

1 Adopted:  
2 Effective:

3  
4 SNOHOMISH COUNTY COUNCIL  
5 Snohomish County, Washington

6  
7 ORDINANCE NO. 22-          

8  
9 RELATING TO GROWTH MANAGEMENT; REVISING REGULATIONS FOR  
10 MARIJUANA RETAIL FACILITIES LICENSED UNDER STATE LAW; AMENDING  
11 EXISTING SECTIONS IN CHAPTERS 30.22 AND 30.28 OF THE SNOHOMISH  
12 COUNTY CODE  
13

14  
15 WHEREAS, the Growth Management Act (GMA) contains fourteen goals, of which  
16 Goal 2 relates to permits and says that “[a]pplications for both state and local government  
17 permits should be processed in a timely and fair manner to ensure predictability”; and  
18

19 WHEREAS, Article XI, Section 11 of the Washington Constitution provides that any  
20 county may “make and enforce within its limits all such local police, sanitary and other  
21 regulations as are not in conflict with general laws,” which grants counties jurisdiction over  
22 land use issues like zoning; and  
23

24 WHEREAS, in the zoning regulations of Snohomish County Code (SCC) Title 30,  
25 certain uses are “permitted uses” in chapter 30.22 SCC which means that they can be  
26 approved administratively, meanwhile other uses are “conditional uses” which require  
27 additional process and a public hearing; and  
28

29 WHEREAS, Snohomish County first adopted a GMA comprehensive plan in 1996  
30 which includes policies in an element known as the General Policy Plan (GPP) and has  
31 updated the GPP periodically since that time; and  
32

33 WHEREAS, GPP Goal ED-2 says that the County should “[p]rovide a planning and  
34 regulatory environment which facilitates growth of the local economy”; and  
35

1           WHEREAS, GPP Policy ED 2.A.3 requires that to “ensure timeliness,  
2 responsiveness, and increased efficiency, the county shall develop and maintain a program  
3 of periodic review of the permitting process to eliminate unnecessary administrative  
4 procedures that do not respond to legal requirements for public review and citizen input”;  
5 and  
6

7           WHEREAS, the voters of the State of Washington passed Initiative 502 in November  
8 2012, providing a framework under which marijuana producers, processors, and retailers  
9 can become licensed by the State of Washington; and  
10

11           WHEREAS, the Snohomish County Council (“County Council”) first adopted land-  
12 use regulations for state-licensed marijuana facilities in Amended Ordinance 13-086  
13 effective November 28, 2013; and  
14

15           WHEREAS, under Amended Ordinance 13-086 marijuana retail became a permitted  
16 use in Business Park (BP), Clearview Rural Commercial (CRC), Community Business (CB),  
17 General Commercial (GC), Heavy Industrial (HI), Light Industrial (LI), Neighborhood  
18 Business (NB), Planned Community Business (PCB), Rural Business (RB) and Urban  
19 Center (UC) zoning; and  
20

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

25           WHEREAS, following an analysis estimating the size of the medical cannabis  
26 marketplace in Washington State, the Washington State Liquor and Cannabis Board  
27 (WSLCB) increased the allocation of retail licenses in unincorporated Snohomish County  
28 from 16 to 32; and  
29

30           WHEREAS, the WSLCB has continued to review applications and issue licenses for  
31 marijuana retail facilities in unincorporated Snohomish County; and  
32

33           WHEREAS, in Amended Ordinance 15-009 effective June 15, 2015, the County  
34 Council revised SCC 30.22.110 so that marijuana retail was no longer a permitted use in  
35 CRC zoning, in part on a finding that “the number of medical marijuana collective gardens in  
36 the Clearview area has increased to a level that has generated significant citizen concerns

1 [and that] further increases in the concentration of marijuana businesses, including licensed  
2 retailers, in that area would exacerbate the problem”; and  
3

4 WHEREAS, in response to concerns about negative impacts to communities  
5 resulting from clusters of multiple state-licensed marijuana retail facilities located in close  
6 proximity to each other, the County Council enacted, by Emergency Ordinance No. 16-051,  
7 an interim official zoning control under RCW 36.70A.390 removing the marijuana retail use  
8 as a permitted use in all zones on June 22, 2016; and  
9

10 WHEREAS, the County Council conducted a public hearing on Emergency  
11 Ordinance No. 16-051 on August 10, 2016; and  
12

13 WHEREAS, the County Council referred several potential options for permanent  
14 regulations on marijuana retail uses to the Snohomish County Planning Commission  
15 (“Planning Commission”) for review and consideration; and  
16

17 WHEREAS, the Planning Commission was briefed by county staff on August 23,  
18 2016 and September 27, 2016, and held a public hearing on September 27, 2016; and  
19

20 WHEREAS, at the conclusion of the Planning Commission public hearing, the  
21 commission deliberated on the several options and was unable to provide a  
22 recommendation as shown in its recommendation letter dated September 28, 2016 and  
23 received by the County Council on October 19, 2016; and  
24

25 WHEREAS, with no recommendation available from the Planning Commission, the  
26 matter of marijuana retail regulations was transmitted back to the County Council without a  
27 proposed ordinance; and  
28

29 WHEREAS, the County Council discussed marijuana retail regulations on July 5,  
30 2016, and August 2, 2016, and held a public hearing on August 10, 2016; and  
31

32 WHEREAS, on December 14, 2016, the County Council adopted Emergency  
33 Ordinance No. 16-123, extending the interim official control removing marijuana retail uses  
34 as a permitted use in all zones for an additional three months, to March 14, 2017; and  
35

1           WHEREAS, on February 15, 2017, the County Council adopted Amended Ordinance  
2 17-006 which became effective on March 13, 2017, and made marijuana retail a conditional  
3 use in BP, CB, GC, HI, LI, NB, PCB, RB and UC zoning; and  
4

5           WHEREAS, to explain the reasoning for making marijuana retail a conditional use  
6 instead of a permitted use, the County Council found that a conditional use permit will  
7 enable “residents and members of the surrounding community to provide input on any  
8 issues related to the proposed use and provides an opportunity for the county to establish  
9 conditions” to “maintain compatibility with neighboring uses”; and  
10

11           WHEREAS, because code adopted in Title 30 SCC had not addressed the issue, on  
12 January 26, 2018, the Director of Snohomish County Planning and Development Services  
13 (PDS) adopted PDS Director Rule 18-01 (Rule 18-01) to clarify and implement “first-in-time”  
14 provisions for siting of marijuana retail facilities in the event that PDS receives two or more  
15 conditional use permit applications for a marijuana retail use which may violate the  
16 separation requirements or exceed the limit of marijuana retail facilities allowed; and  
17

18           WHEREAS, the Washington State Legislature enacted changes regarding  
19 compliance and enforcement of marijuana licenses on July 28, 2019, which included new  
20 findings that in “the years since the creation of a legal and regulated marketplace for adult  
21 use of cannabis, the industry, stakeholders, and stage agencies have collaborated to  
22 develop a safe, fully regulated marketplace” and that the “risk taking entrepreneurs who are  
23 trying to comply with board regulations should not face punitive consequences for mistakes  
24 made during this initial phase of the industry that did not pose a direct threat to public health  
25 and safety” [2019 c 394 § 1.]; and  
26

27           WHEREAS, on [Date, Month, Year], the Snohomish County Planning Commission  
28 (“Planning Commission”) held a public hearing to receive public testimony concerning the  
29 code amendments contained in this ordinance; and  
30

31           WHEREAS, at the conclusion of the Planning Commission’s public hearing, the  
32 Planning Commission recommended adoption of the code amendments contained in this  
33 ordinance; and  
34

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

1  
2 WHEREAS, following the public hearing, the County Council deliberated on the code  
3 amendments contained in this ordinance;

4  
5 NOW, THEREFORE, BE IT ORDAINED:

6  
7 **Section 1.** The County Council adopts the following findings in support of this  
8 ordinance:

- 9  
10 A. The foregoing recitals are adopted as findings as if set forth in full herein.  
11  
12 B. The County Council made the following findings of fact in support of this ordinance.  
13 C. This ordinance will amend Title 30 of Snohomish County Code (SCC) to update  
14 development regulations related to marijuana retail. The proposed amendments seek to:  
15  
16 1. Respond to the findings made by the State Legislature in 2019 suggesting that the  
17 marijuana businesses in general, which includes marijuana retailers, has become a  
18 “safe, fully regulated” industry which “should not face punitive consequences for  
19 mistakes made during [the] initial phase of the industry” after decriminalization and  
20 that marijuana businesses “do not pose a direct threat to public health and safety.”  
21  
22 2. Change the approval process for marijuana retail in CRC zoning so that it is a  
23 conditionally permitted use the same as in BP, CB, CRC, GC, HI, LI, NB, PCB, RB  
24 and UC zoning.  
25  
26 3. Add a new provision to limit the total number of operating marijuana retail stores in  
27 CRC zoning to one, to maintain the intent of previous actions that sought to avoid  
28 concentrating of such businesses in the area.  
29  
30 4. Codify the first-in-time provisions of Rule 18-01 and to also address the potential  
31 circumstance where a permitted marijuana retail business might seek to move  
32 locations.  
33  
34 D. In developing the proposed code amendments, the County considered the goals of the  
35 GMA. This ordinance is consistent with GMA Goal 5: "Economic development.  
36 Encourage economic development throughout the state that is consistent with adopted  
37 comprehensive plans", with GMA Goal 7: "Permits. Applications for both state and local

1 government permits should be processed in a timely and fair manner to ensure  
2 predictability” and because it clarifies the process for obtaining approval for marijuana  
3 retail businesses. The State Legislature no longer considers such businesses to be a  
4 threat to public health and safety.  
5

6 E. In addition to the policies cited above, the proposed amendments will better achieve,  
7 comply with, and implement the following goals, objectives, and policies contained in the  
8 county’s GMACP.  
9

- 10 1. Land Use Policy LU 6.H.1: “Recognize the existing commercial and residential  
11 settlement pattern in the area [with CRC zoning as providing] retail goods and  
12 services to the immediate population and a larger surrounding service area...” Retail  
13 goods, including marijuana, sold in the CRC zone principally serve the needs to the  
14 immediate population and surrounding area.  
15
- 16 2. Land Use Policy LU 6.4.H: “Rural residents should have access to a mix of small  
17 scale retail sales, personal services, and job opportunities within the CRC  
18 designation” and zone. By making marijuana retail a permitted use in CRC again,  
19 local residents will potentially have access to a wider mix of retail services.  
20

21 F. Regarding both prior specific concerns about concentrating too many marijuana  
22 retail uses in the CRC-zoned areas and ongoing considerations about how  
23 concentrations of marijuana retail uses in rural areas may impact rural areas more  
24 generally, the County Council makes two additional findings:  
25

- 26 1. The development by PDS of Rule 18-01 in 2018 indicates that PDS determined  
27 that applications for marijuana retail either had or would soon reach the  
28 maximum of 32 locations in unincorporated Snohomish County and that this is  
29 likely still the case.  
30
- 31 2. It is appropriate for marijuana retail uses in heavily populated urban areas to be  
32 more densely concentrated than in rural areas where population densities are  
33 lower.  
34
- 35 a. An existing requirement in SCC 30.28.120(2) currently applies to all  
36 marijuana retail locations and states that “a marijuana retail use shall not be  
37 located within 2,500 feet of another marijuana retail use”. This creates a

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

6  
7 b. For RB and CRC zoning, both of which appears only outside of urban areas,  
8 a larger separation of 10,000 feet, or nearly 2 miles, would be appropriate to  
9 prevent over concentration of marijuana retail uses in rural areas.

10  
11 c. Requirement of a conditional use permit for marijuana retail in CRC zoning  
12 would afford the same opportunity for a public hearing and input from  
13 neighbors as code requires for marijuana retail in other zones.

14  
15 G. Procedural requirements.

- 16  
17 1. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.  
18  
19 2. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was  
20 transmitted to the Washington State Department of Commerce for distribution to  
21 state agencies on [Date, Month, Year], and assigned Material ID No. [redacted].  
22  
23 3. State Environmental Policy Act (SEPA) requirements with respect to this non-project  
24 action have been satisfied through the completion of an environmental checklist and  
25 the issuance of a Determination of Nonsignificance (DNS) on [Date, Month, Year].  
26  
27 4. The public participation process used in the adoption of this ordinance has complied  
28 with all applicable requirements of the GMA and the SCC.  
29  
30 5. The Washington State Attorney General last issued an advisory memorandum, as  
31 required by RCW 36.70A.370, in December of 2015 entitled “Advisory  
32 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help local  
33 governments avoid the unconstitutional taking of private property. Snohomish  
34 County used the process outlined in the State Attorney General’s 2015 advisory in  
35 objectively evaluating the regulatory changes proposed by this ordinance.  
36

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



- 1  
2 A. The proposal is consistent with the goals, objectives and policies of the GPP.  
3  
4 B. The proposal is consistent with Washington State law and the SCC.  
5  
6 C. The County has complied with all SEPA requirements in respect to this non-project  
7 action.  
8  
9 D. The regulations proposed by this ordinance do not result in an unconstitutional taking of  
10 private property for a public purpose.  
11

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

16 **Section 4.** Snohomish County Code 30.22.110, last amended by Amended  
17 Ordinance No. 21-018 on June 9, 2021, is amended to read: [Note that the table below may  
18 change during the development of this ordinance because of unrelated amendments that  
19 will need to be reflected in a final ordinance.]  
20

21 **SCC 30.22.110 Rural and Resource Zone Categories Use Matrix**  
22

TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB <sup>26</sup>	CRC	RFS	RI	F	F&R	A-10	MC
Accessory Dwelling Unit <sup>62</sup>	P	P	P	P	P			P	P	P	P
Agriculture <sup>41, 107</sup>	P	P	P	P	P	P	P	P	P	P	P
Airport: Stage 1 Utility <sup>1</sup>	C	C	C <sup>115</sup>					C			
Antique Shop	C		C <sup>45, 115</sup>	P <sup>79</sup>	P						
Art Gallery <sup>41</sup>	C		C <sup>115</sup>	P <sup>79</sup>	P						



TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB <sup>26</sup>	CRC	RFS	RI	F	F&R	A-10	MC
<b>Asphalt Batch Plant &amp; Continuous Mix Asphalt Plant</b>											P
<b>Auto Repair, Major</b>							P				
<b>Auto Repair, Minor</b>				P	P	P	P				
<b>Auto Towing</b>	C		C								
<b>Auto Wrecking and Junkyards</b>							A <sup>44</sup>				
<b>Bakery, Farm <sup>97</sup></b>	P	P	P	P			P		P	P	
<b>Bed and Breakfast Guesthouse <sup>58</sup></b>	P		P <sup>115</sup>	P				P	P	P	
<b>Bed and Breakfast Inn <sup>58</sup></b>	P		P <sup>115</sup>	P				P	P	P	
<b>Boarding House</b>	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup> , 115					P <sup>15</sup>		P <sup>15</sup>	
<b>Boat Launch, Commercial <sup>31</sup></b>		C							C		
<b>Boat Launch, Non-commercial <sup>31</sup></b>	C		C	C				C	C		
<b>Campground</b>								A <sup>32,127</sup>	C <sup>32</sup>		
<b>Caretaker's Quarters</b>	P		C	P			P				P
<b>Cemetery and Funeral Home</b>	P		C <sup>115</sup>								
<b>Church <sup>41, 129</sup></b>	P		C <sup>115</sup>	C <sup>36</sup>	P						
<b>Clubhouse</b>	C		C <sup>115</sup>	P	P <sup>133</sup>						
<b>Commercial Vehicle Home Basing</b>			C <sup>33</sup>								

TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB <sup>26</sup>	CRC	RFS	RI	F	F&R	A-10	MC
<b>Commercial Vehicle Storage Facility</b>				P	P	P	P				
<b>Community Facilities for Juveniles</b> <sup>103</sup>											
<b>1 to 8 residents</b>			P 102, 115	P	P						
<b>9 to 24 residents</b>			S 103, 115	P	P						
<b>Construction Contracting</b>				P <sup>80</sup> , 81							
<b>Dams, Power Plants, &amp; Associated Uses</b>									P		
<b>Day Care Center</b> <sup>2, 129</sup>	P		C <sup>115</sup>	P	P	P					
<b>Distillation of Alcohol</b>	C <sup>34</sup>		C <sup>34</sup> , 115							C <sup>34</sup>	
<b>Dock &amp; Boathouse, Private, Non-commercial</b> <sup>3, 41</sup>	P	P	P	P				P	P	P	
<b>Dwelling, Duplex</b>	P	P	P					P		P	
<b>Dwelling, Mobile Home</b>	P	P	P		P <sup>6</sup>			P	P	P	P
<b>Dwelling, Single Family</b>	P	P	P		P			P	P	P	P
<b>Equestrian Center</b> <sup>41, 70, 72</sup>	P	C	C <sup>115</sup>					C	P	C <sup>70</sup>	
<b>Excavation &amp; Processing of Minerals</b> <sup>28</sup>	A, C	A, C	A, C				A, C	A, P, C	A, C		A, C

TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB <sup>26</sup>	CRC	RFS	RI	F	F&R	A-10	MC
<b>Explosives, Storage</b>	C	C	C				C	P	C		C
<b>Family Day Care Home</b> 8, 130	P		P <sup>115</sup>	P	P			P		P	
<b>Farm Product Processing</b>											
<b>Up to 5,000 sq ft</b>	P	P	P <sup>115</sup>	P			P	P		P	
<b>Over 5,000 sq ft</b> <sup>94</sup>	A	A	A <sup>115</sup>	A			A	A		A	
<b>Farm Support Business</b> <sup>94</sup>	A	A	A <sup>115</sup>	A			P			A	
<b>Farm Stand</b>											
<b>Up to 400 sq ft</b> <sup>9</sup>	P	P	P <sup>100, 115</sup>	P	P	P	P	P	P	P	P
<b>401 - 5,000 sq ft</b> <sup>99, 100</sup>	P	P	P, A <sup>100</sup>	P	P	P	P	P	P	P	
<b>Farm Workers Dwelling</b>										P <sup>10</sup>	
<b>Farmers Market</b> <sup>93</sup>	P	P	P <sup>101</sup> A 101, 115	P	P	P	P			P	
<b>Farmland Enterprises</b> <sup>95</sup>		A	A <sup>115</sup>							A	
<b>Fish Farm</b>	P	P	P <sup>115</sup>					P	P	P	
<b>Forestry</b>	P	P	P				P	P	P	P	P
<b>Forestry Industry Storage &amp; Maintenance Facility</b>	P <sup>30</sup>	P					P	P	P		
<b>Foster Home</b>	P	P	P	P				P		P	
<b>Fuel Yard</b> <sup>43</sup>							P				

TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB <sup>26</sup>	CRC	RFS	RI	F	F&R	A-10	MC
<b>Garage, Detached Private Accessory<sup>60</sup></b>											
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 <sup>41, 59</sup>	P	P	P	P	P	P	P	P	P	P	P
2,401 - 4,000 sq ft on Less than 3 acres <sup>41, 59</sup>	A	A	A	A	A	A	A	A	A	A	A
4,001 sq ft and Greater <sup>41, 59</sup>	C	C	C		C	C	C	C	C	C	C
<b>Garage, Detached Private Non-accessory<sup>60</sup></b>											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 sq ft and greater <sup>41, 59</sup>	C	C	C	C	C	C	C	C	C	C	C
<b>Golf Course, Driving Range and Country Club</b>	C		C <sup>115</sup>	P						C <sup>74</sup>	
<b>Government Structures &amp; Facilities<sup>27, 41</sup></b>	C	C	C <sup>115</sup>	C	P		C	C	C		C
<b>Greenhouse, Lath House, Nurseries</b>	P	P	P <sup>115</sup>	P	P		P	P		P	
<b>Guest House<sup>85</sup></b>	P	P	P	P				P	P	P	
<b>Hazardous Waste Storage &amp; Treatment Facilities Onsite<sup>65</sup></b>	P			P		P	P	P	P		

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

TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB <sup>26</sup>	CRC	RFS	RI	F	F&R	A-10	MC
<b>Marijuana Production</b> <sup>124, 131</sup>							P			P	
<b>Marijuana Retail</b> <sup>131, 132</sup>				C	<u>C</u>						
<b>Mini-equestrian Center</b> <sup>41, 72</sup>	P	P	P <sup>115</sup>	P			P	P	P	P <sup>71</sup>	
<b>Mini Self-Storage</b>				P		P	P				
<b>Model Hobby Park</b> <sup>75, 130</sup>			A <sup>115</sup>							A	
<b>Model House/Sales Office</b>	P	P	P <sup>115</sup>					P	P		
<b>Motocross Racetrack</b> <sup>129</sup>			C <sup>113</sup>						C <sup>113</sup>		
<b>Museum</b> <sup>41, 130</sup>	C		C <sup>115</sup>	P						C <sup>61</sup>	
<b>Neighborhood Services</b>				P	P <sup>133</sup>						
<b>Office and Banking</b>				P	P <sup>133</sup>						
<b>Off-road vehicle use area, private</b>									C <sup>109</sup>		
<b>Park, Public</b> <sup>14, 130</sup>	P	P	P	P	P		P	P	P	P	P
<b>Park-and-Pool Lot</b>				P	P	P	P				
<b>Park-and-Ride Lot</b>	C	C	C	P		P		C	C		
<b>Personal Wireless Service Facilities</b> <sup>27, 41, 104, 106, 130</sup>	C	C	C	C	C	C	C	C	C	C	C
<b>Public Events/Assemblies on Farmland</b> <sup>96</sup>										P	
<b>Race Track</b> <sup>24, 41, 129</sup>			C <sup>115</sup>								
<b>Railroad Right-of-way</b>	C	C	C <sup>115</sup>		P		P	C	C	C	C

TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB <sup>26</sup>	CRC	RFS	RI	F	F&R	A-10	MC
Recreational Facility Not Otherwise Listed <sup>98</sup>	C		C <sup>115</sup>		P		P <sup>79</sup>	A, C <sub>127</sub>	A, C <sub>127</sub>	C	
Recreational Vehicle <sup>19</sup>	P	P	P					P	P	P	
Recreational Vehicle Park									C		
Resort									C		
Restaurant				P <sup>80</sup>	P	P					
Retail, General				P	P <sup>133</sup>	P <sup>80</sup>					
Rural Industries <sup>41</sup>	P <sup>25</sup>										
Sanitary Landfill <sup>129</sup>	C	C	C <sup>115</sup>					C			C
Schools											
K-12 & Preschool <sup>41, 68, 129</sup>	C		C <sup>115</sup>	P							
College <sup>41, 68</sup>	C		C <sup>115</sup>								
Other <sup>41, 68</sup>				C			C				
Service Station <sup>41</sup>				P	P	P					
Shooting Range <sup>92</sup>	C	C	C					C			
Sludge Utilization <sup>39</sup>	C	C, P <sup>50</sup>	C <sup>115</sup>					C		C	C <sup>56</sup>
Small Animal Husbandry <sup>41</sup>	P		P		P			P	P	P	P
Small Workshop				P			P				
Stables	P	P	P	P			P	P	P	P	
Stockyard or Slaughter House <sup>129</sup>							C <sup>48</sup>				



TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB <sup>26</sup>	CRC	RFS	RI	F	F&R	A-10	MC
<b>Storage, Retail Sales Livestock Feed</b>			P <sup>54, 115</sup>	P			P			P	
<b>Storage Structure, Accessory<sup>60</sup></b>											
<b>Up to 2,400 sq ft</b>	P	P	P	P	P	P	P	P	P	P	P
<b>2,401 - 4,000 sq ft on More than 3 Acres<sup>41, 59</sup></b>	P	P	P	P	P	P	P	P	P	P	P
<b>2,401 - 4,000 sq ft on Less than 3 acres<sup>41, 59</sup></b>	A	A	A	A	A	A	A	A	A	A	A
<b>4,001 sq ft and Greater<sup>41, 59</sup></b>	C	C	C		C	C	C	C	C	C	C
<b>Storage Structure, Non-accessory<sup>60</sup></b>											
<b>Up to 2,400 sq ft</b>	P	P	P	P	P	P	P	P	P	P	P
<b>2,401 sq ft and greater<sup>41, 59</sup></b>	C	C	C	C	C	C	C	C	C	C	C
<b>Studio<sup>41</sup></b>	C <sup>77</sup>		C <sup>77, 115</sup>								
<b>Supervised Drug Consumption Facility</b>											
<b>Swimming/Wading Pool<sup>17, 41</sup></b>	P	P	P					P	P	P	P
<b>Temporary Dwelling During Construction</b>	A	A	A	A	A	A	A	A	A	A	A
<b>Temporary Dwelling For Relative<sup>18</sup></b>	A	A	A					A	A	A	A

TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB <sup>26</sup>	CRC	RFS	RI	F	F&R	A-10	MC
Temporary Logging Crew Quarters								P	P		
Temporary Residential Sales Coach <sup>73</sup>	A		A <sup>115</sup>								
Transit Center	C	C	C <sup>115</sup>	P		P		C	C		
Ultralight Airpark <sup>20</sup>	C	C	C <sup>115</sup>					C			
Utility Facilities, Electromagnetic Transmission & Receiving Facilities <sup>27, 129</sup>	C	C	C	C	P	C	P	C	C	C	C
Utility Facilities, Transmission Wires or Pipes & Supports <sup>27</sup>	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities - All Other Structures <sup>27, 41, 130</sup>	C	C	C	C	P	C	P	C	C	C	C
Vehicle, Vessel and Equipment Sales and Rental					P <sup>23</sup>						
Veterinary Clinic	P		C <sup>115</sup>	P	P					C	
Warehouse							P				
Wedding Facility <sup>87, 130</sup>		P	P <sup>115</sup>							P	
Woodwaste Recycling and Woodwaste Storage	A <sup>63</sup>	C <sup>57</sup>	C <sup>57</sup>				A <sup>63</sup>	A <sup>63</sup>			
<b>P - Permitted Use</b>	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.										
<b>A - Administrative Conditional Use</b>											

TYPE OF USE	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB <sup>26</sup>	CRC	RFS	RI	F	F&R	A-10	MC
<b>C - Conditional Use</b>	Check other matrices in this chapter if your use is not listed above.										
<b>S - Special Use</b>											

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**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 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.

1 (c) An application for a marijuana retail use submitted to the county after March 13,  
2 2017, is exempt from ~~((this))~~the separation requirements when the following conditions have  
3 been met:

4 (i) The applicant owned real property that included the site proposed in the  
5 application or signed a lease for the site proposed in the application on or before June 21,  
6 2016; and

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

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

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

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

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

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

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

35 (ii) In the event two or more permit applications are submitted to the Department  
36 and determined to be complete on the same date and time, a “first-in-time” determination

1 will be based on the date and time the Washington State Liquor and Cannabis Board issued  
2 a license or conditional license, for the marijuana retail use.  
3

4 **Section 6.** Effective date and implementation. This ordinance shall take effect 15  
5 days following adoption by the County Council. The Snohomish County Department of  
6 Planning and Development Services is authorized to take such actions as may be  
7 necessary to implement this ordinance on its effective date.  
8

9 **Section 7.** Severability and Savings. If any section, sentence, clause or phrase of  
10 this ordinance shall be held to be invalid by the Growth Management Hearings Board  
11 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or  
12 unconstitutionality shall not affect the validity or constitutionality of any other section,  
13 sentence, clause or phrase of this ordinance. Provided, however, that if any section,  
14 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of  
15 competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the  
16 effective date of this ordinance shall be in full force and effect for that individual section,  
17 sentence, clause or phrase as if this ordinance had never been adopted.  
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21 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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25 SNOHOMISH COUNCIL  
26 Snohomish, Washington  
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29 \_\_\_\_\_  
30 Council Chair

31 ATTEST:  
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33 \_\_\_\_\_  
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35 Asst. Clerk of the Council  
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- 1 ( ) APPROVED
- 2 ( ) EMERGENCY
- 3 ( ) VETOED

DATE:

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County Executive

8 ATTEST:

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12 Approved as to form only:

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15 Deputy Prosecuting Attorney

