

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 681\*  
Agriculture/Environment/Natural Resources Committee Substitute Adopted  
5/12/05  
Third Edition Engrossed 5/17/05

Short Title: Clarify Regulation of Forestry.

(Public)

Sponsors:

Referred to:

March 21, 2005

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE ROLE OF COUNTIES AND CITIES IN REGULATING  
CERTAIN FORESTRY ACTIVITIES.

The General Assembly of North Carolina enacts:

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

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

(a) The following definitions apply to this section:

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

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

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

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

(5) Forestry activity. – Any activity associated with the growing, 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 county shall not adopt or enforce any ordinance, rule, regulation, or  
4 resolution 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.

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

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

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

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

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

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

26 **"§ 160A-458.5. Restriction of certain forestry activities prohibited.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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