

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

SEPTEMBER 2, 2008

1. Call to Order – The Chairperson called the regular meeting to order at 9:01 a.m.
2. Pledge of Allegiance – The flag salute was led by Lisa Frazier.
3. Roll Call - Present: Cmmr. Dist. 1 – Lynda Ring Erickson; Cmmr. Dist. 2 – Tim Sheldon; Cmmr. Dist. 3 – Ross Gallagher.
4. Correspondence and Organizational Business
  - 4.1 Correspondence
    - 4.1.1 United States Dept. of Agriculture Forest Service reported on the 2008 fire season's expenses.
    - 4.1.2 John Borgert, Robert (Bob) Love, Richard H. "Dick" Taylor, Steve Bloomfield and Michael Olsen have applied to serve on the Mason County/City of Shelton Joint Advisory Committee for the Shelton Urban Growth Area. (Copies to Community Development)
    - 4.1.3 An application was received from John E. Wyatt to serve on the Solid Waste Advisory Commission (SWAC). (Copy to Utilities & Waste Management)
    - 4.1.4 Stephen T. Whitehouse wrote concerning interpretation of county critical areas ordinance. Copy referred to Community Development/Planning.
    - 4.1.5 Hartstene Pointe Water-Sewer District would like to meet with the Board to discuss the transfer of the utilities.
    - 4.1.6 John E. Wyatt and Michel Olsen sent in applications to serve on Mason County Historic Preservation Commission. (Copy to Community Development)
    - 4.1.7 Shelton Skookum Rotary Club has applied for four (4) special occasion liquor licenses for October 4 & 5, 2008 at the Mason County Fairgrounds.
    - 4.1.8 PUD No. 3 submitted a Local Economic Development Program Application for a grant in the amount of \$144,502.05.
    - 4.1.9 A letter was received from Merle Boettcher concerning health issues at Riverhill Homeowners Association area.
  - 4.2 Introduction of Forestry Leadership Group -- Marilyn Brennan, Forestry Program Assistant, explained this is an annual event to honor the 4-H Forestry Leadership 5-week program for youth. She introduced three representatives of the ten members: Craig Woodruff, Dakota Lisk, and Gabrino Justiniano. The other seven members are: Kevin Strand, Katherine Gamache, James Gamache, James Greig, Morgan Smith, Stephen Esterly, and Aaron Jacobs. The youth participated in several learning projects. The youth are not finished with their service learning projects. They commit to a school year participation in the Teams Rebuilding Environmental Excellence (TREE) 4-H club. They will continue with the projects and will be working closely with the 4-H After School Program. It was noted that certificates will be sent to the students from the County.
  - 4.3 Mason County 2009 Departmental Budget Requests. Presenter: Karen Herr, Auditor and Theresia Ehrich, Chief Accountant presented the 2009 annual budget departmental requests. Mrs. Herr explained the preliminary budget is an important first step in the process. Each Elected Official and Department Head has submitted in detail the proposed revenue and expenditures for next year. It is anticipated that expenditures will increase and revenue will decrease in 2009. It was noted that printed copies will be available in the lobby as well as being posted on the Auditor's website. The Accounting Staff were introduced: Kathy Hibbert, Paige Hansen and Michelle Crow.

The budget is out of balance by over \$4.7 million. The 2009 Current Expense revenue requests are over \$3.6 million less than the current 2008 budgeted revenues. The 2009 Current Expense expenditure budgets are over \$1 million higher than the 2008 expenditure budgets. The expenditures are \$4.7 million with the anticipated beginning and ending fund balance is \$2 million.

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The general fund beginning/ending fund balance is budgeted at over \$2 million. Last month, the general fund expenditures were over \$2.2 million. The average for the year was \$2.1 million. They had almost \$5 million carry over or budget cut balance in 2006. They are providing a lot of comparative and analysis information in the 18-page handout. They also have the detailed expenditures and income from each department and all the special funds. Most of the handout will be in regards to the General Fund or the Current Expense budget.

There are over 66 special and enterprise funds, including the County Roads, Public Health Department, Landfill and water/sewer operations and the Equipment Rental & Revolving Fund. The 2009 preliminary budget for these enterprise funds is over \$92 million and with the exception of Geographic Information Services (GIS) they were all turned in balanced.

The Board will prioritize and balance the 2009 budget and adopt it by year-end.

5. Open Forum for Citizen Input - None
6. Adoption of Agenda – **Cmmr. RingErickson/Gallagher moved and seconded to adopt the agenda as published. Motion carried unanimously. G-aye; RE-aye; S-aye.**
7. Approval of Minutes – None
8. Approval of Consent Agenda:
  - 8.1 Approval of a grant agreement with the Mason County Shelter to provide \$10,000 in grant matching funds from the Community Support Services Fund #117 (Affordable Housing (2060) revenue) for operating expenses for its emergency shelter and its duplex/triplex which is used as transitional housing.
  - 8.2 Approval of a grant agreement with the Mason County Shelter to provide a \$15,000 grant from the Community Support Services Fund #117 (Preventing Homelessness (2163) revenue) for the operation of the Case Managed Rental Assistance Program.
  - 8.3 Approval of a grant from the Community Support Services Fund #117 (Preventing Homelessness (2163) revenue) in the amount of \$5,000 to the Community Action Council for the operation of the Case Managed Utility Assistance Program.
  - 8.4 Approval of Warrants
 

Claims Clearing Fund	146241A-146614	\$2,666,636.00
Salary Clearing Fund	1710-1755	\$280,990.30
Direct Deposit Fund	5699-6132	\$627,983.56
  - 8.5 Approval for the County Engineer to execute Supplemental No. 3 to the Local Agency Standard Consultant Agreement between HWA GeoScience, Inc. and Mason County Public Works, for slide investigation and repair designs.
  - 8.6 Approval of the Resolution revising Resolution No. 95-07 for County Road Project #1858 - Beeville Loop Road Culvert Replacement Project, at milepost 5.11. **Resolution No. 103-08 (Exhibit A)**
  - 8.7 Approval for the Equipment Rental & Revolving (ER&R) Manager to surplus certain vehicles, equipment, parts and computer equipment that is obsolete or has failed. Two computers, a monitor and printer are to be transferred to the Veterans Assistance Screening Committee and the ER&R Manager is authorized to dispose of the remainder at the Washington State Surplus Sale. A list of the equipment is available from the Commissioners' office.
  - 8.8 Approval to set a public hearing on Tuesday, October 14, 2008 at 9:30 a.m. to consider adopting the Hartstene Pointe Water System Plan. This is a required component of the Department of Health's approval process.

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- 8.9 Approval of Veterans Assistance Fund applications for: Gena Kay Cass - housing \$600.00; Joseph A. McQuillan - food \$200.00; R. Paul Mobley - utilities \$153.06; Robert Ramar - utilities \$110.71 for a total of \$1,063.77 as recommended by the Veterans' Assistance Screening Committee.
- 8.10 Approval of the Department of Community Development's recommendation to deny Application Number EVE2008-00003 as an activity not permitted within an RR10 zoning district. This is for the Olympia Family Barter Faire that was proposed to be held September 12-14, 2008 at 3210 Deckerville Road, Elma, WA in Mason County.
- 8.11 Approval to award the contract for installation of a backstop at Sandhill Park, Field #3 to Viking Fence in an amount not to exceed \$15,800.
- 8.12 Approval to award the bid for the reroofing project on the 3<sup>rd</sup> & Pine Street Building to Doyle Brothers Construction of Elma, WA in the amount of \$68,950. This will be paid from the General Obligation bond funds.

The following items were removed for further discussion: Item 8.6 and Item 8.10

Item 8.6

Approval of the Resolution revising Resolution No. 95-07 for County Road Project #1858 - Beeville Loop Road Culvert Replacement Project, at milepost 5.11.

Cmmr. Gallagher asked if this item was approved prior to this date.

Charlie Butros, Public Works Director, stated the road project was approved, but it needed to be updated. The original approach for the project was for work in house. It was complex enough that they decided to contract the work rather than performing the work in house.

**Cmmr. Ring Erickson/Gallagher moved and seconded to approve Items 8.1 through 8.12 with the exception of Item 8.10. Motion carried unanimously. G-aye; RE-aye; S-aye.**

Item 8.10

Approval of the Department of Community Development's recommendation to deny Application Number EVE2008-00003 as an activity not permitted within an RR10 zoning district. This is for the Olympia Family Barter Faire that was proposed to be held September 12-14, 2008 at 3210 Deckerville Road, Elma, WA in Mason County.

Jennifer Johnson stated they are working with the Planning Department to create a proposal that is more suited to the event. They are asking that Item 8.10 be deferred.

Cmmr. Sheldon understood the property is zoned rural residential.

Ms. Johnson responded they area community center and it may be used for that purpose. It would be an accessory use rather than the focus. They are working closely with the Planning Department to ensure they are within the boundaries.

Cmmr. Ring Erickson stated there is a proposal with a time limit and they need to vote on that matter. If there is another proposal they could vote on that at another time.

It is proposed for September 12 – 14, 2008.

Bob Fink, Planning Manager, noted they have been meeting with the group last week with the members of the Olympia Barter Fair group. The group has presented new facts since a determination and recommendation was made to the Commissioners. The Planning staff is looking at changes and how the event will be run that may have an effect on the zoning. The principal reason for

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recommendation of denial of the event was because they thought it was inconsistent with what the zoning allowed. They are getting information not in the application and not previously presented that raises questions whether it would have to be denied based on zoning. Other issues that would be addressed through the event ordinance such as traffic safety, health and other issues of the operation are not major hurdles in issuing the permit.

Cmmr. Sheldon asked if it is interpretation of the zoning code.

Mr. Fink stated it is an understanding of what the history of the site and what the organization has done there. One of the things mentioned is that they have been meeting regularly at the site as a group. There is a permitted use in the zoning district, which is for local and community centers. They feel they fit under that overall direction. One of the principal things they are building a community to do is a barter fair. Bartering is not something that would fit under a local community event. They have not been able to resolve those questions for this meeting. One of the things suggested they might want to do is ask the board to defer a decision until next week. This gives them no time to respond to the decision, as far as canceling the event. They are trying to explore ways where something consistent with their original intent could be done on the property.

Cmmr. Ring Erickson asked if they are changing their event or was the initial information somehow incomplete and it was not understood.

Mr. Fink understood that partly the information was incomplete and partly they are scaling back and changing the nature of the event to some degree. They are changing the nature of what they are doing by scaling back and reducing the number of people expected. There are switching it to members only rather than have it open to the public. There are other discussion points regarding the nature of the use of the site and the nature of the community group and past practices on the site. That is what they are trying to explore. They could not reach a resolution in the half hour before the meeting.

Cmmr. Sheldon questioned if the applicant is all right if the event is postponed by the commissioners' decision. If it is postponed it would be a decision next week.

Ms. Johnson responded because it is a private event she is not concerned about the need to tell people not to come. She would like the decision to be postponed until next w

Cmmr. Ring Erickson asked if they will swould go ahead with the event even if the Commissioners deny the event application.

Ms. Johnson stated they are shifting the event to fit into what needs to happen. If the County says no they will have a family gathering.

Cmmr. Sheldon asked how many people they expect.

Ms. Johnson replied they expect a couple hundred people. They were encouraged to pursue a permit that was not suitable. They are not a carnival and not a circus. That was under advice from the Planning Department. They are shifting it to be what it needs to be. The timeline is very short. They will dramatically scale their event back to fit under the regulations.

Cmmr. Gallagher stated they received a communication last Thursday, which mentions the Mason County Code 17.03.021. He asked if everyone was aware of this.

Mr. Fink noted the communication they received from the applicant they do not necessarily agree with their analysis of the County Code. They tried to come up with a conclusion based on the new

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information provided. The new information of changing it from the general public event to a members only event, does not necessarily change the character of what they are doing. It does not change the principal use, which is a barter fair. Their analysis still says that the principal function is a barter festival where people are trading or selling goods and services. The county staff believes it is essentially commercial and not accessory to the permitted uses there. They are presenting new information this morning regarding the established use of the area and having regular meetings. There are uses besides the residential use. There is a residential use and a farming activity on the site now. This activity would not be accessory at the scale proposed in the correspondence. If they scale back the event, and there is a history of use for a community group, whatever activity is left over could be seen as accessory to their principal focus. It is something that could be considered as being compliant with the County Code. The correspondence from last week, they would still recommend denial. The discussions this morning lead them a little more into other possibilities, in particular, further scaling back of the proposal. Information about past practices on the site where they have an established use. An example is a commercial activity would be permitted. In this zone, churches are allowed. If the church would have a bake sale, that would be a commercial activity. That is incidental to the particular use. They are trying to say they have an existing activity that is permitted which is a community center. They want to do some bartering as an incidental use. It is an issue where there is not clear guidance from the language in the code. They have to figure out how that applies to this particular case and circumstances. That is what they are struggling with now. Rather than defer any negative decision until they have a chance to get through that process. The negative decision may not affect ultimately what they will be able to do. Even if the Board said no it is possible they could still retain some elements of what they are trying to do.

Cmmr. Ring Erickson asked if that would be an application for a new event. If there were a need for submitting a new application, it could require a new application under a different set of ordinances rather than a huge amendment to something that maybe was not appropriately directed.

Mr. Fink stated that one of the unusual characteristics of the ordinance under Mason County Code Chapter 5.12 is the Board is the decision making body. The Planning staff can only advise the Board of what they would recommend. In the case of zoning codes, they can tell their interpretation. The question whether a new application is needed, is the Board's determination.

Cmmr. Sheldon asked if they have had the event before.

Jennifer Johnson stated no they have not.

Cmmr. Sheldon asked if they have considered having the event at the Mason County Fairgrounds where there is restrooms and parking.

Ms. Johnson responded, they have not considered Mason County Fairgrounds, but have considered the Elma Fairgrounds. They will be providing parking and restrooms for their event. They met with the Planning Department and know that the restrooms need to be 1 restroom per 100 people. They would be providing restrooms for people. They know the code for parking is based on square feet of use. Their hope was to try and promote the community and Mason County. They would be disappointed if they have to go outside of Mason County. They are trying to create an event under the code and allowable.

Cmmr. Sheldon noted if they are trying to grow an event, and it is in a rural residential area, they might not start now.

Ms. Johnson stated there are 20 acres.

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Cmmr. Ring Erickson noted that sometimes a lot of parking does not equate well with the rural character of the area where it is located. Just because an area is rural and people choose to live on 20 acres does not necessarily mean that they feel their lifestyle needs help with an infusion of people.

Ms. Johnson stated it is a one-time event and they have spoken with all of the neighboring residences in the area and they are planning on coming to the event. They have taken the precaution if they were going to have for example a wedding at your place of residence. They talked to the neighbors and let them know this one time event is happening. There may be a small impact on the neighborhood. All of the neighbors are aware of the event and many of them are planning to attend the event.

They have heard that if they want a recurring event it needs to not be in an area that is so rural residential. She heard that Mason County is working on creating a special permit that could be used to have a once a year annual event.

Cmmr. Sheldon stated that is why there are fairgrounds and organized facilities set aside for events that occur year round.

Ms. Johnson added that a fairgrounds is a very different setting in terms of having a wedding.

Cmmr. Gallagher said he is familiar with the area and they are talking 20 acres. This is an organization. He questioned if this would set a precedent. Would it open the door for example with someone with 20 acres that belongs to a motorcycle club and have a personalized track and only people in the club could run on the track.

Mr. Fink responded, part of the answer is yes. If the zoning is interpreted as allowing something in every place but that zoning, unless there were special conditions attached to that could allow that as well. For example, at Treasure Island where there are quarter acre lots and it is all filled out. They could attempt to have an event like this, if this kind of event is allowed under the zoning without any conditions or special requirements. One of the reasons the county has been working on a special events ordinance. It is early in the draft process. However, one of the considerations is do you want the special events ordinance to override the local zoning on a conditional basis for a temporary use or not. Right now they need to deal with the ordinances as they are. They do not have time to modify the ordinances. They can modify the proposal by changing the nature of what they are doing and they may be able to have an event that meets their purposes for this year at this site. That is what they are trying to explore. Can they scale down the event and meet the zoning requirements. Would the modified event still need the event approval or not. That is the Board's decision as to what the ordinance applies to. If they can scale it down and shape it in a way that met the zoning code that is possible to go ahead.

Cmmr. Sheldon queried if Olympia Barter Fair is a non-profit group.

Ms. Johnson replied they are seeking official non-profit status. At this point, they are not for profit but are not recognized as a 501c3. They have the paper work going for that.

Cmmr. Ring Erickson stated she would be okay to defer this decision for one week and let the Planning Department continue to work with the applicant.

Cmmr. Gallagher concurred he would like to defer this for one week.

Cmmr. Ring Erickson expressed concern as it is close to the deadline. There are just a few days for people to get the word out that this event might be denied. If the applicant and Planning Department were comfortable with this she would be willing to go ahead.

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**Cmmr. Gallagher/Ring Erickson moved and seconded to defer Item 8.10 for one week, pending further information provided. Motion carried unanimously. G-aye; RE-aye; S-nay.**

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time

- 9.1 Public hearing to consider renaming all of Mt. View Drive (County Road No. 79130) to Mountain View Drive (County Road No. 79130), renaming all of Grant Way (County Road No. 79140) to Mountain View Drive (County Road No. 79130) and change road number of Craig Sorger Lane from 79130 to 79131.

Charlie Butros, Public Works Director, noted this is an administrative change to correct some inconsistencies in the record. There are inconsistencies in the way Mt. View is named using abbreviations in some cases and not in others. Also, Grant Way, which is an extension of the same road. The addressing system that the county uses, the addresses of residences on the road have Mountain View Drive addresses. In addition, there is an inconsistency on Craig Sorger Lane. The Lane was numbered incorrectly in the road log. The proposal is to correct the naming and the numbering and remove Grant Way from the naming and name that Mountain View Drive to be consistent with the way they are currently using it through addresses in the address system.

It was noted this is around Maggie Lake.

Mr. Butros noted that Craig Sorger Lane is a spur from Tahuya Blacksmith to Mt. View. Mt. View also connects to Tahuya Blacksmith. Those are parallel sections around the lake.

Cmmr. Ring Erickson stated it looks like a lot of this happened a number of years ago and someone was going to get to it.

It was opened for public comment. No public comments were submitted.

**Cmmr. Ring Erickson/Gallagher moved and seconded to execute the resolution renaming all of Mt. View Drive (County Road No. 79130) to Mountain View Drive (County Road No. 79130), renaming all of Grant Way (County Road No. 79140) to Mountain View Drive (County Road No. 79130) and change road number of Craig Sorger Lane from 79130 to 79131. Motion carried unanimously. G-aye; RE-aye; S-aye. Resolution No. 104-08 (Exhibit B)**

- 9.2 Public hearing to consider the franchise application between Mason County and Orchard Beach Community Water System and the Private Line Utility Permit with William M. Graham Water System.

Public Works Director Charlie Butros gave a brief staff report. This is one of several utility franchise agreement actions being brought before the Commissioners. This has two applications, which are being proposed for approval. They are continuing to wrap up the utility permit updating. They don't anticipate there are very more. There are several more that are outstanding, but they hope to be able to complete those shortly.

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There was no one present that wished to comment.

**Cmmr. Gallagher/Ring Erickson moved and seconded to approve the franchise application between Mason County and Orchard Beach Community Water System and the Private Line Utility Permit with William M. Graham Water System. Motion carried unanimously. G-aye; RE-aye.**

**The Board recessed at 10:03 a.m. until 10:12 am**

- 9.3 Public hearing to consider adoption of an addition to the Mason County Code and Development Regulations Title 17 Chapter 17.05 Section 17.05.090 Short Term Rental Program for RV Parks and revising several sections from Title 17 Chapter 17.04, which amends sections relating to RV Parks.

Kell McAboy, Planner, presented the Board with additional letters that came in and were not in the packet.

She read the background from the consent cover page.

Alternatives include two new standards for permits. No more than fifty (50) percent of established RV spaces can be used for rental units. Established RV spaces located within a buffer or setback of a critical area and/or designated shoreline shall not be used for rental units.

Cmmr. Sheldon asked under the proposal could they put an RV spot for short-term rental.

Ms. McAboy responded that new places they would not be able to. If someone came in to propose a new RV park, all setbacks would need to be met. For those parks, already legally established, but happen to be within critical areas because they were established prior to those being in place. Alternative A, the one the Planning Commission recommended would allow the permanent placement of units in those areas, even if they were in buffers or critical areas. The spaces would be allowed to continue that use for recreational vehicles.

Cmmr. Ring Erickson asked for clarification. Currently, the county does not allow this unless it is already in place before March 2002.

Ms. McAboy responded that all of the legally established RV parks that have spaces pads with the electrical hookup right now the code does not allow the permanent or indefinite placement of a unit and have it rented out.

The reason for that is to distinguish between recreational vehicle parks and mobile home parks. The recreational vehicle parks would remain recreational in nature and not become the high-density residential establishment that is prohibited. under Growth Management Act. She understood that to be the original intent when the Code was drafted that had the language seen in 17.04 and under the different section that says that no units shall be used for rental purposes.

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Cmmr. Ring Erickson stated the current laws on the books are more closely with the intent of the Growth Management Act.

Ms. McAboy, concurred. If they go to allow the rental program they would have to try to track that they do not become long-term residential use.

Cmmr. Sheldon asked how staff would propose to track that.

Ms. McAboy responded there would be an annual permit program. They would look at check in/check out dates.

Cmmr. Gallagher asked if there is any distinction, in the new code, if this is a motorhome, travel trailer or 15' X 15' cabin.

Ms. McAboy replied that everything from a park model trailer, which is a unit that is 399 sq. ft. and less and down to a travel trailer. Anything in between and would not include a mobile home or manufactured home. The park model trailers, camper trailers, fifth wheel trailers.

As long as it does not fall into the category of being a manufactured home or a mobile home it would be allowed and is allowed in an RV park. They are allowed in an RV park but are limited to staying up to 120 consecutive days or 180 days in a year. The person staying in it has to come and go. It does not allow for the park owner to rent those units out.

Cmmr. Ring Erickson stated it has to belong to the person that brings it in.

Ms. McAboy stated in the packet there are some alternatives A & B.

It was noted the Planning Staff presented an ordinance with alternatives. Attachment A was an alternative proposed by the Planning Commission after the workshop and two public hearings and Attachment A(2) which includes two additional standards from the first alternative. Those additional standards are: No more than fifty (50) percent of established RV spaces can be used for rental units. Established RV spaces located within a buffer or setback of a critical area and/or designated shoreline shall not be used for rental units.

Scott Grout in all three of the amendments there are no monitoring process. He did not know of any person in the business environment that would wish to have something like this go forward that would not be shooting for more than 50 percent occupancy rate in the course of a calendar year. Hood Canal seems to have sufferable issues in the south end of Hood Canal. The heart of where this proposed change is going to occur. What kind of shoreline studies are they taking into account.

Is there a process to get a different perspective. There appears to be a lot of language that is dangerous.

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Bill Allen concurred that area of Hood Canal is a very sensitive area. He felt this proposal talks around the idea of short-term rental. It talks around the idea of rental units. He asked if the purpose of this to locate units on the water side and does the proposal leave the door open for renting these units on a night to night basis as you would a motel and potentially with Robinhood's park model units.

Ms. McAboy responded if the Board of Commissioners decides to approve Alternative 1, which was recommended by the Planning Commission. Any established RV space would be able to be used. If they chose to apply for a short-term rental program permit they could eventually put permanently or indefinitely placed units on those RV pads for longer than the 180 days.

Mr. Allen asked if it would be legally permissible, under Attachment A, to locate park models on the estuary that comes in toward the land and high density configurations to have a subject to review of potential effluent water quality that would take place in that particular area without any positive oversight over what is going to happen to water quality or septic to the amount of usage, to the amount of gallonage that would come out of the facility under this proposal.

Ms. McAboy stated the applicant would apply for a permit. It would be reviewed by Environmental Health, Building and Planning. Presumably Environmental Health would ensure it would meet all the septic regulations.

A question from the audience was raised if the ordinance is not adopted what would happen to existing park models that would not fall into compliance. It was asked if they would need to be moved.

Ms. McAboy stated at the Robinhood Village they could be there for 120 days and would not be able to be rented out. The units would have to be moved. The units are not legally established they have been in violation of the current code.

Constance Ibsen this may have started in August 2006 regarding one property owner. It impacts other areas. She asked for a long time if they could ID and have a map of existing places that are RV parks. They have adjacent to that parcel is Dekoyer cabins and some property with a little sign that says RV lots. Someone brought in a park model and put it on there.

Ms. McAboy stated at the last Planning Commission meeting that issue came up. She worked with the Geographic Information Systems (GIS) in Public Works. They helped to figure out how to map all the RV parks in the county by using the Assessor's data. She did not have the staff time to drive around in the county looking for what appeared to be an RV park. She did come up with a map that shows mostly on Highway 101 and the few on Highway 106. She did not feel it is an all-inclusive map. There were approximately 13 different RV parks. She did not bother to bring the map because the data is not perfect.

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Constance Ibsen stated at the last Planning Commission meeting there was discussion about people leaving a unit and using it over time at different times of the year. She questioned who owns the park models. Does the RV park owner or can other people own them.

Ms. McAboy stated under the proposal RV Park owners would be able to place units and rent them out. A person would not be able to stay for more than 120 consecutive nights or 180 nights in a year in their own unit.

Ms. Ibsen asked if she owned the unit, could she rent it out or would it be the RV park owner.

Ms. McAboy stated it would be possible for someone to rent it out themselves. The owner would have to track that the owners are only staying there 120 consecutive nights or 180 days.

There was discussion that the Planning Department has one code enforcement officer for the entire county. That would stay the same.

It was asked under this proposal if it would be possible for any property owner, including waterfront owner, to set park models side by side without coming under the jurisdiction of normal Shoreline Management rules as long as they abided by the mandates of the short term rental provision that is being proposed. For example, could a property owner stack up 4 or 5 park models on the waterfront.

Ms. McAboy responded, it could only be done if there was a legally established RV spaces or they applied for an RV park permit. It would need to meet all the current setbacks. A lot of the RV parks in the county pre-date the critical areas and shoreline master program so they did not meet setbacks.

The question was asked from the audience, under the current proposal, since the setbacks were not in effect before the time the RV Park was designated as an RV Park, there is no rule on the setback from the water under the provisions of this proposal.

What do they plan to use the park model units for under the proposal. Will they be placed permanently or will they be removed every year.

Ms. McAboy stated under the Alternative A, if the Board adopts a short term rental program for RV parks, right now you cannot have the units placed there permanently. The units can only be there 120 consecutive days or 180 days in a year. This proposed program would allow units to stay there indefinitely or permanently, longer than the 120 days. The units could be rented out to the public.

Park model trailers are similar to a recreational vehicle.

At campgrounds they sell space and keep a recreational vehicle there permanently. It was asked if this would apply.

Betty Graves asked if the septic requirements for these units the same as other homeowners.

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Debbie Riley, Environmental Health Manager, stated that RV's have a set gallonage according to the environmental protection agency book they use. It is not quite as large as a regular home. There are guidelines, even at the federal level, that they follow as far as size in the drainfield. It has to do with the kind of soil, setbacks, treatment that the sewage received before it is discharged into the drainfield. She offered to talk specifics if there are issues later on.

They are a little big stricter because the sewage from an RV stronger than from a house. With a house there are showers and wash machines. With an RV it is more concentrated with sewage coming through the toilet and a little bit from the sink. It is stricter and stronger than a residence, just not as much volume.

A question was raised from the audience what is the zoning required for an RV Park.

Ms. McAboy replied there are a few different zones. Possibly a rural tourist zone or rural commercial zones would allow an RV park.

It was asked what is the existing septic system at the Robinhood gravel site.

Ms. Riley answered she was not aware, but could look into it further after the hearing.

Mr. Allen stated that under the ruling that it is a pre-existing RV park, would the proposal and Robinhood RV Park be subject to any kind of setback from the water and critical areas of Hood Canal under the designation of an existing RV Park.

Kel McAboy replied that under Alternative A setbacks would not apply. Under Alternative A2 setbacks would apply.

It was asked if it would be a moratorium on future development.

Ms. McAboy responded, no. The current use is if there is an RV pad in a critical area can come in and stay up to 120 days consecutive or maximum of 180 days in a year. That use could continue or anything else allowed meeting current code. It would prevent some development.

How much affect does the shoreline management and other government agencies have.

Ms. McAboy stated this would go under review by the Community Trade and Economic Development. The state does have the proposal. It did go under State Environmental Policy Act review. All the state agencies, including Dept. of Ecology, had this proposal for review.

Bill Allen questioned what mitigation and protection does the public have against impacts caused by the proposed development of this property in terms of shoreline, affluent, and intended and actual use. He asked what would they use it for.

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Cmmr. Sheldon commented they are not going to counter point with an RV Park owner.

John E. Woodring, Attorney for the Manufactured Housing Communities of Washington, noted they represent approx. 525 mobile home parks in Washington. They represent manufactured housing communities in Mason County to include Robinhood village, which is a manufactured housing community. He presented written comments to the Board in response to the proposed revisions to the Mason County Code on Recreational Vehicle parks and Mobile Homes. His concern is the language in Attachment A2 to include manufactured housing communities. He noted that manufactured housing communities which are two or more mobile homes or manufactured homes. Park models are RV's that are primary residences and subject to the Mobile Home Landlord Tenant Act, RCW 59.12. The park owners cannot force the removal of that recreational vehicle unless there is just cause and they believe neither can local government. If there are RV's in a mobile home park they are subject to that LTA.

This ordinance is about RV Parks and not about mobile home parks. The operative language in the ordinance talks about no recreational vehicle, park model, shall remain in an RV Park for rental purposes without a short-term rental permit. The proposed language says that if you have a park model in a mobile home park and do not want to get a permit and pay a fee for it can require that RV's be moved out of mobile home parks although they are primary residences.

No more than 120 consecutive days and 180 days in a 360-day period applied to recreational vehicle/park models placed before March 5, 2002. This standard applies to new recreational vehicle park model trailers placed after March 5<sup>th</sup> 2002.

Cmmr. Sheldon asked if their position is not to adopt the proposed language.

Mr. Woodring stated the proposed revisions appear to be in direct conflict with the Mobile Home Landlord Tenant Act.

Bob Fink, Planner Manager, asked if it is Mr. Woodring's understanding of the law that the County could not regulate the placement of an RV for permanent residence in an existing mobile home park.

Mr. Woodring replied that if there is an existing RV in a manufactured housing community and it is a primary residence the County cannot regulate the removal of that existing RV.

He noted that Robinhood Village is a member of their organization and he has at various times represented them as a private attorney in Olympia. He is familiar with their property. The property on the landward side has two mobile homes that are occupied by tenants that have been there for a long time. There are also two park models. Under the Mobile Home Landlord Tenant Act, that is considered a mobile home park, a manufactured housing community. The park models if they were primary residences, because park models are subject to the MHLTA, cannot be required to leave. The question becomes what is the property on the other side, if that is a mobile home park. That is an issue. People are talking about what can and cannot be done on the property. He felt the argument can be made that it is part of the mobile home park.

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If it is an RV Park, it would be allowed under existing zoning. There is a whole host of protection that people need to talk about. The health department has all the requirements. The Shoreline Management Act, etc. All those things need to be brought into consideration.

They would like to have the language deleted regarding the short-term rental.

Cmmr. Sheldon asked if the two park models at Robinhood Village were placed in a critical area would have to stay.

Mr. Woodring responded, the two park models that are in existence now, constitute a mobile home park. The critical area is not a consideration.

Valerie Johnson raised a question about two manufactured homes on the property that would qualify as park models already existing in the same place as a manufactured/mobile home park. She was not aware of any mobile home park planted in the Robinhood Village site. She did not believe the ownership is the same for the park up on the hill. She understood it is a different ownership and a different tax parcel. She and her husband wrote a letter to the county opposing the adoption of the ordinance on a countywide basis for several reasons. If the ordinance is adopted, they believed the permanent placement of park models would remove tourist dollars from the county, because they would be permanently placed structures that would eliminate half of the RV spaces. If Amendment A is adopted there would be no protection for environmental critical areas. This could increase human density and the dissolved oxygen problem with Hood Canal. An ordinance would almost be impossible to enforce. The County staff is well overburdened with code infraction and enforcement issues. Asking an owner who is in the rental business to maintain and police themselves is asking beyond the capability of most honest people to do. What happens is, the policing of such places falls to neighborhoods and leads to adversarial conditions between neighbors. It falls to people that live in the environment to have to track who is coming and going, what vehicles are present and then file a formal complaint with the county. They want to try and move away from this kind of negative situation in the communities.

Jennie Throckmorton Blue Bear Park and Mountain. Her tenants are scared. She too would like the short-term rental language removed from the document.

Bill Allen wanted to echo about the impact. The most important thing is there is a lot of concern about the impact and how it will affect the water quality and quality of life in the area. He has no problem with the expansion of Robinhood. He is concerned about the loopholes of pre-existing and proposed changes that there will not be any oversight over sewage, water quality, mitigation and impact of a very critical area of Hood Canal. The problem is it is a very specific application and a very specific situation they are looking at.

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He is not sure how they will resolve the matter, but he is not satisfied that they are protecting that area of Hood Canal in the long haul by adopting the current proposal. He would like to see a surefire bullet proof way of making sure the shoreline is protected, sewage is taken care, and Robinhood has the opportunity to expand the operation in a sensible long haul manner that takes into account all the different concerns that are being expressed.

Charles Johnson expressed that regardless of what an industrial association chooses as a definition; to refer to park models as trailers is very deceptive. He believed that a trailer is a recreational trailer. It is something that would be hooked up to an SUV or pickup and take it to a campground and can be totally self-contained. A park model is a small manufactured home that is not self-contained. It relies on external utilities. To suggest that it is a recreational vehicle is deceptive. Another point about the proposed ordinance, a piece of property, particularly on the shoreline, if you wanted to build a 4 – 5 bedroom house there is no way it will happen. The ordinance allows the equivalent of a 4 – 5 bedroom house. This seems to be a giant steps backward.

Constance Ibsen voiced her concern about the proposed revisions and its unintended consequences. They heard earlier, the interpretation what the ordinance means with the circus and special event. She would like the County ID where there are existing RV parks; and ID where new RV parks could go. Also, to identify how many spaces there are for existing RV Parks. The Robinhood Village is talking about those two park models as cottages. She did not know if there are 15 RV spaces, or if it is really 17 spaces. It needs to be clear what is 50%, how many spaces are there. She lives next to the Blue Heron Condominium project. It was built as a condominium and it did not happen. Then it became time-shares and that was not working out. Now it is part of an REI. You can say you want to use your week there. It is pretty much full all the time. Mr. Barry has sold off a couple of the parcels. He has every intention of selling off the rest of it. He has divided up the big parcel and slowly selling some it off. What is seen is it morphs when there are different ownerships. She voiced concern because it appears if more than two is a mobile home park.

Scott Grout asked that the commissioners consider holding off on the three proposals, which he felt were not sufficient. He has a shellfish company that spans the entire length of Hood Canal from Belfair to Brinnon and water quality is his livelihood. He has extensive knowledge in the historical problems that this area in Hood Canal, in particular the Robinhood application, has been subjected to. He has heard numerous discussions of density issues. As an analogy for a shellfish farmer, if there are too many oysters in a threshold density they generate and provide Hood Canal with unhealthy shellfish. He felt the permit should be denied and possibly consider additional testing. He did not believe the county accurately knows how many RV parks there are in the county.

Jim Throckmorton noted there are a number of residents that are concerned about being included in this proposal. He felt that Robinhood Village would technically be a mobile home park and they would also fall under the same rules. They specialize in low-income rentals, some are mobile homes and some are RV's. These people cannot afford to pay a fee every time they move. They already charge a fee for screening. They would like to be left out of this proposal.

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Merle Flakus stated there are a lot of unanswered questions. He understood there is a holding tank on the property and if it were maintained there would not be an issue of septic and drainfields. There is an issue of pumping the tank. Does it leak. He is not sure if the county has an ordinance that regulates it be tested periodically to see if it is leaking. He felt the county is short handed. There are a lot of instances, including this instance, the code enforcement will not get to it. He could not get a permit to build a house in the area. There would need to be a septic across the road. They are now talking about putting four residences on the little piece of property. This is not going to be enforceable. He felt it is going to wind up being four permanent residences. He felt it is not thought out and is bad for Hood Canal.

Darren Barry, Robinhood Village owner, stated he bought the business three years ago. Within a couple of months he came to speak before the Commissioners. He is hoping the Commissioners are a lot smarter than he is because the legal issues are confusing. He would like to use his time to meet his neighbors. He would like to talk about the 50 year old resort that he bought three years ago and some of the things that he has done. When he bought the place, there was a public laundry on the premises that anybody could come in and use 30-year-old laundry machines that use a lot of water. Within a week, he shut down the laundry room. If people are concerned about whether he is having a positive or negative impact, within a couple of months he has replaced the 30-year-old washing machine with brand new low flow washing machines. Also, there were showers that were open to the public. He found people wandering in the woods that would come and use the showers. He found heroine needle in the area. He closed the public use of the showers and the laundromat. Down by Big Ben Creek there used to be a road that cars and RV's would go and drive down into the tent sites. Literally, 15 – 20 feet from Big Ben Creek. Within the first six months he stopped traffic from coming through that road and put a walking path in over the road.

His intention is overnight use. He wants to be in the tourism business, because tourists will pay \$150 - \$160 a night. He has no interest in being in the long-term business that would be a lot more impact environmentally on the property. He is very much in the nightly business. He can show the reservation records. That is all they have done with the park models. They don't spend \$100,000 for two park models and rent them out for \$400/month on full time rental. They want to bring the park up to a tourism level.

If everyone is looking at RV parks rather than just Robinhood Village, the industry has changed. He has been told by other RV owners in Mason County that they used to have a good tourism business. When the County opened up the fairgrounds to allow RV's to stay there it actually took some owners of RV parks out of the business and forced them to survive to go into full time rental business. Until the County decides to put a vision out for the tourism oriented places to give them an economic opportunity to go forward, they will struggle from trying to get these places with low income housing to tourism oriented places. They cannot do both at one time.

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The other point he would like to make. The two park models he brought in, he put them onto existing RV spaces. He is sorry the park is close to Big Ben Creek and he is sorry the waterfront is on the water. He did not put it there. He has not put in any new spaces. He is concerned about upgrading the electrical because they may say it is a brand new space. He has taken the number of spaces that historically have been there and reduced them because he does not think people want to be that close together when they are spending \$150 - \$180 a night. If anything, he has reduced the density. The two industry trends that council should be aware of because of high gas prices and everybody cannot afford to buy a big Dodge truck and an RV, the industry is doing two things. 1) park models are being put in parks all across the United States, because they don't have to buy an RV; The park model manufacturers spend millions of dollars to make sure they qualify under ANSI 119.5 which defines a recreational vehicle. These park models are certified by the federal government and the state of Washington as meeting the standards for a recreational vehicle. The two trends of the industry are people like to see these things. They can come out and use a park model and not have to buy a big truck. The second trend is because of high gas prices people often like to take their nice 5<sup>th</sup> wheel and have it at a home park. They will leave it there year round. They may only use it on the weekends; they may pull it out and go on a trip. A lot of them, rather than have a \$100,000 investment, sitting in their driveway leave it at their home park where they can use it more often and only spend the gas when want to tour. He can say that Robinhood Village is a 50 year business that has had mobile homes for years. It has had cottages for years. The true intent is to be in the tourism business and not to head down a path of high-density housing. Any open-minded person that walks in and sees what he has done would have to come to that conclusion.

Cmmr. Gallagher what is the difference between a cottage and a park model.

Mr. Barry responded, in 1934 when they made the original Robinhood movie, the set designer, Don Beckman, came up onto the Canal. He built the restaurant and the first two cottages in the 1930's. Somewhere in the 1950's or 1960's the owners at that time put in the rest of the village, which included a lot of mobile homes (approx. 35). A lot of other spaces that they allowed park models, RV's, tents. It has been happening for lots of years. Three years ago he thought it was a good value investment. The waterfront is the big issue of concern. There have been RV spaces at the waterfront for a long time. There is one group of people that have been coming for 30 years with 5 or 6 different motor homes that have been in the exact spaces. He is not trying to change the use. When an RV pulls into a park, it has been on the road. The first thing they do is pull into their space and open their sewer and dump 50+ gallons of sewage into the system. They don't always hook things up right, there is spillage. When they look at a park model it is used by the same type of tourist, but it is plugged into the septic system nice and tight and there is not the 50 - 60 gallons the moment someone gets there. If people were truly environmentally interested they would be much more in favor of park models in parks than people coming off the road with full septic systems in their rigs.

Cmmr. Gallagher thinks of a cottage as having a bathroom, kitchenette and multi-purpose living room and bedroom.

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Mr. Barry stated his research of a park model is built by a park model manufacturer. They spend millions of dollars through an association called RTPIA, which they all belong to. They build these park models to meet all the specifications of a recreational vehicle. They are seen as a recreational vehicle even though they look different.

They have had a manufacturer of park models out of Chehalis, Bob Neeley, testify that if they treat a park model any differently than a recreational vehicle, it is discrimination against the park model manufacturer. They spend literally millions of dollars to meet the standards. To treat them differently than an RV is a problem.

Cmmr. Gallagher stated when he thinks of an RV it has sleeping space, bathroom, and kitchenette. They are both basically the same.

Mr. Barry stated park models are all less than 399 square feet and they all meet the qualifications of ANSI 119.5.

Cmmr. Sheldon left the chambers briefly at 11:33 and returned.

Kell McAboy clarified the park model units are seen as an RV. It is its own entity, but they do see it as an RV. HUD does not recognize it as a residential unit, like a manufactured home or mobile home. Some of the confusion comes in under the Mobile Home Landlord Tenant Act state law as well as Oregon state requirements that the state look at the park model trailer unit as a mobile home or manufactured home. For mobile home park purposes they have to recognize it as a residential unit. Separate from that it is a recreational vehicle type unit and not a housing unit. When they bought Robinhood they had no idea, he thought he could pull an RV into his park without any problem.

Cmmr. Sheldon stated he thinks of the waterfront at Potlatch, which is an established park. It is a motel and spaces for RV's. It also has small units that were brought in with nice siding. He assumes they are less than 399 square feet.

Mr. Woodring stated the confusion is park models are a lot of different types of construction. Minerva Beach Resort are park models with permanent cement and look like a permanent home. Over the years, park models have expanded out to mean a lot of other things. Under the Mobile Home Landlord Tenant Act, the definition of a park model is a recreational vehicle.

Barb Levette last summer when Mr. Barry put in four holding tanks when construction was being done a lot of the neighbors did not realize the holding tanks were put in until this summer. She asked that the Board deny the change in the ordinance.

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Cmmr. Ring Erickson stated this is not just about Robinhood Village. She can think of three separate places where this is an extraordinary relevant issue to protect both salt and fresh water areas. Her decision is about a broader public policy issue that has to do with how much density they will allow and what kinds of uses they will allow. It has very fragile areas as well as the kind of density and long-term use that might develop in an area adjacent to Highway 3 that could create school buses to stop and all kinds of things that were not part of the discussion. Her decision will be a broader public policy issue that has to do with all of the type of zoning in Mason County.

Cmmr. Gallagher everything has to start somewhere. This happens to be with Robinhood Village. Also, the ordinances are county wide. The issue of the cottages they have to go through the building department and essentially have the same thing. There would be a cottage with the same function. There would be permitting. With a park model it is already built. He is uncomfortable with the whole thing.

Cmmr. Sheldon agreed on the issue of existing mobile home parks. He is reluctant to pass something that would affect the ongoing occupancy of individuals that may have lived in the spaces for ten years. It is a difficult issue maybe it is an issue they take a little more time to look at. Maybe have the proposals more straightforward in a chart. It is hard to read the proposals and see what the pros and cons of each proposal are. That may be an option to table this for a while. People came from the Union area and are concerned about one specific area. He is reluctant to pass something that is specific to the Robinhood Village.

Cmmr. Ring Erickson stated her motion is not to bring back for further consideration at this time.

Cmmr. Sheldon felt they need more discussion.

**Cmmr. Ring Erickson/Gallagher moved and seconded to deny any changes and keep with the current regulations. G-aye; RE-aye; S-nay.**

10. Other Business (Department Heads and Elected Officials) - None
11. Board's Reports and Calendar – The Board reported on meetings attended the last week, August 26 – September 2, 2008 and also announced upcoming meetings through September 9, 2008.
12. Adjournment – The meeting adjourned at 11:54 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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Tim Sheldon, Chair

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Lynda Ring Erickson, Commissioner

ATTEST:

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Ross Gallagher, Commissioner

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Rebecca S. Rogers, Clerk of the Board