

ORDINANCE NUMBER 77-12

**AN ORDINANCE EXTENDING THE MORATORIUM
ON COLLECTIVE GARDENS ESTABLISHED
UNDER ORDINANCES: 63-11, 59-11, 80-11 AND 43-12.**

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, on September 6 and 22, 2011 the Board adopted Findings in support of the Moratorium to continue for a ninety day period terminating on November 16, 2011; and

WHEREAS, on November 15, 2011 the Board adopted Findings (Ordinance 80-11) in support to extend the Moratorium for a six month period to expire on May 16, 2012; and

WHEREAS, on May 8, 2012 the Board adopted Findings (Ordinance 43-12) in support to extend the Moratorium for a six month period to expire on November 8, 2012; and

WHEREAS, the intent of the Moratorium is to allow Mason County to address collective gardens in the County’s Development Regulations as provided under RCW 39.51A.140; and

WHEREAS, Development Regulations have not yet been adopted by the County and an extension of the Moratorium for an additional six (6) months is needed to complete this process; and

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

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

WHEREAS, the County seeks to extend the moratorium on “collective gardens” as defined in RCW 69.51A.085 with a public hearing pursuant to RCW 36.70A.390, and

WHEREAS, a public hearing was held on November 6, 2012 to allow for public testimony on said moratorium extension, and

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

Section 1. The recitals set forth above are hereby adopted as the Board's preliminary findings in support of extending the moratorium imposed by Ordinance #43-12. The Board may, in their discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 3 below.

Section 2. Pursuant to the provisions of RCW 36.70A.390, an extension of the zoning moratorium is hereby approved in Mason County prohibiting the establishment, maintenance or continuation of any collective garden.

Section 3. As provided in RCW 36.70A.390, the Board of County Commissioners set a public hearing for November 6, 2012 to take public testimony and to consider adopting further findings justifying extending the moratorium set forth in Section 2 above.

Section 4. The moratorium set forth in this Ordinance shall be extended in effect for a period of six months from the date this Ordinance is passed and shall automatically expire on May 8, 2013 unless extended as provided in RCW 36.70A.390, or unless terminated sooner by the Mason County Board of Commissioners.

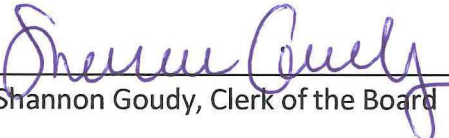
Section 5. The Mason County Department of Community Development is hereby authorized and directed to continue drafting regulations regarding collective gardens.

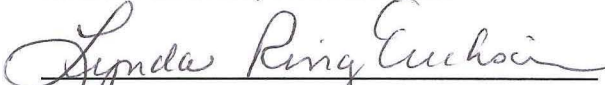
Section 6. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

DATED this 6th day of NOVEMBER, 2012.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ATTEST:


Shannon Goudy, Clerk of the Board


Lynda Ring Erickson, Chair

APPROVED AS TO FORM:


Tim Sheldon, Commissioner

 #37821
Tim Whitehead, Chief DPA


Steve Bloomfield, Commissioner