

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

October 21, 2014

1. Call to Order – The Chairperson called the regular meeting to order at 9:03 a.m.
2. Pledge of Allegiance – Chair Jeffreys 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 Finance Officers Association sent a letter stating that Theresia Ehrich has earned the Professional Finance Officer Award.
    - 4.1.2 The Bureau of Indian Affairs sent a notice of determination of application of Skokomish Indian Tribe-Acquisition in Trust.
    - 4.1.3 The Department of Archaeology and Historic Preservation sent notice that Twanoh State Park is now listed on the National Register of Historic Places.
    - 4.1.4 Two letters of opposition and a list of questions were received regarding the formation of the LMD at Lake Nawhatzel.
    - 4.1.5 Jamie Bariekman submitted an application for the Historic Preservation Advisory Board.
5. Open Forum for Citizen Input –
  - 5.1 Dave Backell spoke about the high crime rate in this County and said there needs to be more officers for protection. He told the Board that his business and many other businesses have been burglarized. He said almost every business on Johns Prairie Road has been burglarized. He said he is not getting the support of the Sheriff's office although he is not blaming the Sheriff's office. He spoke about the shortage of deputies. He reminded the Board that their families live in this County as well. He would like to find a solution. He has considered moving out of Mason County. He is making a plea for help. He would like to see these thieves brought to justice for what they are doing to this community.

Cmmr. Jeffreys agreed that crime is a serious problem in the community.
  - 5.2 Annette McGee stated she is here to follow up on previous meeting to get updates on if the County can help the Historical Society store their property on Mason County land.

Cmmr. Sheldon he thinks it will be a good idea to have the Director of Facilities draft a letter for the Board to sign.

Cmmr. Jeffreys stated that they will add item 10.1 to the agenda for this issue.

Annette McGee also mentioned the letter the Historical Society sent to the Board regarding the demolition of the fairgrounds.
  - 5.3 Steve Bloomfield commented on crime as well. He understands staffing problems but this is a long standing high crime rate area. He also has questions about allowing Rural Residential 5 and he will ask it later.
  - 5.4 Tom Davis stated they need more police officers and therefore need more revenue.

Chair Jeffreys recommended reversing the order of the public hearings.

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6. Adoption of Agenda - **Cmmr. Sheldon/Neatherlin moved and seconded to adopt the agenda with the exception of reversing the order of the hearings and adding item 10.1. Motion carried unanimously. N-aye; S-aye; J-aye.**
  
7. Approval of Minutes – Approval of the September 22 & 29 briefing minutes, October 7, 2014 regular meeting minutes and October 7, 2014 Skokomish Flood Control Zone District Board of Supervisors meeting minutes.  
**Cmmr. Neatherlin/Sheldon moved and seconded to approve the September 22 & 29, 2014 briefing minutes, October 7, 2014 regular meeting minutes and Oct 7, 2014 Skokomish Flood Control Zone District Board of Supervisors meeting minutes. Motion carried unanimously. N-aye; S-aye; J-aye.**
  
8. Approval of Action Agenda:
  - 8.1 Approval to cancel the November 12, 2014 Commission meeting. Tuesday, November 11 is Veteran's Day Holiday and the meeting would reschedule to the next regular business day pursuant to Rules of the Board, County Code Chapter 2.88.010. Due to scheduling conflicts, the Commissioners wish to cancel the November 12 meeting.
  - 8.2 Approval of warrants

Claims Clearing Fund	Warrant #s 8012494-8012533	\$53,696.60
Claims Clearing Fund	Warrant 8012551	\$19,375.02
Claims Clearing Fund	Warrant #s 8012876-8013387	\$305,263.90
Direct Deposit Fund	Warrant #s 16795-17172	\$563,634.47
Salary Clearing Fund	Warrant #s 7000566-7000604	\$819,769.73
  - 8.3 Approval to set a public hearing on November 18, 2014 at 9:30 a.m. to consider a request from David and Catherine Knoelke to rezone one parcel (parcel # 22222-00-03060) accessed by Trails Rd and Greenberg Lane. The requested rezone will involve this parcel changing from rural residential 20 zone to rural residential 10 zone.
  - 8.4 Approval of the resolution authorizing the County Road Load Restrictions/Emergency Closing Orders for the remainder of 2014 and 2015 calendar year. **Resolution 57-14 (Exhibit A)**

**Cmmr. Neatherlin/Sheldon moved and seconded to approve action items 8.1 through 8.4. Motion carried unanimously. N-aye; S-aye; J-aye.**

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time –
  - 9.1 Public Hearing to consider the following budget transfers in the 2014 Current Expense Budget.  
Staff: Frank Pinter  
Public Defender \$120,000 for additional Defense Attorney costs necessary to comply with mandated caseload limits.  
Clerk \$ 9,375 to cover cost reclass of extra help to Clerk I Entry Level with benefits.  
Sheriff's Office/Jail \$45,000 to cover the cost of increasing the jail contracted nursing staff to swing shift for the balance of 2014.  
Sheriff's Office \$242,395 to cover additional cost for the new Deputies Guild Collective Bargaining Agreement (CBA) for 2013 and 2014.  
Sheriff's Office \$224,036 budget transfer from Current Expense/Non-Departmental to cover additional cost for the new Deputies Guild Collective Bargaining Agreement for 2013 and 2014. This amount was anticipated in the 2014 budget for the additional CBA cost.

Frank Pinter explained the above referenced budget supplementals.

Cmmr. Sheldon commented that these items were brought to them a while ago and it has been decided that this is the time to move forward.

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There was no testimony.

**Cmmr. Neatherlin/Sheldon moved and seconded to approve the following budget transfers in the 2014 Current Expense Budget as follows: Public Defender \$120,000; Clerk \$ 9,375; Sheriff's Office/Jail \$45,000; Sheriff's office \$242,395; Sheriff's office \$224,036. Motion carried unanimously. N-aye; S-aye; J-aye.**

Cmmr. Sheldon commented on the crime rate concerns mentioned earlier. He said it is very expensive to provide criminal justice in the County. He said it's not just the Sheriff's office. It's many different areas working together and hopes people understand. He added it all comes together to provide the entire criminal justice system.

Cmmr. Jeffreys mentioned she is active in the Criminal Justice Task Force and her goal is to reduce the crime rate. She agrees that criminal justice is a group of entities working together.

9.2 Public Hearing to consider amendments to Title 17 of the Mason County Code of the regulating recreational marijuana. Staff: Barbara Adkins

Barbara Adkins explained the proposed changes to Title 17.

Tom Davis asked about special use permit process.

Barbara answered it is a process and you fill out a form and go in front of the Hearings examiner. The neighboring residents will be notified of the hearing.

Tom Davis asked if there is an appeal process.

Barbara answered yes and said appeals will be to Superior Court. She also confirmed that this hearing is specifically about marijuana.

Chair Jeffreys said these changes will not allow outdoor grow operations.

Kathy Gerchak asked about processors not needing special use permits.

Barbara said it doesn't apply to licensed processors and producers in non residential.

An audience member asked why "rural character" was removed from the wording.

Chair Jeffreys explained the definition of "rural character" and how she didn't feel it was a fitting description.

Testimony:

Mark Sylvester with Staffy's Garden asked the Board to not limit outdoor production. He also asked them to reconsider setting back from property lines. He said this will prevent a lot of legal businesses from doing business.

Cmmr. Jeffreys asked if he planned on growing outdoors.

Mr. Sylvester answered yes and added it would be seasonal.

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Cmmr. Neatherlin stated the concerns about outdoor grow operations. He also asked Mr. Sylvester how he feels about bonds to guarantee the removal of any abandoned businesses.

Mr. Sylvester said it depends how much the bond would cost. He said most people will take excellent care of their business. He would need some additional language on the bond issue although he is not pleased with it and feels it isn't necessary.

Tom Davis said this is just another restriction on a property owner. He said this is a job opportunity and an economic opportunity. He said this is not a burden it's an opportunity.

Diane Avery she lives on Sells Road. She said there is a horrible odor coming from the marijuana farm on her road. She said it's a stench and it's not acceptable. She told the Board they need to come out and smell it. She said they need to fix this.

Cmmr. Jeffreys said that OSHA is a good avenue for her to pursue. There are odor standards for all industries.

Kathy Gerchak said she is very happy about this today. She also added that she smells the weed as well and so do her children. She added that she is concerned about processing because processing can be dangerous. She commented that she hasn't seen any new jobs due to this. She said the employees are just the owners.

Cmmr. Neatherlin stated that a lot of this is due to the Sells Drive concerns. He added that is not a negative comment. He also asked Ms. Gerchak if she has seen the traffic or crime she was worried about.

Kathy Gerchak answered no and it's mainly the two owners.

Paul Vaughn owns Roots Worx. He said this is a legal industry and there has been a lot to learn. He said a lot of the fears are unfounded. He also said he has been looking for the alleged state report that has been passed around and he has been unable to locate the source. He mentioned that mushroom farms have odors too. He said there could be issues about putting up lights on one's own property. He asked the Board to write rules for everyone and not just for marijuana.

Chair Jeffreys said she has a SEPA report and she will get him a copy.

Steve Bloomfield made comments about rural residential. He said we are changing the definition of rural residential by allowing the cottage industries there.

Joseph O'Conner said he is confused. He bought a rural Christmas tree farm that has been in business for 40 years. He said that Washington State law has not defined "agriculture" yet. There has always been business in rural Mason County. He said agriculture is agriculture.

Jean Leonard lives on Sells Drive. She recommends prohibiting processing in rural residential. She thanked the Board for all the time they have spent listening to their concerns.

Commissioner Discussion:

Cmmr. Neatherlin said he will recommend adding a special use permit for processing as well.

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Cmmr. Sheldon doesn't think this issue has been well worked. He reiterated that he does not agree with having marijuana farms in rural residential. He said he doesn't agree to making all these little changes. He is worried about how this is going.

Cmmr. Jeffreys said the reason she thinks it is ok for rural residential is because they don't have much industrial.

Cmmr. Neatherlin made it clear that he has not had any contact with people aside from this meeting. He would recommend amending Title 17.17.007 to say processing in rural residential will require a special use permit.

**Neatherlin/Jeffreys moved and seconded to approve the amendments to Title 17 with the inclusion of licensed processors requiring a special use permit in rural residential areas. Motion Carried N-aye; S-nay; J-aye Resolution 58-14 (Exhibit B)**

10. Other Business (Department Heads and Elected Officials) –

- 10.1 Chair Jeffreys read a Memorandum of Understanding MOU between Mason County Historical Society and Mason County Parks and Trails. The MOU will allow the Historical Society to store a cargo trailer on Mason County property.

John Keates stated the MOU has not been reviewed by Risk Management and legal at this point and it needs to be cleaned up a bit.

Cmmr. Sheldon asked if the Board might approve this now pending additional approval from our Attorney and Risk Management.

Annette McGee thanked Mr. Keates and the Board.

Cmmr. Sheldon stated he has been a member of the Historical Society since the 70's although it shouldn't prevent him from seconding this motion.

**Neatherlin/Sheldon moved and seconded to conditionally approve the MOU between Mason County Historical Society and Mason County Facilities, Parks and Trails and to have the chair sign the MOU as amended following a review from Risk management and the Mason County Deputy Prosecuting Attorney. Motion Carried unanimously. N-aye; S-aye; J-aye**

- 10.2 Sheriff Salisbury stated that his office has been teaching leadership classes at the Washington State Liquor Control Board and the MCSO has received a thank you letter from the WSLCB. The Sheriff also recognized that Theresia Ehrich has won the professional Finance Officer award six times. Sherriff Salisbury also mentioned that Governor Inslee has recognized Detective Bill Adams for his contributions to the Oso slide recovery. He acted in the capacity of detective as well as Chaplin. The Sheriff also spoke of a letter from a citizen regarding the great work at Oyster Fest. Specifically recognized in the letter was Deputy Tim Ripp and how he worked with confrontational people all day and did a great job. Sheriff Salisbury stated that MCSO also received a letter from a family who was recently rescued in the wilderness. The letter specifically recognized Deputy Lyles and Dispatcher Barb for their excellent service.

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Sheriff Salisbury thanked the Board for the supplementals. Sheriff made a comment about crime and said his own office has been victimized by theft. He said adequate staffing lowers crime. He said that when you aren't fully staffed, crime rates increase.

Cmmr. Neatherlin asked how many total badges does the County currently have.

Sheriff Salisbury answered he believes it is fifty three.

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 11:34 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
\_\_\_\_\_  
Terri Jeffreys, Chair

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

ATTEST:

  
\_\_\_\_\_  
Julie Almanza  
Clerk of the Board

  
\_\_\_\_\_  
Randy Neatherlin, Commissioner

RESOLUTION NO. 57-14  
 COUNTY ROAD LOAD RESTRICTIONS  
 EMERGENCY CLOSING ORDERS

NOTICE IS HEREBY GIVEN that pursuant to the emergency provisions of RCW 36.75.270 and RCW 46.44.080, all Mason County roads are hereby immediately subject to closure for travel by all vehicles exceeding the weight and/or speed limits as listed herein for the remainder of 2014 and 2015 calendar year. (Note: The Board may suspend or extend the closure on any County Road by independent action according to the prevailing conditions.)

THIS ORDER shall supersede for the period designated, any previous order in conflict herewith, provided that this order shall not supersede or modify any restrictions now in force covering load limits on bridges located upon county roads.

THE COUNTY ROADS posted with the following load restrictions are closed to all vehicles with a gross weight (vehicles and load) which exceeds the following load limits for the size of tires as stated in WAC 468-38-080 and as set forth below:

EMERGENCY LOAD RESTRICTIONS

<u>CONVENTIONAL TIRES</u>		<u>TUBELESS OR SPECIAL WITH .5 MARKING</u>	
<u>Tire Size</u>	<u>Gross Load Each Tire</u>	<u>Tire Size</u>	<u>Gross Load Each Tire</u>
7.00	1800 lbs.	8-22.5	2250 lbs.
7.50	2250 lbs.	9-22.5	2800 lbs.
8.25	2800 lbs.	10-22.5	3400 lbs.
9.00	3400 lbs.	11-22.5	4000 lbs.
10.00	4000 lbs.	11-24.5	4000 lbs.
11.00 & over	4500 lbs.	12-22.5 & over	4500 lbs.

SEVERE EMERGENCY LOAD RESTRICTIONS

<u>CONVENTIONAL TIRES</u>		<u>TUBELESS OR SPECIAL WITH .5 MARKING</u>	
<u>Tire Size</u>	<u>Gross Load Each Tire</u>	<u>Tire Size</u>	<u>Gross Load Each Tire</u>
7.00	1800 lbs.	8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
11.00 & over	3000 lbs.	12-22.5 & over	3000 lbs.

IN ACCORDANCE WITH RCW 36.75.270 and RCW 46.44.080, these emergency restrictions may be imposed effective immediately, by posting the roads involved.

WHEN IMPOSING LOAD RESTRICTIONS pursuant to this Resolution, the Mason County Public Works Department shall specify and display by posted signs, whichever of the above schedules of load restrictions is necessary to protect the county road from damage.

NO ALLOWANCE SHALL BE MADE for any second gear axle suspended from the frame of the vehicle independent of the regular driving axle, otherwise known as "rigid trail" axles. Allowance will be made for single tires only on the front of any truck. The load distribution on any axle of a vehicle shall be such that it will not load the tires on said axles in excess of the prescribed load, as above set forth. Any loading in excess of the specified maximums as listed herein will be considered a violation of this order. If the motive power for any type of trailer is inadequate to safely handle the specified maximum load as listed herein for such trailer, then in that event, the load on the trailer shall be reduced sufficiently to allow said truck and trailer to operate with safety.

PERMITS ALLOWING TRANSPORTATION ALONG RESTRICTED ROADS. Permits may be issued by the Mason County Public Works Department to allow the operation of trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents on such county roads, which may be closed or restricted. Such permit may include weight and speed restrictions, plus other restrictions deemed necessary to protect the roadway from undo damage. Vehicles with a gross weight of less than 10,500 lbs (GVW) shall be permitted to operate at full capacity under this resolution. (By general rule emergency vehicles do not need a special permit, but may require weight and speed restrictions. School buses maybe required to run emergency bus routes with possible speed restrictions).

Road Load Restrictions  
Emergency Closing Orders  
Resolution No. 57-14

**VIOLATION-TRAFFIC INFRACTION.** Any violation of these restrictions constitutes an infraction under the provisions of RCW 46.44.105; RCW 46.44.080. Any person found to have violated any posted limitations COUNTY of a highway or section of highway shall be assessed a monetary penalty of not less than one hundred and fifty dollars.


**CIVIL LIABILITY PENALTY.** Violators are also subject to civil liability for the damage caused by such violations as provided under RCW 46.44.110 and RCW 46.44.120.

**POSTING ROAD CLOSURES.** The county engineer or road operations & maintenance supervisor in and for said Mason County is delegated the authority in the absence of said Board of County Commissioners, and with their permission to close any and all county roads by publishing and posting notice in accordance with RCW 47.48.020; provided, however, that in cases of emergency or conditions, the county engineer or road operations & maintenance supervisor may, without permission or delay, close county roads temporarily to all vehicles or designated class of vehicles or place other conditions or restrictions by posting notice at each end of the closed portion of road or roads. Such restrictions shall be effective immediately upon posting

THE BOARD OF COUNTY COMMISSIONERS OF MASON COUNTY hereby resolves to place the above described Load Restrictions and Emergency Closing Orders in effect immediately and the county road purpose described herein is declared a public necessity and the county road engineer shall be and is hereby ordered and authorized to proceed as prescribed by law.

ADOPTED this 21 day of October 2014.

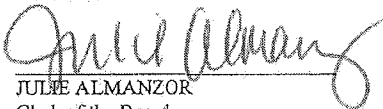
BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
TERRI JEFFREYS, Chair


  
TIM SHELDON, Commissioner

  
RANDY NEATHERLIN, Commissioner

ATTEST:

  
JULIE ALMANZOR  
Clerk of the Board

APPROVED AS TO FORM:

  
TIM WHITEHEAD,  
Ch. Deputy Prosecuting Attorney

cc: Commissioners  
Public Works  
Prosecutor  
Sheriff  
Publ: 1 Time: 10/30/14 (Bill: Mason County Dept. of Public Works)



ORDINANCE NUMBER 58-14

**AN ORDINANCE AMENDING THE MASON COUNTY CODE, TITLE 17, CHAPTER 17.17 – RECREATIONAL MARIJUANA**

AN ORDINANCE amending Title 17 (Zoning), of the Mason County Code under the authority of Chapter 36.70 and 36.70A RCW.

WHEREAS, Initiative Measure No 502 passed on November 5, 2012 amended Chapter 69.50 RCW as to the State’s approach to adult use of recreational marijuana; and

WHEREAS, on November 12, 2103 the Board of County Commissioners (“Board”) signed Ordinance 62-13 adopting amendments to Title 17 creating Chapter 17.17 for the regulation of recreational marijuana in Mason County; and

WHEREAS, on July 1, 2014 the Board signed Ordinance 32-14 establishing a 60-day Moratorium on the production and processing of marijuana in some districts; and

WHEREAS, on July 22, 2014 the Board signed Ordinance 43-14 repealing the Moratorium and remanding portions Chapter 17.17 to the Planning Advisory Commission for amendments; and

WHEREAS, on August 18 and September 15, 2014, the Planning Advisory Commission (“Commissioner”) held public hearings on proposed code amendments and made recommendation to the Board for adoption; and

WHEREAS, the Mason County Planning Advisory Commission conducted public hearings on August 12, 2013 and August 26, 2012 and recommended adoption of amendments by the Commissioners; and

NOW THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby adopts amendments to Mason County Code Chapter 17.17, Recreational Marijuana. (See Attachment A)

DATED this 21 day of October 2014.

ATTEST:

Annie Almanzo  
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

Terri Jefferys  
Terri Jefferys, Chair

- NAY -

APPROVED AS TO FORM:

Tim Whitehead  
Tim Whitehead, Chief DPA

Tim Sheldon, Commissioner

Randy Neatherlin  
Randy Neatherlin, Commissioner

**TITLE 17 – ZONING**  
**CHAPTER 17.17 RECREATIONAL MARIJUANA**

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**SECTION 17.17.001 – PURPOSE**

Mason County recognizes Initiative Measure No 502 amending RCW 69.50 (Uniform Controlled Substance Act) as to the State's approach to adult use of recreational marijuana, and the addition of Chapter 314-55 WAC expanding the authority of the Washington State Liquor Control Board to include the regulation of marijuana licenses, the application process, the requirements, and the reporting associated therewith.

**SECTION 17.17.002 – AUTHORITY**

Section 69.50.500 RCW states that it is "the duty of the state board of pharmacy, the department [of health], the state liquor control board, and their officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of [Chapter 69.50] ...", including those specific to recreational marijuana. The implementing rules of Chapter 314-55 WAC defer to the roles of those enforcement agencies adding, however, that "[t]he issuance or approval of a license shall not be construed as a license for, or an approval of, any violations of local rules or ordinances including, but not limited to: Building and fire codes, zoning ordinances, and business licensing requirements." WAC 314-55-020(11) While an approved license does not circumvent local ordinances, the State will also not deny a license based solely on non-compliance with local land use regulations. Therefore, it is incumbent upon Mason County to adopt the ordinance codified in this Section as this County's policies and procedures with respect to recreational marijuana.

**SECTION 17.17.003 – DEFINITIONS**

Definitions culled from Section 69.50.101 RCW and included in WAC 315-55-010 are adopted herein for the purpose of this chapter only.

- (a) "Applicant" or "marijuana license applicant" means any person or business entity who is considered by the board as a true party of interest in a marijuana license, as outlined in WAC 314-55-035.
- (b) "Business name" or "trade name" means the name of a licensed business as used by the licensee on signs and advertising.
- (c) "Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington state department of early learning under chapter 170-295 WAC.
- (d) "Elementary school" means a school for early education that provides the first four to eight years of basic education and recognized by the Washington state superintendent of public instruction.
- (e) "Financier" means any person or entity that has made or will make an investment in the licensed business. A financier can be a person or entity that provides money as a gift, loans money to the applicant/business and expects to be paid back the amount of the loan with or without interest, or expects any percentage of the profits from the business in exchange for a loan or expertise.

## ATTACHMENT A

- (f) "Game arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.
- (g) "Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.
- (h) "Licensee" or "marijuana licensee" means any person or entity that holds a marijuana license, or any person or entity who is a true party of interest in a marijuana license, as outlined in WAC 314-55-035.
- (i) "Lot" means either of the following:
  - i. The flowers from one or more marijuana plants of the same strain. A single lot of flowers cannot weigh more than five pounds; or
  - ii. The trim, leaves, or other plant matter from one or more marijuana plants. A single lot of trim, leaves, or other plant matter cannot weigh more than fifteen pounds.
- (j) "Marijuana strain" means a pure breed or hybrid variety of Cannabis reflecting similar or identical combinations of properties such as appearance, taste, color, smell, cannabinoid profile, and potency.
- (k) "Member" means a principal or governing person of a given entity, including but not limited to: LLC member/manager, president, vice-president, secretary, treasurer, CEO, director, stockholder, partner, general partner, limited partner. This includes all spouses of all principals or governing persons named in this definition and referenced in WAC 314-55-035. "Pesticide" means, but is not limited to: (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest; (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and (c) any spray adjuvant. Pesticides include substances commonly referred to as herbicides, fungicides, and insecticides.
- (l) "Perimeter" means a property line that encloses an area.
- (m) "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.
- (n) "Public park" means an area of land for the enjoyment of the public, having facilities for rest and recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, or federal government.
- (o) "Public transit center" means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.
- (p) "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age.
- (q) "Residence" means a person's address where he or she physically resides and maintains his or her abode.

## ATTACHMENT A

- (r) "Secondary school" means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington state superintendent of public instruction.
- (s) "Unit" means an individually packaged marijuana infused solid or liquid product, not to exceed ten servings or one hundred milligrams of active tetrahydrocannabinol (THC), or Delta 9.

### SECTION 17.17.004 – 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.

### SECTION 17.17.005 – DEVELOPMENT STANDARDS

- (a) Lighting: All lights used for the production and processing of marijuana shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.
- (b) Special Use Permit: A special use permit is required for any licensed producer in a Rural Residential 5 zoning district; and for any deviation from the rules and regulations as adopted in this Chapter in accordance with MCC Chapter 17.05.
- (c) Buffers/Setbacks: There shall be a 100 foot buffer from any portion of a production or processing operation to the nearest property line in all rural residential districts. A variance may be sought under Mason County Code Chapter 15.05, Article IV (Variances) and considered on an individual basis for any buffer that is less than 100 feet.

### SECTION 17.17.006 – MARIJUANA PRODUCER LICENSEES

Marijuana grow operations, known as Producers, are measured by their Plant Canopy. This is the square footage dedicated to live plant production, such as maintaining mother plants, propagating plants from seed to plant tissue, clones, vegetative or flowering area. Plant canopy does not include areas such as space used for the storage of fertilizers, pesticides, or other products, quarantine, office space, etc. Production operations are categorized by the State in the amount of actual square footage in their premises that will be designated as plant canopy. There are three categories as follows:

- Tier 1 – Less than two thousand square feet;
- Tier 2 – Two thousand square feet to ten thousand square feet; and
- Tier 3 – Ten thousand square feet to thirty thousand square feet

Marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high. Outdoor producers must meet security requirements described in WAC 314-55-083.

## ATTACHMENT A

Licensed INDOOR and OUTDOOR marijuana producers are permitted within the following non-residential zoning districts, subject to the restrictions of all currently adopted codes and ordinances.

- (a) Rural Commercial 2 (RC 2) (Section 17.04, Div II, Art II)
- (b) Rural Commercial 3 (RC 3) (Section 17.04, Div II, Art III)
- (c) Rural Commercial 4 (RC 4) (Section 17.04, Div II, Art IV)
- (d) Rural Commercial 5 (RC 5) (Section 17.04, Div II, Art v)
- (e) Rural Industrial (RI) (Section 17.04, Div III)
- (f) Rural Natural Resource (RNR) (Section 17.04, Div IV)
- (g) Low Intensity Mixed Use (MU) - Shelton UGA (Section 17.07, Art 2)
- (h) General Commercial (GC) – Shelton UGA (Section 17.07, Art 3)
- (i) Commercial-Industrial (CI) – Shelton UGA (Section 17.07, Art 4)
- (j) Airport Industrial (AI); subject to all codes, covenants, and restrictions of the Port of Shelton – Shelton UGA (Section 17.07, Art 5)
- (k) Industrial (I) – Shelton UGA (Section 17.07, Art 6)
- (l) Highway Commercial District (HC) – Allyn UGA (Section 17.12, Art III)
- (m) Business Park (BP) – Allyn UGA (Section 17.12, Art IV)
- (n) Mixed Use (MU) – Belfair UGA (Section 17.23.120)
- (o) General Commercial (GC) – Belfair UGA (Section 17.24)
- (p) Business Industrial (BI) – Belfair UGA (Section 17.24)

Licensed INDOOR producers are permitted within the rural residential districts subject to following restrictions.

<i>Tier Level I</i>	<i>Minimum five acres</i>
<i>Tier Level II</i>	<i>Minimum 10 acres</i>
<i>Tier Level III</i>	<i>Minimum 10 acres</i>

Licensed indoor producers are permitted within the rural residential districts on parcels 5 acres or larger; and all structures are required to meet the building regulations for floor-area-ratio, size, and height of non-agricultural and accessory buildings for each respective zoning district. Licensed indoor producers in Rural Residential 5 must obtain a Special Use Permit. OUTDOOR production is prohibited in all rural residential districts.

### SECTION 17.17.007 – MARIJUANA PROCESSOR LICENSEES

A marijuana processor license allows the licensee to process, package, and label usable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers. Licensed marijuana processors are permitted within the following non-residential zoning districts, subject to the restrictions of all currently adopted codes and ordinances.

- (a) Rural Commercial 2 (RC 2) (Section 17.04, Div II, Art II)
- (b) Rural Commercial 3 (RC 3) (Section 17.04, Div II, Art III)
- (c) Rural Commercial 4 (RC 4) (Section 17.04, Div II, Art IV)
- (d) Rural Commercial 5 (RC 5) (Section 17.04, Div II, Art v)
- (e) Rural Industrial (RI) (Section 17.04, Div III)
- (f) Rural Natural Resource (RNR) (Section 17.04, Div IV)

## ATTACHMENT A

- (g) Low Intensity Mixed Use (MU) – Shelton UGA (Section 17.07, Art 2)
- (h) General Commercial (GC) – Shelton UGA (Section 17.07, Art 3)
- (i) Commercial-Industrial (CI) – Shelton UGA (Section 17.07, Art 4)
- (j) Airport Industrial (AI); subject to all codes, covenants, and restrictions of the Port of Shelton – Shelton UGA (Section 17.07, Art 5)
- (k) Industrial (I) – Shelton UGA (Section 17.07, Art 6)
- (l) Highway Commercial District (HC) – Allyn UGA (Section 17.12, Art III)
- (m) Business Park (BP) – Allyn UGA (Section 17.12, Art IV)
- (n) Mixed Use (MU) – Belfair UGA (Section 17.23.120)
- (o) General Commercial (GC) – Belfair UGA (Section 17.24)
- (p) Business Industrial (BI) – Belfair UGA (Section 17.24)

Licensed processors are permitted within the rural residential districts on parcels 5 acres or larger; and are required to meet the building regulations floor-area-ratio, size, and height of non-agricultural and accessory buildings for each respective zoning district. Licensed processors in Rural Residential 5 must obtain a Special Use Permit.

### SECTION 17.17.008 – MARIJUANA RETAILER LICENSEES

A marijuana retailer license allows the licensee to sell only usable marijuana, marijuana-infused products, and marijuana paraphernalia at retail in retail outlets to persons twenty-one years of age and older. Licensed marijuana processors are permitted within the following zoning districts and subject to the restrictions of all currently adopted codes and ordinances:

- (a) Rural Commercial 2 (RC 2) (Section 17.04, Div II, Art II)
- (b) Rural Commercial 3 (RC 3) (Section 17.04, Div II, Art III)
- (c) Rural Commercial 4 (RC 4) (Section 17.04, Div II, Art IV)
- (d) Rural Commercial 5 (RC 5) (Section 17.04, Div II, Art v)
- (e) General Commercial (GC) – Shelton UGA (Section 17.07, Art 3)
- (f) Commercial-Industrial (CI) – Shelton UGA (Section 17.07, Art 4)
- (g) Highway Commercial District (HC) – Allyn UGA (Section 17.12, Art III)
- (h) Business Park (BP) – Allyn UGA (Section 17.12, Art IV)
- (i) Mixed Use (MU) – Belfair UGA (Section 17.23.120)
- (j) General Commercial (GC) – Belfair UGA (Section 17.24)

### SECTION 17.17.008 – VIOLATIONS

Any violations of this Chapter may be enforced as set forth in Chapter 15.13 (Enforcement), or as applicable, in 69.50 RCW and 314-55 WAC.