



STAFF REPORT

Applicant Proposal: The Mason County Board of Commissioners requested County staff prepare draft short-term rental regulations based on their initial feedback and subsequently present to the Planning Advisory Commission for review and refinement if needed.

Department: Community Development – Planning

Staff Contact(s):

Marissa Watson, Senior Planner

Ext. 367 or mwatson@masoncountywa.gov

Date: October 21, 2024

Action Requested at this Meeting: PAC review draft short term vacation rental regulations and make a recommendation to the Board of County Commissioners.

SUMMARY OF PROPOSAL & BACKGROUND

APPLICANT (DEPARTMENT GENERATED)

Community Development
615 W. Alder Street
Shelton, Wa 98584

PROPOSAL

The Community Development Department's Planning Division has been tasked with drafting short-term rental regulations.

BACKGROUND

Mason County does not regulate short-term rentals at this time but has received an increasing number of inquiries regarding the topic.

Many other jurisdictions within Washington State have been regulating short term rentals to varying degrees. The discussions around them range from the lack of long term housing supply, community fracture, environmental impact, income generation, tourism boost, supplement of lodging options, and so forth. The Board of County Commissioners tasked the Planning Division with looking into the short-term rental situation within the County. The BOCC decided to review this topic prior to the Planning Advisory Commission.

The Planning Division drafted a survey asking the community to provide their input on the topic. Information regarding the survey and a QR code were provided on a postcard that was mailed to marine shoreline owners only. This area was chosen for the postcard mailing because of the complexity and cost of mailing the whole County. The marine shoreline areas are very concentrated with short term rentals. The County also sent out a press release, hoping to engage a wider range of the County, informing them of a project webpage where the survey link could also be accessed. The survey opened on November 16, 2023 and closed on January 12, 2024.

Over 1,500 survey responses were received. The BOCC conducted their first work session on February 6, 2024. The work session reviewed the common themes that were gathered from the survey responses as well as summaries of regulations from four other counties. The commissioners also provided their initial thoughts on areas that they believed staff should concentrate when drafting regulations. Staff has reviewed regulations from other jurisdictions in Washington (Grays Harbor, Skamania, San Juan, Pacific, Jefferson, Chelan) in order to assess commonalities in how specific aspects of short-term rentals are regulated.

The commissioners' initial recommendations for review were established in the first draft short-term rental regulations, currently MCC 17.100. The BOCC's second work session on May 7, 2024 provided additional feedback to refine the draft regulations with, as well as communicate to the planning advisory commission.

SUMMARY OF BOARD OF COUNTY COMMISSIONER MEETINGS

The Board of County Commissioners made the following points during their May 7, 2024 work session:

1. The definition of short-term rental needs to be refined further. There may be a need to restrict RV/tents/yrurts from the definition.
2. There should be tiers/types for owner-occupied vs. non-owner-occupied short-term rentals
3. There should be a tier/type three for higher occupancy situations, these might be a special use type situation.
4. What determines the occupancy limit?
5. No limit on number of STRs per parcel (land use restrictions would still apply).
6. No restriction on owner/operator living in one or the other short term rental units (this would not currently be valid for the shoreline. Lots within shoreline jurisdiction which have a primary residence and an accessory dwelling unit require the owner to live in one or the other).
7. County wide application of regulations.
8. Residential waste
 - a. Require curbside service weekly

- b. Proof of disposal when curbside not available
 - i. Mason County Garbage – letter provided if curbside not available
- 9. Fire, Safety, and Health Inspection
 - a. Not necessarily additional fee for inspection; initial fee could cover or renewal fee cover.
 - b. Fee for position coverage plus daily fee per night
 - i. Alternative to daily fee (tracking may be difficult)
 - ii. Building inspection schedule – adding inspections may require additional staffing
 - c. Failure of first inspection may require re-inspection which would be an additional fee.
- 10. All departments that would be required for permitting, review, and inspection would need to provide a projection of staff time required.
- 11. Parking issues – some debate whether owner/operator within 1 hour or 3 hours is sufficient.
- 12. Permit good for one year, requires renewal.
- 13. Management Plans – submitted to County as permit requirement, may need to further refine what is currently in draft.
 - a. Where is parking located (site plan)
 - b. Fire
 - i. Extinguishers and annual inspections
 - ii. Burn ban information in plan
- 14. Fine system – tiered with final violation resulting in permit revocation.
 - a. Discussion among BOCC indicated that three violation before revocation may be too harsh; Westport, Wa fine system mentioned as example.
 - b. Appeal process defined
 - i. Discussion with prosecutor's office.

The above was a framework provided for the formation of regulations. Staff has used this framework, research from other jurisdictions, analysis of existing Mason County code, and knowledge of existing administrative practices within the Department of Community Development as well as consultation with Environmental Health to revise the draft.

SUMMARY OF PLANNING ADVISORY COMMISSION MEETINGS

The June 2024 work session of the planning advisory commission did not produce any recommendations on the eight points that staff provided for discussion. Planning staff had additional meetings with DCD and EH staff to discuss areas of concern and language suggestions. Further revision of the draft regulations occurred with the addition of the remaining topics that the BOCC desired to see added. The PAC has a public hearing scheduled on October 21, 2024 to hear

public testimony, review the draft regulations and staff report, and make a recommendation to the Board of County Commissioners.

Note on the current draft:

The current draft regulations have a few sections that would require knowledge of an adoption date to fill in, such as in section 17.100.070 Existing short-term rentals. Section 17.100.070(a) (2) and (3), 17.100.060(d) and (e), and the adoption date of the code are somewhat dependent on each other. For instance, if a code was adopted in May but the permitting period was June through July that wouldn't give citizens adequate time to familiarize themselves with the code, make adjustments in their current STR standards and apply for the permit. Also, Section 17.100.080(b) can not be filled in fully until a 3rd party is obtained and the scope of their involvement with complaint gathering and compliance monitoring is established. The acquisition of a 3rd party permitting and compliance monitoring company that would assist DCD is administering a short term rental permitting program will require the County to have regulations in a form that is as close to final as possible. This allows the County to have the best and most complete information for drafting a Request for Proposals.

NOTIFICATION & COMMENT

PUBLIC NOTIFICATION

Staff maintains a notification list for this project. The October 21, 2024 PAC Public Hearing notice was emailed to the list on September 30, 2024. The public hearing is also advertised on the County project webpage, the PAC Agenda, Minutes, and Audio 2024 webpage, and in the Shelton-Mason Journal editions of Thursday October 10, 2024 and Thursday October 17, 2024.

SEPA

A SEPA non-project checklist was drafted and a determination of non-significance was made on October 3, 2024. The DNS and Checklist comment period ends on October 17, 2024. Any comments received will be forwarded to the Planning Advisory Commission.

PUBLIC COMMENTS

Staff has posted all comments received up until October 7, 2024 on the project website under the page "Project Documents". These comments span the months of November 2023 to October 7, 2024. Any comments received after this date will be forwarded to the Planning Advisory Commission.

RECOMMENDATION

REQUESTED ACTION

Staff is asking the Planning Advisory Commission to recommend one of the following options:

- 1. Make a recommendation to the BOCC to approve the regulations as presented.**
- 2. Make a recommendation to the BOCC to approve the regulations with suggested revisions.**
- 3. Make a recommendation to the BOCC to disapprove adopting regulations.**

ATTACHMENTS

- **Draft Mason County Short-Term Vacation Rental Regulations**
- **60 Day Notice of Adoption to Wa Department of Commerce**
- **SEPA Checklist and DNS**

Chapter 17.100 SHORT-TERM ~~VACATION~~ RENTALS

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, or 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.

"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.

"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.

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.

17.100.040 Type

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

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

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.

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

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.)

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?

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 or operator 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 or operator-occupied nor does the owner /operator 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 and shall meet all other applicable development regulations as outlined in Mason County Code.

~~(b) Recreational vehicles, tents, and yurts are not permitted as short term rentals.~~

~~(c) Lots within shoreline jurisdiction containing a main residence and an accessory dwelling unit are limited to permitting only the main residence or the accessory dwelling unit as the short term rental, subject to all other applicable requirements of this code.~~

(~~e~~d) Occupancy limits shall be based on the number of bedrooms approved for the qualifying structure in relation to the on-site sewage system or sewer connection 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, or as approved by the Mason County Environmental Health Department, whichever is less.

(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.

(~~e~~) Parking shall be provided for all guests on-site where the short-term ~~vacation~~ rental is located.

(1) ~~(1)~~ Parking shall not occur within shared easements where such parking may block access to a neighboring property and/or cause a safety hazard.

(2) Parking shall be clearly marked on a site plan provided within the property management plan.

(~~e~~f) Solid waste normal residential handling and removal shall be managed in compliance with MCC 6.72.030(h)(3) with additional requirements, as follows:

(1) Curbside waste removal service is required weekly and proof of service shall be required prior to issuance of a short-term rental permit.

(2) If curbside service is not available at the short-term rental location, a letter from Mason County Garbage, or authorized waste and recycling service provider, shall be provided to the Department prior to issuance of a short-term rental permit.

Commented [MW9]: Do not fit under the state definition of a short term rental and RVs and campgrounds are already under the regulation of the RV park ordinance.

Commented [MW10]: Shoreline Master Plan and ADU regulations require the owner to reside in the main residence or the ADU

Commented [MW11R10]: Other option may be that both could be permitted as STRs but length of rental for one be limited to #days per calendar year

Commented [KR12]: Grays Harbor has same rules for sewer (2 persons per bedroom plus 2 persons. Do we want to include sewer language too?

Commented [MW13]: If we have types/tiers of STRs that allow higher occupancies, are there additional environmental health requirements needed?

Commented [MW14R13]: EH recommendations needed

Commented [MW15]: Within UGAs allowance for street parking? Check current parking regulations for UGA

Commented [MW16]: Is there a need to refer to the parking standards for UGAs at this time..?

(A) A waste removal plan shall be included within the property management plan as part of the permit application.

(fg) 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 shall be communicate within the management plan ~~and as well as~~ the boundaries of the harvesting area ~~shall also be~~ depicted on the site plan provided in the property management plan.

(gh) 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 one (1) hour, and if necessary operator shall be on site within two (2) 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.

(hi) 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) ~~(1)~~ Existing short term rental owner/operator, upon application for a new short term rental permit, shall provide the Department records indicating the owner/operator remitted all required local and state taxes for the property to be permitted.

a. The records shall include at least the last three (3) years of tax remittance.

(2) Each subsequent short term rental permit renewal shall require proof of tax remittance for the year prior to the renewal request.

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

(jk) 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.

(1) Smoke alarms shall be installed per WAC 51-51-0314

(2) At a minimum a 2A-10BC rated fire extinguisher shall be provided in the kitchen and for multi-story units, one on each additional floor.

a. Extinguisher(s) shall be serviced annually by a firm licensed in the State of Washington.

(kj) 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)

Commented [MW17]: 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 [MW18]: Requirement of the RCW. Are there any other fire safety requirements needed?

Commented [MW19R18]: Additions made by Fire Marshall

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 (January 1st through December 31st).

Commented [MW20]: 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 twenty-one (21) days of permit issuance.
 - ~~(B)~~a. Failure to return the affidavit of notification will result in a violation of the short term rental code.

Commented [MW21]: Would this process need to be repeated if owner/host information changes, or any other information on the permit?

Commented [MW22R21]: Transference of 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, permitted parking locations, and litter.

a. Quiet hours should be observed after 10pm and before 7am.

~~(+)~~b. Waste originating from short term rental guests and their pets should be properly disposed of in the appropriate receptacles and should not be left on beaches, tidelands, easements, and common areas used by multiple property owners or the public.

(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, and fire extinguisher(s) locations.

(E) Local emergency numbers, including but not limited to MACECOM, Burn ban Hotline, and WDFW.

(i) If local burn ban is in place, a copy of the press release with details of the ban stipulations shall be placed within the property management plan and posted near or on egress doors.

(F) Max occupancy limits

(G) Max number of vehicles allowed on site

(H) Waste pick-up schedule and location of waste receptacles.

(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 or designee.

~~(5)~~(A) An Operation and Maintenance inspection performed by a certified O & M special shall be completed prior to short term rental permit submittal or record of a satisfactory Operation and Maintenance inspection, on file with the County within the last one to three years, depending on system, shall satisfy this requirement.

(B) Failing onsite septic systems shall be repaired prior to the applicant submitting for a short term rental permit.

Commented [KR23]: 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 [MW24]: Ability to inspect at reasonable times for compliance, complaints, evidence of non-compliance.

Commented [MW25R24]: Department leads to submit what a compliance checklist would include.

(i) Permitting the repair shall be done through the Mason County Environmental Health Department.

Commented [MW26]: Follow up with EH on language here.

(C) Fire and building code compliance inspection shall be scheduled with the Department prior to permit issuance. Failure to comply with the requirements of the short term rental, fire, and building code may result in re-inspection.

(i) Re-inspection fees shall be per the County's applicable fee schedule.

(ii) Short term rental permit issuance may be delayed or denied if requirements of this chapter are not met.

(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.

(D) The Department will accept renewal applications September 1 – October 31.

(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 code requirements.

Commented [MW27]: Some jurisdictions that implement self-certification may include the ability to audit.

Commented [MW28R27]: Staff input on this beyond the initial inspection what should inspections look like for renewals?

(A) Random auditing of self-certification may occur and shall require employees of Mason County to access the property and structure(s) described in the renewal permit for the purpose of inspection.

(e) New Short-Term Rental Permits

(1) Application for new short term rental permits shall occur June 1 – July 31st.

(2) Issued new short term rental permits shall be valid starting January 1st.

17.100.070 Existing Short-Term ~~Vacation~~ Rentals

Commented [MW29]: Expanding this section will be important if the County implements limits on numbers, limits in areas, limits in proximity to other STRs, etc

(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 found to have occurred as of July 28, 2019 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 [MW30]: 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.

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 per MCC 17.100.050(g), 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 [KR31]: 3rd party consultant?

17.100.080 ~~Revocation~~Violations and Enforcement

- (a) The Director or designee ~~shall may~~ revoke a short-term ~~vacation~~ rental permit if three (#3) violations occur within 12 months, the short-term ~~vacation~~ rental owner shall not ~~obtain~~ apply for a new short-term ~~vacation~~ rental permit sooner than one (1) year from the date of revocation and must reapply for a new short term rental permit within the applicable permitting window.
 - (1) Violations shall be assessed per property and per violation type within a 12-month period.
 - (2) The penalties for violations of this chapter are outlined as follows:
 - (A) The first violation shall be a warning by an authorized official of the County.
 - (B) The second violation shall be a fine of \$350.
 - (C) The third violation shall be a fine of \$1000 and/or revocation of an issued short term rental permit.
 - (D) If the short-term rental continues to operate after revocation of the permit, the violation shall be punishable under Title 15 and may require a hearing before the hearing examiner.

- (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 or renewal of a permit.
- (c) Appeals of the revocation of the permit shall be pursuant to the appeals process outlined in MCC 15.11.



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

10/03/2024

Ms. Marissa Watson
Senior Planner
Mason County
411 N 5th Street
Shelton, WA 98332

Sent Via Electronic Mail

Re: Mason County--2024-S-7567--60-day Notice of Intent to Adopt Amendment

Dear Ms. Watson:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed Mason County short term rental regulations.

We received your submittal on 10/03/2024 and processed it with the Submittal ID 2024-S-7567. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 12/02/2024.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Nathan Pate, (360) 725-2846.

Sincerely,

Review Team
Growth Management Services



**MASON COUNTY
COMMUNITY DEVELOPMENT**

Permit Assistance Center, Building, Planning

MASON COUNTY
Planning Division of Community
Development
615 W. Alder St. Bldg. 8, Shelton, WA 98584
360-427-9670 ext 352

SEPA DETERMINATION OF NON-SIGNIFANCE (DNS)

Permit #: SEP2024-00038

Project Name: Mason County Short-Term
Rental Regulations

Project Description

Location: XXX ALDER ST

Parcel Number: MASONCOUNTY

Proponent: MASON COUNTY

Lead Agency: Mason County

Lead Agency Contact: Marissa Watson 360-427-9670 ext. 352

Comment Deadline 10/17/2024

The Lead Agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed Environmental Checklist and other information on file with the Lead Agency. This information is available to the public upon request.

This DNS is issued under WAC 197-11-340(2). The Lead Agency will not act on this proposal for 14 days from the date shown below, when the determination is final. Comments must be submitted to the Dept of Community Development, 615 W Alder St, Shelton, WA 98584 by the comment deadline. Appeal of this determination must be filed with a 14-day period following this final determination date, per Mason County Code Chapter 15.11 Appeals

Authorized Local Government Official

10.03.24

Date

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the [Supplemental Sheet for Nonproject Actions \(Part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in "Part B: Environmental Elements" that do not contribute meaningfully to the analysis of the proposal.

A. Background [Find help answering background questions](#)

1. **Name of proposed project, if applicable:**

2. **Name of applicant:**

3. **Address and phone number of applicant and contact person:**

4. **Date checklist prepared:**

5. **Agency requesting checklist:**

6. **Proposed timing or schedule (including phasing, if applicable):**

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

10. **List any government approvals or permits that will be needed for your proposal, if known.**

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

B. Environmental Elements

1. Earth [Find help answering earth questions](#)

a. General description of the site:

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

f. Could erosion occur because of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

2. Air [Find help answering air questions](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any.

3. Water [Find help answering water questions](#)

a. Surface Water: [Find help answering surface water questions](#)

1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.

5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground Water: [Find help answering ground water questions](#)

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.
2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water Runoff (including stormwater):

- a) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
- b) Could waste materials enter ground or surface waters? If so, generally describe.
- c) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.
- d) Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.

4. Plants [Find help answering plants questions](#)

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- orchards, vineyards, or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened and endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

e. List all noxious weeds and invasive species known to be on or near the site.

5. Animals [Find help answering animal questions](#)

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Examples include:

- Birds: hawk, heron, eagle, songbirds, other:
- Mammals: deer, bear, elk, beaver, other:
- Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened and endangered species known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

d. Proposed measures to preserve or enhance wildlife, if any.

e. List any invasive animal species known to be on or near the site.

6. Energy and Natural Resources [Find help answering energy and natural resource questions](#)

- 1. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**
- 2. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**
- 3. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.**

7. Environmental Health [Find help with answering environmental health questions](#)

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

- 1. Describe any known or possible contamination at the site from present or past uses.**
- 2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**
- 3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**
- 4. Describe special emergency services that might be required.**
- 5. Proposed measures to reduce or control environmental health hazards, if any.**

b. Noise

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?
3. Proposed measures to reduce or control noise impacts, if any.

8. Land and Shoreline Use [Find help answering land and shoreline use questions](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?
 1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?
- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?

- g. If applicable, what is the current shoreline master program designation of the site?**

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

- i. Approximately how many people would reside or work in the completed project?**

- j. Approximately how many people would the completed project displace?**

- k. Proposed measures to avoid or reduce displacement impacts, if any.**

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.**

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.**

9. Housing [Find help answering housing questions](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

- c. Proposed measures to reduce or control housing impacts, if any.**

10. Aesthetics [Find help answering aesthetics questions](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

- b. What views in the immediate vicinity would be altered or obstructed?

- c. Proposed measures to reduce or control aesthetic impacts, if any.

11. Light and Glare [Find help answering light and glare questions](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

- c. What existing off-site sources of light or glare may affect your proposal?

- d. Proposed measures to reduce or control light and glare impacts, if any.

12. Recreation [Find help answering recreation questions](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?

- b. Would the proposed project displace any existing recreational uses? If so, describe.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.

13. Historic and Cultural Preservation [Find help answering historic and cultural preservation questions](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

14. Transportation [Find help with answering transportation questions](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?
- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

- f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
- g. Proposed measures to reduce or control transportation impacts, if any.

15. Public Services [Find help answering public service questions](#)


- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.
- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities [Find help answering utilities questions](#)

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

C. Signature [Find help about who should sign](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

X 

Type name of signee:

Position and agency/organization:

Date submitted:

D. Supplemental sheet for nonproject actions [Find help for the nonproject actions worksheet](#)

IT IS NOT REQUIRED to use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

- **Proposed measures to avoid or reduce such increases are:**

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

3. How would the proposal be likely to deplete energy or natural resources?

- **Proposed measures to protect or conserve energy and natural resources are:**

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

- **Proposed measures to protect such resources or to avoid or reduce impacts are:**

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

- **Proposed measures to avoid or reduce shoreline and land use impacts are:**

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

- **Proposed measures to reduce or respond to such demand(s) are:**

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.