

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

SEPTEMBER 6, 2011

1. Call to Order – The Chairperson called the regular meeting to order at 9:00 a.m.
2. Pledge of Allegiance – Karen Herr, Auditor, led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Lynda Ring Erickson; Commissioner District 2 – Tim Sheldon. Commissioner District 3 – vacant.
4. Correspondence and Organizational Business
 - 4.1 Correspondence
 - 4.1.1 The Federal Emergency Management Agency provided information regarding community compliance with the Reasonable and Prudent Alternative outlined in the Biological Opinion for the implementation of the National Flood Insurance Program in the Puget Sound region.
 - 4.1.2 The Washington State Department of Transportation announced that Tahuya River Bridge #2 was selected for the 2011 Award of Excellence in the Best County Project category.
 - 4.1.3 The National Association of Counties announced that Commissioner Ring Erickson has been appointed as Vice Chair of the Rural Action Caucus Steering Committee.
 - 4.1.4 The Washington Counties Insurance Fund provided information for 2012 employee benefit plans.
 - 4.1.5 The Taipei Economic and Cultural Office invited the Board to the centennial anniversary of the Republic of China.
 - 4.1.6 Curtis Bennett is seeking appointment to the vacant Commissioner District 3 position.
 - 4.1.7 John Smith is seeking appointment to the Mental Health Task Force.

4.2 Presentation of Mason County 2012 Budget Requests.

Theresia Ehrich, Chief Finance Manager, gave details of the preliminary budget.

The Commissioners thanked staff for working on the budget. Also, they wanted dates clarified for budget meetings.

Ms. Ehrich said the first budget meeting is the first Monday of December with any changes being done in the mid November.

Cmmr. Ring Erickson clarified several of the funds.

4.3 Patriot Day Proclamation was read by Dick Taylor, Shelton Rotary Club, who stated September 11 will be proclaimed as Patriots Day for the 10 year anniversary.

5. Open Forum for Citizen Input – None
6. Adoption of Agenda – Items appearing on the agenda after "Item 9. Public Hearings", may be acted upon before 9:30 a.m.

Cmmr. Sheldon/Ring Erickson moved and seconded to adopt the agenda as published. Motion carried unanimously. RE-aye; S-aye.

7. Approval of Minutes – August 16 and 23 regular meeting minutes; August 22 briefing meeting minutes and August 30 special meeting minutes

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Cmmr. Sheldon/Ring Erickson moved and seconded to approve the August 16 and 23 regular meeting minutes; August 22 briefing meeting minutes and August 30 special meeting minutes. Motion carried unanimously. RE-aye; S-aye.

8. Approval of Action Agenda:

- 8.1 Approval for the Chair to sign a Letter of Agreement with People for Puget Sound to complete restoration work at Sunset Bluff View Park in an amount not to exceed \$26,000. Project costs will be covered 100% by grant from the Washington State Department of Ecology
- 8.2 Approval for the Mason County Shelter to apply for a Consolidated Housing Grant with the Washington State Department of Commerce in the amount of \$137,889 for 2012 and 2013. This is for the emergency shelter for families with children and transitional housing apartments, which are in the Mason County 10-year Plan to Reduce Homelessness.
- 8.3 Approval for the Chair to sign an office lease with R.W.J.J., Inc. for the Mason County Sheriff to lease office space at NE 23293 SR3 – Suite B-2, Belfair, WA. Cost is \$1,429 per month for first 30 months and \$1,629 for second 30 months for a total 60 month lease. The lease will be funded from the Facilities and Sheriff Department's operating budgets and is budgeted.
- 8.4 Approval to transfer the jurisdiction of a portion of 6th Street to the Port of Grapeview and authorize the Chair to execute the necessary Quit Claim Deed in accordance with RCW 39.33.010. **Resolution No. 60-11 (Exhibit D)**
- 8.5 Approval for the Department of Utilities & Waste Management to purchase the chopper pumps and associated control panels required for the Allyn View Mobile Home Park pump station upgrade from sole source vendors PumpTech, Inc. and Automation Design & Manufacturing, Inc., respectively in the amount of \$35,000.
- 8.6 Approval for the Parks and Facilities Director to call for bids for the MCRA Infield Renovation Project. Bid opening date is to be Tuesday, September 20, at 1:00 p.m. Project funded by Washington Wildlife and Recreation Program Grant and REET II Capital Funds.
- 8.7 Approval to appoint the following additional people to the Advisory Committee on the 1/10th of 1% Sales and Use Tax for Mental Health and Substance Abuse prevention and treatment services: Gordon Craig, Citizen; John Smith, Business Owner - Amicus Curia.
- 8.8 Approval of the resolutions to affirm Mason County's election to receive National Forest Related Safety—Net Payments under P.L. 110-343 and to designate 20% of the Safety Net Full Payment amount to be allocated to Title II or Title III local projects. **Resolution No. 57-11 & 58-11 (Exhibits A & B)**
- 8.9 Approval to continue Contract Agreement #1163-33597 between the State of Washington Department of Social and Health Services (DSHS) and Mason County Juvenile Services in the amount of \$117,689 with no match requirement. These funds serve as reimbursement for our services for Consolidated Juvenile Services (CJS), Community Juvenile Accountability ACT (CJAA), Special Sex Offender Disposition Alternative (SSODA) and Chemical Dependency Disposition Alternative (CDDA).
- 8.10 Approval of the Veterans Assistance Fund application for: Martin T. Triplett – Housing \$600.00 for a total of \$600.00 as recommended by the Veterans Assistance Fund Screening Committee.
- 8.11 Approval for the Mason County Shelter to apply for a grant from the Washington State Department of Commerce in the amount of \$835,613 for the period of September 2011 through June 2013 for a housing voucher program, funds to be paid directly to landlords rather than a cash grant.
- 8.12 Approval for the Equipment Rental & Revolving (ER&R) Manager to request proposals to purchase a replacement Treasurer Financial System for Mason County. Proposals required by October 5, 2011 at 10:00 am. Funding to be provided by a loan from ER&R and the Technology Fund.

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- 8.13 Approval for the Equipment Rental and Revolving Fund Manager to purchase a web site addition to the Land Records system to image environmental health records and make them available on the web from Image-X of Santa Barbara and issue a purchase order for the project. Estimated cost \$13,750 and funding is provided by a grant through Public Health.
- 8.14 Approval for the Equipment Rental & Revolving Fund Manager to call for bids to furnish Mason County with a used 53,000 lb class Hydraulic Track Excavator for Public Works. Date and time of opening to be October 5, 2011 at 9:00 am.
- 8.15 Approval of Consolidated Contract C14956 Amendment 31. This amendment increases the maximum consideration of the contract by \$28,375 to a total maximum of \$2,888,676. The changes in this contract were made in On-Site Implementation, \$25,000 and Youth Tobacco, \$3,375.
- 8.16 Appoint Michael Olsen and Euteva Yount to the Mason County Historic Preservation Commission for three-year terms ending November 2013 (Michael Olsen) and December 2013 (Euteva Yount).
- 8.17 Approval of Warrants
- | | | |
|----------------------|--------------------------|----------------|
| Claims Clearing Fund | Warrant #s 191545-192392 | \$4,826,426.17 |
| Salary Clearing Fund | Warrant #s 5036-5073 | \$ 232,016.03 |
| Direct Deposit Fund | Deposit #s 32003-32359 | \$ 572,979.94 |

Items 8.2 and 8.11

Andrew Graham asked questions regarding the grants.

A Mason County Shelter representative clarified the details of the grants.

Item 8.3

Tom Davis asked a question about the square footage of the new Sheriffs office.

Sheriff Salisibury responded that it is 1,400 square feet.

Cmmr. Sheldon/Ring Erickson moved and seconded to approve Action items 8.1 through 8.17. Motion carried unanimously. RE-aye; S-aye.

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

- 9.1 Public hearing to consider the Cable Franchise Agreement between Mason County and Comcast. Brian Mathews, Public Works Engineer, stated that Mason County would like to update the Franchise Agreement to bring the agreement up-to-date to current language. Mr. Mathews introduced Jeremy Graham.

Jeremy Graham, Public Works Project Support Service Manager, requested adoption for the update of the Cable Franchise Agreement between Mason County and Comcast Cable Company. The Franchise term is ten years. Staff has taken the time to review and compare other rates and the staff recommended to approve and adopt the Cable Franchise Agreement.

Questions for Staff

Cmmr. Sheldon asked if there were differences between the Comcast Franchise and the Hood Canal Communications Franchise.

Mr. Graham said that there is not. It is the same language and basically the same contract.

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There was no public testimony.

Cmmr. Sheldon/Ring Erickson moved and seconded to approve the Cable Franchise Agreement between Mason County and Comcast. Motion carried unanimously. RE-aye; S-aye.

- 9.2 Public hearing to consider the Cable Franchise Agreement between Mason County and Wave Broadband. Jeremy Graham requested adoption of the Cable Franchise agreement and renewal of contract with Mason County and Wave Broadband Cable Company. The Term of Franchise is ten years which is also consistent with the rates within other surrounding communities. Public Works staff had reviewed and is requesting approval and adoption of the Cable Franchise Agreement.

Questions for Staff

Cmmr. Sheldon asked if there was a difference between the Franchise Agreement between Hood Canal Cable and Wave Broadband.

Mr. Graham stated that there was not.

Cmmr. Ring Erickson asked where the service area was for Wave Broadband.

Mr. Graham stated that it was Belfair and Allyn.

Cmmr. Sheldon asked if there were differences between this franchise agreement and Comcast.

Mr. Graham stated that there is no difference with this contract.

There was no public testimony.

Cmmr. Sheldon/Ring Erickson moved and seconded to approve the Cable Franchise Agreement between Mason County and Wave Broadband. Motion carried unanimously. RE-aye; S-aye

- 9.3 Public hearing to consider adoption of Findings of Facts justifying a Moratorium on Collective Gardens as approved on July 19, 2011. (RCW 36.70A.390) This Moratorium would expire November 20, 2011. **Ordinance No. 59-11 (Exhibit C)**

Barbara Adkins, Director of Department of Community Development, stated a hearing was being conducted in accordance with RCW 36.70A.390 which indicates that within 60 days of imposing a moratorium that you have to hold a public hearing to adopt the findings of fact. The medical use of cannabis would allow qualifying patients to create and participate in collective gardens. Collective gardens were defined as an area or garden where qualifying patients engage in the production, processing, transporting, and delivery of cannabis for medical use as set forth in the senate bill. This would also allow cities and counties to adopt zoning regulations, business licensing requirements and health and safety requirements pertaining to those gardens.

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She would like the Board to consider the findings of fact and to continue the moratorium until November 20th to give the department of Community Development an opportunity to look over this and try to come up with some appropriate zoning regulations for the locations of these gardens. Mason County does not issue business licenses, so they will not be addressing that. Community Development will also be work with the Health Department to look at health and safety requirements.

Questions for Staff

Cmmr. Sheldon asked if the product was edible, would the Health Department have to issue food handling permits. This hasn't been addressed in the bill. He was also curious if a letter had been sent to the dispensaries, which he understands are illegal, and asked if and when hey intend to work and operate as a grow garden.

Ms. Adkins responded that she was working with the Prosecutor's office to put together a letter with the appropriate information relating to the gardens and dispensaries and the Prosecuting Attorneys Office position on the legality regarding the dispensaries.

Tom Davis wanted to note that the moratorium was set on July 19th and it is now September 6th. He wanted to know what had transpired between that time and why does the moratorium need to be extended? Ms. Adkins mentioned that she wanted to address zoning issues. Why were those issues not addressed before this time?

Ms. Adkins noted that drafting and adopting zoning regulations can take anywhere from three to six months because of the process that you have to go through. Also, she has been researching to try and find other communities, cities and counties that started creating those regulations and they are hard to find. She had found mainly cities and not necessarily counties. She was working with the Prosecuting Attorney's office and with the County Associations to determine what other counties generated. It didn't exist and they have to start from scratch. It will take research and review and will have to go through Planning Advisory Commission and then the Board. They want to make sure it is right according to the bill and what is right for the county.

Public Testimony

Jarad Allerway stated he graduated from Central Washington University with a degree in Safety and Health Management. He stated that marijuana is safer than alcohol, and encouraged everyone to read the book "Marijuana Is Safer, So Why Are We Driving People to Drink?". He stated that even though marijuana limits access to patients who really need this effective medicine, keep in mind that marijuana is safer than alcohol. There is no such thing as a marijuana overdose. It is easy to overdose on alcohol. Marijuana doesn't cause violent behavior. It seems to have the opposite effect. Marijuana doesn't cause sclerosis of the liver.

Laurie Kent stated that people are operating dispensaries in a grey area called Designated came forward as a patient in Washington State and as a cannabis user. She had chosen an alternative medicine for the disease that she has. It took days and time from her. With that being said, she has a patient base in Washington State that talk to each other. They have to operate in ally's and

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
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be undignified and are a creed of people that believe differently because they chose to go to a different kind of doctor. Every collective garden in Washington State must be not-for-profit. They register with the State. The Secretary of this state has a registry of every collective garden and their address. A moratorium is procrastination. The County needs to get on with the things at hand. This is a law that the Governor signed. It is enacted. It is put off because of fear. She also discussed dispensaries as a collective. That is not what MariMeds does. MariMeds is a patient treatment center. They operate fully on Highway 3. They have paperwork that they took to the County Sheriff and asked if they can operate like this. They try to help patients. Everything she has done for MariMeds is volunteer. She is asking for a responsible committee to be formed with people like herself, and doctors and professional people in cannabis that can bring it into the law enforcement. They have been successful with building a bridge with the Sheriffs department. It's not an easy job. Patients are getting scammed. With a collective garden, it states they can have 10 members per collective, 15 plants each, 45 plants maximum per garden, which means any 3 patients can grow at one spot. They encourage the Health Department to be involved because of health and safety issues. There might be electrical issues, fans and venting. It can cause real zoning problems in building and safety and liability problems. Collective gardens are set up and recognized by the Governor with a set state of how things should go.

Robert A Wood Jr. owned MariMeds in Belfair. He stated that he had 4,000+ patients and he was a patient himself. He used to take 30 pills a day and is now clean. He worked with Mason County Sheriff's office, who had been fabulous. They assisted putting four people in jail with video and zero tolerance. They would like to continue to work hand and hand with Sheriff Salisbury, the Deputies and State Troopers and the City Officials to get this right. He believed that he was doing a good service. He was a member of the Mason County Chamber of Commerce and donated to the revenue and community. He wanted to take care of the community. Sixty-three percent of his patients were female and seventy-two percent were forty or older. He will go through any lengths to get this right and take the fear and stigma away from medical cannibals and give a better quality of life to his patients through herbology.

Todd Nelson was the director of Hood Canal Patient to Patient Collective that was in Potlatch. He was in support of the moratorium. Since he started his collective in January, he had become a licensed, registered, non-profit. He brought all of his paperwork to answer direct questions. He sent a letter to the Prosecutors office through his attorney, Eric Valley, back in January letting him know his intent to start a non-profit to help facilitate patients to have a safe access point. At that point, he had a conversation with Sheriff Salisbury letting him know what his intention was. He also had a phone conversation with Senator and Commissioner Sheldon to let him know his intention. Since that day, he had done everything that the County had asked. Before he opened up, he had occupancy signed off in final. Food handlers cards were mentioned and he applauded everybody involved that wanted to regulate this industry and to make it more transparent. At the end of the day it's still about money. Ninety percent of the people who operate these industries, it is a cover for drug dealing and trying to get money. Having said that, he would open his business to the Sheriff, the Commissioner, the Prosecutor and now the CDC to see how he operates. He operates like a pharmacy. When a prescription is brought into his business, he calls the doctor. He wont let any unqualified patient in his business to get medicine. He brought receipts showing that

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he donated money to causes. He implored that the Board act judiciously and within the County and patients best interest. Also, he asked that the Board enact the moratorium so that they have time to come up with a regulation for the medicine as he moves forward so that there is not a grey area and so that the Sheriffs department, the County, the taxpayers of our county don't spend anymore money by incarcerating people because they have a prescription. He brought copies of food handlers cards from his staff. He was willing to participate in any committee. He thanked the Commissioners Office, the Sheriff's office and the Prosecutor's office for opening their doors.

Allan Bennett was a retired Holistic Health Care Practitioner. He was disabled from auto accident. He was only disabled physically. A large part of his practice had been education. One thing that hadn't been brought up was how much research had been done around the world regarding how much cannabis helps pain that can't be helped by other drugs. He became a healthcare practitioner because of early injuries where he was prescribed by a doctor to take eight to twelve aspirin a day for years, which ate his stomach lining out. That was what caused him to start investigating holistic health care and becoming a cannabis activist. Marijuana had helped him manage pain without pills. The budget was brought up earlier in this meeting. He said that most patients were encouraged to grow their own cannabis but can't due to space issues. That was why collectives were defined by the State. This would help Mason County financially with patients in the county and near-by counties. This was the only facet of the current economy that could actually expand.

Danielle Skeeters Lindsey who was not a patient and never considered it. She suggested starting an advisory committee to help Ms. Adkins move this along in the right way. She took 32 pills three times a day just to stand up. She felt the Board needed to put somebody from the cannabis world, the Sheriffs department, a doctor, and the Health department on the advisory committee to come together to work this out so that it would benefit everybody, including the County. It would be tax money. One thought, this could be where it would start with the new moratorium, to build it together and make Mason County a moving point.

Allan Tahja thought it was a great way for the community to lead the way. It is such a new thing within the United States. He thought there is only seventeen or eighteen states that had allowed medical use of marijuana. He didn't claim or deny his use of it, but did support the people who feel it is beneficial to them.

Ms. Kent added that they don't sell the cannabis, they take donations. The dosing is controlled. They make sure that what was given to the patient was best for them. There were several kinds of cannabis available. They also educate the patient because it could effect driving, working, etc. Sometimes the only thing that the patient should operate is a remote.

Cmmr. Sheldon commented that marijuana is illegal under Federal law. He stated that it should be dispensed by a registered pharmacy. He wondered if collective gardens should be in a neighborhood or around school zones. He still had questions regarding safety regulations such as fire extinguishers, an inspection by the local fire department and sprinkler systems. All of those things would take time to develop. Earlier someone mentioned this being an economic boom for a

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county. He didn't believe that to be true. It would be better as a small county to go slow and see what happens in other areas before being a magnet for exponential growth of this industry. He would be in favor of continuing the moratorium.

Cmmr. Ring Erickson mentioned that if she was here on July 19th, she probably would not have voted in favor of the moratorium. However, as it has matured, she was concerned about the zoning issue and wanted to make sure that it was done right, rather than quickly. She would like to be thoughtful and work with the Sheriff and Prosecutor. She believed that it is a zoning issue. There needs to be places and areas that are appropriate for this kind of operation and businesses to take place. The next couple of months would give an opportunity to gather some public input. She personally thought that the State should pass a law letting the sale of marijuana be a local option with high tax. That law doesn't exist at this time. She wanted to make sure that the Board doesn't make a quick and foolish decision that would put the County in the position of not having the proper zoning.

Cmmr. Sheldon/Ring Erickson moved and seconded to approve and adopt the findings of fact justifying a Moratorium on Collective Gardens as approved on July 19, 2011. This would expire on November 20th, 2011. Motion carried unanimously. RE-aye; S-ay

10. Other Business (Department Heads and Elected Officials) – None
11. Board's Reports and Calendar - The Commissioners reported on meetings attended the past week and announced their upcoming weekly meetings.
12. Adjournment – The meeting adjourned at 10:42 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Lynda Ring Erickson, Chair


Tim Sheldon, Commissioner

ATTEST:


Shannon Goudy, Clerk of the Board

Vacant
Commissioner District 3

Resolution No. 57-11
National Forest Counties & Schools Coalition
Purpose: Selection of Forest Reserve Payment System
Opting in/out of HR 1424 (PL 110-343 – Sect. 601(a), Division C) Safety Net

Whereas counties having United States National Forests within their boundaries have received Forest Reserve funds for roads and schools since the passage of the Agricultural Reapportionment Act of 1908 based on revenues generated from these forests; and

Whereas these counties have substantial areas of land in public ownership which can neither be developed nor taxed to generate revenue from economic activity or taxation; and

Whereas during most of the 20th century Forest Reserve payments were a consistent but cyclical source of income for schools and counties; and

Whereas during the past decade changes in public policy at the national revenue have substantially reduced and in some cases virtually eliminated economic activity on national forests; and

Whereas the demands for education and roads have in most jurisdictions continually increased while Forest Reserve revenues have declined; and

Whereas the Congress of the United States recognizing the existence of the above mentioned conditions has seen fit to pass PL 110-343, which provides a four (4) year safety net whereby counties may either receive the traditional annual payment from the Forest Service (and/or BLM) or select four years of payments based on a formula provided in the legislation.

Whereas PL 110-343 specifies that each forest county has an option to select either: (a) remaining on the traditional 25% Forest Reserve Receipts payment system or (b) selecting the full payment system set forth in Title I of PL 110-343; and

Whereas it is understood that counties which select the PL 110-343 full payment (safety net) option are doing so for the full four (4) year life of the bill; and

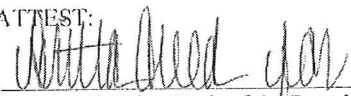
Whereas it is further understood, that those counties who select to remain on the traditional 25% Forest Reserve Receipt system, are obligating themselves for a two year period, and will have the option of changing to the PL 110-343 safety net system after the second year of the bill.

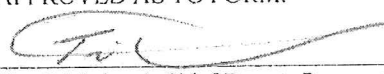
BE IT THEREFORE RESOLVED that Mason County and its impacted school districts, hereby select to receive their forest reserve payments as set forth below (specify one):

- ☐ Traditional 25% Forest Reserve Receipts – 1908 Act (7 year rolling average)
☒ Full Safety Net Payment amount as per PL 110-343; and

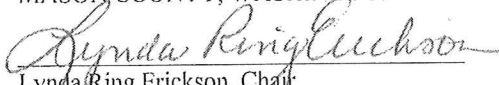
BE IT FURTHER RESOLVED that all jurisdictions receiving Forest Reserve Funds within Mason County receive a copy of this resolution for their official records as soon as it is officially adopted.

ADOPTED this 6th day of September, 2011.

ATTEST:

Shannon Goudy, Clerk of the Board

APPROVED AS TO FORM:

Tim Whitehead, Chief Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Lynda Ring Erickson, Chair


Tim Sheldon, Commissioner

Vacant _____
District No. 3, Commissioner

Exhibit A

Resolution No. 58-11
Counties & Schools Coalition

Purpose: Designating 15% to 20% of the Safety Net Full Payment Amount to be Allocated to Local Projects and specifying the percentage of funding to be allocated to Title II and III Projects.

Whereas forest counties having United States National Forests within their boundaries have received Forest Reserve payments for roads and schools under the terms of the Agricultural Reapportionment Act of 1908; and

Whereas these receipts were a regular but cyclical source of revenue for schools and counties during most of the last century; and

Whereas federal land policies during the past decade have shifted away from multiple use land management; and

Whereas Congress has recognized that these policy shifts have negatively impacted local communities and the health of our National Forests; and

Whereas Congress has passed PL 110-343 – Sect. 601(a), Division C which seeks to reconnect local communities with decisions made on their national forests and invest in improving the health of our forests and watersheds; and

Whereas PL 110-343 makes provisions for safety net payments to counties for up to four (4) years with either 15% to 20% of these funds being allocated to projects which would enhance the health and safety of US National Forests.

Be it therefore resolved that Mason County, which has elected to receive safety net payments under the provisions of PL 110-343, hereby designates 20% (15% to 20%) of its safety net payments to be allocated to Title II or Title III projects under this legislation; and

Be it further resolved that Mason County intends to allocate its' designated project funds in the following proportions:

Title II funds 13 %
Title III funds 7 %

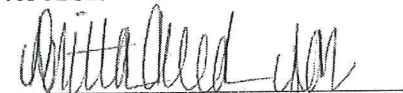
* If your total SRSCA funding exceeds \$350,000, then a maximum of 7% may be assigned to Title III.

** Please review the new Title III guidelines before completing this resolution.


Be it further resolved that this action be communicated to all jurisdictions in this county which receive Forest Reserve payments.

Dated this 6th day of September, 2011.


ATTEST:


Shannon Goudy, Clerk of the Board

APPROVED AS TO FORM:


Tim Whitehead, Chief Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Lynda Ring Erickson, Chair


Tim Sheldon, Commissioner

Vacant _____
District No. 3, Commissioner

Exhibit B

ORDINANCE NUMBER 59-11

AN ORDINANCE ADOPTING A MORATORIUM ON THE ESTABLISHMENT OF COLLECTIVE GARDENS, DEFINING "COLLECTIVE GARDENS"; ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING THAT THE MORATORIUM, UNLESS EXTENDED, WILL SUNSET WITHIN SIX (6) MONTHS OF THE DATE OF ADOPTION.

WHEREAS, the possession or distribution of marijuana has been and continues to be a violation of state law pursuant to Chapter 69.50 RCW (Washington's Uniform Controlled Substances Act), and federal law, through the Controlled Substances Act ("CSA"); and

WHEREAS, in 1998 the voters of Washington State approved Initiative 692, now codified as Chapter 69.51A RCW, which created a limited defense to marijuana charges under state, not federal, law if the person charged could demonstrate that he or she was a qualifying patient or designated provider as those terms are defined in Ch.69.51A RCW; and

WHEREAS, in 2011, the state legislature passed Engrossed Second Substitute Senate Bill (E2SSB) 5073 making significant amendments to the medical marijuana law in Washington; and

WHEREAS, the Governor signed the E2SSB 5073, but vetoed several portions expressing her reservations about provisions that involved state employees in activities that could be interpreted as in violation of federal laws; and

WHEREAS, E2SSB 5073 became effective on July 22, 2011; and

WHEREAS, E2SSB 5073 authorizes "collective gardens" where up to ten qualifying patients may join together to produce, grow and deliver up to forty-five (45) cannabis plants for medical use and to jointly possess up to seventy-two (72) ounces of usable cannabis; and

WHEREAS, under E2SSB 5073 there is no limit to the number of collective gardens that may be located at any site nor restrictions as to where collective gardens may be located in relation to other uses; and

WHEREAS, collective gardens are not currently addressed in the Mason County Development Regulations and under Section 1102 of E2SSB 5073 counties may adopt zoning requirements for collective gardens; and

WHEREAS, unless a zoning moratorium is imposed, collective gardens may be located within Mason County while the County lacks the necessary tools to ensure the location is appropriate and that the potential secondary impacts of collective gardens are minimized and mitigated; and

WHEREAS, the Board of County Commissioners deems it to be in the public interest to establish a zoning moratorium pending consideration of land use regulations to address collective gardens; and

WHEREAS, the County established a moratorium on "collective gardens" as defined in E2SSB 5073, §403 on July 19, 2011 with a public hearing to be held within sixty (60) days (RCW 36.70A.390), and

WHEREAS, a public hearing was held on September 6, 2011 to allow for public testimony on said moratorium, and

NOW, THEREFORE, the Mason County Board of Commissioners do ordain as follows:

Section 1. The recitals set forth above are hereby adopted as the Board of County Commissioners' preliminary findings in support of the moratorium imposed by this Ordinance. The Commissioners may, in their discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 3 below.

Section 2. Pursuant to the provisions of RCW 36.70A.390, a zoning moratorium is hereby enacted in Mason County prohibiting the establishment, maintenance or continuation of any collective garden. A "collective garden" is an area or garden where qualifying patients engage in the production, processing, transporting and delivery of cannabis for medical use as set forth in the E2SSB 5073, §403 and subject to the limitations therein.

Section 3. As provided in RCW 36.70A.390, the Board of County Commissioners set a public hearing for September 6, 2011 to take public testimony and to consider adopting further findings justifying the imposition of the moratorium set forth in Section 2 above.

Section 4. The moratorium set forth in this Ordinance shall be in effect for a period of six months from the date this Ordinance is passed and shall automatically

expire on that date unless extended as provided in RCW 36.70A.390, or unless terminated sooner by the Mason County Board of Commissioners.

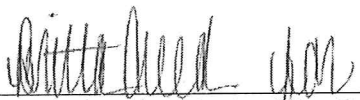
Section 5. The Mason County Department of Community Development is hereby authorized and directed to develop draft regulations regarding collective gardens. The regulations shall be referred to the Planning Advisory Commission for review and recommendation for inclusion in the Development Regulations.

Section 6. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

DATED this 6th day of September, 2011.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


ATTEST:


Shannon Goudy, Clerk of the Board


Lynda Ring Erickson, Chair

APPROVED AS TO FORM:


Tim Sheldon, Commissioner

 #37607
Tim Whitehead, Chief DPA

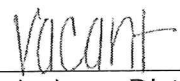

Commissioner District #3

Exhibit C

RESOLUTION NO. 60-11

TRANSFER OF JURISDICTION OVER RIGHT OF WAY TO THE PORT OF GRAPEVIEW

WHEREAS, The Port of Grapeview operates a public boat launch on street right of way within the Plat of Detroit No. 2 and jurisdiction over this right of way was transferred from Mason County to the Port by Quit Claim Deed in 1995; and

WHEREAS, the Port also operates a nearby parking lot that serves the boat launch and that is adjacent to a small portion of 6th Street within the Plat of Detroit No. 2; and

WHEREAS, said portion of 6th Street is not part of the County's road system and is not needed for the future; and

WHEREAS, the Port has formally requested that the County transfer jurisdiction for this right of way to enhance its operations and to facilitate applications for grants; and.

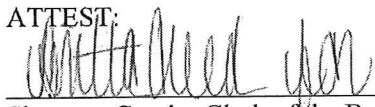
WHEREAS, such transfer of jurisdiction is authorized under RCW 39.33.010.

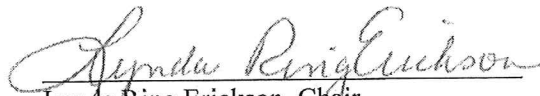
NOW, THEREFORE, BE IT RESOLVED by the Mason County Board of Commissioners that the transfer of jurisdiction of the subject portion of 6th Street to the Port of Grapeview is approved and the Chair of the Board is authorized to execute a Quit Claim Deed conveying the County's interest in said right of way.

DATED this 6th day of September, 2011.


BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ATTEST:


Shannon Goudy, Clerk of the Board


Lynda Ring Erickson, Chair

APPROVED AS TO FORM:


Chief Deputy Prosecuting Attorney


Tim Sheldon, Commissioner

Assessor
Auditor
Engineer



Vacant, Commissioner District 3

Exhibit D

09/08/2011 09:21 AM QCD
PUBLIC WORKS #48635 Rec Fee: \$63.00 Pages: 2

Treas., Mason County



Notary Public in and for the State of Washington.
My appointment expires 6-6-14.

Exhibit D

EXHIBIT A

All that portion of Sixth Street adjoining Block 66, Plat of Detroit No. 2, as per plat recorded in Volume 1 of Plats at Page 23, Mason County, Washington and shown on Record of Survey, filed July 27, 2004, in Volume 29 of Surveys at Page 205, being a portion of Government Lot 2, Section 5, Township 21 North, Range 1 West, W.M., described as follows:

BEGINNING at the northeast corner of said Block 66; thence easterly, along the extension of the north line of said Block 66, South $86^{\circ}36'17''$ East, as bearing is shown on said Record of Survey, 35.56 feet, to the northwesterly right of way line of Grapeview Loop Road, as shown on said Record of Survey; thence southwesterly, along said northwesterly right of way to a point on the east line of said Block 66; thence northerly, along said east line to the point of BEGINNING.

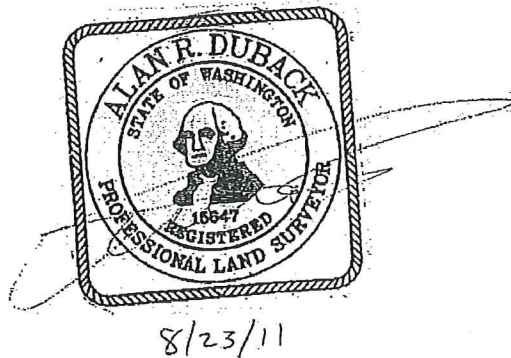


Exhibit D