

Ordinance No. 412

An Ordinance terminating the Current Use Timber Land (CUTL) program and declaring land previously designated in the CUTL program to be Designated Forest Land (DFL), and prescribing Timber Management Plan (TMP) factors.

WHEREAS Chapter 137, Laws of 2014 allows a county legislative authority to merge its CUTL classification into its DFL program, thereby terminating the CUTL classification; and

WHEREAS Chapter 137, Laws of 2014 further reduces the acreage requirement for DFL classification from 20 to 5 acres, and provides the county flexibility to regulate a Timber Management Plan; and

WHEREAS since the 1971 Forest Tax Law, Chapter 84.22 RCW, designed to ensure that taxes will not destroy economic incentives for growing timber on private timber lands, imposes a severance tax on timber after a harvest as a tax against the timber, not against the land, use of DFL for commercial fee-based recreation is a factor for disqualification in the County's Timber Management Plan (TMP) excluding "small forest landowners" and should be made to maintain the spirit of the law, which is to use the land for harvesting timber; and

WHEREAS the TMP should be modified to say commercial recreational fees for access on Designated Forest Land will be a factor for disqualification and property owners acknowledge that such use is a factor for removal; and

WHEREAS it is in the best interest of the County to merge its CUTL classification into its DFL program, and terminate the CUTL classification as provided by Chapter 137, Laws of 2014,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF GRAYS HARBOR COUNTY:

**Section 1. Purpose.** This Ordinance is intended to merge the Grays Harbor County CUTL classification into its DFL and program, terminating the CUTL classification, and to prohibit commercial recreation fees for access to land classified in the DFL program.

**Section 2. Definitions.** This Ordinance utilizes existing commonly used definitions contained in Chapter 84.33 RCW as currently in force, or as hereafter may be amended, and as supplemented in this section. For purposes of this ordinance, a "Timber Management Plan" shall include, in addition to the elements provided in RCW 84.33.035 (21), an understanding that fee for access to forest land will be considered as a factor for disqualification and may result in removal of the DFL program, with the exception of "small forest landowners".

For purposes of this Ordinance, "commercial recreation" means activity access for which a fee is charged, including but not limited to hiking, fishing, hunting, horseback riding, jogging for amusement, entertainment or recreation.

For purposes of this Ordinance, "small forest landowners" means an owner of forest land who, has harvested from his or her own lands in this state no more than an average timber volume of two million board feet per yearly.

**Section 3. Termination of Timber Land Classification.** The CUTL classification is hereby terminated.

**Section 3.01 Merger With Designated Forest Land.** Land that has been classified as CUTL within the county is deemed to be DFL under the provisions of RCW 84.33.130(1) and is no longer considered to be CUTL for the purposes of Chapter 84.34 RCW.

**Section 3.02 Previous Agreements Terminated.** Any agreement prepared by the Assessor when an application was approved classifying land as CUTL is terminated and no longer in effect. The Assessor must notify the Washington Department of Revenue after taking action under this section.

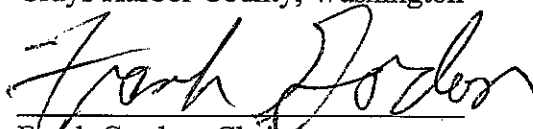
**Section 3.03 Commercial Recreation Fees Factor.** Fee-based commercial recreation is a factor in the TMP for disqualification of the DFL program, the Assessor shall consider "fee for access" when removing property from DFL. Violation of the TMP shall result in removal of forest land from the DFL Program under Chapter 84.33 RCW.

**Section 4. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Passed by the Board of County Commissioners of Grays Harbor County, at a regular meeting thereof this 7th day of July, 2014.

BOARD OF COMMISSIONERS  
Grays Harbor County, Washington

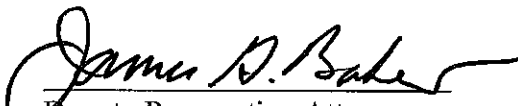
ATTEST:

  
Frank Gordon, Chairman

  
Donna McCallum, Clerk

APPROVED AS TO LEGAL FORM:

  
Wes Cormier, Commissioner

  
Deputy Prosecuting Attorney

  
Herb Welch, Commissioner