

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 22-337

REFERRING PROPOSED CODE REVISIONS RELATING TO MARIJUANA RETAIL
TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES
AND THE SNOHOMISH COUNTY PLANNING COMMISSION

WHEREAS, the County Council wishes to obtain a recommendation from the Snohomish County Planning Commission regarding proposed code amendments regarding marijuana retail; and

WHEREAS, code revisions are Type 3 legislative actions pursuant to Chapter 30.73 SCC; and

WHEREAS, SCC 30.73.040 provides that the Planning Commission shall hold a public hearing on a Type 3 proposal referred to it by the county council within 90 days or within a time specified by the County Council; and

WHEREAS, the County Council requests a prompt review of the proposed code amendments by the Planning Commission, but wishes to provide flexibility in timing in recognition of the Planning Commission's existing workload; and

WHEREAS, experts with relevant expertise in implementing the permitting process are in the department of Planning and Development Services (PDS); and

WHEREAS, the subject matter experts in PDS or other logical departments could offer suggestions to improve the proposed amendments; and

WHEREAS, the logical time for input from PDS and others would be prior to Planning Commission consideration of the proposed amendments;


NOW, THEREFORE, ON MOTION, the County Council hereby refers the potential code revisions, attached as "Exhibit A", to the Department of Planning and Development Services (PDS) for action as follows:

1. Pursuant to chapters 2.08 and 30.73 SCC, the County Council refers the potential code revisions to the Director of PDS acting in the capacity of Secretary to the Snohomish County Planning Commission for its review, consideration, and a recommendation to the Council.
2. As provided in SCC 30.73.045, the County Council will be the department responsible for preparing a report summarizing the proposal for transmittal to the Planning Commission and that Council staff is hereby directed to seek and include information from other departments including from PDS in the report to Planning Commission.

3. The County Council requests that a public hearing be held before the Planning Commission and a recommendation be provided to the County Council prior to February 28, 2023.

DATED this 24th day of August, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Asst. Clerk of the Council

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO MARIJUANA RETAIL

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 22- [REDACTED]

RELATING TO GROWTH MANAGEMENT; REVISING REGULATIONS FOR MARIJUANA RETAIL FACILITIES LICENSED UNDER STATE LAW; AMENDING EXISTING SECTIONS IN CHAPTERS 30.22 AND 30.28 OF THE SNOHOMISH COUNTY CODE

WHEREAS, the Growth Management Act (GMA) contains fourteen goals, of which Goal 2 relates to permits and says that “[a]pplications for both state and local government permits should be processed in a timely and fair manner to ensure predictability”; and

WHEREAS, Article XI, Section 11 of the Washington Constitution provides that any county may “make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws,” which grants counties jurisdiction over land use issues like zoning; and

WHEREAS, in the zoning regulations of Snohomish County Code (SCC) Title 30, certain uses are “permitted uses” in chapter 30.22 SCC which means that they can be approved administratively, meanwhile other uses are “conditional uses” which require additional process and a public hearing; and

WHEREAS, Snohomish County first adopted a GMA comprehensive plan in 1996 which includes policies in an element known as the General Policy Plan (GPP) and has updated the GPP periodically since that time; and

WHEREAS, GPP Goal ED-2 says that the County should “[p]rovide a planning and regulatory environment which facilitates growth of the local economy”; and

WHEREAS, GPP Policy ED 2.A.3 requires that to “ensure timeliness, responsiveness, and increased efficiency, the county shall develop and maintain a program of periodic review of the permitting process to eliminate unnecessary administrative procedures that do not respond to legal requirements for public review and citizen input”; and

WHEREAS, the voters of the State of Washington passed Initiative 502 in November 2012, providing a framework under which marijuana producers, processors, and retailers can become licensed by the State of Washington; and

ORDINANCE NO. 22- [REDACTED]
RELATING TO GROWTH MANAGEMENT; REVISING REGULATIONS FOR MARIJUANA RETAIL FACILITIES LICENSED UNDER STATE LAW; AMENDING EXISTING SECTIONS IN CHAPTERS 30.22 AND 30.28 OF THE SNOHOMISH COUNTY CODE

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO MARIJUANA RETAIL

WHEREAS, the Snohomish County Council (“County Council”) first adopted land-use regulations for state-licensed marijuana facilities in Amended Ordinance 13-086 effective November 28, 2013; and

WHEREAS, under Amended Ordinance 13-086 marijuana retail became a permitted use in Business Park (BP), Clearview Rural Commercial (CRC), Community Business (CB), General Commercial (GC), Heavy Industrial (HI), Light Industrial (LI), Neighborhood Business (NB), Planned Community Business (PCB), Rural Business (RB) and Urban Center (UC) zoning; and

WHEREAS, the Washington State Legislature enacted the Cannabis Patient Protection Act on April 24, 2015 (Laws of 2015, ch. 70), revising state law concerning medical and recreational marijuana in chapters 69.50 and 69.51A RCW; and

WHEREAS, following an analysis estimating the size of the medical cannabis marketplace in Washington State, the Washington State Liquor and Cannabis Board (WSLCB) increased the allocation of retail licenses in unincorporated Snohomish County from 16 to 32; and

WHEREAS, the WSLCB has continued to review applications and issue licenses for marijuana retail facilities in unincorporated Snohomish County; and

WHEREAS, in Amended Ordinance 15-009 effective June 15, 2015, the County Council revised SCC 30.22.110 so that marijuana retail was no longer a permitted use in CRC zoning, 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”; and

WHEREAS, in response to concerns about negative impacts to communities resulting from clusters of multiple state-licensed marijuana retail facilities located in close proximity to each other, the County Council enacted, by Emergency Ordinance No. 16-051, an interim official zoning control under RCW 36.70A.390 removing the marijuana retail use as a permitted use in all zones on June 22, 2016; and

WHEREAS, the County Council conducted a public hearing on Emergency Ordinance No. 16-051 on August 10, 2016; and

WHEREAS, the County Council referred several potential options for permanent regulations on marijuana retail uses to the Snohomish County Planning Commission (“Planning Commission”) for review and consideration; and

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WHEREAS, the Planning Commission was briefed by county staff on August 23, 2016 and September 27, 2016, and held a public hearing on September 27, 2016; and

WHEREAS, at the conclusion of the Planning Commission public hearing, the commission deliberated on the several options and was unable to provide a recommendation as shown in its recommendation letter dated September 28, 2016 and received by the County Council on October 19, 2016; and

WHEREAS, with no recommendation available from the Planning Commission, the matter of marijuana retail regulations was transmitted back to the County Council without a proposed ordinance; and

WHEREAS, the County Council discussed marijuana retail regulations on July 5, 2016, and August 2, 2016, and held a public hearing on August 10, 2016; and

WHEREAS, on December 14, 2016, the County Council adopted Emergency Ordinance No. 16-123, extending the interim official control removing marijuana retail uses as a permitted use in all zones for an additional three months, to March 14, 2017; and

WHEREAS, on February 15, 2017, the County Council adopted Amended Ordinance 17-006 which became effective on March 13, 2017, and made marijuana retail a conditional use in BP, CB, GC, HI, LI, NB, PCB, RB and UC zoning; and

WHEREAS, to explain the reasoning for making marijuana retail a conditional use instead of a permitted use, the County Council found that a conditional use permit will enable “residents and members of the surrounding community to provide input on any issues related to the proposed use and provides an opportunity for the county to establish conditions” to “maintain compatibility with neighboring uses”; and

WHEREAS, because code adopted in Title 30 SCC had not addressed the issue, on January 26, 2018, the Director of Snohomish County Planning and Development Services (PDS) adopted PDS Director Rule 18-01 (Rule 18-01) to clarify and implement “first-in-time” provisions for siting of marijuana retail facilities in the event that PDS receives two or more conditional use permit applications for a marijuana retail use which may violate the separation requirements or exceed the limit of marijuana retail facilities allowed; and

WHEREAS, the Washington State Legislature enacted changes regarding compliance and enforcement of marijuana licenses on July 28, 2019, which included new findings that in “the years since the creation of a legal and regulated marketplace for adult use of cannabis, the industry, stakeholders, and stage agencies have collaborated to develop a safe, fully regulated marketplace” and that the “risk taking entrepreneurs who are trying to comply with board regulations should not face punitive

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consequences for mistakes made during this initial phase of the industry that did not pose a direct threat to public health and safety” [2019 c 394 § 1.]; and

WHEREAS, on [Date, Month, Year], the Snohomish County Planning Commission (“Planning Commission”) held a public hearing to receive public testimony concerning the code amendments contained in this ordinance; and

WHEREAS, at the conclusion of the Planning Commission’s public hearing, the Planning Commission recommended adoption of the code amendments contained in this ordinance; and

WHEREAS, on [Date, Month, Year], the County Council held a public hearing after proper notice, and considered public comment and the entire record related to the code amendments contained in this ordinance; and

WHEREAS, following the public hearing, the County Council deliberated on the code amendments contained in this ordinance;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council adopts the following findings in support of this ordinance:

- A. The foregoing recitals are adopted as findings as if set forth in full herein.
- B. The County Council made the following findings of fact in support of this ordinance.
- C. This ordinance will amend Title 30 of Snohomish County Code (SCC) to update development regulations related to marijuana retail. The proposed amendments seek to:
 1. Respond to the findings made by the State Legislature in 2019 suggesting that the marijuana businesses in general, which includes marijuana retailers, has become a “safe, fully regulated” industry which “should not face punitive consequences for mistakes made during [the] initial phase of the industry” after decriminalization and that marijuana businesses “do not pose a direct threat to public health and safety.”
 2. Change the approval process for marijuana retail in CRC zoning so that it is a conditionally permitted use the same as in BP, CB, CRC, GC, HI, LI, NB, PCB, RB and UC zoning.
 3. Add a new provision to limit the total number of operating marijuana retail stores in CRC zoning to one, to maintain the intent of previous actions that sought to avoid concentrating of such businesses in the area.

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4. Codify the first-in-time provisions of Rule 18-01 and to also address the potential circumstance where a permitted marijuana retail business might seek to move locations.
- D. In developing the proposed code amendments, the County considered the goals of the GMA. This ordinance is consistent with GMA Goal 5: "Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans", with GMA Goal 7: "Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability" and because it clarifies the process for obtaining approval for marijuana retail businesses. The State Legislature no longer considers such businesses to be a threat to public health and safety.
 - E. In addition to the policies cited above, the proposed amendments will better achieve, comply with, and implement the following goals, objectives, and policies contained in the county's GMACP.
 - a. Land Use Policy LU 6.H.1: "Recognize the existing commercial and residential settlement pattern in the area [with CRC zoning as providing] retail goods and services to the immediate population and a larger surrounding service area..." Retail goods, including marijuana, sold in the CRC zone principally serve the needs to the immediate population and surrounding area.
 - b. Land Use Policy LU 6.4.H: "Rural residents should have access to a mix of small scale retail sales, personal services, and job opportunities within the CRC designation" and zone. By making marijuana retail a permitted use in CRC again, local residents will potentially have access to a wider mix of retail services.
 - F. Regarding both prior specific concerns about concentrating too many marijuana retail uses in the CRC-zoned areas and ongoing considerations about how concentrations of marijuana retail uses in rural areas may impact rural areas more generally, the County Council makes two additional findings:
 - a. The development by PDS of Rule 18-01 in 2018 indicates that PDS determined that applications for marijuana retail either had or would soon reach the maximum of 32 locations in unincorporated Snohomish County and that this is likely still the case.
 - b. It is appropriate for marijuana retail uses in heavily populated urban areas to be more densely concentrated than in rural areas where population densities are lower.
 - i. An existing requirement in SCC 30.28.120(2) currently applies to all marijuana retail locations and states that "a marijuana retail use shall not be located within 2,500 feet of another marijuana retail use". This creates

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a minimum separation requirement of almost ½ mile between marijuana retail locations. Most of the zones that currently allow marijuana retail are urban zones (BP, CB, CRC, GC, HI, LI, NB, PCB, and UC). For these urban zones, the 2,500-foot rule provides the minimum separation an allows an appropriate level of concentration in urban areas.

- ii. For RB and CRC zoning, both of which appears only outside of urban areas, a larger separation of 10,000 feet, or nearly 2 miles, would be appropriate to prevent over concentration of marijuana retail uses in rural areas.
- iii. Requirement of a conditional use permit for marijuana retail in CRC zoning would afford the same opportunity for a public hearing and input from neighbors as code requires for marijuana retail in other zones.

G. Procedural requirements.

- a. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
- b. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to the Washington State Department of Commerce for distribution to state agencies on [Date, Month, Year], and assigned Material ID No. [REDACTED].
- c. State Environmental Policy Act (SEPA) requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a Determination of Nonsignificance (DNS) on [Date, Month, Year].
- d. The public participation process used in the adoption of this ordinance has complied with all applicable requirements of the GMA and the SCC.
- e. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in December of 2015 entitled “Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property” to help local governments avoid the unconstitutional taking of private property. Snohomish County used the process outlined in the State Attorney General’s 2015 advisory in objectively evaluating the regulatory changes proposed by this ordinance.

Section 2. The Snohomish County Council makes the following conclusions:

- A. The proposal is consistent with the goals, objectives and policies of the GPP.
- B. The proposal is consistent with Washington State law and the SCC.

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C. The County has complied with all SEPA requirements in respect to this non-project action.

D. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.

Section 3. The Snohomish County Council bases its findings and conclusions on the entire record of the county council, including all testimony and exhibits. Any finding, which should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

Section 4. Snohomish County Code 30.22.110, last amended by Amended Ordinance No. 21-018 on June 9, 2021, is amended to read: [Note that the table below may change during the development of this ordinance because of unrelated amendments that will need to be reflected in a final ordinance.]

SCC 30.22.110 Rural and Resource Zone Categories Use Matrix

TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB ²⁶	CRC	RFS	RI	F	F&R	A-10	MC
Accessory Dwelling Unit ⁶²	P	P	P	P	P			P	P	P	P
Agriculture ^{41, 107}	P	P	P	P	P	P	P	P	P	P	P
Airport: Stage 1 Utility ¹	C	C	C ¹¹⁵					C			
Antique Shop	C		C ^{45, 115}	P ⁷⁹	P						
Art Gallery ⁴¹	C		C ¹¹⁵	P ⁷⁹	P						
Asphalt Batch Plant & Continuous Mix Asphalt Plant											P
Auto Repair, Major							P				
Auto Repair, Minor				P	P	P	P				
Auto Towing	C		C								
Auto Wrecking and Junkyards							A ⁴⁴				
Bakery, Farm ⁹⁷	P	P	P	P			P		P	P	
Bed and Breakfast Guesthouse ⁵⁸	P		P ¹¹⁵	P				P	P	P	

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TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB ²⁶	CRC	RFS	RI	F	F&R	A-10	MC
Bed and Breakfast Inn 58	P		P ¹¹⁵	P				P	P	P	
Boarding House	P ¹⁵	P ¹⁵	P ^{15, 115}					P ¹⁵		P ¹⁵	
Boat Launch, Commercial ³¹		C							C		
Boat Launch, Non-commercial ³¹	C		C	C				C	C		
Campground								A ^{32,127}	C ³²		
Caretaker’s Quarters	P		C	P			P				P
Cemetery and Funeral Home	P		C ¹¹⁵								
Church ^{41, 129}	P		C ¹¹⁵	C ³⁶	P						
Clubhouse	C		C ¹¹⁵	P	P ¹³³						
Commercial Vehicle Home Basing			C ³³								
Commercial Vehicle Storage Facility				P	P	P	P				
Community Facilities for Juveniles ¹⁰³											
1 to 8 residents			P ^{102, 115}	P	P						
9 to 24 residents			S ^{103, 115}	P	P						
Construction Contracting				P ^{80, 81}							
Dams, Power Plants, & Associated Uses									P		
Day Care Center ^{2, 129}	P		C ¹¹⁵	P	P	P					

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TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB ²⁶	CRC	RFS	RI	F	F&R	A-10	MC
Distillation of Alcohol	C ³⁴		C ³⁴ , 115							C ³⁴	
Dock & Boathouse, Private, Non-commercial ^{3, 41}	P	P	P	P				P	P	P	
Dwelling, Duplex	P	P	P					P		P	
Dwelling, Mobile Home	P	P	P		P ⁶			P	P	P	P
Dwelling, Single Family	P	P	P		P			P	P	P	P
Equestrian Center ^{41, 70, 72}	P	C	C ¹¹⁵					C	P	C ⁷⁰	
Excavation & Processing of Minerals ²⁸	A, C	A, C	A, C				A, C	A, P, C	A, C		A, C
Explosives, Storage	C	C	C				C	P	C		C
Family Day Care Home ^{8, 130}	P		P ¹¹⁵	P	P			P		P	
Farm Product Processing											
Up to 5,000 sq ft	P	P	P ¹¹⁵	P			P	P		P	
Over 5,000 sq ft ⁹⁴	A	A	A ¹¹⁵	A			A	A		A	
Farm Support Business ⁹⁴	A	A	A ¹¹⁵	A			P			A	
Farm Stand											
Up to 400 sq ft ⁹	P	P	P ¹⁰⁰ , 115	P	P	P	P	P	P	P	P
401 - 5,000 sq ft ^{99, 100}	P	P	P, A ¹⁰⁰	P	P	P	P	P	P	P	
Farm Workers Dwelling										P ¹⁰	
Farmers Market ⁹³	P	P	P ¹⁰¹ A 101, 115	P	P	P	P			P	

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TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB ²⁶	CRC	RFS	RI	F	F&R	A-10	MC
Farmland Enterprises 95		A	A ¹¹⁵							A	
Fish Farm	P	P	P ¹¹⁵					P	P	P	
Forestry	P	P	P				P	P	P	P	P
Forestry Industry Storage & Maintenance Facility	P ³⁰	P					P	P	P		
Foster Home	P	P	P	P				P		P	
Fuel Yard ⁴³							P				
Garage, Detached Private Accessory ⁶⁰											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 - 4,000 sq ft on More than 3 Acres ^{41, 59}	P	P	P	P	P	P	P	P	P	P	P
2,401 - 4,000 sq ft on Less than 3 acres ^{41, 59}	A	A	A	A	A	A	A	A	A	A	A
4,001 sq ft and Greater ^{41, 59}	C	C	C		C	C	C	C	C	C	C
Garage, Detached Private Non-accessory ⁶⁰											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 sq ft and greater ^{41, 59}	C	C	C	C	C	C	C	C	C	C	C
Golf Course, Driving Range and Country Club	C		C ¹¹⁵	P						C ⁷⁴	
Government Structures & Facilities 27, 41	C	C	C ¹¹⁵	C	P		C	C	C		C
Greenhouse, Lath House, Nurseries	P	P	P ¹¹⁵	P	P		P	P		P	

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TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB ²⁶	CRC	RFS	RI	F	F&R	A-10	MC
Guest House ⁸⁵	P	P	P	P				P	P	P	
Hazardous Waste Storage & Treatment Facilities Onsite ⁶⁵	P			P		P	P	P	P		
Health and Social Service Facility ⁹⁰											
Level I	P	P	P ¹¹⁵	P	P			P	P		P
Level II ^{41, 91, 129}			C ¹¹⁵	C							
Level III											
Home Occupation ¹¹	P	P	P	P	P			P	P	P	P
Homestead Parcel ⁴⁰	C		C ¹¹⁵							C	
Hotel/Motel				P		P					
Kennel, ⁴¹ Commercial ^{12, 130}	P	P	P ¹¹⁵					P		C	
Kennel, ⁴¹ Private-Breeding ¹³	P	P	P					P		P	
Kennel, ⁴¹ Private-Non-Breeding ¹³	P	P	P	P				P		P	
Kitchen, farm	P	P	P	P			P			P	
Laboratory				P			P				
Library ⁴¹	C		C ¹¹⁵	P							
Livestock Auction Facility	C ⁴⁸		C ^{48, 115}		P		P			C ⁴⁸	
Lumber Mill	C ²⁶	C ²⁶	C ^{26, 115}				P	P	P		
Lumberyard							P				
Manufacturing - All Other Forms Not Specifically Listed ⁸³				C			C				
Marijuana Processing ^{124, 131}							P			P	
Marijuana Production ^{124, 131}							P			P	

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TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB ²⁶	CRC	RFS	RI	F	F&R	A-10	MC
Marijuana Retail ^{131, 132}				C	<u>C</u>						
Mini-equestrian Center 41, 72	P	P	P ¹¹⁵	P			P	P	P	P ⁷¹	
Mini Self-Storage				P		P	P				
Model Hobby Park ^{75, 130}			A ¹¹⁵							A	
Model House/Sales Office	P	P	P ¹¹⁵					P	P		
Motocross Racetrack 129			C ¹¹³						C ¹¹³		
Museum ^{41, 130}	C		C ¹¹⁵	P						C ⁶¹	
Neighborhood Services				P	P ¹³³						
Office and Banking				P	P ¹³³						
Off-road vehicle use area, private									C ¹⁰⁹		
Park, Public ^{14, 130}	P	P	P	P	P		P	P	P	P	P
Park-and-Pool Lot				P	P	P	P				
Park-and-Ride Lot	C	C	C	P		P		C	C		
Personal Wireless Service Facilities ^{27, 41, 104, 106, 130}	C	C	C	C	C	C	C	C	C	C	C
Public Events/Assemblies on Farmland ⁹⁶										P	
Race Track ^{24, 41, 129}			C ¹¹⁵								
Railroad Right-of-way	C	C	C ¹¹⁵		P		P	C	C	C	C
Recreational Facility Not Otherwise Listed 98	C		C ¹¹⁵		P		P ⁷⁹	A, C ¹²⁷	A, C ¹²⁷	C	
Recreational Vehicle ¹⁹	P	P	P					P	P	P	
Recreational Vehicle Park									C		

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TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB ²⁶	CRC	RFS	RI	F	F&R	A-10	MC
Resort									C		
Restaurant				P ⁸⁰	P	P					
Retail, General				P	P ¹³³	P ⁸⁰					
Rural Industries ⁴¹	P ²⁵										
Sanitary Landfill ¹²⁹	C	C	C ¹¹⁵					C			C
Schools											
K-12 & Preschool ^{41, 68, 129}	C		C ¹¹⁵	P							
College ^{41, 68}	C		C ¹¹⁵								
Other ^{41, 68}				C			C				
Service Station ⁴¹				P	P	P					
Shooting Range ⁹²	C	C	C					C			
Sludge Utilization ³⁹	C	C, P ⁵⁰	C ¹¹⁵					C		C	C ⁵⁶
Small Animal Husbandry ⁴¹	P		P		P			P	P	P	P
Small Workshop				P			P				
Stables	P	P	P	P			P	P	P	P	
Stockyard or Slaughter House ¹²⁹							C ⁴⁸				
Storage, Retail Sales Livestock Feed			P ^{54, 115}	P			P			P	
Storage Structure, Accessory ⁶⁰											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 - 4,000 sq ft on More than 3 Acres ^{41, 59}	P	P	P	P	P	P	P	P	P	P	P
2,401 - 4,000 sq ft on Less than 3 acres ^{41, 59}	A	A	A	A	A	A	A	A	A	A	A
4,001 sq ft and Greater ^{41, 59}	C	C	C		C	C	C	C	C	C	C

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	RD	RRT-10	R-5	RB ²⁶	CRC	RFS	RI	F	F&R	A-10	MC
Storage Structure, Non-accessory ⁶⁰											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 sq ft and greater ^{41, 59}	C	C	C	C	C	C	C	C	C	C	C
Studio ⁴¹	C ⁷⁷		C ^{77, 115}								
Supervised Drug Consumption Facility											
Swimming/Wading Pool ^{17, 41}	P	P	P					P	P	P	P
Temporary Dwelling During Construction	A	A	A	A	A	A	A	A	A	A	A
Temporary Dwelling For Relative ¹⁸	A	A	A					A	A	A	A
Temporary Logging Crew Quarters								P	P		
Temporary Residential Sales Coach ⁷³	A		A ¹¹⁵								
Transit Center	C	C	C ¹¹⁵	P		P		C	C		
Ultralight Airpark ²⁰	C	C	C ¹¹⁵					C			
Utility Facilities, Electromagnetic Transmission & Receiving Facilities ^{27, 129}	C	C	C	C	P	C	P	C	C	C	C
Utility Facilities, Transmission Wires or Pipes & Supports ²⁷	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities - All Other Structures ^{27, 41, 130}	C	C	C	C	P	C	P	C	C	C	C
Vehicle, Vessel and Equipment Sales and Rental					P ²³						

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TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB ²⁶	CRC	RFS	RI	F	F&R	A-10	MC
Veterinary Clinic	P		C ¹¹⁵	P	P					C	
Warehouse							P				
Wedding Facility ^{87, 130}		P	P ¹¹⁵							P	
Woodwaste Recycling and Woodwaste Storage	A ⁶³	C ⁵⁷	C ⁵⁷				A ⁶³	A ⁶³			
P - Permitted Use	A blank box indicates a use is not allowed in a specific zone. Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.										
A - Administrative Conditional Use											
C - Conditional Use											
S - Special Use											

Section 5. Snohomish County Code 30.28.120, last amended by Amended Ordinance No. 17-006 on February 15, 2017, is amended to read:

30.28.120 Marijuana Retail Requirements.

(1) A marijuana retail use shall not be located within 1,000 feet of the perimeter of the grounds of any primary or secondary school or any property owned by a school district and identified in a six-year capital facility plan for construction of a primary or secondary school.

(2) ~~((A))~~In urban zones, a marijuana retail use shall not be located within 2,500 feet of another marijuana retail use. In rural and resource zones, a marijuana retail use shall not be located within 10,000 feet of another marijuana retail use. Compliance with ~~((this))~~these separation requirements shall be determined by measuring the distance horizontally following the shortest straight line from the property line where a state-licensed marijuana retailer is located to the property line of any property, regardless of jurisdiction, where another state-licensed marijuana retailer is located.

(a) Legal nonconforming marijuana retail uses in existence on or before June 21, 2016, are exempt from ~~((this))~~the separation requirements.

(b) An application for a marijuana retail use submitted to the county after March 13, 2017, is exempt from ~~((this))~~the separation requirements when the following conditions have been met:

(i) The county received a Notice of Marijuana License Application for that location, site, or tax parcel from the Washington State Liquor and Cannabis Board on or

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before June 21, 2016, and the county did not issue a written objection to the Notice of Marijuana License Application; and

(ii) No marijuana retail use existed on the site proposed in the application for a marijuana retail use to the county at any time between June 22, 2016, and March 13, 2017.

(c) An application for a marijuana retail use submitted to the county after March 13, 2017, is exempt from ~~((this))~~the separation requirements when the following conditions have been met:

(i) The applicant owned real property that included the site proposed in the application or signed a lease for the site proposed in the application on or before June 21, 2016; and

(ii) The applicant previously operated a medical marijuana collective within the county; and

(iii) No marijuana retail use existed on the site proposed in the application for a marijuana retail use to the county at any time between June 22, 2016, and March 13, 2017.

(3) No more than 32 state-licensed marijuana retail facilities shall be allowed in unincorporated Snohomish County.

(4) An applicant for a new marijuana retail location shall provide evidence that there are less than 32 state-licensed marijuana retail facilities in unincorporated Snohomish County as set forth subsection (3). The applicant shall also provide evidence that the location identified in the permit application satisfies the requirements set forth in subsections (1) and (2).

(5) If there are already 32 state-licensed marijuana retail facilities in unincorporated Snohomish County, an applicant who wishes to move a permitted retail location to a new location may provide documentation of their intent to vacate the original location. The hearing examiner shall condition approval and occupancy of the new location on verification that the previous location is no longer in use. The applicant shall provide evidence that the location identified in the permit application satisfies the distance requirements from schools and from other state-licensed marijuana retailers as set forth in subsections (1), (2) and, if applicable, (4).

(6) In the event that two or more retail marijuana facilities are proposed to be located within 2,500 feet from each other in urban zones or 10,000 feet from each other in rural zones, or there is the potential to exceed the limit of 32 state-licensed marijuana retail facilities for unincorporated Snohomish County, the Department shall consider “first-in-time” the applicant who has priority to site a marijuana retail use. A priority applicant shall have its permit application processed by the Department based on the following criteria:

(i) First to submit a complete application for a new permit based on the date and time of submittal to the Department. An applicant looking to move locations has priority over an applicant looking to establish a new location.

(ii) In the event two or more permit applications are submitted to the Department and determined to be complete on the same date and time, a “first-in-time” determination will be based on the date and time the Washington State Liquor and Cannabis Board issued a license or conditional license, for the marijuana retail use.

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Section 6. Effective date and implementation. This ordinance shall take effect 15 days following adoption by the County Council. The Snohomish County Department of Planning and Development Services is authorized to take such actions as may be necessary to implement this ordinance on its effective date.

Section 7. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

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PASSED this _____ day of _____, 20__.

SNOHOMISH COUNCIL
Snohomish, Washington

Council Chair

ATTEST:

Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE:

County Executive

ATTEST:

Approved as to form only:

Deputy Prosecuting Attorney