

MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes
June 16, 2008**

(Note audio tape (#2) dated June 16, 2008
counter (#) for exact details of discussion)

(This document is not intended to be a verbatim transcript)

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1. CALL TO ORDER

The meeting was called to order at 6:00 pm by Chair Bill Dewey.

2. ROLL CALL

Members Present: Bill Dewey, Tim Wing, Dennis Pickard, Wendy Ervin, Jim Reece, Diane Edgin and Debbie Jacobs.

Staff Present: Bob Fink and Kell McAboy.

3. APPROVAL OF MINUTES

The minutes from the April 21, 2008 meeting were approved as presented.

4. NEW BUSINESS

(#0050) Kell McAboy, Department of Community Development, opened the meeting and explained that Barbara Adkins is unable to be at the meeting tonight, so staff is requesting the Workshop on Capital Facilities be continued until August 18th. The PAC passed a motion to continue the Workshop on Capital Facilities until the August 18th meeting.

(#0095) Bill Dewey noted the first item on the agenda is the Public Hearing on the Oakland Bay Park Master Plan. Bill inquired of the public attendance at the meeting, and it was decided to switch the first two items on the agenda. So the first item will be the Public Hearing on on the Short-Term Rental Program for RV Parks.

(#0125) Kell McAboy, Department of Community Development, stated there were no revisions made to the draft short-term rental program proposal. There are two issues. One is, does the PAC want to see RV parks being able to rent out RV units, whether they RV's or park model trailers, and if so, inquired what in the short-

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term rental program and the permit application would need to be discussed and revised?

(#0190) Bill Dewey stated his biggest concern is are we setting ourselves up for something that is seemingly very challenging to enforce. He inquired how the county deals with the current ordinance and it's enforcement, and how do they anticipate this new ordinance, if it's adopted, to be enforced.

(#0215) Kell McAboy stated currently our code enforcement officer works on a complaint-based system. There is one code enforcement person for the whole county for the planning regulations. This would be similar, although there would be an annual renewal system. Under that system, there would be annual records reviewed, as well as time limits of stay. Currently there is a 120 day limit for an RV, so that would change. If they were in the short-term rental program, that RV could remain indefinitely and then be rented out to individuals for up to a 30 day period. That would be what you'd have to look at under the review.

(#0270) Bill Dewey stated as it's written now, they are to keep the records and present them to the county upon request, but there isn't any plan to request those on an annual renewal. It's not being done proactively; it's strictly on a complaint driven system.

(#0280) Kell McAboy noted if they applied and got the permit, they would have to come back in every year for a renewal. Staff would then check those who are permitted under the short-term rental program annually to receive their permit.

(#0300) Bill Dewey noted you might want to consider adding 'check in and check out dates' under 17.81.015(5). That would help in verifying the length of the stay. Bill also suggested being proactive in requesting those records upon renewal as part of the package. That would also verify if people are complying with the ordinance. I believe being more proactive is the direction to take.

(#0350) Diane Edgin stated they should also provide sales tax records. Every time they rent that unit, there is going to be a record of sales tax. That would show the number of turn overs in the unit.

(#0375) Wendy Ervin stated this is a lot of words in search of a solution to a problem that doesn't really have to exist. Comparing the numbers, this is never going to turn into some sort of slum rental given the rates as opposed to renting an apartment or some other unit. A person who wants a permanent living place is not going to get a residence where you have to climb a ladder to your second floor and then almost crawl from place to place in the second floor as the ceiling is so low. This is trying to keep this from being a permanent residence and the convenience and cost prohibit that. This whole thing is trying to govern something that the market will govern, and it's not necessary for county law to do so. I feel as long as the health rules and regulations are taken care of, there should not be a limit on the number of days of a stay.

(#0460) Kell McAboy noted Robin Hood Village is a nice place, and that may be true for them, but not all RV parks in the county are situated that same way. It could easily turn into a situation where you have long term residents living in these RV parks. We have people living in the county in all types of different conditions.

(#0500) Wendy Ervin explained those aren't RV's or park models. They are single wide mobile homes which accommodate someone living in them permanently. What we're talking about here is not the same thing as a single wide.

(#0510) Kell McAboy inquired if there were specific issues with the short-term rental program as it's outlined. It talks about getting the inspections for installation, as well as environmental health issues.

(#0520) Wendy Ervin responded she has no problem with those issues.

(#0530) Kell McAboy inquired about the 25% number, and if that was an issue.

(#0535) Wendy Ervin stated she would not worry about how many days a person stays in a particular unit.

(#0600) Bill Dewey opened the public comment portion of the hearing.

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(#0650) Darlene Pennoch, owner of Evergreen Mobile Estates, testified first. I'm also here representing South Sound Rental Association, and the Washington Apartment Association. The reason I'm here is because there are RV's in mobile home parks that are set up for permanent living. She inquired where do you draw the line. Is it an RV park or is it a mobile home park? There's quite a few mobile home parks in this county that also have RV spaces for the overnighers. Some of them have mobile home spaces that someone with an RV can rent the mobile home space. Back in the 1980's when this county almost became a ghost town, that was the only way we could rent spaces; buy the mobile home, move it in, and rent it out that way. This ordinance takes away a lot of freedom from those RV park owners in the future. What happens if the gas prices are so high the people aren't willing to go far to vacation? Then those RV park owners are getting the RV's and maybe those park models might be used for a permanent residence. This ordinance is too restrictive on the park owners, and the possible tenants. RV rentals is an affordable form of housing, throughout the entire United States. It takes away the choice of how you want to use your property. I have seen a tremendous need for affordable housing in Mason County. I have people constantly coming to me to rent a unit because I am one of the lowest cost landlords in the county, and I have a waiting list. It would keep the cost down of having to move the unit every 60 days.

(#0750) Bill Dewey inquired of Kell to clarify that if they have this permit, they don't have to move the unit.

(#0775) Kell McAboy responded that is correct. The unit would stay indefinitely in one place. Also, GMA prohibits us to have high-density housing in rural areas.

(#0785) Darlene Pennoch noted that not all the RV parks are out in the rural area. I'm just right outside the City limits, and I actually have one RV right now that's been used for permanent housing for a long time.

(#0795) Bill Dewey stated that is one point we may way to consider differently in regards to parks in the UGA's. That could address the affordable housing issue.

(#0800) Darlene Pennoch stated that people come to these mobile home parks because it is the cheapest place they can find to live. This regulation is too difficult and too financially straining for people to deal with. Also, some RV parks are also mobile home parks so where do you draw the line there?

(#0820) Kell McAboy responded they are two separate entities. At Robin Home Village, there is a mobile home park and the RV park. They are separate things. All new mobile home parks are not allowed in the rural areas of the county, but we did designate that those existing ones are allowed to continue as a legal, nonconforming use. The RV parks in the county are considered legally established and conforming uses as long as they don't become mobile home type parks for the long-term living situation. It does need to keep that recreational component to it. That is why some sort of a limit will need to be established. We chose 30 days out of the building code which talks about transient living.

(#0875) Bob Fink, Department of Community Development, added the county adopted regulations in 1990 after many of the existing mobile home parks and RV parks, and combinations thereof, began. The county regulates them differently. They are distinct, with one being a tourist situation, and other one is for housing. That's the distinction we're trying to keep, especially for the rural area where high density housing are not considered consistent with what's allowed under GMA.

(#0965) Jenny spoke about the fact that she and her husband, along with the Pennoch's, own most of the small parks in Shelton. We provide low income housing to people and will not put park models in our parks because they would be too expensive. She further stated the RV people coming into their parks bring in their really nice rigs and we have people come to stay there from the low to the top end. A lot of them are here for medical reasons and this is how they can live in the parks while they are having their treatments. Most of these people have cancer, and need an inexpensive place to stay.

(#1000) Tim Wing inquired if any of this applied to parks in the City.

(#1020) Kell McAboy responded that it does not, as the City has their own regulations. Mason County does not have jurisdiction over the City of Shelton.

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(#1050) Tim Wing inquired where these people are coming from that need these spaces for medical treatment.

(#1060) Jenny stated some are being treated at Mason General, but most are being treated in Tacoma or Seattle, and this is the cheapest place to find a temporary home for them during their treatment.

(#1075) Darin Berry of Robin Hood Village commented the four pages of code was supposedly to help me, and my recommendation is that you throw this out 100%. It's not helping me and the tourism business. I spent \$100,000 on two park models and probably put a couple of hundred thousand dollars into the park to make it nicer for people. I'd like to bring in three or four more over the next few years. We get about \$140.00 a night for them, so there's no danger these will be used for monthly rentals. I have no plans to do that in the future, either. I recognize the county has a real issue with this, and it's unfortunate this hornets nest is getting opened up. I was trying to advance the tourist business, and all of this is designed to prevent parks into low-income housing. With the cost of gas, people want to have a place to take their RV where it's protected, and not have to tow it every time they want to go to these parks. Park models are a huge growth industry because it goes with the trends of not having to buy a 3/4 ton rig to tow their trailers to these destinations. I'd like to be able to add a park model every year and let my tourism grow. I was told by Bob McNeely, who spoke to you last time and is a park model manufacturer, to just go ahead and put them in and if the county gives you a hard time, we will sue them for discrimination because it's not right to put these extra restrictions on manufacturers that create park models and not put the same restrictions on RV's. My recommendation is throw this out, and take the existing short rules and change it to 'no person shall remain in an RV park' I think there's a great opportunity here in Mason County.

(#1400) Bill Dewey inquired of Darin Berry what are the biggest issues he has with this proposed ordinance.

(#1420) Darin Barry stated when he was red-flagged, what he had was county people looking through the code for a way to violate me. The biggest issue for RV parks is if they have septic and good utilities. They want to make sure guys aren't adding spaces overnight. This is going to end up costing us all money. The 25% is an issue with me. If you're going to say short-term rentals have to have a wheelchair ramp, and other RV's don't, isn't that discrimination against the guys that build the park models? The purpose states this chapter is to allow for an RV or park model to remain within an RV park for longer than 120 consecutive days. It also stated the permit program and associated regulations are intended to prevent residential use of RV's or park models. This is in the current ordinance, and is not even being enforced right now. Why do we need additional regulations when the current ones are not even being enforced? We met two weeks ago and talked about this, and we came back today with the exact verbiage.

(#1600) Bill Dewey stated in fairness to staff, we've heard a lot of public testimony here in the workshops, and the input was constructive, but I assumed those would be provided to staff. I'm not sure that's happened. We haven't been made aware of that. Once again you are advocating for that one word change as opposed to constructively critiquing the ordinance itself and providing that input to staff.

(#1700) Jenny stated she has seen RV parks across the country that have consisted mainly of park models. That 25% rule is really restrictive.

(#1750) Bill Dewey closed the public comment portion of the hearing.

(#1775) Tim Wing inquired what triggered looking at this issue.

(#1800) Kell McAboy explained Mr. Barry brought two park models at Robin Hood Village into the RV park section in a place where historically it had always been spaces for owner-occupied RV's. Our code currently reads in Title 17 'no recreational vehicle shall remain in the park for rental purposes.....' So the county didn't allow that. We have held off doing any kind of enforcement until we came to some understanding. This has taken a long time to resolve. To just change the word from recreational vehicle to person doesn't do anything to allow Mr. Barry or any of the other RV parks to change from an owner-occupied RV space to then putting a unit in and renting it out. There are RV parks throughout the county which were legally established prior to those codes being adopted on March 5, 2002, where they had historically rented those out. That is why the BOCC wanted to put in that specific language to not allow RV's to be rented out for that length of time. Mr.

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Barry has done an excellent job in educating the county on that distinction between park model RV's and RV's, which is why we have specifically included park models in addition to just RV's. So we're back to the original issue of whether the county wants to allow RV parks to be able to rent out units, whether they're park models or trailers, and then if so, are we going to have regulations so that we can check on the safety and health issues involved. That is what is in this short-term rental program. It is four pages, and yes, we can work with that. The 25% rule is also workable. However, to just allow RV parks to bring in units for rental without any sort of safety check by the county, at its most basic level, is an issue for staff.

(#1900) Bill Dewey inquired if there was any guidance in state law that would suggest that these units have to meet the American Disability Act standards.

(#1950) Mark Core, Manager of the Building Department, responded there are ADA standards, as well as building code guidance that requires a classification for these units. These units were never intended as a rental. They're intended for an individual buyer to purchase them for their use only. However, if you're going to put them in a rental state, you need to secure them so that the visitors of Mason County are safe. The ANSI standards have to do with how they're manufactured at the factory.

(#1985) Miscellaneous discussion regarding ANSI and ADA standards.

(#2100) Tim Wing commented there doesn't seem to be any environmental concerns that triggered this, no court orders, and no neighbors have complained about it, and I think we have gone way overboard on this. Frankly, I don't see a good direction we're going on now with this. I am not willing to vote on something that would close the door on really low cost housing, especially for people who are sick. We do need to make sure that any of these sites are handling the utilities and the environmental issues correctly, and if there are violations of those issues, they do need to be dealt with. I agree with Mr. Barry and his points on tourism. I also think the 25% is arbitrary at best, and the whole thing should be thrown out and start over with some new direction that is more flexible.

(#2150) Wendy Ervin stated she agrees with Tim on everything, and one of the purposes we have been given is to encourage tourism in this county. You don't encourage tourism by putting a thumb on it.

(#2165) Mark Core clarified that with a typical RV, you pull into your spot, lock it down, and you're done. Park model RV's are required by the manufacturers setup manuals to be tied down. They also don't have holding tanks, so there are some real health and safety concerns regarding these park models.

(#2200) Wendy Ervin stated that you need to address those, define what a park model is, and define what an RV is. Then you need to set up the setup requirements. The short-term program permit application needs to address those issues. The rest of the ordinance is disposable.

(#2240) Kell McAboy noted there is currently an ordinance in place for RV parks and how they manage how long people stay. It states you cannot have rentals, and there's a 120 day stay limit at a time.

(#2290) Wendy Ervin stated she has a problem with the county creating more work for the county to do. Just generating more ways to spend the taxpayers money running around doing work that doesn't need to be done. I'm always against that.

(#2315) Dennis Pickard stated it seems we're combining in a haphazard way dealing with the realities of these RV parks. There's the issue of whether we want to permit units to remain in a park for a long period time, given the gas prices. Then if we want that unit to remain, under what conditions do we want that unit to remain.

(#2350) Miscellaneous discussion.

(#2550) Jim Reece noted his agreement with a lot of the discussion and commented that given the infrastructure is there, do we want to end up with parks that are a combination of RV parks and motels? That does benefit tourism. This ordinance with the complexity of trying to monitor how long the stay is, and keeping track of people, isn't worth the time and effort to enforce it.

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(#2600) Bill Dewey stated he would like to be more complimentary to staff. They've taken some abuse here tonight, and have worked very hard on this issue. I'm not convinced we need to throw the baby out with the bathwater. We've heard some issues tonight, and for me the 25% is one that I'm concerned about. I would delete that, and let the market drive that number. The ADA WAC reference could be approached by requiring a certain percentage of the units be ADA approved. On the issues that have come up tonight regarding parks in the UGA's where GMA would allow us to have higher density, we should look at considering having separate standards for those for the long-term rental limitations. There was also discussion regarding the possibility of the owner of the unit not necessarily being the owner of the RV park. Also, I'm concerned about the enforcement standpoint. With the current regulations it's somewhat easier to view whether a unit has been there and is exceeding the duration, but from the standpoint of a layperson, if you're going out and trying to monitor people's stays, it's not going to be easy. There needs to be some sort of a proactive check system. Those are my comments. Based on what we've heard tonight, we are not at a consensus on this issue. We would like to have staff revisit this issue and bring it back to the PAC.

(#2800) Diane Edgin commented that she is familiar with the Spencer Lake Resort RV Park, and so many of the people that live there are in the process of building their home and houses don't go up in 120 days.

(#2820) Tim Wing made a motion not to approve staff's current proposed policy, and further recommends that staff instead focus on issues associated with GMA and further proliferation of RV and Park Model Parks, and policies to govern their uses. It's the observation that the existing group of parks and their uses is not something that's going to be very easy to manage or control or regulate, and it's being regulated by the market right now, and my view is to leave that alone, but to focus on policies for new parks. That would avoid the high density issue outside the UGA's for newly established parks.

(#2840) Miscellaneous discussion.

(#3300) Tim Wing made an alternative motion. Move not to approve staff's current proposed policy now, and return with a policy recommendation which more flexibly addresses the current issues discussed. I further recommend that staff focus on issues regarding GMA and proliferation of RV and Park Model Parks, in governing their policies and uses.

(#3350) Wendy Ervin noted she has concerns with the work 'proliferation' as it frequently has a negative context to it.

(#3400) Tim Wing made a friendly amendment to the motion by saying 'further recommend that staff focus on issues regarding GMA and proposed future RV park model parks in governing their policies and uses'. There was a second, and the motion passed.

(#3450) John Keates, Mason County Parks and Recreation, opened the hearing on the Oakland Bay Park Master Plan. John explained the county purchased the Oakland Bay County Park in partnership in 2005 with the Capital Land Trust. The Land Trust has a conservation easement on the property which limits the possible future uses of the park and has created 'buffer areas' along the shoreline on Oakland Bay and Melaney Creek. The primary purpose of the acquisition was for conservation. However, there was always the thought and expectation in the future for the easement to become a public access and interpretive facility. *John showed PAC proposed master plan on map and described the history of the land and it's development.* In 2007 and 2008, Mason County Parks and Recreation hired Robert Droll, landscape architect, to develop a master plan that would guide the future use and public access to the park. As the planning process began, it was agreed that the primary purpose of the master plan should honor the guidelines of the conservation easement while providing a balance between conservation of the property and public access and enjoyment. The three primary public use activities in the proposed plan would be trails, environmental education, and historical interpretation of the homestead site. *John gave an overview of where the toilet facilities, trails, and overlook would be located.* John explained that staff, the Capitol Land Trust, and the consultant feel the plan is a good balance of appropriate public access and conservation. This plan has been reviewed by the Mason County Parks Board, at two public meetings, and has been posted on the county website for review. We are requesting the Planning Advisory Commission approve the draft plan, which will then be forwarded on to the BOCC for formal adoption.

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(#0350) Miscellaneous discussion regarding handicapped users ability to maneuver around park.

(#0400) Bill Dewey shared his concerns regarding adequate toilet facilities, and that an educational component ties together the shellfish and water quality issues and the importance of using those facilities.

(#0440) John Keates explained there will be an educational component regarding the shellfish, and we are going to discourage access down to the tidelands. Most of the tidelands are owned by private interest.

(#0500) Tim Wing stated there should be some sort of interpretative kiosk which shows what's going on in regards to the harvesting of oysters and clams so people can understand how important that business is. I would like people to know that protecting the environment doesn't mean that we just don't use anything. It's that we use bodies of water for food, and how important the water quality is for those reasons.

(#0550) John Keates stated there will be discussions with the Tribe, Taylor Shellfish, the schools, trying to do the education.

(#0600) Bill Dewey noted we've seen this in other parts on the West Coast where you start seeing recreational / education use and you have a norovirus outbreak, and it doesn't take much to affect an entire growing operation because there aren't adequate facilities and education. Norovirus is highly contagious.

(#0680) Tim Wing inquired what source the money came from to buy this property.

(#0700) John Keates explained the Capital Land Trust source was money from the state, and the county's contribution was around \$400,000. The monies for development of the actual park will come from a combination of state grant funds, and some REET 2 funds.

(#0750) Wendy Ervin inquired what the bathroom facilities will consist of.

(#0775) John Keates explained they are looking at using the possibility of a composting unit at both the upper and lower areas. The lower area might have one with a women's side and a man's side with two stalls each, and the upper one will have the same except four stalls each.

(#0800) Bill Dewey noted no public present to testify so the public comment portion was opened and closed. Bill encouraged the PAC to move forward with a recommendation with what was requested by staff. A motion and a second was made and the motion passed to recommend this be forwarded on to the BOCC for their final approval.

(#0875) Kell McAboy opened the public hearing on Short and Large Lot Subdivision Alterations. At our April 21st meeting there was discussion on this topic, and I worked directly with Michael MacSems of our department, who reviews the short and large lot subdivisions, as well as Dennis Pickard. The major changes involve under Procedure, we deleted 'common to the entire plat' and added 'common to at least two or more lots within the plat'. Under Application and Notice Requirements, we deleted 'Notice Requirements' as there was a lot of discussion as to whether we would require alterations 100% of the time. There may be instances where someone can do an alteration that doesn't necessarily need to involve the county. We didn't want to have that requirement and deal with any enforcement issues that might come from it. We changed the word 'should' to 'shall'.

(#0900) Miscellaneous discussion regarding that wording. Dennis will forward revised wording to Kell.

(#0975) Kell McAboy explained the next two paragraphs were stricken which noted explanations of the RCW. We then added a fourth section (D), and those are the requirements of the Title Company.

(#1000) Discussion regarding the 'affected properties'.

(#1025) Kell McAboy noted the requested change of (4) to read 'The owners of affected properties have signed in front of a notary approving the alteration'.

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(#1050) Debbie Jacobs raised a question on (3) regarding public use and interest.

(#1075) Dennis Pickard explained whether it's stated or not, they have to come to that conclusion on anything that the county approves.

(#1100) Kell McAboy also explained it's stated in the RCW for written determination and findings. Kell explained the addition of (H), which states future development does not vest. That means if you have a short plat that was platted in 1950 and no critical areas were defined or designated, and it has an easement platted in a certain area, and now the person is coming back to change it to accommodate everyone better, they can do this under this process. For the most part, staff would be able to check that on site, but if there was a time when an alteration got placed through a critical area unbeknownst to the county, we're not saying that just because we allowed that alteration it means we will allow you to destroy that critical area to put that road through just because we approved the alteration. It may be a situation when they have to come back and alter it again. Today when we short plat properties, you take into consideration all the critical areas, and the county won't approve a short plat knowing that you're going to make one lot completely encumbered by a wetland and then you have an unbuildable lot.

(#1200) It was note there was no public present to testify on this matter.

(#1300) Dennis Pickard expressed concerns with (F), and the statement 'If alterations affect a surveyed plat, a new survey may be required'. Miscellaneous discussion reflected in the PAC requesting that sentence be deleted. Dennis made a motion to approve the Short and Large Lot Subdivision Alteration Section as submitted with the following requested changes: Under Application, it should read 'An application for review may be submitted and any such application shall be submitted on forms and with fees as established by the department'. Under (D)(4), it should read 'The owners of the affected properties have signed in front of a notary approving the alteration'. Under (f), strike the last sentence. There was a second and a call for the vote and the motion was passed.

Meeting adjourned.