

**RCW 76.09.460****Notice of conversion to nonforestry use—Denial of permits or approvals by the county, city, town, or regional governmental entity—Enforcement.**

If a county, city, town, or regional governmental entity receives a notice of conversion to nonforestry use by the department under RCW **76.09.060**, then the county, city, town, or regional governmental entity must deny all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of the land that is the subject of the notification. The prohibition created by this section must be enforced by the county, city, town, or regional governmental entity:

- (1) For a period of six years from the approval date of the applicable forest practices application or notification or the date that the department was made aware of the harvest activities; or
- (2) Until the following activities are completed for the land that is the subject of the notice of conversion to a nonforestry use:
  - (a) Full compliance with chapter **43.21C** RCW, if applicable;
  - (b) The department has notified the county, city, town, or regional governmental entity that the landowner has resolved any outstanding final orders or decisions issued by the department; and
  - (c) A determination is made by the county, city, town, or regional governmental entity as to whether or not the condition of the land in question is in full compliance with local ordinances and regulations. If full compliance is not found, a mitigation plan to address violations of local ordinances or regulations must be required for the parcel in question by the county, city, town, or regional governmental entity. Required mitigation plans must be prepared by the landowner and approved by the county, city, town, or regional governmental entity. Once approved, the mitigation plan must be implemented by the landowner. Mitigation measures that may be required include, but are not limited to, revegetation requirements to plant and maintain trees of sufficient maturity and appropriate species composition to restore critical area and buffer function or to be in compliance with applicable local government regulations.

[ **2007 c 106 § 2.**]

**RCW 76.09.470****Conversion of land to nonforestry use—Action required of landowner—Action required of county, city, town, or regional governmental entity.**

(1) If a landowner who did not state an intent to convert his or her land to a nonforestry use decides to convert his or her land to a nonforestry use within six years of receiving an approved forest practices application or notification under this chapter, the landowner must:

- (a) Stop all forest practices activities on the parcels subject to the proposed land use conversion to a nonforestry use;
- (b) Contact the department of ecology and the applicable county, city, town, or regional governmental entity to begin the permitting process; and
- (c) Notify the department, withdraw any applicable applications or notifications, and submit a new application for the conversion. The fee for a new application for conversion under this subsection (1)(c) is the difference between the applicable fee for the new application under RCW **76.09.065** and the fee previously paid for the original application or notification, which must be deposited in the forest practices application account created in RCW **76.09.065**.

(2) Upon being contacted by a landowner under this section, the county, city, town, or regional governmental entity must:

- (a) Notify the department and request from the department the status of any applicable forest practices applications, notifications, or final orders or decisions; and
- (b) Complete the following activities:
  - (i) Require that the landowner be in full compliance with chapter **43.21C** RCW, if applicable;
  - (ii) Receive notification from the department that the landowner has resolved any outstanding final orders or decisions issued by the department; and
  - (iii) Make a determination as to whether or not the condition of the land in question is in full compliance with local ordinances and regulations. If full compliance is not found, a mitigation plan to address violations of local ordinances or regulations must be required for the parcel in question by the county, city, town, or regional governmental entity. Required mitigation plans must be prepared by the landowner and approved by the county, city, town, or regional governmental entity. Once approved, the mitigation plan must be implemented by the landowner. Mitigation measures that may be required include, but are not limited to, revegetation requirements to plant and maintain trees of sufficient maturity and appropriate species composition to restore critical area and buffer function or to be in compliance with applicable local government regulations.

[ **2012 1st sp.s. c 1 § 210; 2007 c 106 § 3.**]

**NOTES:**

**Finding—Intent—Limitation—Jurisdiction/authority of Indian tribe under act—2012 1st sp.s. c 1:** See notes following RCW **77.55.011**.

**Authority of department of fish and wildlife under act—2012 1st sp.s. c 1:** See note following RCW **76.09.040**.