

**Minutes**  
**King County Rural Forest Commission**  
**November 13, 2002**  
**Preston Community Center**

*Commissioners present:* Steve Ketz, Bill Kombol, Fred McCarty, Doug McClelland, Dave Warren

*Commissioners absent:* Jean Bouffard, Gordon Bradley, Rudy Edwards, Ken Konigsmark, Matt Mattson

*Staff:* Connie Blumen, Don Harig, Bill Loeber, Kristi McClelland, Benj Wadsworth

*Guests:* Dennis Dart, Lee Kahn, Maxine Keesling

Doug McClelland called the meeting to order at 10:00 am.

**Minutes Approval**

Motion 1-1102 “To adopt the October 9, 2002 minutes as written. Moved, seconded and approved. Note – there was not a quorum present, so October minutes will need to be adopted at next meeting.

**Staff Report**

Benj Wadsworth informed the RFC that their letter in support of the KC Parks interpretive programs had been sent to Council. The Executive’s budget has been transmitted without funding for the Interpretive Program, but it is possible that Council could change that.

The Forestry Program is making progress on the brochure. At this point, it has been reviewed by the Public Affairs and Public Outreach groups. Benj will e-mail a draft to the RFC for comment. Hopefully the brochure will be complete by the January meeting.

The KC Forestland management document was sent to the RFC via e-mail prior to the meeting. Benj received comments from Ken Konigsmark. Any other comments should be sent to Benj as soon as possible. The Forestry Program hopes to complete the document in the next few weeks, so this is the last chance for comment. Dave Warren commented that he hopes the statement to “increase diversity of native species age and structure under the guidelines of sustainable timber harvest and production” will remain in the document. Steve Ketz commented that that statement is a voluntary choice that could limit the County’s ability to make site-specific choices in the future.

### **Ordinances before Council**

Benj distributed summaries of each of the land-use ordinances before Council - regarding clustering in the APD, wineries and golf courses (all addressed at the October meeting). Doug McClelland suggested that the RFC focus on how the ordinances could impact forestry in the County. He commented that often ordinances like these arise out of particular situations that serve individual constituents. He encouraged the RFC to look beyond personal interest and evaluate how the ordinance could impact forestland in the County and whether or not it makes sense for the RFC to get involved. He feels that in general it is better for the RFC to make bold comments rather than ignoring issues.

Regarding the clustering ordinance, Benj explained that the ordinance would allow clustering in the Agricultural Production Area just as it is allowed in the Rural Area. The only way that the ordinance would allow additional lots is if a landowner were not allowed to build out to the allowed zoning due to sensitive area restrictions, but could meet the allowed zoning by clustering.

Doug commented that the RFC has discussed clustering in depth and generally supports it because it sets aside a large tract of forestland – as long as that tract can continue to be a managed forest. With regard to the APD, it might be appropriate as long as it supports agriculture. Fred McCarty suggested that the set-aside should require an agriculture management plan similar to a forest management plan. Dave Warren commented that a management plan really does not carry any weight. Rather, the set-aside should be subject to an easement requiring it to be managed for agriculture. Bill Kombol commented that the only language in place right now calls for an “open space tract,” which does not allow for agriculture. Benj clarified that the 2000 Comprehensive Plan changed the definition of “open space” to allow agriculture and forestry. Bill pointed out that the Comp Plan does not mean much if there are contradictory ordinances. Any ordinance needs to clarify that “open space” is not meant to be no-touch.

Benj commented that another concern is an amendment to the ordinance that uses the term “non-buildable lot.” This term has raised confusion in the past because it is not defined in writing.

Doug summarized that an appropriate comment from the RFC might be that clustering is a useful tool but it needs to be implemented in such a way that it ensures the long term agricultural use of the land. Similarly, clustering in the FPD or the Rural Area should ensure that forestland is conserved and can be managed as working forest.

Regarding the winery ordinance, Bill Kombol commented that it does not seem appropriate to mandate that grapes used in King County wineries must come from KC, just as we have never mandated that King County mills only mill KC logs. Steve Ketz commented that this ordinance essentially prohibits someone from starting a business. Doug asked if it is critical to the wine industry, as a component of the agricultural industry, to have a winery near an urban area. Bill Kombol commented that wineries rely on ambiance and therefore need to site in attractive areas. Benj commented that whatever the reason, allowing wineries in the Rural Area that do not use grapes from the area effectively opens the door to other industries, which are currently not allowed in the Rural Area unless they rely on the natural resources that are produced there – i.e. agriculture and forestry. Dave Warren asked whether or not it is appropriate to use products from east of the mountains or even from out of state because doing so supports the agricultural industry in general, which is struggling against sprawl nationwide. Doug summarized the discussion with three points: 1) it is critical that wineries be tied to the success of agriculture in this region, which may include outside of King County; 2) any winery should be of a size and scale that does not negatively impact agricultural and forest lands, and 3) allowing wineries should not open the door to the production of non-agricultural items.

Regarding golf courses, Bill Kombol questioned the legitimacy of the RA-10 zone because he feels that many lands in the RA-10 zone are not environmentally constrained. Doug suggested that golf courses are not promoting long term forestry because they do not result in keeping forestland in large lots. He asked what impact a golf course would have if it neighbors a working forest. Bill Kombol commented that a golf course would be a better neighbor than a residence. Doug suggested focusing on the Rural Forest Focus Areas. Much of the land in RFFAs is zoned RA-10, though the majority of the lots are not. Fred asked what impact a golf course would have. Among other impacts, much of the forest would be cleared, the grass would need to be watered, and fertilizer would be applied. Benj reminded the RFC that golf courses used to be prohibited in the Rural Forest District, but in the 2000 Comp Plan, the County did not want to associate any regulations with the Rural Forest Focus Areas (which replaced the Rural Forest District), so they prohibited golf courses in the RA-10 area instead. Benj reminded the Commission that while this proposed ordinance may be the result of a particular proposal, its passage would result in opening up the RA-10 area, and thus much of the land in the RFFAs, to golf courses. Fred asked if golf courses make a good transition from the Rural Area to the FPD. Bill Kombol suggested that the alternative might be 15-20 homes. Kristi McClelland suggested that a good compromise might require that if a golf course removes forest cover then the developer should be required to buy forestland elsewhere to meet the 65% forest cover requirement that is proposed in the Critical Areas Ordinance. Doug summarized that the RFC should not encourage the loss of forest cover to golf courses in the Rural Area or the FPD. If you increase the number of golf courses, you need to mitigate the impact by conserving forestland elsewhere. In terms of sensitive areas, forestry is the best long-term use of an environmentally sensitive area because it provides forest cover. If RA-10 areas are

accurately mapped to protect sensitive areas, then retaining forest cover is the best tool to accomplish that protection.

### **Polygon Open Space**

Benj distributed a fact sheet about the open space that the County acquired as a result of the Maple Ridge Highlands 4-to-1 development. He is taking over the initial planning process for the property. The property is categorized as multi-use and thus will be managed by the Parks Division. It is multi-use because 5% of the property will be used for active recreation. There is question as to whether or not forestry activities can legally occur on the property. Bill Kombol commented that the forest on the property is about 16-18 yrs old. It has not been thinned. Doug McClelland expressed concern about the health of the forest. He feels that it is not the RFC's intention to rush out and practice forestry on the property. Rather, it may be that some form of forest management could improve the future condition of the forest. The County needs to decide what sort of future condition it desires. This is not a natural forest – it was planted densely. The County would be irresponsible not to manage it somehow. Connie Blumen commented that because the property has been platted, any forestry practices would have to go through DDES rather than through the state. Doug feels that there is the potential to do some education about the issues related to this property. Fred commented that the Greater Maple Valley Area Council discussed this property at length during the EIS process for the development and suggested that it should be managed as a working forest. Doug suggested that rather than fighting the rules regarding this property, the RFC might make some recommendations about how the rules could be changed to enable effective management on future projects. Connie commented that the Comp Plan now allows active management on open space lands, so it should not be a legal problem in future projects. Doug commented that regardless of the legal issues, there is still a lack of understanding that leads to controversy.

Dave Warren commented that the County is considering taking over WADNR lands on Vashon as long as they are allowed to manage them for revenue to cover the costs of management. Connie commented that DDES has stated that in order to manage the Polygon land for forestry it would be necessary to amend the EIS and amend the plat. However, the prosecuting attorney's office has suggested that there might be more flexibility – that it is a policy call. Doug suggested that it might be helpful for the RFC to articulate what management should occur and then educate those that would need to be involved in making the necessary changes to manage it appropriately. Bill Kombol suggested that any management should occur in the next five years to be most effective. His land next door was recently thinned and could be used as show and tell to educate about the benefits of management. Benj commented that there is a great deal of community interest in the property – particularly with the Friends of Rock Creek who have been very supportive of forest management. There might be potential for the RFC to work with

FRCV in an educational process. Connie commented that DDES has been unwilling to discuss the issue because they feel that the law is clear. Dennis Dart suggested that DNRP should file an application for a thinning and force the issue with DDES. Doug asked Benj to work on the vision from the RFC's perspective. He would like to see the RFC's opinion in writing.

### **Forestry Incentives in the Critical Areas Ordinance**

Claire Dyckman gave a brief summary of how the Critical Areas Ordinance might impact forest landowners. Buffers on streams and wetlands will be larger than they have been before. There will likely be a requirement for 65% vegetation retention in the Rural Area. She is looking for input as to how the impact of the new regulations might be alleviated by incentives related to forestry. Staff is considering the following proposal: on a fully forested piece of land that is proposed for development, the owner would have to observe the 65% requirement. However, on land that has previously been cleared, the County would allow 50% of the land to be cleared if the owner agreed to replant the other 50%. This probably would not apply to an extremely large number of parcels.

Claire commented that another issue up for discussion is how the County will handle forest practice permits that come under its jurisdiction. It has been suggested that the County should follow the state regulations rather than adding additional regulations based on sensitive areas. The buffer in the CAO is 165 ft. Doug commented that the County should definitely use the state forest practice rules.

Regarding the 50% issue, Doug asked how a landowner would be held accountable for replanting. Benj suggested that the rationale for requiring a forest stewardship plan is that the educational process results in better forest stewardship voluntarily. However, he wonders if, with so much at stake, there should not be additional assurance that the land is replanted. Steve Ketz suggested that the County model the state law, which requires that a vigorous, fully-stocked stand be established after three years. Dave Warren commented that the state does not enforce the regulation, and he is concerned that the County does not have the resources to do so either. He asked how the County came up with the 65% standard. It is an estimate based on the best available science.

Claire asked if it would make sense to require landowners to post a bond ensuring that they replant. Doug suggested that instead of a bond, they could be required to submit pictures to the County every year. Bill Kombol commented that the County needs to avoid extensive billing by DDES.

Steve asked how a landowner will be compensated for the 65% encumbrance. Bill Kombol responded that the County's rationale is that because the 65% rule only takes effect if a

landowner wants to subdivide or build on the land, it therefore does not constitute a taking that needs to be compensated.

Claire asked if it makes sense to require that a landowner enroll the land in the Public Benefit Rating System (PBRS) in order to qualify for the 50% retention. Doug feels that PBRS should not be a requirement, but rather left as a true incentive. Dave Warren commented that PBRS has a monitoring component, so it might make sense to require enrollment.

Claire asked if there are any unintended effects that these proposals might have on forest landowners. Dennis Dart commented that requiring landowners to follow County regulations for forest practices would be a major disincentive to staying in forestry. Lee Kahn concurred.

Claire clarified what sorts of development would trigger the 65% rule. There will need to be a significant change in land use, so a remodel would not trigger it, but a new home would.

### **RFC personnel issues**

Benj commented that there are several vacancies on the RFC. Andrew Schwarz has finished his second term, so his spot representing small forest landowners is open. Lee Kahn has expressed interest in filling the vacancy left by Louis Kahn, but she will have to go through the normal process of applying. The spot for a representative of the “consumer end of forest products” is still vacant.

Also, the bylaws state that Commissioners may not miss more than three meetings. While this has been ignored to a large extent, the absentee records of a couple of the current Commissioners need to be addressed. Doug commented that the two-term limit is unfortunate. He feels that the Commission has come a long way in its ability to work together, and he wonders if it would be possible to change that rule so there is not a great deal of turnover in the next couple years.

Doug would like to find a permanent seat for Dennis Dart, who has attended meetings regularly and provides very valuable input. Dave Warren explained that he has left the Pacific Forest Trust. His replacement is Phil Pearl, previously an independent consultant and a land transaction agent for the Trust for Public Land. Dave would like to stay on the RFC as a representative of small landowners. However, he is concerned that he will not be able to attend all the meetings because it will no longer be part of his job. He wondered if other members of the Vashon Coop could come in his place occasionally. In terms of replacing Dave with someone to represent the “non-timber values of forests,” Benj commented that the Pacific Forest Trust is not formally represented on the Commission. It might make sense to have someone from Cascade Land Conservancy or another group that is more involved in KC.

**Next meeting**

Wednesday, January 8, 10:00 – 12:00, Preston Community Center. There will be no meeting in December.