

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

April 16, 2013

1. Call to Order – The Chairperson called the regular meeting to order at 9:01 a.m.
2. Pledge of Allegiance – Jerry Salisbury led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Randy Neatherlin; Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Terri Jeffreys.
4. Correspondence and Organizational Business
  - 4.1 Correspondence
    - 4.1.1 The Washington State Liquor Control Board sent notice of special occasion liquor license applications for North Mason Rotary and Colony Surf Club.
    - 4.1.2 The Federal Emergency Management Agency provided a Letter of Map Revision for removal of a property in Mason County from a Special Flood Hazard Area.
    - 4.1.3 Capital Land Trust announced their application for accreditation through the Land Trust Accreditation Commission.
    - 4.1.4 Jordanna Farley is seeking an addition to the Mason County Code regarding regulating garage sales.
  - 4.2 Cmmr. Jeffreys read a news release announcing an opening on the Mason County Housing Authority Commission.
  - 4.3 Bob Simmons, WSU Extension, introduced staff Jody Halia, who announced an upcoming Earth Day event. Mr. Simmons also discussed the Youth Forestry Program.
  - 4.4 Cmmr. Jeffreys read a news release announcing that Mason County is seeking applicants for the Lodging Tax Advisory Committee.
  - 4.5 Tom Moore, Utilities and Waste Management, read a news release regarding expanded hours of operation at the household hazardous waste facility.
  - 4.6 Brian Matthews, Public Works, provided public notice that the spring application of herbicides for vegetation control along county roads would begin on or after May 1, 2013.
5. Open Forum for Citizen Input –
  - 5.1 Patricia Vandehey spoke in support of the St. Edwards Church homeless assistance program.
6. Adoption of Agenda - **Cmmr. Sheldon/Jeffreys moved and seconded to adopt the agenda with the addition of item 7.1. Motion carried unanimously. N-aye; S-aye; J-aye.**
7. Approval of Minutes – March 25, 2013 briefing meeting minutes and April 9, 2013 regular meeting minutes.

**Cmmr. Jeffreys/Sheldon moved and seconded to approve the March 25, 2013 briefing meeting minutes and April 9, 2013 regular meeting minutes. Motion carried unanimously. N-aye; S-aye; J-aye.**

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7.1 Cmmr. Sheldon explained that there is a proposal for Washington State Parks to receive funding to purchase property at Fudge Point to create a new state park. Many local residents have voiced concerns about the proposal. He wrote a letter to Senator Honeyford regarding the public's concerns and asked if the Commissioners would sign the letter.

**Cmmr. Sheldon/Jeffreys moved and seconded to sign a letter voicing concerns regarding the acquisition of property at Fudge Point for a state park. Motion carried unanimously. N-aye; S-aye; J-aye.**

8. Approval of Action Agenda:

- 8.1 Approval of a resolution approving the sale of surplus property, parcel #32214 50 05903, to Leonard Flynn in the amount of \$3,215.38. **Resolution No. 19-13 (Exhibit A)**
- 8.2 Approval for the Facilities and Parks Department to post Request for Proposal (RFP) for the Real Estate Listing and Sales Services to market County Surplus Property for Sale for possible implementation in 2013. Deadline to submit the RFP is May 23, 2013.
- 8.3 Approval the Veterans Assistance Fund applications for: Utilities \$187.99 & Housing \$1,500.00 for a total of \$1,687.99 as recommended by the Veterans Assistance Fund Screening Committee.
- 8.4 Approval to execute the amendment to loan agreements L100026/L10S0026 and L1100013/L11S0013 between Mason County and the Washington State Department of Ecology for the Belfair Wastewater and Water Reclamation Facilities Project to officially close out the projects and establish final loan repayment schedules.
- 8.5 Approval to execute the "Notification of Final Cost" of County Road Construction completed in 2012 that was performed by county force. The total Day Labor Expenditures are \$99,964.
- 8.6 Approval to adopt the resolution setting a hearing date with the Hearing Examiner on Tuesday, May 14, 2013 at 1 p.m. to consider public comment on the petition for vacation of a portion of Old Island View Road in Mason County, WA, Road Vacation File 384. **Resolution No. 20-13 (Exhibit B)**
- 8.7 Approval to sign the Associate Development Organization Certification/Designation Form designating the Mason County Economic Development Council as the Associate Development Organization (ADO) to coordinate economic development services for Mason County under contract with the Washington State Department of Commerce. This is pursuant to RCW 43.330.080 and is for the 2013-2015 biennium.
- 8.8 Approval to call for non-binding bids for possible timber sales from Mason County real property. Bid opening is Thursday, May 9, 2013 at 9 a.m.

Questions from the audience were answered regarding items 8.1 and 8.7.

Cmmr. Sheldon left the meeting at 9:35 a.m. to attend the legislature.

Item 8.1 was removed for a separate vote.

**Cmmr. Jeffreys/Neatherlin moved and seconded to approve action items 8.2 through 8.8. Motion carried. N-aye; S-absent; J-aye.**

Item 8.1

Tom Davis thought the Board should wait to market the property before it is sold in order to get the best price. He also thought the buyer's intent should be considered.

Cmmr. Neatherlin felt it was a good price for the particular piece of property.



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**Cmmr. Jeffreys/Neatherlin moved and seconded to approve action item 8.1. Motion carried. N-aye; S-absent; J-aye.**

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time –  
9.1 Public hearing to review the map correction request by Patrick Venglar that four tracts of the subject parcel (6.00 ac. total) (Parcel No. 22209-54-00084) be rezoned from the Rural Residential 5 zone to the Rural Commercial 2 zone within the Rural Area.

Allan Borden, Department of Community Development, explained that a request for map correction was made by Patrick Venglar. The property is 6 acres and is part of the Clifton Beach Upland subdivision. The reason for the request is that one of the tracts is Rural Commercial 2 but the land use is on all four tracts. The request is to correct the Comprehensive Plan maps and development area maps. The property was originally designated as Rural Commercial 2 but it was only noted on one of the four tracts. The land use has existed for about 55 years and the surrounding properties are Rural Residential 5. There are only two rezone criteria for map corrections. The criteria are whether the amendment is consistent with the land use and whether the request is actually regarding an error made by the county in processing the maps. He found that both criteria were met and all four tracts should be rezoned to Rural Commercial 2. Errors were made in 2002 when the original zoning was done. He noted that the neighbors were concerned about the operation of the land use, not necessarily the zone designation. Many comments were about the operational aspects of the nursery and that it is an eyesore. For a map correction the commercial use just needs to be verified and a map error has to be determined. Concerns about operations would go to enforcement and no enforcement cases have been brought to the County prior to the map correction request.

Questions for Staff

Connelly Watson asked if the correction would impact stormwater or water quality.

Mr. Borden explained that all properties need to comply with development standards. This land use is already within the buffer areas.

An audience member asked for clarification of the property area.

Mr. Borden pointed out the area on an aerial map.

The audience member asked if the original nursery was just on the one commercial parcel.

Mr. Borden stated that it was originally on all four tracts.

Tom Davis asked if there was a policy in place for mapping errors.

Mr. Borden went over the process for addressing mapping errors. It is part of the rezone application process.

Public Testimony

Patrick Venglar stated that he was under the understanding that the property was commercial when he purchased it. He put in for a boundary line adjustment and found that three of the tracts were not zoned commercial. He had already had a commercial business on the property for 35 years at that point. After the boundary line adjustment he would like the front two tracts to be commercial business and the back acres would remain the same. He wants to sell the front acres for commercial business and to give the back acres to his foreman.

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Kristi Jacobsen Booth commented that the property has changed in appearance since Mr. Venglar has owned it. The neighbors do not want to see more commercial use on the property. They are concerned about the environment and peace in the neighborhood.

Alyson Ruff-Roberts thanked the Board for the clarification on the issue. She was concerned about rezoning the entire property because the entire parcel could be changed in the future. There is a stream exposure on the upper part of the property. She is mainly concerned about the property use in the future and the potential impacts on the creek. She didn't understand the need for the map correction if only the front part of the parcel needed to be commercial.

Cmmr. Neatherlin discussed the property's original tracts. There used to be four parcels and now all of the tracts are one parcel. He asked Mr. Borden if just the original tracts that were commercial could be rezoned instead of the entire parcel.

Mr. Borden replied that the just the tracts in the original commercial parcel could be rezoned instead of the entire parcel. Three tracts, 85, 86, and 87, could be rezoned from Rural Residential 5 to Rural Commercial 2. The remainder of the parcel would remain Rural Residential 5. The one parcel would have two zones, which has been done before. It would fit in with what Mr. Venglar wants to do with his boundary line adjustment.

Cmmr. Jeffreys was concerned about the existing commercial development on the parcel. She thought it could create a non-compliant use for the property owner. She asked if the property owner understood Mr. Borden's suggestion.

Mr. Venglar responded that it was what he wanted to do with the property.

**Cmmr. Jeffreys/Neatherlin moved and seconded to approve the map correction request by Patrick Venglar as amended. Three tracts of the subject parcel, Parcel No, 22209-54-00084, Tracts 85, 86, and 87 of the Clifton Beach Uplands, are to be rezoned from the Rural Residential 5 zone to the Rural Commercial 2 zone and the remainder of the parcel is to remain zoned as Rural Residential 5. The Chair is to sign the Findings of Fact for the decision. Motion carried. N-aye; S-absent; J-aye.**

Cmmr. Neatherlin called a recess at 10:31 a.m. The meeting reconvened at 10:42 a.m.

9.2 Continuation of public hearing from April 2 to consider adoption of amendments to Title 17 of the Mason County Code pertaining to the zoning of Collective Gardens (medical cannabis) or extend the current Moratorium for six months and to expire on May 8, 2013.

Barbara Adkins, Department of Community Development, explained that an addendum was added to her staff report from the last hearing regarding the aspects of non-conforming use. The addition was to section 17.09.003. Criteria number A(2) was changed to strictly prohibit collective gardens from residential zones. Paragraph M was also added to bring existing collective gardens into full compliance with sections I and J. Within one year, any existing collective gardens in residential districts will need to move and will need to be in compliance with sections I and J regarding fire safety.

Cmmr. Neatherlin noted that paragraph M would need to be changed to include compliance with item A(3) regarding proximity to schools, daycares, and rehabilitation facilities.



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Public Testimony

Tom Davis complimented the Board on working on the tough issue and allowing due process. He noted that there is proposed legislation in the federal government that wouldn't prosecute states like Washington that allow marijuana use.

Lori Wood thanked the Commissioners for considering the ordinance and commended staff for working on the issue. She noted that the issue began with a moratorium in 2011. She is worried about the future of collective gardens and safe access points as a whole. She has been able to discontinue the use of many prescription drugs through medical cannabis and it has helped her with several illnesses. This would make it safer for her to invite the Commissioners into her business to show how they are following the law. She hoped the Commissioners would act on the issue and would implement the 1000 foot rule regarding proximity to schools. She explained how cannabis has helped her personally in her illnesses. She would like to see a motion passed to lift the moratorium today because if the moratorium is continued she will have to take legal action against the county.

Robert Wood Jr. discussed the fencing requirements in the ordinance. He is putting together a floor plan and a proposal that would have the gardens indoors instead going through all of the fencing requirements. He is willing to have anyone come through his business as model for how these facilities should be run. He was upset about the media's portrayal of his type of business.

Cmmr. Neatherlin noted that the Planning Commission made several changes to the fencing requirements and the ordinance would always be open to revisions in the future if necessary.

Cmmr. Jeffreys stated that it has become clear that collective gardens and co-ops are very different and a lot of work still needs to be done in that area. She felt it was important to acknowledge State law and to put in zoning regulations. She appreciated the changes to the ordinance.

Cmmr. Neatherlin thought the moratorium didn't work. There was no enforcement and doing nothing created problems. He felt this could gain some control over the issue. There is inherent danger with the issue so the regulations are important, especially the safety issues. He complimented Ms. Adkins on creating the ordinance and trying to make something happen. He also thought the Planning Commission did good work in whittling down the ordinance and making it viable.

**Cmmr. Jeffreys/Neatherlin moved and seconded to adopt the amendments to Title 17 regulating Collective Gardens with the addition under section 17.09.003 of paragraph M, which requires full compliance of existing Collective Gardens with paragraphs I, J, A(2) and A(3) within one year. Motion carried. N-aye; S-absent; J-aye. Ordinance 21-13 (Exhibit C)**

10. Other Business (Department Heads and Elected Officials) –There was no other business.
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 11:25 a.m.

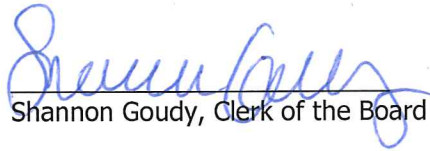
**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS**  
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BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
\_\_\_\_\_  
Randy Neatherlin, Chair

  
\_\_\_\_\_  
Tim Sheldon, Commissioner

ATTEST:

  
\_\_\_\_\_  
Shannon Goudy, Clerk of the Board

  
\_\_\_\_\_  
Terri Jeffreys, Commissioner



RESOLUTION NO. 19-13

DECLARATION OF SURPLUS PROPERTY AND APPROVAL OF SALE

WHEREAS, Mason County owns the real property listed and legally described in Exhibit A, Attached hereto; and

WHEREAS, certain parcels of the property are tax title property with delinquent property tax, penalties, interest and expenses owing; and

WHEREAS, other parcels were acquired for various purposes; and

WHEREAS, the Board of County Commissioners upon the recommendation of the Property Manager has determined that the property is surplus to the needs of the County; and

WHEREAS, Mason County has received an offer to purchase the property in the amount of \$3,215.38 from Leonard Flynn; and

WHEREAS, the Mason County Board of Commissioners, on June 5, 2012 held a public hearing during which members of the public were able to testify before the Mason County Board of Commissioners regarding the property, the proposed declaration of surplus and sale.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mason County Board of County Commissioners that the property described in Exhibit A, attached hereto, is declared surplus property and that sale of said property to Leonard Flynn, at a price of \$3215.38, is approved; and

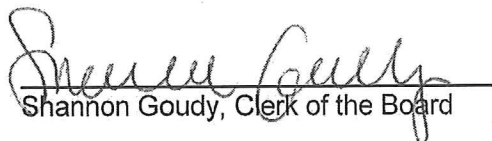
BE IT FURTHER RESOLVED, that the proceeds of the sale of said property are to be dedicated first to any delinquent property tax obligations and related penalties, expenses and assessments; and next to reimbursement of the Facilities and Parks fund for expenses of the Property Manager; and finally to the Reserve for Accrued Leave Fund; and

BE IT FURTHER RESOLVED, that the property manager is authorized to sign the related bid form and Purchase and Sale Agreement and the Treasurer is authorized to sign the County Treasurer's Deed.

DATED this 16<sup>th</sup> day of APRIL, 2013.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
Shannon Goudy, Clerk of the Board

  
Randy Neatherlin, Chair

APPROVED AS TO FORM:

ABSENT  
Tim Sheldon, Commissioner

  
Tim Whitehead, Deputy Prosecuting Attorney

  
Terri Jeffreys, Commissioner

Assessor  
Auditor  
Treasurer  
Property Manager

Exhibit A

## EXHIBIT A

Sale Parcel #	Tax Parcel #	Location	Assessed Value	Asking Price	Comments	Approximate area
#11	32214 50 05903	Fern Ct Maggie Lake	\$6,800	\$8000	Tax Title	Unknown

## LEGAL DESCRIPTION

MAGGIE LAKE ADD #1 BLK: 5 LOT: 15 SW 50' OF



RESOLUTION NO. 20-13

VACATION FILE NO. 384  
NOTICE OF INTENT TO VACATE  
SETTING TIME AND PLACE FOR HEARING ON SAID VACATION  
RCW 36.87

IN THE MATTER OF THE VACATION OF AN OLD PORTION OF ISLAND VIEW ROAD

**WHEREAS, NOTICE IS HEREBY GIVEN** that Mason County Public Works Department is petitioning for the vacation of the following right of way:

A old portion of Island View Road, in Section 21, Township 21North, Range 2 West, W.M., Mason County, WA, described as follows:

All that portion of land in the N 1/2 of the SE 1/4, Sec. 21, T 21 N, R 2 W, W.M., Mason County, Washington, as shown as "Existing Island View Road" on the official map of County Road Project 1101 on file in the office of the County Engineer, Mason County, Washington, said "Existing Island View Road" lying East of the Southeasterly right of way of State Highway 3 and Northerly of the Northerly right of way of Island View Road, County Road 29460, as said Northerly right of way line as shown on said County Road Project 1101.

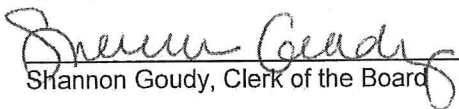
**WHEREAS**, the Board of Mason County Commissioners did set a date for public hearing on the matter before the Hearing Examiner on the matter and directed Public Works to prepare notice thereof for posting and publication.


**NOW THEREFORE, BE IT RESOLVED** that said hearing has been set for **Tuesday, May 14, 2013 at 1:00 p.m.** in the Commission Chambers, Mason County Courthouse Building I, 411 North Fifth Street, Shelton, Washington, at which time and place any taxpayer may appear to hear the County Engineer's report, and be heard either for or against the vacation of said portion of Sundown Drive.

DATED this 16<sup>th</sup> day of APRIL, 2013.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

ATTEST:

  
Shannon Goudy, Clerk of the Board

  
Randy Neatherlin, Chair

APPROVED AS TO FORM:

  
Deputy Prosecuting Attorney

ABSENT  
Tim Sheldon, Commissioner

Assessor  
Auditor  
County Engineer  
Petitioner

  
Terri Jeffreys, Commissioner

Post no later than 4/23/13 (20 days prior to hearing at each terminus of the county road or portion thereof proposed to be vacated or abandoned.)

Vacation File No. 384

JOURNAL – Publish 2t: 5/02/13& 5/09/13

(Bill Public Works)





ORDINANCE NUMBER 21-13

**AN ORDINANCE REPEALING THE MORATORIUM ON COLLECTIVE GARDENS, AND AMENDING TITLE 17, SECTIONS 17.04, 17.07, 17.23 AND 17.24, AND ADDING SECTION 17.09 TO THE MASON COUNTY CODE TO REGULATE COLLECTIVE GARDENS**

**AN ORDINANCE** amending Title 17 (Zoning), Sections 17.04, 17.07, 17.23 and 17.24, and adding Section 17.09 of the Mason County Code under the authority of Chapter 36.70 and 36.70A RCW.

**WHEREAS**, on July 19 the Board of County Commissioners ("Board") imposed a moratorium on collective gardens as defined in E2SSB 5073 for a period of ninety days; and

**WHEREAS**, the Board did adopt Findings in support of continued moratoriums, each for a six month period, ending on May 8, 2013; and

**WHEREAS**, the Board's imposed a moratorium on medical marijuana because it was predicted that the Washington State Legislature would address the subject during the 2012 Legislative Session; and

**WHEREAS**, during the month of February 2012, it was learned that the Washington State Legislature would not be adopting any new regulations on medical marijuana; and

**WHEREAS**, the Board believes that the Governor's veto of the provisions in ESSSB 5073 on the subject of medical marijuana dispensaries should be interpreted to mean that this use is prohibited by state law, and it is already prohibited under federal law; and

**WHEREAS**, the Board has considered the land use and other secondary impacts of cultivation of cannabis for medical use by individuals and in collective gardens, and has now drafted a zoning ordinance to address these impacts; and

**WHEREAS**, amendments to the Title 17 of the Mason County Code now include regulations with respect to planning and building for collective gardens within Mason County; and

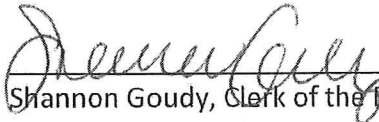
**WHEREAS**, by adoption of new zoning regulations, the Board repeals the current Moratorium established under Ordinance #77-12, and

**WHEREAS**, the Mason County Planning Advisory Commission conducted public hearings on March 19, 2012 and April 16, 2012 and recommend adoption of amendments by the Board; and


**NOW THEREFORE, BE IT HEREBY ORDAINED**, that the Board of Commissioners of Mason County hereby amends Title 17 (Zoning), Sections 17.04, 17.07, 17.23 and 17.24, and adding 17.09 to the Mason County Code. (See Attachment A)

DATED this 16<sup>th</sup> day of April 2013.

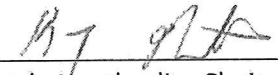
ATTEST:

  
Shannon Goudy, Clerk of the Board

APPROVED AS TO FORM:

  
Tim Whitehead, Chief DPA

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
Randy Neatherlin, Chair

ABSENT  
Tim Sheldon, Commissioner

  
Terri Jeffreys, Commissioner

## ATTACHMENT A

### COLLECTIVE GARDENS – PROPOSED REGULATIONS Moratorium in Effective until May 8, 2013

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#### Title 17 – Zoning

**\*\*[new section]\*\***

##### Section 17.09 Collective Gardens

**17.09.001 Definitions.** For purposes of this chapter, the following definitions apply:

"Cannabis" means all parts of the plant *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this ordinance, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and useable cannabis.

"Cannabis products" means products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three-tenths of one percent, and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and lotions. The term "cannabis products" does not include useable cannabis. The definition of "cannabis products" as a measurement of THC concentration only applies to the provisions of this ordinance and shall not be considered applicable to any criminal laws related to marijuana or cannabis.

"Collective Garden" means those gardens authorized under RCW 69.51A.085, which allows qualifying patients to assume responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants (as limited below). Qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting and delivering cannabis for medical use subject to the following conditions:

- 1) No more than ten (10) qualifying patients may participate in a single collective garden at any time;
- 2) A collective garden may contain no more than fifteen (15) plants per patient up to a total of forty-five (45) plants;
- 3) A collective garden may contain no more than twenty-four (24) ounces of usable cannabis per patient up to a total of seventy-two (72) ounces of usable cannabis; and
- 4) A copy of each qualifying patient's valid documentation or proof of registration with the registry established in state law (now or in the future), including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden; and



- 5) No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the collective garden.

"Cultivation" means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

"Designated care provider" means a person who:

- 1) Is eighteen (18) years of age or older;
- 2) Has been designated in a written document signed and dated by a qualifying patient to serve as a designated provider under this ordinance and RCW 69.51A; and
- 3) Is in compliance with the terms and conditions set forth in RCW 69.51A.040. A qualifying patient may be the designated provider for another qualifying patient and be in possession of both patients' cannabis at the same time.

"Indoors" means within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by Mason County, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2" by 4" or thicker studs overlain with 3/8" or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Legal parcel" means a parcel of land for which one legal title exists. Where contiguous legal parcels are under common ownership or control, such legal parcels shall be counted as a single parcel for purposes of this ordinance.

"Medical (or medicinal) use of cannabis" means the manufacture, production, processing, possession, transportation, delivery, ingestion, application, or administration of cannabis for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating medical condition.

"Person" means an individual or an entity.

"Personally identifiable information" means any information that includes, but is not limited to, data that uniquely identify, distinguish, or trace a person's identity, such as the person's name, or address, either alone or when combined with other sources, that establish the person is a qualifying patient or designated provider.

"Plant" means an organism having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

"Process" means to handle or process cannabis in preparation for medical use.

"Produce" means to plant, grow, or harvest cannabis for medical use.

"Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

"Qualifying patient" means a person who:

- 1) Is a patient of a health care professional;
- 2) Has been diagnosed by that health care professional as having a terminal or debilitating medical condition;
- 3) Is a resident of the state of Washington at the time of such diagnosis;
- 4) Has been advised by that health care professional about the risks and benefits of the medical use of cannabis;
- 5) Has been advised by that health care professional that he or she may benefit from the medical use of cannabis; and
- 6) Is otherwise in compliance with the terms and conditions established in chapter RCW 69.51A.

The term "qualifying patient" does not include a person who is actively being supervised for a criminal conviction by a corrections agency or department that has determined that the terms of this ordinance and RCW 69.51A are inconsistent with and contrary to his or her supervision and all related processes and procedures related to that supervision.

"Residential treatment facility" means a facility providing for treatment of drug and alcohol dependency;

"School" means an institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code, or any child or day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher learning, including a community or junior college, college or university.

"Terminal or debilitating medical condition" means:

- 1) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or
- 2) Intractable pain, limited for the purpose of this ordinance to mean pain unrelieved by standard medical treatments and medications; or
- 3) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or
- 4) Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or
- 5) Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or



- 6) Diseases, including anorexia, which result in nausea, vomiting, cachexia, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or
- 7) Any other medical condition duly approved by the Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.

"THC concentration" means percent of tetrahydrocannabinol content per weight or volume of useable cannabis or cannabis product.

"Useable cannabis" means dried flowers of the *Cannabis* plant having a THC concentration greater than three-tenths of one percent. Useable cannabis excludes stems, stalks, leaves, seeds, and roots. For purposes of this subsection, "dried" means containing less than fifteen percent moisture content by weight. The term "useable cannabis" does not include cannabis products.

"Valid documentation" means:

- 1) A statement signed and dated by a qualifying patient's health care professional written on tamper-resistant paper, which states that, in the health care professional's professional opinion, the patient may benefit from the medical use of cannabis;
- 2) Proof of identity such as a Washington state driver's license or identicard, as defined in RCW 46.20.035; and
- 3) In the case of a designated provider, the signed and dated document valid for one year from the date of signature executed by the qualifying patient who has designated the provider.

"Youth-oriented facility" means elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This shall not include a day care or preschool facility.

**17.09.002 Applicability.** No part of this chapter is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 *et seq.*, the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation.

**17.09.003. Collective Gardens.**

A. Collective gardens as a permitted use shall meet the following criteria:

- 1) There shall be no more than one (1) collective garden permitted on a legal parcel within any permitted commercial or industrial district.
- 2) They may only be allowed in some commercial and industrial zoning districts, and are strictly prohibited in all residentially zoned districts.
- 3) They may not be located within one thousand (1,000) feet of the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or licensed daycare, public park, or residential treatment facility, or within one thousand (1,000) feet of a public or private youth-oriented facility, public swimming pool, or video arcade facility (21 USC 860).



- B. A collective garden must be fully contained inside a building in compliance with the current, adopted edition of the Washington State Building Code provisions regarding natural ventilation or mechanical ventilation (or its equivalents).
- C. The medical cannabis cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.
- D. The building shall be equipped with an air filtration system that prevents the release of cannabis pollen, fumes, and odors to the outside.
- E. If the building is equipped with a "roll-up" or garage-type door, barricades shall be installed to prevent a vehicle from driving through the doors.
- F. The building shall be surrounded by a fence of at least ten (10) feet in height with a self-closing/self-locking gate at each entrance.
- G. Each fence surrounding a building shall be placed at least ten (10) feet from the inside perimeter of the fence to the outside perimeter of the garden building and a permit shall be obtained for each such fence as required under county code.
- H. An approved key box (knox box), obtained from the local fire district, shall be installed and maintained in accordance with the International Fire Code.
- I. The building shall be equipped with an automatic fire extinguishing system installed in accordance with NFPA 13 and an automatic fire alarm system installed in accordance with NFPA 72, separately permitted, and approved by the county building official or designee.
- J. The building shall be equipped with Type 2A 10 B-C portable fire extinguishers permanently and located in accordance with the International Fire Code.
- K. *Accessory Uses.* Collective Gardens shall not be allowed as an accessory use.
- L. *Home Occupation Use Prohibited.* Collective Gardens are prohibited as Home Occupations.
- M. *Non-Conforming Status.* Notwithstanding the provisions of Chapter 17.05 Article II of the Mason County Code, Collective Gardens in operation as of the adoption date of this Chapter shall be brought into full compliance with Sections 17.09.003(I), 17.09.003(J), 17.09.003.A.(2) and 17.09.003.A(3) within one year.

**17.09.004 Violations.**

- A. It is a violation of this Chapter for any person owning, leasing, occupying or having charge or possession of any parcel of land within any unincorporated area of Mason County to cause or allow such parcel of land to be used for the indoor or outdoor cultivation of marijuana or cannabis plants for medicinal purposes in excess of the limitations set forth herein.
- B. Any violations of this Chapter may be enforced as set forth in Chapter 15.13 (Enforcement), or as applicable, the Uniform Controlled Substances Act, chapter 69.58 RCW. In addition, violations of subsections A and b of this Section are deemed to be a public nuisance and may be abated by Mason County under the procedures set forth in state law for the abatement of public nuisances.

**\*\*[updates to existing sections]\*\***

**Section 17.04 Rural Development Lands Standards**

**17.04 Article III Rural Commercial 3 (RC 3)**

17.04.342 - Uses permitted.

- (a) Uses. Convenience/general store, retail, restaurant, small office, laundry, professional services, personal services, public meeting space, nursery, public facilities - post office/fire station/fish hatchery/library/ranger station, church, local community and recreation centers, lodging facilities, including motels, RV parks, campgrounds and bed and breakfast, marina -

sales, service and storage, auto service and repair, medical/dental clinic, animal clinic, winery, commercial/government operated day care, single-family residential accessory use or apartment, and collective gardens (see MCC 17.09).

(b) Uses Permitted with Special Use Permit. Gas, self-storage.

(c) Other Uses. Uses not explicitly enumerated in this section, but closely similar thereto, are determined by the administrator.

#### **17.04 Article IV Rural Commercial 4 (RC 4)**

17.04.352 - Uses permitted.

(a) Uses. Convenience/general store, retail, restaurant, small office, laundry, professional services, personal services, public meeting space, nursery, public facilities - post office/fire station/fish hatchery/library/ranger station, church, local community and recreation centers, lodging facilities, including motels, RV parks, campgrounds and bed and breakfast, marina - sales, service and storage, auto service and repair, medical/dental clinic, animal clinic, winery, commercial/government operated day care, single-family residential accessory use or apartment, and collective gardens (see MCC 17.09).

(b) Uses Permitted by Special Use Permit. Gas, self-storage.

(c) Other Uses. Uses not explicitly enumerated in this section, but closely similar thereto, are determined by the administrator.

#### **17.04 Article V Rural Commercial 5 (RC 5)**

17.04.362 - Uses permitted.

(a) Uses. Sales and service of automobiles and trucks, recreational vehicles, watercraft, and manufactured homes: retail sales; single-family residential accessory use or apartment, and collective gardens (see MCC 17.09).

(b) Uses Permitted with Special Use Permit. Self-storage.

(c) Other Uses. Uses not explicitly enumerated in this section, but closely similar thereto, are determined by the administrator.

#### **Division III. - Rural Industrial (RI)**

17.04.402 - Uses permitted.

(a) Uses. Manufacturing, warehousing, truck yards, contractor yards, and collective gardens (see MCC 17.09).

(b) Accessory Uses. Retail space not to exceed ten percent of the floor area.

(c) Special Permit Required Uses. Accessory air transportation.

#### **Section 17.07 Development Regulations**

17.07 Article 3 General Commercial (GC)

17.07.320 - Permitted uses.

A. Permitted uses listed below are intended as a guide to types of uses that are allowed in the general commercial district. The community development director or his/her designee will make the determination as to whether a proposed use is permitted. Permitted uses include but are not limited to the following:

1. Automobile/RV/boat sales;
2. Bakery;
3. Banks, other financial institutions;
4. Barber/beauty shop;

5. Brewery, distillery, winery, on-site retail;
6. Business and professional offices;
7. Convenience stores;
8. Eating and drinking places, with or without drive-ins/thrus;
9. Enterprises providing indoor entertainment and recreation;
10. Gas stations and associated convenience stores;
11. Grocery Stores;
12. Health club, gym;
13. Hotel and lodging;
14. Instruction studio;
15. Medical and dental offices;
16. Personal services;
17. Repair services;
18. Retail;
19. Self-storage facilities;
20. Social services;
21. Veterinary clinics; and
22. Collective gardens (see MCC 17.09)
- B. Similar or related uses permitted:

1. Uses similar to, or related to, or compatible with those listed or described in Section 17.07.320 are permitted upon a finding by the community development director or his/her designee that a proposed use does not conflict with:

- a. The intent of this chapter, or
- b. The policies of the Shelton Urban Growth Area Plan.

The criteria for such a finding of similarity for uses other than those listed herein shall include, but not be limited to, the following:

- a. The proposed use is appropriate in this area;
- b. The development standards for permitted uses can be met by the proposed use.

#### **17.07 Article 4. - Commercial-Industrial (CI)**

##### **17.07.420 - Permitted uses.**

Permitted uses listed below are intended as a guide to types of light industrial and commercial uses that are allowed. The community development director or his/her designee will make the determination as to whether a proposed use is permitted. Examples of permitted uses include, but are not limited to the following:

- A. Auto repair and service, with towing impound yard up to one acre in size;
- B. Auto, RV and boat sales;
- C. Brewery, distillery, winery;
- D. Contractors', loggers' or agricultural equipment storage yard, plant, repair, or rental and sales;
- E. Eating and drinking places with drive-thru/in;
- F. Furniture and home furnishings, manufacture and assembly;
- G. Gas stations and associated convenience stores;
- H. Hardware stores and lumber yards;
- I. Heavy machinery, repair, storage and sales;
- J. Kennels;
- K. Manufacture and assembly;
- L. Research and development;



- M. Retail nurseries and garden stores;
- N. Services to buildings such as janitorial, landscaping, carpet/upholstery cleaning, pest control;
- O. Storage or sales yards, no salvage or junk;
- P. Warehouse and wholesale establishments, excluding the storage of explosive and other dangerous or toxic substances as defined in RCW 70.105.
- Q. Data centers, server farms;
- R. Self-storage facilities;
- S. Collective gardens (see MCC 17.09)
- T. Similar or related uses permitted:
  - 1. Uses similar to, or related to, or compatible with those listed or described in Section 17.07.420 are permitted upon a finding by the community development director or his/her designee that a proposed use does not conflict with:
    - a. The intent of this chapter, or
    - b. The policies of the Shelton Urban Growth Area Plan.
  - 2. Criteria for such a finding of similarity for uses other than those listed herein shall include, but not be limited to, the following:
    - a. The proposed use is appropriate in this area;
    - b. The development standards for permitted uses can be met by the proposed use.

**17.07 Article 6. - Industrial (I)**

**17.07.630 - Permitted uses.**

A. Specific types of uses permitted are those types of industrial activities, which can be accomplished within the performance standards established by this title. Any industrial activity for which performance standards are not included in this title shall comply with the standards established by recognized public or quasi-public agencies with jurisdiction over the activity for the protection of industrial or environmental health. The standards shall be those in effect at the time of a complete building permit application.

The industrial zone allows those uses that are traditionally considered to be industrial in nature. Uses listed below are intended as a guide to types of uses that are allowed, but the list is not all-inclusive. As technologies and industries change new business types emerge, and to the extent they are industrial in nature, are encouraged in this zone. The community development director or his/her designee will make the determination as to whether a proposed use is permitted.

Examples of permitted uses include, but are not limited to the following:

- 1. Industrial activities involving the manufacture, assembly, processing, repair, or servicing;
- 2. The production, sale or bulk storage of materials or products;
- 3. Warehousing, distribution and open storage;
- 4. Food processing, including shellfish;
- 5. Fabrication;
- 6. Value-added forest products;
- 7. Data centers;
- 8. Public utilities and facilities (buildings);
- 9. Advanced materials;
- 10. Research and development;
- 11. Commercial mail processing;
- 12. Sale of goods or products that serve industrial property;

- 13. Junk yard, car wreckage, salvage;
- 14. Enameling or metal coating, galvanizing, electroplating;
- 15. Mineral extraction.
- 16. Collective gardens (see MCC 17.09)

**B.** Similar or related uses permitted:

1. Uses similar to, or related to, or compatible with those listed or described in Section 17.07.630 of the Mason County Code (MCC) are permitted upon a finding by the community development director or his/her designee that a proposed use does not conflict with:

- a. The intent of this chapter; or
- b. The policies of the Shelton Urban Growth Area Plan.

The criteria for such a finding of similarity for uses other than those listed herein shall include, but not be limited to, the following:

- a. The proposed use is appropriate in this area;
  - b. The development standards for permitted uses can be met by the proposed use.
- 2. Eating and drinking places within an industrial building or as an accessory use, and catering primarily to the people working in the area;
  - 3. Living or residential quarters such as guards' quarters in large establishments where such quarters are customarily provided for security and/or insurability of the premises; and other residential uses directly related to the operation of the primary permitted use;
  - 4. Storage, processing, or use of hazardous substances incidental to a permitted use in compliance with applicable, county and state regulations;
  - 5. Hazardous waste treatment and storage facilities incidental to the operation of a permitted use in compliance with applicable county and state regulations.

**17.23 Mixed Use Districts in Belfair**

17.23.130 - Allowed uses.

Uses allowed in the MU district shall be as follows:

- (1) Alcoholic beverage sales: package stores and wine shops;
- (2) Antique shops;
- (3) Appliance and communication equipment repair shop and/or sales;
- (4) Art galleries and artist studios;
- (5) Art and craft supplies, retail;
- (6) Bakeries, with on-site sales;
- (7) Bars and taverns, other than those associated with full menu food service;
- (8) Bicycle shops;
- (9) Book stores;
- (10) Banks and financial institutions;
- (11) Barber and beauty shops;
- (12) Building material sales;
- (13) Churches;
- (14) Commercial child care centers;
- (15) Community centers;
- (16) Clinics, including veterinary;
- (17) Clothing sales and rentals and shoe stores;
- (18) Delicatessens;

- (19) Detached dwelling per lot (one);
- (20) Dry cleaners and laundries, not including Laundromats;
- (21) Duplexes;
- (22) Fabric and yard goods stores;
- (23) Florists;
- (24) Food specialty shops, including: baked goods, meats, health foods, candies;
- (25) Funeral parlors, cremation and mortuary services;
- (26) Furniture stores;
- (27) Grocery stores;
- (28) Gyms, fitness and aerobic studios;
- (29) Hotels/motels;
- (30) Household specialty shops, including: plumbing, lighting, heating/cooling;
- (31) Hardware stores;
- (32) Hobby shops;
- (33) Jewelry stores;
- (34) Laundromats;
- (35) Light manufacturing of stone, clay, and glass products including: glass, pottery and china ceramic, stone cutting and engraving;
- (36) Light manufacturing of handcrafted products;
- (37) Light manufacturing of computers, office machines and equipment manufacturing;
- (38) Local utility system transmission lines and structures;
- (39) Locksmiths;
- (40) Lumber and other building materials including pre-assembled products;
- (41) Medical offices;
- (42) Multi-family dwelling units;
- (43) Museums, libraries, and educational facilities (other than public schools);
- (44) Music stores, recordings and instruments;
- (45) Outside storage and display;
- (46) Paint and glass shops;
- (47) Parks;
- (48) Pharmacies, dispensing;
- (49) Photographic studios;
- (50) Printing, publishing and reproduction services;
- (51) Professional offices;
- (52) Public transportation: bus terminals, park and ride lots;
- (53) Radio and Television broadcasting stations;
- (54) Recycling centers;
- (55) Rental and Leasing Services: vehicles, furniture and tools;
- (56) Research, development and testing services;
- (57) Restaurants, cafes and food stands;
- (58) Retail shops not otherwise named which are under ten thousand square feet;
- (59) Second hand stores and pawn shops;
- (60) Service and repair shops for appliances, small equipment, and automobiles;
- (61) Sporting goods stores;
- (62) Stationary and office supply stores;
- (63) Theaters, live stage;
- (64) Theaters, motion picture;
- (65) Townhouses;



- (66) Triplexes;
- (67) Vehicle parts stores;
- (68) Wholesale trade uses; and
- (69) Collective gardens (see MCC 17.09)

**17.24 Commercial and Industrial Districts in the Belfair UGA**

17.24.010 - "GC" General commercial district—Purpose.

17.24.020 - Allowed uses.

Uses with a total building size under fifty thousand square feet shall be allowed in the GC [General Commercial] district as follows:

- (1) Alcoholic beverage sales: package stores and wine shops;
- (2) Antique shops;
- (3) Appliance and communication equipment repair shops and/or sales;
- (4) Art galleries and artist studios;
- (5) Art and craft supplies, retail;
- (6) Bakeries, with on site sales;
- (7) Bars and taverns other than those associated with full menu food service;
- (8) Bicycle shops;
- (9) Book stores;
- (10) Banks and financial institutions;
- (11) Barber and beauty shops;
- (12) Building material sales;
- (13) Churches;
- (14) Commercial child care centers;
- (15) Clinics including veterinary;
- (16) Clothing sales and rentals and shoe stores;
- (17) Delicatessens;
- (18) Dry cleaners and laundries not including laundromats;
- (19) Fabric and yard goods stores;
- (20) Florists;
- (21) Food specialty shops, including: baked goods, meats, health foods, candies;
- (22) Funeral parlors, cremation and mortuary services;
- (23) Furniture stores;
- (24) Grocery stores;
- (25) Gyms, fitness and aerobic studios;
- (26) Hotels/motels;
- (27) Household specialty shops, including: plumbing, lighting, heating/cooling;
- (28) Hardware stores;
- (29) Hobby shops;
- (30) Jewelry stores;
- (31) Laundromats;
- (32) Light manufacturing of stone, clay, and glass products including: glass, pottery and china ceramic, stone cutting and engraving;
- (33) Light manufacturing of handcrafted products;
- (34) Light manufacturing of computers, office machines and equipment manufacturing;
- (35) Local utility system transmission lines and structures;
- (36) Locksmiths;
- (37) Lumber and other building materials including pre-assembled products;

- (38) Medical offices;
- (39) Music stores, recordings and instruments;
- (40) Outside storage and display;
- (41) Paint and glass shops;
- (42) Pharmacies, dispensing;
- (43) Photographic studios;
- (44) Printing, publishing and reproduction services;
- (45) Professional offices;
- (46) Public transportation: bus terminals, park and ride lots;
- (47) Radio and television broadcasting stations;
- (48) Recycling centers;
- (49) Rental and leasing services: vehicles, furniture and tools;
- (50) Research, development and testing services;
- (51) Restaurants, cafes and food stands;
- (52) Retail uses not otherwise named;
- (53) Service and repair shops for appliances, small equipment and automobiles;
- (54) Second hand stores and pawn shops;
- (55) Sporting goods stores;
- (56) Stationary and office supply stores;
- (57) Theaters, live stage;
- (58) Theaters, motion picture;
- (59) Vehicle parts stores;
- (60) Wholesale trade uses; and
- (61) Collective gardens (see MCC 17.09)

**17.24.070 - "BI" Business industrial district—Purpose.**

**17.24.080 - Allowed uses.**

Uses allowed in the BI district shall be as follows:

- (1) Automobile, appliance and equipment repair services;
- (2) Dry cleaning plants;
- (3) Veterinary clinics;
- (4) Vocational schools;
- (5) Institutional uses;
- (6) Business service uses;
- (7) Truck dealers;
- (8) Auto parts yards;
- (9) Manufacturing uses;
- (10) Resource land uses;
- (11) Professional office uses;
- (12) Impound yard;
- (13) Towing services;
- (14) Fuel depot;
- (15) Collective gardens (see MCC 17.09)