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September 19, 2025

Mason County Board of Health
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Mason County Board of Health:

I represent the citizen's group Taxpaying Citizens of Golden Pheasant. We have been monitoring the BOH meeting minutes and recently noticed there is a "Draft OSS Enforcement Referral Policy" being considered on Tuesday, September 23, 2025. The changes go right to the core of why we exist as an organization. We would like to provide some feedback on how the draft can be updated to avoid unintended consequences for code-abiding neighboring property owners:

1.) Only Undersized Lots Should be Eligible:

- The preamble and previous meeting minutes discuss the need for this change being due to undersized lots platted prior to modern septic regulations (in WAC 246-272A) not being able to install septic systems. **But status as an "undersized lot" is not included as an actual requirement.** As written, this exemption would allow any owner of a vacant lot to set up an RV or tent encampment using solely a porta-potty (defined under WAC 246-272A as a "Holding Tank Sewage System").

2.) Eligibility Should be Limited to Situations Existing as of the Date of Adoption:

- Living permanently in an RV (unless the RV is rendered non-mobile and set up as a manufactured home) is illegal under County Code, State Code, the International

Building Code, and the National Electrical Code (see below). This has always been the case with the IBC and state code, and the local code dates back to 1991.

- However, we understand there is a unique situation with current residents allowed to live in this fashion due to the County previously not enforcing code.
- This exemption should only apply to those citizens induced into believing their living situation was legal by the County's inaction. We should not encourage additional people to move out onto land in illegal fashion.
- Lots that are too small to install a septic are intended for recreation only. Their value is lowered accordingly. Under code, people may park their camper on them for the summer (up to 180 days) but cannot live there permanently without buying adjacent lots and recombining them into a lot suitable for septic installation. Unfortunately, the lower price point makes these lots an easy access point for people to come set up camps utilizing unpermitted living situations. The County needs to be firm in enforcing its codes [alternatives listed below].

3.) The Exemption Should Sunset, Not be Life-Long:

- As written, this exemption would allow people to live in illegal fashion for the duration of their lives. It is unclear whether inheritance counts as a sale to a new owner, meaning this may be a generational exemption.
- Instead, the exemption should sunset after a period of time – our suggestion is 10 years. The resident would have 10 years to remedy whatever is preventing them from building a permitted structure on the lot or return the lot to recreational use.

4.) We Strongly Urge Limiting the Exemption to Underground Tanks, not Porta Potties:

- Allowing permanent use of porta potties not only violates WAC 246-272A-0240, but it is likely to lead to spilled sewage. RV's have indoor plumbing which drains to the outside. It is typically very difficult to connect that outlet to a porta potty, and such connections will freeze. Under such challenging conditions, most residents would simply let their grey water flow to the ground. We believe most would still likely use the porta potty for black usages, but this is questionable in cold weather. There will be instances where individuals simply direct a hose from

their RV outlet to the nearest wooded area or creek. One of our members experienced this exact scenario directly with a neighbor who buried an outlet hose in clay for 20', then mulch for an additional 20', to reach a small garden and the wetland behind it.

- Requiring an in-ground tank prevents these scenarios. A solid, inspectable connection can be achieved and the resident is highly likely to remain in compliance.

We note from Ian Tracy's July 22, 2025 memo that the impetus for drafting this exemption stems from Environmental Health receiving "a growing number of code enforcement cases involving" these properties. In other words, a growing number of voting citizens are upset with this situation (people living in illegal camps in violation of code) and have turned to their County officials for help – by simply enforcing code as written. Instead, Mr. Tracy here attempts to preempt those citizens by taking action to prevent them from ever addressing their concerns. Mr. Tracy was made very aware of the illegality of these living situations, as discussed below, during direct engagement in 2023-24. We question why he continues to search for ways to back-door approve what simply is not allowed. Looking for solutions, we provide alternative suggestions below.

Pertinent Code

MCC 16.22.050 – Definitions: *[Mobile Homes and Trailer Parks]*

- "... provided further that recreational vehicles set up in a permanent fashion, as defined by the building code, shall be permitted as residences."
- Relevance: this provision complies with the IBC, which requires that RV's lived in for more than 180 days must meet be installed in the same fashion as a mobile home. Proper permits must be pulled and County inspections must occur in order to receive a certificate of occupancy.

International Building Code, Sec G110:

- "Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section G109 for manufactured homes."

- The IBC also more generally states that any structure, defined as “that which is built or constructed,” placed into occupancy for more than 180 days must comply with the IBC codes most applicable to it. [see Definitions *and* Sec 3103).

National Electrical Code, Section 90.2(C):

- Subjects RV’s to the NEC for purposes of electrical inspection
- Sets standards for how electrical service is supplied to permanent RV’s/mobile homes and inspected (ie, underground or overhead feeders – no permanent extension cord use)

WAC 246-272A-0240: *Holding Tank Sewage Systems*

- Prevents permanent use of holding tank sewage systems (to include porta potties) on residential lots except for temporary emergencies and repairs
- This applies to all residential lots – undersized or otherwise
- The purpose for the WAC is to prevent sewage spills. Holding tanks are prone to misuse. Primarily, they are extremely expensive to maintain, requiring pumping on a weekly to bi-weekly basis. When used as a solution for indigent citizens, the incentive exists to keep as much waste out of the tanks as possible in order to reduce pumping costs. The easiest means to achieve this is to allow greywater to drain to ground or the nearest creek. One of our members experienced this exact scenario in 2022-2023, *despite EH’s direct oversight*.
- The Board’s letter to the BOH requesting changes to this provision is ill-considered. To begin, the wording is incorrect. WAC 246-272A-0240 prohibits holding tank usage for ALL residential property, not just undersized lots. The reasons for this, listed above, are sound. Permanently living in an RV is illegal under local, state, and international building codes, unless that RV is rendered nonmobile and installed like a manufactured home – which in turn directly requires a septic system. Therefore, the only purpose for amending WAC 246-272A-0240 would be to cover the illegal living situations created by the County’s prior nonenforcement of code and addressed in the subject “Draft OSS Enforcement Referral Policy.” Because no more of these situations should be allowed to develop and because the County should include a sunset provision on

the proposed exemption which would lead to resolution of these properties within 10 years, no change to WAC 246-272A-0240 is warranted. There are better solutions to the housing crisis than allowing people to live in squalor, and we provide suggestions below.

Alternative Solutions

Most municipalities do not allow citizens to live permanently in RV's, without exception. Those which do follow the IBC and require the RV to be set up in the same fashion as a mobile home (secured to footings, permanent electrical connection, septic system, county permitting and inspections, ultimately a certificate of occupancy). This is exactly how Mason County Code reads, and the code should be followed.

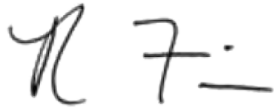
If a person cannot afford to meet basic living conditions on a parcel, it is inhumane to turn a blind eye and allow them to live in squalor, in turn robbing adjacent rural residents of the one wealth-building tool generally available to them – property value. Property value is something residents can borrow against (HELOC) in hard times to fund repairs or emergency expenses. Reduced property values = reduced wealth with resultant financial destabilization. Everyone involved suffers harm.

Instead, the County should consider alternative housing options for those who cannot afford to establish basic living conditions on rural land. Most municipalities utilize RV parks and Mobile Home parks for this purpose. Mason County should consider amending code to allow citizens to set their RV's up in permanent fashion at Mobile Home parks (again, by removing the wheels, affixing to footings, and establishing a permanent electrical connection), where the park is providing access to sewage disposal. Mason County should incentivize Mobile Home parks and RV parks to expand to meet this growing housing need. Bear in mind that RV parks are for temporary stays of up to 180 days; to stay permanently, a person must be in a Mobile Home park and again set the unit up akin to a mobile home. *[An example of this type of code change is attached from the City of Republic in eastern Washington].*

That is likely the fastest approach which would yield results. More long-term, the County should incentivize construction of multi-family living units, such as apartments, which tend to have the lowest cost barrier to entrance. Incentivizing more small landlords to enter the rental market may be yet another avenue. The key here is to incentivize, not penalize. Property tax reductions may be a viable option here – perhaps reductions that increase the longer tenants have lived on a property.

We do not need to invent new solutions which lower the standard of living; those who came before us established viable solutions to these issues. We just need to follow their example.

Thank You for Your Time and Consideration,



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A Suggestion for Helping the Craft3 Couple

We noted in the BOH meeting minutes an issue involving a couple who purchased a home with an advertised new septic tank which ultimately failed within 1 year. The couple is ineligible for assistance from Craft3.

We believe there may be two options where the County could offer assistance:

1.) Put Pressure on the Installer:

- o Mason County vets septic installers and only allows septic installation from companies on the Approved Installers List
- o This serves both a consumer protection and a public health function, as it ensures only installers with a successful track record can be listed as an approved installer
- o A septic system failing within one year is a serious error – Mason County should place pressure on the installer to assist the homeowner in correcting the situation if they wish to remain approved as an installer in this County
- o Normally, a County exerting pressure on a company would be improper; however, in this case it is exactly what the Approved Installers List is for – to ensure only installers who provide a viable product are able to operate in Mason County

2.) Alternatively, depending on the specific facts of the case, the new owners may have a civil claim against the sellers. Government cannot solve all problems or right all wrongs, but the Civil Litigation system exists for this purpose. The financial barrier to access is VERY high. Mason County could have the Prosecuting Attorney's office reach out to various local firms and see if any would accept the case as pro-bono work. There may be a young new-hire who needs the experience.