

ORDINANCE NUMBER 53-16

REPEALING TITLE 17, CHAPTER 17.09 AND AMENDING CHAPTERS 17.04, 17.07, 17.23, AND 17.24 - **COLLECTIVE GARDENS**

ORDINANCE repealing Title 17, Chapter 17.09 of the Zoning Code and amending Chapters 17.04, 17.07, 17.23, and 17.24 under the authority of RCW 36.70A.80.

WHEREAS, RCW 69.51A Medical Cannabis (formerly Medical Marijuana) authorizes Counties to adopt and enforce zoning regulations pertaining to the dispensing of medical cannabis in established Collective Gardens within their jurisdiction (RCW 69.51A.140); and

WHEREAS, on June 4, 2103 Mason County adopted Ordinance 30-13 amending Title 17 and creating regulations for Collective Gardens; and

WHEREAS, on April 24, 2015 RCW 69.51A was again amended to establish the Cannabis Patient Protection Act and repealed the Medical Cannabis Act with respect to the regulation of medical marijuana for qualifying patients and providers; and

WHEREAS, effective July 1, 2016, the Washington Liquor and Cannabis Control Board no longer recognizes collective gardens as being in compliance with RCW 69.51A; and

WHEREAS, qualifying patients and designated providers of medical marijuana may form a Cooperative as defined, authorized, and regulated under the Cannabis Patient Protection Act, RCW 69.51A, Section 26; and

WHEREAS, on July 11, 2016, the Mason County Planning Advisory Commission held a public hearing to consider the amendments and passed a motion to recommend approval of said changes; and

WHEREAS, on August 16, 2016 the Board of County Commissioners took public testimony from interested parties, considered all the written and oral arguments and testimony, and considered all the comments presented; and

WHEREAS, the Board of County Commissioners in reviewing the proposed repeal and amendments to Mason County Code, Title 17 considered the Staff's Report and recommendations of the Mason County Planning Advisory Commission; and

WHEREAS, the Board of County Commissioners finds that the proposed repeal and amendments to Title 17 of the Mason County Code are in the best public interest; and

WHEREAS, the Board of County Commissioners concluded at a duly advertised public hearing that adoption of the amendments will further public health, safety and welfare;

BE IT HEREBY ORDAINED, the Mason County Board of Commissioners hereby approves and ADOPTS revisions to Title 17 as submitted and described in ATTACHMENT A.

DATED this 16 day of August, 2016.

Board of Commissioners
Mason County, Washington

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ATTEST:


Julie Almanzor, Clerk of the Board


Terri Jeffreys, Chair

APPROVED AS TO FORM:


Tim Sheldon, Commissioner


Tim Whitehead, Chief DPA


Randy Neatherlin, Commissioner

ATTACHMENT A

TITLE 17 – ZONING

CHAPTER 17.09 COLLECTIVE GARDENS - REPEAL

Chapter 17.09 Collective Gardens - Repealed

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, and single-family residential accessory use or apartment.
- (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, and single-family residential accessory use or apartment.
- (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 and single-family residential accessory use or apartment.
- (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, and contractor yards.
- (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

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. 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.

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

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

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;

