

Kitsap County's Rural Wooded Incentive Program (RWIP)

Great Peninsula Conservancy (GPC) is concerned with the potential for loss of forestland in Kitsap County as development presses into rural areas. These productive and biologically rich forests provide many ecological and economic benefits to the region. However, changes in the forestry sector both locally and nationally have devalued forest products at the same time that increasing population pressures have increased the value of forestlands for residential and urban uses. Finding innovative ways to preserve forests and open space in this economic and social context will require careful planning and the involvement of many stakeholders.

Like many communities in the Pacific Northwest, local elected officials, private landowners, and the conservation community have been involved in a discussion over the future of forestland in Kitsap County for many years. Kitsap County designated certain forestlands as either Rural or Resource lands with the intention of maintaining natural ecosystems and a local forestry sector, while preserving rural character and open space.¹ The County implemented additional land use policies designed to protect forestlands, such as a special tax structure, zoning regulations, and a Transfer of Development Rights (TDR) program.

The most recent regulatory effort to protect forestland and rural character in Kitsap County is the proposed Rural Wooded Incentive Program (RWIP). A County ordinance, RWIP gives rural landowners an incentive to cluster development on smaller, more appropriate portions of their property in exchange for setting aside permanent open space elsewhere on the property. In exchange, the County allows housing density on the developed portions of the property to increase by a factor of four. While RWIP's goals are laudable, the program is unlikely to achieve those goals as currently structured. In recognition of this problem, Kitsap County has placed a moratorium on the program.

The purpose of this Conservation Brief is to outline Great Peninsula Conservancy's goals for Kitsap County's Rural Wooded Incentive Program, identify ways in which the RWIP proposal fails to address these goals, and suggest ways to improve the program.

GPC's Goals for RWIP

Forests cover a large majority of rural Kitsap County, and Great Peninsula Conservancy's goal is to preserve as much forestland as possible. Conflicts over development rights and extension of urban services into rural areas, as well as disagreement over forest management practices, continue to polarize the community and have left an unresolved legacy. While this makes achieving an acceptable outcome more complex, it does not diminish the need to adopt and implement RWIP. Failure to do so will have enormous consequences for forests in Kitsap County. GPC believes RWIP must be structured to support a financially viable forest economy

¹ Kitsap County. 2006. "Comprehensive Plan: 10-Year Review and Update." December. Chapter 3-1.

and healthy forests that are key to Kitsap County’s rural character and quality of life. GPC believes that RWIP should include the following features:

- Extinguish development rights on large, contiguous tracts of forestland by placing Conservation Easements on permanent open space created by RWIP;
- Promote environmentally-sensitive forestry practices on permanent open space; and
- Explore additional financial incentives, such as ecosystem services markets, and partnerships to foster the highest level of forest stewardship throughout the Great Peninsula.

Shortcomings of Current RWIP Proposal

Kitsap County’s stated purpose for the Rural Wooded zone is to encourage the preservation of forest uses, retain an area’s rural character, and conserve natural resources while providing for some rural residential uses (1 dwelling unit/20 acres).² Unfortunately, the current RWIP proposal fails to address some key realities necessary to achieve these purposes. The program would not effectively promote the conservation of open space or working forests. It would enable owners of land currently zoned as Rural Wooded to develop four times the density currently allowed. In return, landowners must agree to cluster housing on one quarter of their property and set aside three quarters of the property as permanent open space. Overall, the rule appears to benefit rural land developers more than it would the County’s forest protection efforts.

Current RWIP Proposal

Project size	20 Acres	100 Acres	500 Acres
Allowable Housing Density (du=dwelling units)	Up to 1 du/5 acres	Up to 1 du/5 acres	Up to 1 du/5 acres
Density Transferred to Urban Growth Area	0	0	0
Developed Acreage	5 acres	25 acres	125 acres
Permanent Open Space Acreage	15 acres	75 acres	375 acres
Max # Dwellings w/ RWIP vs. w/o RWIP	4 vs. 1	20 vs. 5	100 vs. 25
Max Housing Cluster Size	--	--	25 du
Min/Max Project Size	20/500 acres	20/500 acres	20/500 acres

RWIP lacks direction with respect to open space in several ways. The program:

1. Does not adequately define “permanent open space”, its purposes, or allowed uses to ensure the land provides the public with ecological and other natural resource benefits;
2. Is unclear about the ownership of permanent open space as well as who is responsible for its management, which are both fundamental requirements for land stewardship;

² Kitsap County. 2006. “Comprehensive Plan: 10-Year Review and Update.” December. Chapter 3-5.

3. Does not provide sufficient protection for open space or sustainable forestry by extinguishing development rights and extinguishing or limiting subdivision rights on permanent open space;
4. Does not provide a requirement, mechanism, responsibility or funding for ensuring that the ecological and public benefits of permanent open space are protected over the long term;
5. Does not ensure the consolidation of forestland or connection of wildlife corridors;
6. Discounts the importance of open space management and the possibility of ecologically beneficial forestry practices;
7. Increases density in certain areas outside of Urban Growth Areas;
8. Requires payment of compensating taxes under the Current Use Assessment Program for lands retained in permanent open space under RWIP; and
9. Does not allow adequate time for assessment of impacts associated with Phase I and later phases of RWIP before releasing subsequent phases.

Preferred Directions for RWIP

Kitsap County's RWIP should emphasize the value of forestlands, including 'working' forests that are actively managed for timber and other forest products, to the community. Long-term forestry provides the economic incentive to keep these lands as forests. The County should recognize that while RWIP can provide an important mechanism for protecting some forestland, it is at heart a development program and does not address the needs of some forest landowners who truly want to maintain the land as forest. Those landowners need assistance with infrastructure (mills, transportation, ports, rafting facilities, etc.). Additionally, they need a public that understands the ecological and economic values of working forests to the public and is accepting of forestry practices. County leaders have been confronting difficult issues associated with RWIP, such as broader community-wide discussions on forest management practices. Though RWIP has been a hot button issue, the County should use the topic as a means to address how conservation of forests fits into the preservation of rural character and the overall vision for Kitsap County's future as a "green" and livable community.

For those owners of Rural Wooded lands who are interested in developing their property, Great Peninsula Conservancy believes a successful RWIP would:

1. Define permanent open space, its purpose, and allowed uses as follows:
 - a. Permanent open space is land that is permanently protected from development with a perpetual conservation easement, open space easement, or fee ownership that is held by a federal, state, or local government or nonprofit organization.
 - b. The purpose of permanent open space is to conserve natural resources; sustain forestry and agriculture; protect wildlife habitat; support passive, non-motorized recreation such as nature observation, hunting, fishing, hiking, bicycling, horseback riding, and non-motorized boating; enhance historic or cultural resources; and preserve water quality and other ecosystem values.

- c. Allowed uses of permanent open space include activities that support the purposes listed above and specifically exclude dwellings, facilities or impervious surfaces not related to purposes of the permanent open space, utilities and associated structures, playgrounds or ball fields, docks, and shoreline hardening such as bulkheads.
2. Identify who will own permanent open space and indicate what process will be put in place to ensure responsible stewardship of permanent open space over the long term;
3. Permanently protect open space through conservation easements that extinguish development rights and extinguish or limit subdivision rights;
4. Require that open-space conservation easements be held by a third party such as a land trust and require the developer to fund long-term stewardship of these conservation easements, possibly through means such as sale of timber or carbon credits, conservation banks, water quality trading, or transfer of development rights;
5. Promote the aggregation of large, inseparable blocks of working forests in the program's guiding principles and increase the minimum size of RWIP projects from 20 acres to 100 acres and the maximum size of RWIP projects from 500 acres to 5,000 acres;
6. Require oversight of open space or forest management plans, including regular revision of the plans to ensure best management practices and responsible land stewardship;
7. As a way to prevent RWIP from promoting too much rural growth, the county should seek opportunities to combine it with the TDR program to promote development where it is most desirable, inside Urban Growth Areas (UGAs);
8. Exempt permanent open space from payment of compensating taxes; and
9. Wait for the complete build out of Phase I (or current phase) and assessment of its impacts against RWIP's guiding principles before release of Phase II (or subsequent phases).

Conclusions

Kitsap County's forests are important to the region's ecology, economy, landscape, and rural lifestyle. There are many economic incentives to convert these forestlands to residential and urban uses. Great Peninsula Conservancy supports Kitsap County's endeavor to conserve forestlands by clustering development and establishing areas of permanent open space through the Rural Wooded Incentive Program. We strongly believe designation of permanent open space must include placement of a conservation easement on the property that includes a clear description of allowable uses of permanent open space and a mechanism for monitoring compliance. We further believe that forestry, fish and wildlife conservation, watershed protection, and passive recreation should take precedence as preferred activities on permanent open space.

Now is the time for conserving the Great Peninsula's forested landscape. GPC applauds Kitsap County for its foresightedness in tackling this important issue. Its impact will be clearly visible across the County landscape far into the future.