which requires a public hearing with the County Board of Commissioners.
    - b. If the proposed location for any structure(s) is within the jurisdiction of the Lincoln County Shoreline Master Program, setbacks and other requirements shall be applied as specified in the master program. If the proposed location is not within the jurisdiction of the shoreline master program, no residence or outbuilding is permitted within fifty (50) feet of the ordinary high-water mark of any Type 1, 2, or 3 stream as defined in WAC 222-16-030 or within twenty-five (25) feet of the ordinary high-water mark of any Type 4 or 5 streams. **Provided**, these setback requirements may be adjusted by the County based on the unique site characteristics of a proposed location and upon such terms and conditions as the County may require to protect or minimize degradation to fish and/or wildlife habitat;
    - c. A minimum fifty (50) foot vegetative buffer shall be retained on each side of any Type 1, 2, or 3 stream as defined in WAC 222-16-030. A minimum twenty-five (25) foot vegetative buffer shall be retained on each side of Type 4 and 5 bodies of water. No timber harvesting or removal of trees or vegetation is permitted within the buffer area, except as may be selectively authorized by the County, after review of the recommendation(s) of the Washington State Department of Fish and Wildlife; and
    - d. Road building activities and design, including those associated with either short or long division of land, must be constructed to provide adequate ingress and egress for residential and emergency vehicles and shall be done in such a manner as to minimize erosion and in such a manner as to not cause degradation of any body of water, including adjacent biological wetlands.
- B. If the County determines that timber harvesting or removal of vegetation, except that authorized by the original Forest Practices cutting permit and/or the County, has occurred within fifty (50) feet of any Type 1, 2, or 3 stream or within twenty-five (25) feet of any Type 4 or 5 stream within the past six years, then the applicant shall be required to

replant or restore vegetation within the buffer area to the satisfaction of the County, after the review of the recommendation(s) of the Washington State Department of Fish and Wildlife.

- C. Upon the completion of the applicable public process, the review of the complete record, and in light of the provisions of this chapter, the decision-making body or entity shall approve or deny the application. If approved, the County shall issue a permit lifting or waiving the six-year moratorium. The permit shall include all applicable conditions of approval. Failure to comply with any condition of approval shall result in rescission of the permit and reinstatement of the moratorium for a total of six years.
- D. The decision on waiving or lifting the six-year moratorium may be appealed subject to the provisions of the Lincoln County Zoning Code.

## **CHAPTER 8.06**

### **CONVERSION OPTION HARVEST PLAN**

#### **SECTIONS:**

#### **8.06.010 Purpose**

#### **8.06.020 Application Process**

#### **8.06.030 Review of Conditions**

#### **8.06.010 Purpose**

The purpose of the Conversion Option Harvest Plan (COHP) is to allow limited selective logging prior to development commitment and to provide a process through which a landowner is able to avoid the mandatory six-year moratorium imposed pursuant to Chapter 76.09 Revised Code of Washington by entering into a voluntary agreement with the County for development of the property upon such terms and conditions as may be required by the County.

#### **8.06.020 Application Process**

1. A completed application for a Conversion Option Harvest Plan must be submitted to the County on the form provided for such purpose and shall be signed by the current property owner(s).
2. The non-refundable fee, established by the Board of County Commissioners for processing the application, must be paid at the time of submittal for review.

#### **8.06.030 Review of Conditions**

1. If the proposed location for any structure(s) is within the jurisdiction of the Lincoln County Shoreline Master Program, setbacks and other requirements shall be applied as specified in the master program. If the proposed location is not within the jurisdiction of the shoreline master program, no residence or outbuilding is permitted within fifty (50) feet of the ordinary high-water mark of any Type 1, 2, or 3 stream as defined in WAC 222-16-030 or within twenty-five (25) feet of the ordinary high-water mark of any Type 4 or 5 stream. **Provided**, these setback requirements may be adjusted by the County based on the unique site characteristics of a proposed location and upon such terms and conditions as the County may require to protect or minimize degradation to fish and/or wildlife habitat.
2. A minimum fifty (50) foot vegetative buffer shall be retained on each side of any Type 1, 2, or 3 stream as defined in WAC 222-16-030, except as may be selectively authorized by the County, after review of the recommendation(s) of the Washington State Department of Fish and Wildlife (F & W). A minimum twenty-five (25) foot vegetative riparian buffer shall be retained on each side of Type 4 and 5 streams, except as may be selectively authorized by the County, after review of the recommendation(s) of the Washington State Department of Fish and Wildlife.

3. Road building activities and design, including those associated with either short or long division of land, must be constructed to provide adequate ingress and egress for residential and emergency vehicles and shall be done in such a manner as to minimize erosion and in such a manner as to not cause degradation of any body of water, including adjacent biological wetlands.
4. Prior to development approval, the landowner shall demonstrate compliance with Forest Practices Rules for the project area, and if the County in conjunction with the Department of Natural Resources (DNR) and the Department of Fish and Wildlife ( F & W) determines that timber harvesting or removal of trees or vegetation has occurred within fifty (50) feet of any stream, except as may be selectively authorized by the County, then the applicant shall be required to replant or restore vegetation within the fifty foot riparian buffer to the satisfaction of the County, after review of the recommendation(s) of the Washington State Department of Fish and Wildlife.

## CHAPTER 8.07

### FEEES

#### SECTIONS:

#### 8.07.010 Purpose

#### 8.07.020 Fee Schedule

#### 8.07.030 Conversion Option Harvest Plan (COHP) Fee

#### 8.07.010 Purpose

The purpose of this chapter is to identify the fees due and payable at the time of application to:

1. Initiate the public or administrative process for the lifting of the mandatory six-year moratorium imposed pursuant to RCW Chapter 76.09, or
2. Initiate the Conversion Option Harvest Plan (COHP) option with Lincoln County.

#### 8.07.20 Fee Schedule

Fees for lifting or waiving the six-year non-forest use moratorium shall be in accordance with the following schedule:

- |    |  |           |
|----|--|-----------|
| A. | Less than 18 months after imposition of moratorium         | \$ 500.00 |
| B. | Between 18 an 36 months after imposition of moratorium     | \$ 450.00 |
| C. | Between 3 years and 4 years after imposition of moratorium | \$ 400.00 |
| D. | Between 4 years and 5 years after imposition of moratorium | \$ 200.00 |
| E. | Between 5 years and 6 years after imposition of moratorium | \$ 100.00 |

These fees are non-refundable and due with the application to waive the moratorium.

#### 8.07.030 Conversion Option Harvest Plan (COHP) Fee

The non-refundable fee for entering into a COHP agreement with Lincoln County, due with the application shall be \$750.00.