REPEAL OF RECREATIONAL MARIJUANA
MORATORIUM AND DIRECTION TO THE
PLANNING ADVISORY COMMISSION

STAFF CONTACT
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SUMMARY/CHRONOLOGY:
On July 1, 2014 the Mason County Board of Commissioners ("Board") adopted a six month
Moratorium on any new building and land use permitting activities related to the production and
processing of marijuana with the exception of agricultural resource lands and industrially zoned
districts. The moratorium was established under the authority of RCW 36.70A.390 allowing for its
immediate adoption provided the governing body conduct a public hearing within 60 days. The
Board conducted such a hearing on July 22, 2014 to consider public questions and comments.

After consideration of the information received and public testimony, a repeal of the moratorium
was adopted under Ordinance No. 32-14, and a directive was issued to the Planning Advisory
Commission ("Commission") to consider amendments to portions of Chapter 17.17 of the Mason
County Code. Ordinance No. 43-14 repealing the Moratorium contains items the Board would like
considered by the Commission as possible code amendments. These include:

(a) increasing buffers between operations and neighboring residential dwelling units from 100
feet to 250 feet
(b) Limiting Rural Residential 5 districts to allow Tier 1 level operations only
(c) Limiting Tier 2 and Tier 3 level operations in Rural Residential districts to a minimum of ten
acres.

In addition to those, it was suggested during regular briefings on July 21, 2014 that there might be
some way to limit the allowance of producers and processors in residential areas based on housing
densities of the adjacent properties. This was not included in the final ordinance and directive, but
was requested during briefings to be brought to the Commission for consideration. Copies of both
Ordinances are provided with this Staff Report.
DEPARTMENT OF COMMUNITY DEVELOPMENT

STAFF REPORT

Ordinance No.: 32-14
Ordinance No.: 43-14

PUBLIC MEETINGS & HEARINGS

The Ordinance requires that recommendations be provided to the Board within 90 days from the date adopted, or no later than October 20, 2014. The Commission’s schedule is heavy with prior and continuing obligations; however adjustments will need to be made to effectively accommodate this new request. Staff would suggest a public workshop and a public hearing to break up the work and best utilize the Commission’s limited timeframe.

August 18, 2014 – Workshop
September 15, 2014 – Public Hearing

MARIJUANA PERMISSIVE ZONING DISTRICTS

Producing and processing recreational marijuana is permitted in several zoning districts throughout Mason County. The July 16, 2014 Staff Report provided to the Board prior to their July 22, 2014 public hearing outlines a fairly comprehensive summary of currently available zoning districts. A copy of that Report is provided for your reference. At this time, however, the Board is focusing the Commission’s efforts on the rural residential districts. Those portions of Section 17.17 MCC subject to the Commission’s review are:

*Title 17, Chapter 17.04, Division I, Articles II – IV. Rural Residential 5 (RR 5), Rural Residential 10 (RR 10), and Rural Residential 20 (RR 20) limits minimum densities to one dwelling unit per five, 10 or 20 acres, respectively. Chapter 17.17 (Recreational Marijuana) allows production and processing of marijuana in these residential districts with the provision that no parcel shall be less than five acres and no operation shall be any closer than 100 feet from a neighboring residential dwelling unit.*

RECOMMENDATION FOR AMENDMENTS

The Ordinance outlines three primary areas of particular interest for the Commission to consider: (a) increased buffers, (b) Tier level limitations, and (c) Minimum parcel size. Additionally, a limiting factor based on adjacent housing densities was suggested. For the purpose of this Report, the Commission can consider an [unofficial] “(d) adjacent densities” as a fourth area of concern.

(a) Increased Buffers: In all eligible rural residential districts, any portion of the production or processing business must be at least 100 feet from the nearest residential dwelling unit. The Board has suggested the buffer be increased to at least 250 feet from the nearest dwelling unit. The Commission is not limited to the Board’s suggestion and may consider making recommendations that are greater or lesser than 250 feet, as long as reasonable justifications are provided. The minimum parcel size permitted for production and processing in the rural residential areas of the County is, at present, five acres, or 217,800 square feet. The table in the Board’s Staff Report shows all the zoning districts along with development regulations relevant to the discussion. Gleaned from that table are a few statistics that may be useful in the Commission’s thought process.
For discussion purposes, a five acre lot consists of at least 217,800 square feet of property. Of that, only 10,890 square feet can be developed leaving the remaining 206,910 feet undeveloped. The size limitations herein are dictated by the types of buildings, and, of course, what constitutes development. In all three districts, non-agricultural and accessory buildings are limited to 3,000 square feet. There is no limit on agricultural buildings or dwelling units; however the overall development limitations are still capped at the 1:20 floor area ratio. In ideal circumstances, it appears that maximum allowed development in these areas would not impact an individual’s ability to remain 250 feet from neighboring homes. Property is generally less than ideal in nature, and each proposal and proposer is faced with a unique set of circumstances. Reuse of existing structures, the presence of critical areas, lot shape and size, indoor versus outdoor operations, water availability, drain fields, and the like can all play a factor in an applicant’s ability to meet the County’s expectations.

(b) Tier Level Limitations: As prescribed and implemented by the Washington State Liquor Control Board, production and processing licenses are issued by Tier levels. The tier system is based on the total allowable plant canopy coverage under each license. As defined by the Washington Administrative Code, plant canopy is,

... [T]he 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.¹

Of particular note in this definition is that plant canopy does not include office and storage spaces. When considering the limitation of Tier levels to specific zones, the plant canopy alone does not dictate how large the facility may eventually be. There are three levels for total allowed plant canopy coverage:

- 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

¹ WAC 314-55-010(15)
In the Ordinance, the Board is suggesting that the Commission consider amendments that limit Tier size by zoning, such as Rural Residential 5 being limited to Tier 1 operations. This would limit plant canopy to 2,000 square feet, but not overall development size. Ultimately, though a limitation like this would more than likely result in a reduced overall impact to the surrounding areas with a presumably smaller business. This suggestion is just one put forth by the Board to start the discussion. The Commission should give equal consideration to all Tier levels in the residential districts and put forth reasonable recommendations that represent that process.

(c) Minimum Parcel Size. This recommendation can be evaluated utilizing the information from both (a) and (b). Calculations for floor area ratio determine how much permitted development can occur in the residential districts based on the size of the property. Requiring a minimum of ten acres for Tier 2 and Tier 3 level operations provides an extra measure of distance between adjacent lots and residences. Depending on the type of operation, however, the total amount of space available for use on the lot could vary. Indoor operations wherein buildings are utilized for growing, processing, office, and/or storage would be limited by the floor area ratio. This means that a Tier 2 producer would be limited to a total of 21,780 square feet of development on a ten acre parcel, including the total allowed canopy coverage. Outdoor operations using temporary structures for growing that do not need permits (e.g. hoop houses) are not limited to the same floor area ratio restriction. There are other restrictions for building size in rural residential districts that would still impact the overall development for outdoor operations. What is important to remember is that each of these business proposals comes with a unique set of circumstances based on several factors. No single application will neatly fit into the County’s regulations with any predictable outcome. Considering as many of the combinations as possible will assist the Commission in make reasonable and useful recommendations.

(d) Adjacent Densities. This last item was not included in the Ordinance, but was suggested during briefings. How this would actually apply on the ground is not very clear, but what the Board was considering is a case by case evaluation of a proposed site based on how “built out” the neighborhood is, so to speak. The theory is that a more densely populated area could be more negatively impacted by the establishment of a production site due to its proximity to the community’s residences. There may be a couple of ways to look at this.

1. Would the density be for existing residences, or potential build out of undeveloped lots?
2. Many subdivisions are zoned for a minimum of five acres per residence, but were developed pre-zoning at much denser levels. Would there need to be a total density per acre regardless or ownership or zoning?
3. Would this be a decision made administratively by the Department or through a public hearing with the Hearings Examiner?
4. Can there be a fair and unprejudiced methodology established to determine how many houses are too many houses when it comes to these types of businesses?
Unfortunately, this report contains no additional information that would provide any degree of assistance to the Commission on this last topic. Whether or not an adjacent density formula can be achieved in either a prudent or popular fashion is completely up for debate.

**DISCUSSION/CONCERNS**

The Commission has a relatively short amount of time to reconsider how the County’s views the production and processing of marijuana in the rural residential districts. Recent testimony from the public has caused some trepidation in our process, and necessitates, at the very least, a good second look at the County’s current regulations. The topic areas provided by the Board are meant to give suggestions and guidance, and are not to be considered as definitive regarding what will ultimately be decided. The items are not without challenge, but are also not without merit. The only caution to the Commission at this juncture would be to make recommendations, if warranted, that are both reasonable and implementable.

**RECOMMENDATIONS**

Commission, upon conclusion of a public workshop, considers recommending code revisions appropriate to meet the directive of the Board. Amendments will be compiled into a proposal by Staff and presented at the September 15, 2014 public hearing. If no changes are recommended, provide rationale to the Board for the Commission’s decision not to amend the code.
MORATORIUM ON PERMITTING ACTIVITIES RELATED TO THE PRODUCTION AND PROCESSING OF RECREATIONAL MARIJUANA

STAFF CONTACT
Barbara A. Adkins, AICP, Director
Department of Community Development
426 W. Cedar Street
Shelton, WA 98584
(360) 427-9670, ext. 286

SUMMARY/CHRONOLOGY:
On July 1, 2014 the Mason County Board of Commissioners adopted a six month Moratorium on any new building and land use permitting activities related to the production and processing of marijuana with the exception of agricultural resource lands and industrially zoned districts. The moratorium was established under the authority of RCW 36.70A.390 allowing for its immediate adoption provided the governing body conduct a public hearing within 60 days. Such a hearing has been scheduled for July 22, 2014 at 6:30 p.m. to consider public questions and comments.

The implementation of Mason County’s Ordinance #62-13 with respect to the regulation of recreational marijuana occurred in November of 2013. At that time, the Commissioners put into effect legislation that would allow the production and processing of recreational marijuana (as authorized by RCW 69.50 and Chapter 314-55 WAC) in several zoning districts within the county, including some residential. Chapter 17.17 of the Mason County Code permits marijuana producers and processors in Rural Residential districts with a density of no less than five acres per dwelling unit, on parcels no less than five acres in size, and no closer than 100 feet to the nearest neighboring residential unit. It is also permitted in Rural Commercial districts 2 through 5; Rural Industrial; Rural Natural Resource; Low Intensity Mixed Use; General Commercial; Commercial-Industrial; Airport Industrial; Industrial; Highway Commercial; Business Park; Mixed Use; General Commercial; and Business Industrial. The similarities, and even duplications, in the labeling of zoning districts is a result of four separate sets of regulations implemented over the entire county. The rural portions of the county have regulations, as does each of the three urban growth areas. Further discussion on these districts relative to the production and processing of marijuana provided under subsequent sections.

As applications are processed with the Washington State Liquor Control Board, notifications are provided to the local government having jurisdiction to allow for comment. The notifications are
reviewed by the Department of Community Development specifically to determine if the proposed location and use meets the County's zoning code. If the County has no objections, permitting at the local level may begin. As with any new commercial project, marijuana operations are required to attend a pre-application conference per MCC 15.05.020. This conference is designed to provide access to all pertinent regulatory departments for the purpose of determining what, if any, permits are required. To date, the Department of Community Development has conducted approximately 20 such conferences with potential producer and processor operations. Of those, approximately 12 have submitted various permit applications as needed for their individual projects. As of July 14, 2014 the Washington State Liquor Control Board had 43 individual applications for producers and 37 individual applications for processors for Mason County. This means that only about half of those interested in locating their business here have approached the County for permitting information. The Department of Community Development conducted a mass mailing several weeks ago to everyone on the State's lists notifying them of their need to contact the County; nearly all of those letters were returned with insufficient mailing addresses or mail receptacles. The Department continues to receive inquiries almost daily from individuals interested in locating production and processing businesses in Mason County.

Of those businesses receiving permits in Mason County, one recently located within a Rural Residential 5 zoning district and has begun construction of their business. Residents of the community surrounding this business have asked that the Board of County Commissioners re-evaluate the appropriateness of such businesses in residential areas, as well as perhaps other areas of the County. The referenced business is vested to the County's current codes; however, the County Commissioners did establish a Moratorium to stop new building and land use permit applications from producers and processors and directed that the County's codes and policies be reviewed in light of recent public testimony.

Permits, Applications, & Vesting
As mentioned in the preceding section, there have been several pre-application conferences conducted with prospective applicants, with a subset of these parties having submitted building applications. This means that those parties with complete applications have vesting rights to the laws in effect at the time of application. A pre-application conference does not, however, extend vesting rights to the participating parties; vesting is only secured with the submission of a complete building application. (RCW 19.27.095)1

Those applications received and considered complete are not subject to the current moratorium and the County will continue through the review and approval process. New applications for

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1 RCW 19.27.095 Building Permit Application – Consideration - Requirements
(1) A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.
permitting activities associated with the production and processing of recreational marijuana cannot be accepted during the moratorium for any areas not zoned industrial or designated as agricultural resource lands. This includes those parties who have participated in a pre-application conference, but did not submit applications prior to July 1, 2014.

At the required public hearing scheduled for July 22, 2014, the Board may consider amending the scope of the moratorium to add or remove specific zoning districts based on Staff’s report and public testimony. The Board may also terminate the moratorium completely, or allow it to stand as is for the full six month period.

**MARIJUANA PERMISSIVE ZONING DISTRICTS**

As discussed above, public testimony triggering the Moratorium revolved mostly around locating producers and processors in residential areas. However, the Commissioners chose to include all zoning districts in the moratorium with the exception of agricultural and industrial, and directed the Planning Advisory Commission to make recommendations for revising the current code. The State controls production and processing licenses by Tier levels. Licenses are issued based on Tiers which distinguish the total allowable plant canopy coverage under each license. There are three levels:

- **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

Development regulations adopted by Mason County do not limit these businesses by Tier level, or canopy coverage; instead license holders are permitted in any eligible zoning district provided they meet the development restrictions. Following is a brief description of the districts that currently allow producers and processors as adopted in Chapter 17.17.

**Title 17, Chapter 17.04 Rural Lands Development Standards** — define development for all the rurally zoned areas outside the urban growth boundaries. **Rural Residential 5 (RR 5), Rural Residential 10 (RR 10), and Rural Residential 20 (RR 20)** limits minimum densities to one dwelling unit per five, 10 or 20 acres, respectively. Chapter 17.17 (Recreational Marijuana) allows production and processing of marijuana in these residential districts with the provision that no parcel shall be less than five acres and no operation shall be any closer than 100 feet from a neighboring residential dwelling unit. **Rural Commercial 2, 3, 4, and 5** are commercially zoned districts outside the urban growth areas that have graduating levels of development intensity. **All of these districts permit one residence per lot.** Rural Commercial 2 allows small businesses such as retail stores, restaurants, churches and daycares. Increasing the intensity of development in Rural Commercial 3 and 4 districts allows larger operations such as RV parks, lodging, wineries, and some auto/marine services. Rural Commercial 5 is designed to accommodate larger sales of automobiles, boats and manufactured homes. **With the exception of Rural Commercial 2, these districts also permit collective gardens. Rural Industrial** permits manufacturing, warehousing and collective gardens.
Rural Natural Resource districts are for the processing of native natural materials, including forest products, mining, aquaculture, and agriculture.

Title 17, Chapter 17.07 Development Regulations – defines zoning regulations within the Shelton Urban Growth Area and are consistent with City of Shelton’s Municipal Code. Low Intensity Mixed Use permits co-existing commercial and residential development in a single zone, with residential densities between four and twelve units per acre permitted. General Commercial allows for a variety of retail and professional type use, as well as collective gardens. It does not permit residences. Commercial-Industrial is similar to general commercial with the inclusion of light industrial and manufacturing activities. It too allows for collective gardens, but does not permit residences. Airport Industrial is under the purview of the Port of Shelton, and at present permits some recreational marijuana operations. Industrial is designed to accommodate heavy industrial facilities, including food processing and salvage yards. It also permits collective gardens, but does not permit residences.

Title 17, Chapter 17.12 Commercial Zoning Districts in the Allyn UGA – describes the two commercial zones that permit production and processing in the Allyn urban growth area. No other zoning districts in Allyn permit marijuana businesses. Highway Commercial District permits vehicle oriented retail shopping establishments, including restaurants and offices. Business Park allows similar retail and office uses, and includes some light manufacturing. Neither of these districts permits collective gardens or residences.

Title 17, Chapter 17.23 Mixed Use Districts in the Belfair UGA – describes the Mixed Use District as permitting a variety of retail, light industrial, and professional office uses, including collective gardens and multi-family residential.

Title 17, Chapter 17.24 Commercial and Industrial Districts in the Belfair UGA – allows production and processing on both zoning districts of this chapter. General Commercial permits uses similar to those of Mixed Use including the allowance of collective gardens. It does not permit, however, any single or multi-family residential. Business Industrial has a narrower scope of uses that include manufacturing, processing, warehousing and the like. It too permits collective gardens and explicitly prohibits any residential uses.

Resource Lands

The Moratorium as adopted provides an exemption for industrially zoned districts as well as agricultural resource lands. It is important to note that zoning districts and resource lands are governed under separate portions of the Mason County Code; and as such, only zoning districts were included in the original Ordinance #62-13 as adopted. With the inclusion of agricultural resource lands in the Moratorium, resource lands in general have become part of the conversation.
Resource lands fall under the authority of Title 8 (Environmental Policy) of the Mason County Code, and more specifically under Chapter 8.52 (Resource Management). The designation of resource lands is required under RCW 36.70A.170, and regulations for the conservation of these lands is required under RCW 36.70A.060 for the protection the County’s natural resource lands and critical areas.

Since the adoption of Chapter 17.17, applications for production and/or processing of marijuana have been reviewed under the County’s zoning code (Title 17) with respect to the specific district the business is located in. An application received for property in resource lands, not included in the Ordinance, is reviewed under the requirements of the resource management ordinance.

Currently, the County has one vested operation in Agricultural Resource Land, and one each proposed for Inholding Land and Long Term Commercial Forest that are not vested. The inclusion of resource lands in future decisions with respect to recreational marijuana businesses is necessary and appropriate at this juncture of the process. However, the current course of permitting production and processing operations on resource lands providing they meet the resource management code is effective and sufficient. The restrictions with respect to the types of development activities that can occur are such that nothing would be permitted than can adversely impact the resource.

**DISCUSSION/CONCERNS**

Analysis of the zoning districts that currently permit the production and processing of marijuana reveal patterns of land use than can perhaps serve as a guide. The following table illustrates the zoning districts that currently allow production and processing, together with other pertinent development information. This includes if residential uses are permitted; if commercial uses, including small scale commercial agriculture are permitted; if collective gardens (growing and distributing of medical cannabis) are permitted; the floor to area ratio allowed; and the maximum permissible building size. Since some commercial activity is permitted in residential areas, limiting residential permitting to larger tracts of land might be considered in lieu of removing the use altogether. Hobby farms, including small scale commercial farms, are allowed in all rural residential areas. But what can be defined as “small scale” is, unfortunately, not conclusive and subject to the application of other portions of the code. The mixture of residential and commercial also exists in other districts that may equally accommodate the marijuana industry. However, in each non-residential district that permits residential uses, consideration should be given to similar restrictions as primarily residential districts by requiring that any marijuana operation is 100 feet away from any residence not on the subject parcel.
<table>
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<th>Zoning/Area</th>
<th>Residential</th>
<th>Commercial</th>
<th>Collective</th>
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*Floor Area Ratio/Max Square footage per acre; buildings not subject to size limitations are limited to total FAR.

**Recommendations**
The Board of County Commissioners has adopted a Moratorium on permitting activities associated
with the production and processing of recreational marijuana in all areas of the county with the exception of industrially zoned areas and agricultural resource lands. The information provided in this staff report is intended to give some general guidance regarding the zoning districts, together with more targeted specifics on permitting and vesting laws. Several groups have approached the County with an interest in taking advantage of the State’s new marijuana laws here in Mason County. Last November an Ordinance was adopted opening up several zoning districts to the cultivation and retail marketing of recreational marijuana as legalized under Initiative 502 and codified in RCW 69.50 and Chapter 314-55 WAC. Approximately 20 different individuals, groups, and businesses attended pre-application conferences with county staff to educate themselves on our regulations and to obtain application materials relevant to their proposals. The majority of those parties continued on with the county and secured permits as prescribed. Others choosing not to pursue their business, or not yet ready to submit application materials, are now prohibited from doing so under the current moratorium.

Recently, citizen concerns over the location of production business in a residential area have caused the Commissioners to temporarily stop accepting new applications and revisit the County’s approach to permitting development activities associated with the production and processing of recreational marijuana. The moratorium adopted is broad sweeping, and may, upon second look, need a scope of action. Allowing production and processing in residential areas seems to be the true crux of citizen concerns. However, the moratorium has been applied to nearly all zoning districts, as well as eligible resource lands. As a consequence, many would-be growers are concerned that their financial investments will be seriously impacted by their inability to move forward in the permitting process.

The Commissioners may utilize the information in this report, along with citizen testimony, to maintain, terminate, or revise the current moratorium. Maintaining the moratorium simply keeps the county on its current course of limited permitting opportunities while the Planning Commission makes a public solicitation for potential code revisions. Terminating the moratorium will remove the stopgap and allow the County to accept valid applications in all eligible districts, including residential. Revising the scope of the moratorium might provide a more flexible solution.

Staff would recommend revising the scope in lieu of terminating the moratorium, or maintaining it as is. With the possible exception of residential, the production and processing of marijuana is a compatible use in the zoning districts that currently allow it. Revising the scope to temporarily suspend permitting only in the residential areas may alleviate current pressures while at the same time allowing for meaningful discussions perhaps not previously had. It has been established that while attempts were made to solicit public opinion during the amendment process, very little was actually received. However, the permitting of an operation in a residential area has brought the current climate of citizen awareness to a fever pitch. The Commissioners may use this opportunity to engage more citizen input and bring forth new ideas and even potential compromises for a peaceful co-existence.
ORDINANCE NUMBER 43-14

AN ORDINANCE AMENDING ORDINANCE #32-14 REPEALING THE MORATORIUM AND DIRECTING THE PLANNING ADVISORY COMMISSION MAKE RECOMMENDATIONS FOR CODE AMENDMENTS WITHIN 90 DAYS

WHEREAS, the Board of County Commissioners ("Commissioners") adopted Ordinance #32-14 on July 1, 2014 enacting a zoning moratorium prohibiting the production and processing of marijuana, as allowed under RCW 69.50 (as amended) Chapter 314-55 WAC, in all zoning districts with the exception of Agricultural Resource Lands and Industrially zoned districts; and

WHEREAS, in compliance RCW 36.70A.390 the Commissioners held a public hearing within 60 days of the adoption of that moratorium; and

WHEREAS, the Commissioners do hereby repeal, rescind, or otherwise annul, the Moratorium immediately effective as of the date of this Ordinance; and

WHEREAS, the Commissioners further direct the Planning Advisory Commission shall, within 90 days of the date of this Ordinance or no later than October 20, 2014, make recommendation for amendments to Chapter 17.17 as it relates to the production and processing of marijuana in the rural residential zoning districts to specifically consider:

(a) Increasing buffers between operations and neighboring residential dwelling units from 100 feet to 250 feet; and

(b) Limiting Rural Residential 5 districts to allow Tier 1 level operations only; and

(c) Limiting Tier 2 and Tier 3 level operations in Rural Residential districts to parcels of 10 or more acres.

NOW THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby ordain as follows:

Section 1. Moratorium Repealed. Immediately effective as of the date of this Ordinance, the Moratorium adopted by Ordinance #32-14 is hereby repealed.

Section 2. Planning Advisory Commission. This Ordinance directs the Planning Advisory Commission shall, within 90 days and no later than October 20, 2014, make recommendations to the Commissioners amending Chapter 17.17 as it affects the rural residential districts.
Section 3. Washington Department of Commerce. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington Department of Commerce as required by law.

Dated this 22 day of July, 2014

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Tim Whitehead, Chief DPA

Terri Jeffreys, Chair

NAY

Tim Sheldon, Commissioner

Randy Neatherlin, Commissioner
ORDINANCE NUMBER 32-14

ADOPTION OF A MORATORIUM ON THE PRODUCTION AND PROCESSING OF RECREATIONAL MARIJUANA IN ALL ZONING DISTRICTS WITH THE EXCEPTION OF AGRICULTURAL RESOURCE LANDS AND INDUSTRIALLY ZONED DISTRICTS AS ESTABLISHED IN ORDINANCE #62-13, AND SETTING A PUBLIC HEARING PURSUANT TO RCW 36.70A.390

WHEREAS, the Board of County Commissioners ("Commissioners") adopted Ordinance #62-13 on November 12, 2013 adding Chapter 17.17 to the Mason County code allowing licensed producers, processors and retailers of recreational marijuana as permitted uses in some zoning districts; and

WHEREAS, the Commissioners are seeking to consider amendments to Chapter 17.17 in response to citizen concerns over the establishment of businesses that produce and process marijuana in or near residential areas; and

WHEREAS, RCW 36.70A.390 allows for the Commissioners to adopt a moratorium, whether or not a recommendation has been received from the Planning Commission, for a period of six months; and

WHEREAS, the Commissioners direct the Planning Advisory Commission to make recommendations for amendments to Chapter 17.17 as it relates to the production and processing of marijuana in all affected zoning districts;

WHEREAS, RCW 36.70A.390 requires that a public hearing be held within sixty (60) days of the adoption of this moratorium; and

NOW THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby ordain as follows:

SECTION 1. Moratorium Enacted. Pursuant to the provisions of RCW 36.70A.390, a zoning moratorium is hereby enacted in Mason County prohibiting the production and processing of marijuana, as allowed under RCW 69.50 (as amended) Chapter 314-55 WAC, in all zoning districts with the exception of Agricultural Resource Lands and Industrially zoned districts effective from the date of this Ordinance.

SECTION 2. Public hearing. A public hearing is set for July 22, 2014 at 6:30 p.m. in accordance with RCW 36.70A.390 to consider public testimony on the establishment of this Moratorium.

SECTION 3. Planning Advisory Commission. This Ordinance directs the Planning Advisory Commission to review and make recommendations to the Commissioners amendments to
Chapter 17.17 taking into consideration citizen concerns over the establishment of businesses that produce and process marijuana in all zoning districts and potential resource designated lands in Mason County.

SECTION 4. Washington Department of Commerce. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington Department of Commerce as required by law.

SECTION 5. Findings of Fact. The Board of County Commissioners hereby adopts the recitals set forth above as their Findings of Fact as required by RCW 36.70A.390.

SECTION 6. Termination of Moratorium. This moratorium shall be in force and effect for six (6) months from the date below, and terminating on January 1, 2015 unless extended by the Board of County Commissioners.

Dated this ______ day of ______, 2014

ATTEST:

[Signature]
Clerk of the Board

[Signature]
Terri Jeffreys, Chair

[Signature]
Tim Sheldon, Commissioner

[Signature]
Randy Neatherlin, Commissioner

BOARD OF COUNTY COMMISSIONERS
MASSON COUNTY, WASHINGTON

APPROVED AS TO FORM:

[Signature]
Tim Whitehead, Chief DPA