

Chapter 17.100 SHORT-TERM VACATION RENTALS

Commented [MW1]: Code location...decide on this as review progresses.

17.100.010 Purpose.

The purpose of this chapter is to provide the framework necessary to operate a short-term vacation rental within the County. The desired outcome of these requirements is the minimization of impacts on residential neighborhoods, the support of economic and tourism vitality, and the protection of natural resources, public health, and life safety.

These provisions reflect the goals and policies of the County Wide Planning Policies including but not limited to those that take into account the rural nature of the County, the need for affordable housing, the promotion of economic opportunities for all citizens, and the limitation or controls needed to ensure no detrimental effects on environmentally sensitive areas.

17.100.020 Definitions.

“County” Mason County, Washington

“Department” Department of Community Development

“Short-Term Vacation Rental” A lodging use, that is not a hotel, motel, bed and breakfast [...] in which a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental operator for a fee for fewer than thirty (30) consecutive nights.

Commented [MW2]: This is from the RCW, many other jurisdictions also include additional items a STR is NOT. Such as Recreational Vehicles, Tents, or other temporary or mobile units. This should be discussed.

“Short-Term Vacation Rental Operator” Any person who receives payment for owning or operating a dwelling unit, or portion thereof, as a short-term vacation rental unit, or their authorized agent.

Commented [MW3R2]: Recommend placing all definitions within 17.06 (note to renumber)

“Short-Term Vacation Rental Owner” Any person who, alone or with others, has title or interest in any building, property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building, dwelling unit, or portion thereof. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement is not considered an owner.

Commented [MW4]: Confirm whether the desire is to apply to all Mason County including UGAs, or Rural Lands only.

Commented [MW5R4]: Do the parcels have to be zoned for residential use (no RC, RI, etc.)

17.100.030 Applicability

This chapter shall apply to all short-term vacation rentals in all zoning districts of the County. These standards are in addition to other development regulations. If there are any conflicts between this chapter and other development regulations, the most restrictive provisions shall apply.

Commented [MW6]: Two types which are dependent on owner/operator residence on site. Some jurisdictions add additional types/tiers when additional control levels are needed for higher occupancy units or if the STR is located in a particular area needing additional restrictions. Are additional types/tiers needed with a maximum occupancy? Additional restrictions/standards for types/tiers with greater occupancy limits?

17.100.040 Type

Types of short-term vacation rentals are established in this section.

Commented [MW7R6]: In addition, sometimes the higher tier/type are also the STRs that allow events (with proper permitting), this is due to the higher tier having to meet additional access, parking, environmental health standards, etc.

Commented [MW8R6]: Some jurisdictions require higher occupancy units have direct access (parcel frontage/driveway access) from classified highway right of way

- (a) Type 1. Short-term vacation rentals of type 1 are those that are owner occupied where either
 - 1) rooms are rented and the owner is present during the rental period, or 2) the owner resides in the principal residence on the same parcel where the short-term vacation rental is located.
- (b) Type 2. Short-term vacation rentals of type 2 are located in a dwelling that is not owner occupied nor does the owner reside on the lot where the short-term rental is located.

17.100.050 Standards for Operation of Short-Term Vacation Rentals

- (a) Operation of a short-term rental shall be within a qualifying structure as defined within this chapter.
- (b) [# of short-term rentals per parcel]
- (c) Occupancy limits shall be based on the number of bedrooms approved for the qualifying structure in relation to the on-site sewage system approved by the Mason County Environmental Health Department.
 - (1) Occupancy shall be limited to two (2) persons per bedroom, plus two (2) additional persons per short-term rental.
 - (2) Operation and maintenance of on-site sewage systems shall be as prescribed by MCC 6.76.070 and performed by a qualified specialist as outlined in MCC 6.76.100.
- (d) Parking shall be provided for all guests on-site where the short-term vacation rental is located.
 - (1) Parking shall not occur within shared easements where such parking may block access to a neighboring property and/or cause a safety hazard.
- (e) Solid waste normal residential handling and removal shall be managed in compliance with MCC 6.72.030(h)(3).
- (f) The short-term rental property lines, easements, as well as public easements to access shorelines shall be depicted clearly on a site plan and provided within a property management plan.
 - (1) If the short-term rental owner/operator also has ownership of tidelands and allows guests to access and utilize these tidelands for harvesting, rules regarding harvesting shellfish and the boundaries of the harvesting area shall also be depicted on the site plan provided in the property management plan.
- (g) Operator of the short-term rental shall be available 24 hours a day. The operator shall respond to any communications regarding the use of the short-term rental and/or complaints within 1 hour, and if necessary operator shall be on site within 3 hours to provide and/or initiate resolution to valid issues and/or complaints.
 - (1) Contact information for the operator shall be provided in the property management plan. Information shall consist of the operator's name, phone number, email address, and address.

Commented [MW9]: Rural Residential zoning allows a main residence and one adu. Are restrictions on number per parcel needed?
 In some codes UGA multi-family units are sometimes restricted as to how many units in the residential structure can be rented as STRs.
 Current legislation may allow two ADUs in addition to the main residence on lots within a UGA.
 How do we want to address the STR situation in the UGAs or do we?

Commented [MW10R9]: Some codes allow additional STRs per lot in commercial zones/UGAs

Commented [KR11]: Grays Harbor has same rules for sewer (2 persons per bedroom plus 2 persons. Do we want to include sewer language too?

Commented [MW12]: If we have types/tiers of STRs that allow higher occupancies, are there additional environmental health requirements needed?

Commented [MW13R12]: EH recommendations needed

Commented [MW14]: As written in MCC 6.72.030(h)(3) It is unlawful to engage in solid waste handling beyond normal residential needs. Such handling is unlawful unless a permit or limited purpose permit has been obtained or is specifically exempt from permit requirements, as provided elsewhere in this chapter. Normal residential handling is: (i) all solid waste except scrap metal and recyclables shall be stored in rigid, water and animal/rodent proof upright containers with tight fitting lids, (ii) removal of solid waste occurring at least twice per month, (iii) recyclables contained in an open or closed container solely dedicated for recycling materials and removed within ninety days, and (iv) scrap metal and construction debris shall be stored in a manner which poses no threat to the environment or the safety of humans and removed within ninety days.

Commented [MW15R14]: Some jurisdictions require proof of garbage service at site address. Does this need to be a requirement of permit issuance?

(h) The short-term rental owner/operator shall remit all applicable local taxes as specified in Mason County Code Title 3 as well as any state and federal taxes consistent with RCW 64.37.020.

(1) [should there be a requirement to keep records and submit]

Commented [MW16]: Some jurisdictions require the operator to keep records for a specified number of years or provide records of taxes remitted for previous year for the purposes of permit renewal.

(i) A short-term rental operator shall maintain primary liability insurance coverage consistent with RCW 64.37.050.

(j) Short-term vacation rental shall be in compliance with RCW 19.27.530 and any rules adopted by the state building code council regarding the installation of carbon monoxide alarms.

Commented [MW17]: Requirement of the RCW. Are there any other fire safety requirements needed?

(k) Property management plan shall be posted in a conspicuous location within the short-term vacation rental and shall contain all elements outlined in MCC 17.100.060(c)(4)

17.100.060 Permitting Short-Term Vacation Rentals

All newly established short-term vacation rentals shall require a land use permit as of [date of adopted ordinance]. The permit shall be issued by the Community Development Director or their designee.

(a) The Issued Permit shall contain the following information:

- (1) Permit holder's name and contact information (phone, email, and address)
- (2) Operator contact information (phone, email, and address)
- (3) Permit number
- (4) Type of Short-Term Vacation Rental and Occupancy limit
- (5) Short-term vacation rental site address
- (6) Dates the permit is valid

(A) Permits issued for a short-term vacation rental use shall be valid for one calendar year.

Commented [MW18]: Suggest having a permitting window, for permits that would be valid for the next year

(b) Notification

- (1) Valid short-term vacation rental permit numbers shall be posted in all advertisements of the rental.
- (2) Valid permit numbers shall be conspicuously posted within the short-term vacation rental.
- (3) Applicants for permits shall notify neighbors within 300 feet of the short-term vacation rental with the information contained within a valid issued permit as outlined in (a) above.

- (A) The 300-foot measurement shall be measured from the parcel lines that contain the short-term rental use.
- (B) An affidavit of notification shall be notarized and returned to the Department [within #days of issued permit].

Commented [MW19]: Would this process need to be repeated if owner/host information changes, or any other information on the permit?

(c) Application Requirements

- (1) Applicants for short-term vacation rentals shall apply for a land use permit on forms provided by the County.
- (2) Applications shall be complete and accompanied by any required supporting documentation, property management plan and fees.
- (3) Fees associated with the initial issuance of a permit, renewal, and any required inspections shall be maintained on the County’s current applicable fee schedules.
- (4) A property management plan shall be submitted by the applicant in addition to all other application requirements and shall contain the following:

(A) Rules of Conduct

- (i) Rules shall include but are not limited to noise, quiet hours, trespassing, pet management, [...]

Commented [MW20]: Additional comments on conduct?

(B) Short Term Rental street address

(C) Site plan with property boundary lines, easements, beach access (if any)

(D) Floor plan with fire escapes and escape routes

(E) Local emergency numbers

(F) Max occupancy limits

(G) Max number of vehicles allowed on site

(H) Waste pick-up schedule

(I) Short-Term Vacation Rental Owner and Operator contact information

- (5) Prior to initial permit issuance a fire, safety, health and building code compliance inspection shall be required and performed by the designated County officials.

Commented [KR21]: We may not have the capacity to do this. Need to discuss alternatives, such as, “subject to inspection” prior to issuance. Maybe inspect a certain percentage or number, pulled randomly so there is no bias.

Commented [MW22]: Ability to inspect at reasonable times for compliance, complaints, evidence of non-compliance.

Commented [MW23R22]: Department leads to submit what a compliance checklist would include.

(d) Short-Term Vacation Rental Permit Renewal

- (1) Application for renewal shall occur annually and at least 60 days prior to the short-term vacation rental permit expiration.
- (2) Renewal fees shall be per the County’s applicable fee schedule.
- (3) Renewal of an existing permit may require a self-certification form addressing fire, safety, and health requirements.

Commented [MW24]: To make the process more predictable may want to distinguish that all permits expire the same time every year, renewal applications received before a cut off date, and notification of expiration will be sent out by a specific time every year.

Commented [MW25R24]: Different application windows for renewals versus “new” STRs

Commented [MW26]: Some jurisdictions that implement self-certification may include the ability to audit.

Commented [MW27R26]: Is that something to consider?

17.100.070 Existing Short-Term Vacation Rentals

- (a) Permitting is required for all short-term vacation rentals in the County. If a rental existed prior to the establishment of this Ordinance, it shall be considered lawfully established if the owner provides proof of the following:
 - (1) The rental operator must have proof that the site address was the location of the rental and that applicable sales and lodging taxes pursuant to RCW 64.37 were remitted to the authorized collector between July 28, 2019 and [the date of this Ordinance].
 - (2) Obtain a short-term vacation rental land use permit within [# days from date of Ord adoption]
 - (3) All operation standards shall be met within [#days from date of Ord adoption]
 - (4) Any existing County code violations on the subject property shall be resolved prior to permit issuance.
- (b) An existing short-term vacation rental shall be considered non-conforming as of [date of this Ordinance] if the rental does not conform to the standards of section MCC 17.100.050.

Commented [MW28]: Establishment of this section is more important if the County implements limits on numbers, limits in areas, limits in proximity to other STRs, etc

17.100.080 Complaint Procedures

- (a) All complaints shall first be addressed with the short-term rental operator designated within the property management plan and issued permit.
- (b) If a complaint regarding operation standards or permitting, as herein described, is not resolved by the operator within a reasonable amount of time, the complainant may then provide the complaint to the Mason County Department of Community Development [method of providing complaint...3rd Party consultant/hotline/online form/in writing]. The complaint shall identify the informal attempts made to rectify the situation.
- (c) The Director or designee will investigate the complaint, and if deemed an operation standards or permitting violation, shall issue a notice of violation to the permit-holder per the enforcement procedures authorized in MCC 15.13. If the violation is beyond the scope of the code enforced by the Community Development Department, but still a violation of the Mason County Code the Director or designee shall forward the complaint to the appropriate department for review.

Commented [MW29]: Chelan requires any existing zoning, land use, or building permit violations to be resolved prior to new short term vacation rental permitting, and for existing non-conforming STRs a provisional permit may be issued with a specified grace period to rectify violations. No additional permitting is allowed after that date. But director may extend the provisional 6 months if a "good faith" effort can be shown.

Commented [MW30]: Review this procedure with Kell and Jayme

Commented [MW31R30]: This is similar to Pacific County

Commented [KR32]: 3rd party consultant?

17.100.080 Revocation

- (a) The Director or designee shall revoke a short-term vacation rental permit if three (#3) violations occur within 12 months (timeframe), the short-term vacation rental owner shall

not obtain a new short-term vacation rental permit sooner than one (1) year from the date of revocation.

- (b) All violations of the short-term vacation rental ordinance must be rectified, and the complaint(s) closed with the County prior to the issuance of a new short-term vacation rental permit.
- (c) Appeals of the revocation of the permit shall be pursuant to the appeals process outlined in MCC 15.11.