

# MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes**  
**July 21, 2008**

(Note audio tape (#2) dated July 21, 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:** Kell McAboy and Susie Ellingson.

## **3. APPROVAL OF MINUTES**

The minutes from the May 19, 2008 meeting were approved as presented.

## **4. NEW BUSINESS**

(#0050) Kell McAboy, Department of Community Development, opened the hearing on the Short-Term Rental Program for RV Parks. Kell explained this is a new chapter to Mason County Title 17 which would allow RV Park owners to rent out recreational vehicles or park model trailers within the RV Park with a short-term rental program permit. This provides tourist more lodging opportunities within the county and is a financial benefit to the park owner. The permit requirement serves to provide minimum environmental health, building and planning standards to ensure compliance with county regulations and to prevent RV Parks from evolving into a high density long term residential use. The short-term rental program would be an optional program to all legally established RV Parks located within the county, or any new RV Parks that would be located in the county. From the last public hearing we held on June 16<sup>th</sup>, revisions were made to the proposed short-term rental program, including extending the 30-day stay limit to 120-days. This is the same stay limit as what is currently allowed for owner-occupied RV units. In addition, the 25% rule was doubled to 50% of the established spaces that can be utilized for placement of rental units. Other changes include eliminating

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regulations covered by the permit application process and regulations required under existing code. No additional comments have been provided to the county at the time of this staff report, nor since the workshop and past hearings. Staff recommends the PAC review and discuss the revised short-term rental program and the proposed revisions to the Code/DR's and recommend approval to the BOCC.

(#0150) Dennis Pickard note there are two issues. One is the owner of the park bringing in a unit and placing it long term for rental purposes. There is also the issue that an owner of an RV purchased individually being permitted to leave it in a park for an extended period of time.

(#0175) Kell McAboy stated currently they can leave it there for 120 days, and up to 180 days in a year long period. If you wanted it so that an owner-occupied RV could go to a park for an extended amount of time, there doesn't need to be a short-term rental program permit for that because it's their own vehicle. Something would be changed in Title 17 in these different sections of the Code which address that.

(#0200) Miscellaneous discussion.

(#0330) Bill Dewey noted the definitions have been deleted.

(#0335) Kell McAboy explained the Park Model and Recreational Vehicle definitions were eliminated and we will use the ANSI Standards from the federal definitions for the Park Models. RV's are already defined in our regulations.

(#0400) Bill Dewey opened the public comment portion of the hearing.

(#0425) Constance Ibsen of Union explained she is here speaking as an individual, but is very active in the WRIA 16 program, and also a member of the Lower Hood Canal Watershed Coalition. She noted her concerns regarding some of the long term implications for this proposed ordinance as it pertains to the Hood Canal Watershed, which is also a Marine Recovery Area. Constance explained her experience has been that enforcement is basically an exception rather than the rule here in Mason County. She inquired how this will be enforced so that we don't have something like Minerva Beach evolve out of this. She inquired how this process will be monitored or enforced.

(#0485) Kell McAboy explained the county has one code enforcement officer from the planning department to enforce all of the planning department's regulations, and this would be one of them. In the rental program, it requires that the park owner keep a detailed log of when people are coming and going. We did discuss the fact that the way it's written now, it is easier to see when a recreational vehicle or park model has been there longer than that 120-day stay limit. The people aspect of it may be more difficult to monitor. They would have to present those logs upon request by the county.

(#0520) Constance Ibsen noted that it will be complain driven so a citizen would have to bring a complaint to the county. That means there will be no yearly random checks.

(#0530) Kell McAboy responded the short-term rental program does require a yearly renewal and that is intended to use that renewal process to check whether they are complying with the program or not.

(#0540) Constance Ibsen inquired how many legally established RV Parks there are now, and is there a map depicting their locations.

(#0550) Kell McAboy explained currently she is working with the GIS Department in updating the zoning which will enable us to pull a list using Assessor records. Kell stated the mobile home parks are listed, but it is difficult to find just the RV Parks. There are also dual use parks, where there are mobile homes in one part, and RV's in another part.

(#0585) Constance Ibsen inquired what land uses are these parks allowed in.

(#0600) Kell McAboy responded they are allowed in RC1 through RC5, and then in RTC, and RT.

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(#0620) Constance Ibsen noted her concerns about the RV Parks being located on the shoreline. That means more human activity when we know we have a critical balance in Hood Canal. She stated she would like to see there be an exemption for the Hood Canal Marine Recovery Area. There are also unique pollution problems in Oakland Bay. She stated this program would be a step backwards.

(#0700) An audience member from Union had some concerns that there are no maps, and inquired when they will be available. He stated he would like to see all the data available before this issue is decided. If I am in the business for this, I would be for it, and if I'm not involved in RV Parks, I'm not for this, particularly on the canal. He stated he also has concerns about the enforcement of the program.

(#0800) Darin Barry, owner of Robin Hood, stated he should have bought an RV Park in a different county. He explained he is not interested in renting out his park models for 120 days to someone. He is interested in the tourism aspect of it, and not the long-term living aspect. These park models make a lot more sense, as a typical RV pulls in and the first thing they do is dump their tank with 50 gallons of sewage in your RV Park. Gas prices are so high, people are not wanting to tow or drive their RV's any great distance. People can also enjoy RV living by staying in these park models instead of having to own their own RV. People are also finding places where they can leave their RV and travel back and forth to the location. A lot of parks write a lease that is a use and a storage lease combined. Park models is a large trend right now. Mason County has actually encouraged their RV Parks to become full-time living areas. We have a big issue in Mason County with exactly what the existing regulations were designed to prevent, but we're not enforcing them now.

(#1100) Kell McAboy stated March 15, 2002 is when the county adopted zoning regulations and they found there were a lot of RV Parks that had long term residential use. Those became legal non-conforming and they continue that use. They didn't come in after the fact and start using long term residential use and that's why we're not enforcing upon them. It is considered a legal, non-conforming use.

(#1175) Darin Barry stated his recommendation remains the same. I recommend that you take the existing regulations and fix those rather than adding new regulations. Specifically with the existing regulations, if you would eliminate the statement that says you can't rent an RV in an RV Park. Then change the existing day limitation rule to limit people rather than RV's for the stay. The maintains your current position and it allows the tourism business to grow.

(#1200) Miscellaneous discussion.

(#1750) Barbara Levette of Union spoke on the issue. She explained in 1996 there were five homeowners in her homeowners association threatened with eviction within 48 hours for failed septic systems. This was ordered by Mason County Environmental Health. Since then we have replaced our individual septic systems with a community system at a cost of half a million dollars. She stated her homeowners are convinced Mason County is concerned about water quality, and they are confused what is going on down around Big Bend Creek. It is a salmon bearing stream. There is concern about putting affordable housing there without a septic system when homeowners two doors down are replacing their septic systems is just simply too hard to imagine. That grassland was all covered over with gravel. No one knew about this happening. The impact to the environment of having year round usage is of great concern. I do agree with Mr. Barry that I would not like to see this revised ordinance. I would like to see that land kept as it is and I can't image it's even being considered for this kind of development. This property was a grassy piece of property that everybody in the community figured was a wetland. It was used for special events in the winter time, and people had to put hay on it because it was so boggy and muddy. I would not like to see permanent trailers put in there.

(#2000) Tim Wing stated the concerns that are being raised don't have a direct effect on this. This is about how to use RV Parks throughout the county.

(#2075) Bill Dewey noted the comments are towards that particular piece of property and the types of permits that might have been required to put that project in. We are talking about an ordinance that will affect all RV Parks in the county.

(#2110) Barbara Levette stated she appreciates that but, there is also the perception of the community and

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what it looks like to the people who live there. It looks very much like a double standard.

(#2125) Kell McAboy explained that if this ordinance is adopted, he will be able to permanently place units for year round use on the pads that are established, as well as on the landward side.

(#2150) Bill Dewey closed the public comment portion of the hearing.

(#2175) Wendy Ervin asked to address the suggestion that this just be eliminated and go back to the original ordinance, with or without the changes that have been suggested.

(#2185) Bill Dewey noted Kell has talked to us about this before.

(#2195) Kell McAboy stated that Mr. Barry's preferred alternative would be to not adopt the short-term rental program and just change the language in the code. This ordinance is not written just for Robin Hood; it is written for the entire county. There's no way then for the county to check for adequate water or septic systems, or other building regulations.

(#2210) Dennis Pickard noted that what we're talking about is a change in the existing permitted uses in RV Parks. They were originally designed and approved for one type of use, and we're considering expanding the uses that are permitted now. There is some value to some of the health and safety issues that we wouldn't be able to consider if we just revised the existing provisions. Also, some of the permitting and annual record keeping would facilitate the county having greater oversight over the units.

(#2300) Bill Dewey stated we had talked about the 50% limit, and noted the PAC had discussed striking that out.

(#2325) Kell McAboy stated she discussed this issue with other staff, and the agreement was to keep it in.

(#2375) Tim Wing inquired if the county has to permit septic systems, water systems and the number of sites allowed.

(#2400) Kell McAboy stated that is correct, when they're permitted. There are several that were established long before there were any regulations.

(#2420) Tim Wing inquired what has been permitted for the use on the water side of Mr. Barry's property.

(#2430) Darin Barry explained he had a holding tank permitted two years ago, and the electrical boxes are many years old.

(#2475) Wendy Ervin inquired if we're saying we don't want to revert back to the existing regulations, that there's enough value in these additional regulations that we need to adopt them.

(#2500) Dennis Pickard stated he thinks so, mainly because of the issues that Tim raised, with regard to the existing RV Parks. Any long-term use would give the county the opportunity to evaluate the sites with regard to current standards.

(#2545) Miscellaneous discussion regarding the enforcement being complaint driven.

(#2750) Bill Dewey stated the annual renewal process shall include the presentation of the records from the RV Park. It should be included in the renewal process.

(#2800) Miscellaneous discussion.

(#2950) Tim Wing stated that he is a supporter of tourism in this county because it is one of the cleanest industries we can promote. We should continue to be doing things to promote that. However, the increase in the number of people that are present along the shorelines is always a concern. I am no more interested in limiting tourism than I am in limiting the number of persons a homeowner can have along the shoreline in a weekend. Those things can both contribute to problems with the water in Hood Canal. We need to recognize

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that we need both of those things to happen and we need to make sure they happen correctly. With regard to septic, which is perhaps the biggest issue, that's been dealt with. The standards and regulations are clear and if people want a permit to add additional spaces to an RV Park, they have to get a permit to handle the sewage properly. Tim also stated he doesn't have real clear numbers, but appears it's not the case that a permanently installed park model is going to produce more sewage or more environmental problems than a spot that's rented out by the night. I just don't see that as something we should be using to make a decision on. Tim made a motion that we adopt this revised regulation with the exception of 17.05.094 (B).

(#3100) Wendy Ervin asked for a friendly amendment to the motion under 17.05.091, Purpose. She suggests the paragraph read 'The purpose of this chapter is to allow for recreational vehicles or park model trailers to be placed within an RV Park for an indefinite time period so that it may be rented as a short-term rental to enhance tourism in the county. The permit program and associated regulations are intended to prevent the health, safety, welfare, and environment'. Under 17.05.094 (A), it should read 'Only RV's or Park Model Trailers registered with the county may be issued a permit'.

(#3200) Miscellaneous discussion regarding eliminating (A) under 17.05.094. Consensus was to remove it.

(#3250) Miscellaneous discussion regarding (B) under Attachment C. Consensus was to stop the sentence after 'towable'.

(#3400) Miscellaneous discussion regarding 'subletting' the spaces.

(#3500) Wendy Ervin added another friendly amendment regarding (A) under Attachment C. It should read 'Recreational vehicles/park model trailers not permitted by a short-term rental permit shall remain in the RV Park for no more than 120 days ....'.

(#3700) The motion passed with the friendly amendments as stated above.

(#0250) Kell McAboy opened the workshop on the Mason County Sign Ordinance. Proposed are amendments to the Mason County Code and Development Regulations relating to signs. Currently our DR's for the rural residential areas don't discuss signs at all, unless there is a cottage industry. Signs are addressed somewhat in our rural commercial areas, but overall we don't really have sign regulations for the county. There was an interim sign ordinance adopted in 2005, and then that has expired. I took that as a starting point and worked with some sign guidelines and a lot of case law regarding signs. We also worked with the permit planning staff, and the Public Works Department. Essentially I came up with two alternatives and tried to distinguish signs between the on-premises signs, off-premises signs, sign limits, permanent signs, temporary signs, and signs allowed in the right-of-way, or signs prohibited in the right-of-way. We are staying completely from content-oriented signs so rather than having one set of regulations for political signs, and another set for real estate signs, and another set for commercial signs, there are sign regulations for different zoning areas, whether allowed in the right-of-way, and then temporary or permanent. That way you stay away from any legal challenge on free speech. The first alternative addresses the sign regulations as they would be in our DR's. No additional permits would be required, unless already otherwise required by our building department. It does prohibit all signs, including temporary signs, from the county right-of-ways. Signs are already prohibited from state right-of-ways. Al Eaton, Public Works, is here to speak to Alternative 1, which is prohibiting all signs from the public right-of-ways.

(#0300) Al Eaton, Assistant Operations and Maintenance Manager for Public Works, spoke on the issue. He stated he has worked with Kell in developing this ordinance, and Public Works is in favor of no signs in the public right-of-way. That is how the state right-of-way is treated as well. There is the maintenance issue of trying to work around the various signs that are placed within the right-of-way, and also the safety aspects of the signs and how they affect the users of our roadways. The Manual on Uniform Traffic Control Devices (MUTCO) is the bible we refer to in regards to the sign issues. This manual is uniform within the United States. It prohibits connecting anything onto different regulatory sign posts that we have out there. That regulation is in place from a safety standpoint so as not to distract drivers. We found that people still attach things to our signs, which we quickly remove.

(#0400) Tim Wing inquired how wide is the county right-of-way.

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(#0425) Al Eaton responded that it varies within the county. If they put something outside of the county right-of-way, they will need to get the owner's permission to do so. Typically it's a 60-foot right-of-way, however, Tim is correct. We do have anywhere from maintenance, to owning our own right-of-way.

(#0575) Jim Reece stated in Michigan we called it 'pollution on a stick'. There were no signs allowed in the right-of-way. There were fines and tickets issued for doing so.

(#0585) Miscellaneous discussion regarding placement of signs.

(#0800) Tim Wing inquired about the fact that Belfair and Allyn have their own separate sign ordinance. The UGA's have signs out all over the place and there is a lot of concern there regarding whether they want signs or not. No one seems to be able to regulate them there and the county doesn't have the staff to do so. He inquired about pre-existing signs and who will enforce it. Tim also inquired if anyone has met with the realtors regarding this.

(#0850) Kell McAboy stated there are a lot of commercial within a small area in the UGA's. There are different sign issues there than in the rural areas. The rural areas really don't have a lot of permanent sign issues like in Allyn and Belfair.

(#0900) Miscellaneous discussion on legality of removing signs.

(#1100) Wendy Ervin stated she is for Alternative Two with conditions. She also stated political signs should be handled differently than other signs.

(#1110) Kell McAboy responded we would face a legal challenge doing that. That's why they're split between temporary and permanent.

(#1125) Jim Reece stated he can't see any circumstances that should allow signs in the right-of-way.

(#1140) Bill Dewey inquired if signs are allowed in the right-of-ways in Belfair and Allyn.

(#1150) Kell McAboy explained she reviewed the Allyn and Belfair regulations, and reading the sign guidelines and case law, and then using Municipal Research to guide this process, it appears it wasn't outlined in a way that would help us in the rural areas. The Allyn and Belfair regulations might need to be readdressed in the future.

(#1175) Miscellaneous discussion regarding enforcement.

(#1375) Al Eaton explained the language we discussed would be the administrator or designee would have the authority to remove the signs. In the rural area, it would be our people that would be doing that, but that's not to preclude that the planning department or building department could also address it.

(#1400) Tim Wing commented there has been no enforcement in Belfair and that would probably be because it is a state highway, and there is no maintenance for Public Works to do there. Tim also stated in Belfair there is a time limit on nonconforming signs. He explained he liked that idea, and probably twenty years would be a good number to come into compliance.

(#1425) Kell McAboy explained under the Nonconforming Signs section we could add a sunset clause.

(#1465) Tim Wing stated he is not in favor signs. He says they make our county look like garbage. He is not in favor of real estate signs, or political signs all over the place, especially at intersections. He stated he is a realtor, and he is not in favor of these signs. His view is that if everyone has to play by the same rules, there will be places where people can place signs where they can be seen. That's all the signs I want to have to look at.

(#1520) Kell McAboy inquired if he is in favor of Alternative One.

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(#1530) Tim Wing stated he is in favor of Alternative One.

(#1540) Dennis Pickard inquired if there has been any consideration of a general prohibition within the right-of-ways, but with maybe some certain designated areas where some political signs have been traditionally located.

(#1550) Kell McAboy stated the county would be safe by designated certain places, or another place to do it would be under the Temporary Sign section. 'Signs shall not be placed within the county right-of-way unless otherwise approved with a road use permit from the Public Works Department, and with adjacent property owners permission'.

(#1600) Al Eaton noted that Alternative Two speaks to that. It's offering intersection areas, and giving spacing requirements as to how these signs are going to be out there. I understand there are various concerns regarding the prohibition, that that would be something that could generate some discussion. Al stated the prohibition for signs in the right-of-ways is strictly from a safety standpoint. It's an issue we have fought for a lot of years, and we feel the state has the right approach.

(#1650) Miscellaneous discussion.

(#1900) Diane Edgin inquired if there were going to be fees required.

(#1950) Kell McAboy explained there will no fees. They just have to follow the regulations, so the permit planner would be the one to look at the size regulation, etc., and the building department already has regulations on when a sign needs a permit and when it doesn't.

(#1980) Miscellaneous discussion regarding signs and posters placed on regulatory signs and power poles.

(#2100) Tim Wing brought up that there's a rule that says if it starts getting really snowy, the county will gravel the roads on the Old Belfair Highway within 20 minutes. Approximately 15 years ago, a woman went out and got two of her children killed in a horrific accident and the suit was that the county rules said they would be out there and sanding within that length of time, and they didn't make it out there that soon, the accident occurred, so the county is at fault. Tim inquired if we are going to be more venerable to a lawsuit like that by saying we have a sign ordinance, and somebody blows through an intersection and there was a political sign in the way and we didn't take it down.

(#2200) Al Eaton stated that he has seen no case law, nor at any sessions he's been to, has he heard of anything specifically to address that. He did note that even though we're always open to an action, that removing that pollution would make it safer than the stray one that might be left around.

(#2225) Miscellaneous discussion.

(#2350) Bill Dewey brought up for discussion three options in order to give staff direction. First option is no signs in the right-of-way. The other one would be signs in the right-of-way, with conditions. The last one would be signs in the right-of-way but only in designated areas.

(#2400) Al Eaton stated if the last option was the way they wanted to go, he explained the county does own some parcels all over the county, and many of them do front roads. So that may be an avenue to pursue for that option, as well as getting permission from private property owners. Rick Brush is the county property manager and he has moved quite a ways towards identifying the county parcels.

(#2450) Tim Wing again noted his desire to not have them in the right-of-way at all. One of the advantages of political signs on peoples private property is that it says they personally are in favor of this candidate and that's where those signs ought to be. I don't want them in the right-of-way at all.

(#2475) Jim Reece reiterated signs in the right-of-way is a health, safety and welfare issue. They shouldn't be in the right-of-way at all, especially if it could open us up to a lawsuit.

(#2500) Debra Jacobs noted that as a campaign manager for a countywide candidate, the most frustrating

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thing about signs in this county is not knowing where you can or can't put a sign, and the state is very clear in a right-of-way. They take your sign and it's gone. We have the Belfair UGA sign ordinance, we have the Allyn UGA sign ordinance, then the state right-of-ways regulations, and the county right-of-ways regulations, and maybe now a designated area. That is so confusing.

(#2550) Bill Dewey called for a show of hands for Alternative One, no signs in the right-of-way. There was a count of 5. Alternative Two, signs in the right-of-way with conditions, there was a count of 2.

(#2575) Wendy Ervin stated she had some thoughts in the direction we are going with the GMA. She explained she sees it as not working in the way it was intended to work. She stated she would like to discuss that sometime in the future. Wendy will put some notes together for a future discussion on the issue.

Meeting adjourned.