



King County

**King County Rural Forest Commission
 Meeting Minutes
 Thursday, April 18th, 2019 – 8:30 am to 9:30 am
 Skype Conference Call; Orca Room King Street Center**

Commissioner	Present?	Commissioner (Ex-Officio/Non-Voting)	Present?
Monica Paulson Priebe, academic forester (Chair)	✓	Kelsey Ketcheson, WSU Extension	✓
Amy LaBarge, forest ecologist (Vice-Chair)	✓	Brandy Reed, KCD	
Laurie Benson, WA DNR	✓	Martie Schramm, USDA Forest Svc.	
Jeff Boyce, rural cities/professional forester	✓		
Andy Chittick, forest product user/forest landowner	✓		
Wendy Davis, private forest landowner			
Wyatt Golding, non-timber values of forest land	✓		
Daryl Harper, forest landowner	✓		
Steve Horton, forest product user/forest landowner	✓		
Li Hsi, forest landowner	✓		
Bernie McKinney, forest landowner/conservation advocate	✓		
Steven Mullen-Moses, affected Indian tribe	✓		
Grady Steere, large forest landowner			

County Staff Present	Guests Present
Richard Martin, DNRP	
Hugo Garcia, DLS	

Motions

01-0418. King county staff report back to the full Commission at the next meeting with answers to the listed questions and for the Commission to then discuss whether a letter to the County Executive is needed. Amy LaBarge motioned, Li Hsi seconded and the motion carried unanimously

Chair Monica Paulson Priebe called the meeting to order at 8:32 am.

Monica Paulson Priebe began by reviewing the executive summary of reports and other documents prepared for the Enumclaw Recycling Center (ERC). The site shares boundaries with Bass Lake Natural Area and is about 3,000 feet from the Green River. It is zoned RA-m and is on the edge of Urban Growth Boundary. Of concern to WRIA 9 due to Chinook spawning in watershed. Adjacent to rural residential. The proposed operator of ERC currently operates the Buckley Recycling Center (BRC) in Auburn without a County permit and is under county, state and federal orders to cease operation and move outside of the APD. The ERC/BRC owner previously operated a facility in Pierce County and left a site with groundwater contamination issues. Wood recycling facilities have an elevated fire risk, which may be problematic in a forested landscape. Monica questioned whether an operator’s previous history should be cause for concern about how they will operate at a new site and whether an operator’s history can or should be considered by the County when reviewing an application for a permit at another location.

Monica reported that the ERC operator has apparently already cleared over 85,000 sq ft of land and trees at the new location without a permit (one has been applied for). The illegal activity has been reported to Department of Local Services, Permitting Division (DLS-PD), but an enforcement officer has not allowed on the property. Monica questioned whether there might be an opportunity for King County to strengthen investigation and enforcement options.

Steven Mullen-Moses received a notice of application for a grading permit for the ERC from DLS-PD, which called for

clearing of 34 of 102 ac for processing including construction of a shop. Steven found the project description to be inadequate and not descriptive of the activities planned for the site, which required Steven to conduct additional research to better understand the project intent. The Snoqualmie Tribe was not able to provide a comment on the project during the initial review period; however, they will provide comments on the SEPA application. The area is important from a cultural resource perspective and natural resources staff will also review the project.

Richard Martin provided a review of King County Code Title 21 (Land Use) and Title 23 (Code Compliance) and briefly reviewed the BRC compliance history. From the beginning of the Auburn operation, they have been out of compliance because heavy industry is prohibited within an APD. The company eventually found what they considered to be a suitable location to move their operation and have applied for the permits necessary to operate a recycling facility on land near Bass Lake zoned "Rural." DLS-PD anticipates completing the permitting process by early summer. The fact that the operator is clearing before issuance of the permit may be considered during the permit review process. Several Commission members had previously asked for clarification about whether previous code violations at another site could be considered during the review of an application to operate elsewhere and Richard reported on his communications with Fereshteh Dehkordi with DLS-PD, who confirmed that DLS-PD only reviews the merits of individual applications and does not take into consideration an operators history at other locations.

Richard reviewed enforcement procedures under Title 23. Although the county took action up to their allowable limits, the operator refused to cooperate, so the case was moved to state Superior Court. Monica asked about what triggered the compliance issue moving to state court. Bernie McKinney noted that Waste Action Project pushed for court review because the County was not able to get the company to halt operations. Monica pointed out that County action over 12 years was not successful in forcing a move and Bernie noted that since there was no permit applied for or granted to operate at the Auburn location, DLS-PD had few regulatory options. Richard clarified that if a facility was conducting activities not allowable within the land use zone and did not have a permit, the county could still issue a stop work order and try to force compliance. Richard offered to reach out to DLS-PD for a summary of County actions at the Auburn site.

Li Hsi noted that wood recyclers provide a very important service for forest landowners and provide an option preferable to burning. Daryl echoed that sentiment by stating that the RFC should be supportive of recycling facilities operating within the rules as they provide a service to forest landowners. Li noted that issues related to water contamination and fire can be incorporated into permit restrictions. Li wanted to stress that the proposed activity is allowable under zoning and we should not prohibit a private business from operating lawfully. Monica noted that there are 63-65 other operators around the state and this operator is the only one known to be operating out of compliance.

Steve Horton questioned whether King County has fully pursued available code enforcement options. Richard offered to contact DLS-PD for clarification about code enforcement rights, specifically what is allowed under KCC 23.02.060 and 23.02.070.

Daryl voiced concern about categorizing the operator as a "bad actor." Even if the operator has behaved badly elsewhere, they should not have new applications held up but should be forced to follow the rules at all locations. Amy LaBarge stressed that Commission positions and advice should be focused on regulatory issues and policy rather than single operations. Wyatt Golding asked whether the current regulatory compliance realm is sufficient to achieve code compliance and, if not, whether there are changes the Commission can recommend. Wyatt commented that the Commission should keep in mind that they represent the larger forestry community and that an inability to force compliance on the part of a few poor operators negatively affects those landowners who do operate under the law; Monica agreed. Steven agreed with Wyatt and that urged the Commission to focus on specific policy and process rather than specific land use issues noted that individual Commission members are free to comment on specific land use issues as private citizens. Richard stressed that the Commission should find the appropriate place to comment and advise that has larger forestry implications.

Amy stated that she thought there should be more conversations about policy implications before a letter to the County Executive is considered and that the Commission should wait for Richard to gather some of the requested information. Andy Chittick noted that a letter to the Executive should be the last step in the process and echoed Amy's request for a delay until clarification is received and the scale of clearing and grading compliance issues (scope, severity, and relative scale of Bass Lake Recycling Center) is better understood.

Monica asked whether groundwater contamination issues are of concern to Commissioners and Bernie noted that the Buckley site has been documented to cause surface and groundwater contamination. Amy reiterated that while all Commissioners are concerned about water issues, The BRC and surface or groundwater contamination at the site do not fall within the purview of the RFC. Richard noted that the Ag Commission has not chosen to engage on the BRC issue as it is viewed as a single-site problem.

Monica reiterated Commissioner's request for information

- How many cases of illegal clearing and grading have been reported to DLS-PD?
- How many total cleared acres do those violations cover?
- How many were in RA and F zoned areas?
- How egregious is the Enumclaw Recycling Center in comparison?
- What were the specific steps that King County took to bring the Auburn recycling facility into compliance?
- What are the restrictions on DLS-PS code enforcement officers from entering property under investigation for compliance issues?

Monica called for a motion to have King county staff report back to the full Commission at the next meeting with answers to the listed questions and for the Commission to then discuss whether a letter to the County Executive is needed. Amy LaBarge motioned, Li Hsi seconded and the motion carried unanimously

Meeting was adjourned at 9:35 am.