

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 681*
Agriculture/Environment/Natural Resources Committee Substitute Adopted
5/12/05

Short Title: Clarify Regulation of Forestry.

(Public)

Sponsors:

Referred to:

March 21, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING
3 CERTAIN FORESTRY ACTIVITIES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 23 of Chapter 153A of the General Statutes is amended
6 by adding a new section to read:

7 "**§ 153A-451. Restriction of certain forestry activities prohibited.**

8 (a) The following definitions apply to this section:

9 (1) Development. – Any activity, including timber harvesting, that is
10 associated with the conversion of forestland to nonforest use.

11 (2) Forestland. – Land that is devoted to growing trees for the production
12 of timber, wood, and other forest products.

13 (3) Forestry. – The professional practice embracing the science, business,
14 and art of creating, conserving, and managing forests and forestland
15 for the sustained use and enjoyment of their resources, materials, or
16 other forest products.

17 (4) Forest management plan. – A document that defines a landowner's
18 forest management objectives and describes specific measures to be
19 taken to achieve those objectives. A forest management plan shall
20 include silvicultural practices that both ensure optimal forest
21 productivity and environmental protection of land by either
22 commercially growing timber through the establishment of forest
23 stands or by ensuring the proper regeneration of forest stands to
24 commercial levels of production after the harvest of timber.

25 (5) Forestry activity. – Any activity associated with the growing,
26 managing, harvesting, and related transportation, reforestation, or
27 protection of trees and timber, provided that such activities comply
28 with existing State rules and regulations pertaining to forestry.

1 (b) A county shall not adopt or enforce any ordinance, rule, regulation, or
2 resolution that regulates either:

3 (1) Forestry activity on forestland that is taxed on the basis of its
4 present-use value as forestland under Article 12 of Chapter 105 of the
5 General Statutes.

6 (2) Forestry activity that is conducted in accordance with a forest
7 management plan.

8 (c) This section shall not be construed to limit, expand, or otherwise alter the
9 authority of a county to:

10 (1) Regulate activity associated with development. A county may deny a
11 building permit or refuse to approve a site or subdivision plan for a
12 period of up to five years after the completion of a timber harvest if the
13 harvest results in the removal of all or substantially all of the trees that
14 would otherwise have been protected under county regulations
15 governing development from the tract of land for which the permit or
16 approval is sought.

17 (2) Regulate trees pursuant to any local act of the General Assembly.

18 (3) Adopt ordinances that are necessary to comply with any federal or
19 State law, regulation, or rule.

20 (4) Exercise its planning or zoning authority under Article 18 of this
21 Chapter."

22 **SECTION 2.** Article 19 of Chapter 160A of the General Statutes is amended
23 by adding a new section to read:

24 **"§ 160A-458.5. Restriction of certain forestry activities prohibited.**

25 (a) The following definitions apply to this section:

26 (1) Development. – Any activity, including timber harvesting, that is
27 associated with the conversion of forestland to nonforest use.

28 (2) Forestland. – Land that is devoted to growing trees for the production
29 of timber, wood, and other forest products.

30 (3) Forestry. – The professional practice embracing the science, business,
31 and art of creating, conserving, and managing forests and forestland
32 for the sustained use and enjoyment of their resources, materials, or
33 other forest products.

34 (4) Forest management plan. – A document that defines a landowner's
35 forest management objectives and describes specific measures to be
36 taken to achieve those objectives. A forest management plan shall
37 include silvicultural practices that both ensure optimal forest
38 productivity and environmental protection of land by either
39 commercially growing timber through the establishment of forest
40 stands or by ensuring the proper regeneration of forest stands to
41 commercial levels of production after the harvest of timber.

42 (5) Forestry activity. – Any activity associated with the growing,
43 managing, harvesting, and related transportation, reforestation, or

1 protection of trees and timber, provided that such activities comply
2 with existing State rules and regulations pertaining to forestry.

3 (b) A city shall not adopt or enforce any ordinance, rule, regulation, or resolution
4 that regulates either:

5 (1) Forestry activity on forestland that is taxed on the basis of its
6 present-use value as forestland under Article 12 of Chapter 105 of the
7 General Statutes.

8 (2) Forestry activity that is conducted in accordance with a forest
9 management plan that is prepared or approved by a forester registered
10 in accordance with Chapter 89B of the General Statutes.

11 (c) This section shall not be construed to limit, expand, or otherwise alter the
12 authority of a city to:

13 (1) Regulate activity associated with development. A city may deny a
14 building permit or refuse to approve a site or subdivision plan for a
15 period of up to five years after the completion of a timber harvest if the
16 harvest results in the removal of all or substantially all of the trees that
17 would otherwise have been protected under city regulations governing
18 development from the tract of land for which the permit or approval is
19 sought.

20 (2) Regulate trees pursuant to any local act of the General Assembly.

21 (3) Adopt ordinances that are necessary to comply with any federal or
22 State law, regulation, or rule.

23 (4) Exercise its planning or zoning authority under this Article.

24 (5) Regulate and protect streets under Article 15 of this Chapter."

25 **SECTION 3.** This act is effective when it becomes law.