

ORDINANCE NUMBER 21-17

TITLE 17 - ZONING

**AMENDMENTS TO CHAPTER 17.07 - DEVELOPMENT REGULATIONS,
SHELTON URBAN GROWTH AREA, ARTICLE 6 - INDUSTRIAL, SECTION
17.07.650 - PROHIBITED USES TO REMOVE SELF-STORAGE FACILITIES**

ORDINANCE amending Title 17, Zoning, Chapter 17.07, Article 6, Industrial, of the Mason County Code with respect to the Shelton Urban Growth Area.

WHEREAS, amendments to Title 17 of the Mason County Code fall under the authority of Chapter 36.70 and 36.70A RCW;

WHEREAS, Section 17.07.650 outlines the prohibited uses for the Industrial zoning district of the Shelton Urban Growth Areas;

WHEREAS, the current code specifically prohibits "self-storage facilities" as a permitted use, an accessory use, or a use allowed under a special use permit within that zoning district; and

WHEREAS, this Ordinance amends Section 17.07.650 to remove "self-storage facilities", as a prohibited use within the Industrial district of the Shelton Urban Growth Area; and

WHEREAS, the Mason County Planning Advisory Commission conducted a public hearing on March 20, 2017 and recommend adoption of amendments by the Commissioners; and

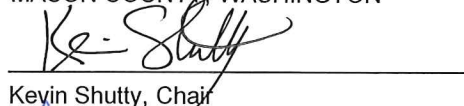
NOW THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby amends the Mason County Code Title 7 (Zoning), to remove "self-storage facilities" as a prohibited use in Section 17.07.650. (See Attachment A)

DATED this 25th day of April 2017.

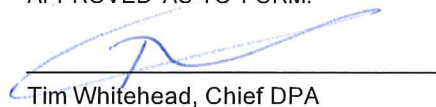
ATTEST:


Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Kevin Shutty, Chair

APPROVED AS TO FORM:


Tim Whitehead, Chief DPA


Terri Jeffreys, Commissioner


Randy Neatherlin, Commissioner

ATTACHMENT A

TITLE 17 - ZONING

CHAPTER 17.07 – DEVELOPMENT REGULATIONS

ARTICLE 2 – INDUSTRIAL

SECTION 17.07.650 – PROHIBITED USES

Article 6. – Industrial (I)

17.07.650 – Prohibited Uses

Uses other than those identified or described in Sections 17.07.620, 17.07.630 and 17.07.640 in this chapter are prohibited. Prohibited uses are generally those uses that convert industrial land to a non-industrial purpose, have the potential to be disrupted by the noise and activity commonly associated with industrial development.

ATTACHMENT A

Background

The applicant is the owner of an existing self storage property on E. Johns Prairie Road within the Shelton UGA (Freedom Self Storage, parcel 32004-43-00010). The applicant desires to add new buildings to this facility within the existing property boundary, which is fully fenced and gated for self storage use.

The property was originally permitted in 2005, anticipating a phased development. About one-third of the project was constructed between 2006 and 2008. Shortly thereafter the property was rezoned by the 2009 Shelton UGA zoning ordinance. This rezoning prohibits self storage, making Freedom Self Storage a non-conforming use without any possibility of expansion. The rezone also put a "cloud" over the legitimacy of a business that was legally developed just a few years earlier.

Proposal

MCC 17.07, which addresses industrial zoning regulations within the Shelton UGA. MCC 17.07.650 currently identifies self storage as the only outright prohibited use in this zoning class. This application is requesting elimination of this prohibited use. County staff recommended that a development regulation amendment to change allowable use be proposed instead of a rezone of the parcel to general commercial (which allows self storage). However, a rezone to commercial is a perfectly acceptable alternative.

Rationale

In MCC 17.07.650 prohibited uses in the industrial zoning district are stated as "generally those uses that convert industrial land to a non-industrial purpose, have the potential to be disrupted by the noise and activity commonly associated with industrial development". Singling out self storage appears to be arbitrary, as other allowed uses such as warehousing and open storage could result in the same outcome.

Self storage is similarly restricted in many other zoning classes, creating a situation where available land in Mason County to develop self storage is very limited even though public demand is very high. All self storage facilities in the Shelton area are full, and one facility in the Shelton UGA on Highway 101 is near the airport is proposing to close by the end of 2016 when that commercial property is redeveloped. In a recent request to Mason County to amend the permitted uses in the Low Density Mixed Use zoning in the Shelton UGA, DDR2016-00096, County staff stated that "the County's current regulations afford very few opportunities for personal storage businesses".

In addition, the County's zoning code in the UGA should closely match the City of Shelton's code because the Shelton UGA would eventually be annexed to the City. The Shelton Municipal Code Title 20.30, Industrial District, does not prohibit self storage. Therefore, it follows that the County's UGA zoning should also not prohibit it.

There is substantial and positive public interest in self storage in the Shelton UGA and also in the rest of Mason County as demonstrated by a high but unmet demand. This demand comes from both residential and commercial, particularly as the economy improves and residents and businesses move into the area and the need for short term storage space increases. Zoning regulation should not overly restrict a use when it can be demonstrated that such demand is present, development is compatible with other uses in the zoning district, and development is consistent with land use goals of the comprehensive plan. In the Shelton UGA, zoning should also be consistent with City of Shelton zoning.