



Snohomish County Council

Committee: Planning & Community Development **Analyst:** Ryan Countryman
ECAF: 2022-0779
Proposal: Proposed Motion 22-337 **Date:** August 16, 2022

Consideration

Proposed Motion 22-337 would refer proposed code revisions related to marijuana retail to Planning and Development Services (PDS) and the Snohomish County Planning Commission for consideration and recommendation back to the County Council.

Background

Councilmember Mead asked council staff to prepare the current proposal for referral to PDS and the Planning Commission. As drafted, the ordinance would address gaps in code and changed circumstances related to retail marijuana sales.

The voters of the State of Washington passed Initiative 502 in November 2012, providing a framework for the legal production and sale of marijuana and related products. The County Council first adopted land use regulations for state-licensed marijuana facilities in 2013. Revisions to state and county requirements have taken place several times since then as the industry has evolved.

State requirements include a maximum number of marijuana retail locations in unincorporated Snohomish County. Snohomish County Code (SCC) Title 30 does not address what happens when Planning and Development Services (PDS) receives two or more permit applications for a marijuana retail use which may exceed the limit of marijuana retail facilities allowed. As the state limit was approached, in 2018, the PDS director of adopted PDS Director Rule 18-01 (Rule 18-01) in part to clarify and implement “first-in-time” provisions for siting of marijuana retail facilities when reaching the maximum number of locations.

Local requirements in Title 30 SCC included adoption of a 2500-foot separation requirement between marijuana retail locations. This distance of nearly ½ mile is the same in both urban and rural parts of the county. Marijuana retail was originally allowed in several commercial zones in 2013. This included the Clearview Rural Commercial (CRC) zone. However, in 2015, the County Council revised SCC 30.22.110 so that marijuana retail was no longer a permitted use in CRC zoning. This was in part on a finding that “the number of medical marijuana collective gardens in the Clearview area has increased to a level that has generated significant citizen concerns [and that] further increases in the concentration of

marijuana businesses, including licensed retailers, in that area would exacerbate the problem”.

Analysis

The proposed ordinance would make three types of changes:

1. The amendments would codify the first-in-time provisions in Rule 18-01. They would also address the potential circumstance where a permitted marijuana retail business might seek to move locations. The proposal gives existing permitted retail locations priority over prospective new business locations.
2. The distance separation in rural zones would increase to 10,000 feet (nearly two miles) in rural zones. This reflects the lower rural residential densities compared to urban areas. The intent is to respond to prior concerns about the concentration of marijuana businesses in rural areas.
3. Marijuana retail would become permitted in CRC zoning again through the conditional use permit process. This is the same process as now required for marijuana retail in other zones where that allow it.

Under the proposed motion, Council staff would work with PDS and other departments as necessary to refine the proposed ordinance in Exhibit A attached to the motion. Council staff would report back to the County Council providing a summary of the proposal. This may include additional findings and recommendations as appropriate to reflect refinements to the proposed changes resulting from the input process. The County Council would then consider taking further action.

Current Proposal

Summary: The motion would refer a proposed ordinance to the Planning Commission for input and a recommendation.

Effective Date: The referral would take effect at passage of the motion; the request is to receive input back from the Planning Commission by February 28, 2023.

Fiscal Implications: The referral of this motion would have no impact.

Scope: Movement of a motion to refer proposed code amendments.

Handling: NORMAL

Approved-as-to-form: N/A for the motion, TBD for the proposed ordinance.

Risk Management: TBD

Executive Recommendation: TBD

Request: Move to General Legislative Session August 24th for consideration.