

**Docket XXII Initial Review and Evaluation
Proposed Amendments to the Snohomish County 2024 Comprehensive Plan and
Implementing Development Regulations
January 28th, 2026**

Applicant: J&L Properties of Washington, LLC and PG Management, LLC. **File:** 25-118727-DA

DESCRIPTION OF PROPOSAL

Future Land Use (FLU) Map Designation:	Proposed: Existing:	No FLU map amendment proposed Not applicable
Zoning:	Proposed: Existing:	No rezone proposed Not applicable
Urban Growth Area (UGA) Expansion:	No UGA Expansion Proposed	

Proposed SCC Amendment:

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) 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 except that in the Clearview Rural Commercial Zone (CRC) a marijuana retail use shall not be located within 5,000 feet of another marijuana retail use and a total of no more than two marijuana retail locations shall be allowed. Compliance with 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 or proposed to be located.

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

(b) After June 21, 2016, marijuana retail uses that are legally nonconforming because they do not comply with the separation requirements may be continued provided they meet the requirements of non-conforming uses in SCC 30.28.072.

~~(b)~~ (c) A marijuana retail use is exempt from the separation requirements when the following conditions have been met:

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(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, the county did not issue a written objection to the Notice of Marijuana License Application, and no marijuana retail use existed on the site proposed in the Notice of Marijuana License Application for a marijuana retail use at any time between June 22, 2016, and March 13, 2017; or

(ii) 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, the applicant previously operated a medical marijuana collective within the county, and no marijuana retail use existed on the site proposed in the Notice of Marijuana License Application for a marijuana retail use 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) If two or more retail marijuana facilities are proposed to be located within the required separation distance for the underlying zone ~~2,500 feet from each other in urban zones or within 10,000 feet from each other in rural zones~~, or if more than 32 marijuana retailers attempt to locate in unincorporated Snohomish County, the department shall consider "first-in-time" the marijuana retailer who has priority to site a marijuana retail use. A priority marijuana retailer shall be determined by the department using the following order of priority:

(a) An existing permitted marijuana retailer proposing to relocate shall have priority over an applicant for a new marijuana retail location;

(b) If two or more permit applications are submitted to the Washington State Liquor and Cannabis Board and determined to be complete on the same date, 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.

SITE RELATED INFORMATION

Vicinity: The proposal is a legislative code amendment and is not site-specific, although the applicant identifies a property within the CRC zone as motivating the request. The proposed code amendments apply specifically to the CRC zone within the Clearview limited area of more intensive rural development (LAMIRD).

BACKGROUND INFORMATION

The PG Management docket proposal by J&L Properties of Washington, LLC and PG Management, LLC would amend the Snohomish County Code (SCC) 30.28.120. The proposal

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would amend the development standards for marijuana retail uses within the CRC zone by adjusting the separation requirement between marijuana retail uses.

According to the docket application, the applicant owns a building that previously operated as a marijuana retail use until the tenant relocated approximately 6,000 feet away. Under current SCC 30.28.120 separation standards, the building cannot be leased for another marijuana retail use. Current regulations in SCC 30.28.120 prohibit two marijuana retail uses within 10,000 feet of each other in rural and resource zones and only allow legal nonconforming marijuana retail uses in existence on or before June 21, 2016, be exempt from separation requirements.

The applicant proposes reducing the minimum separation requirement between marijuana retail uses in the CRC zone from 10,000 feet to 5,000 feet. Another goal of the docket application is to clarify that marijuana uses that are legally nonconforming because they do not comply with the separation requirements may continue provided they meet the requirements of nonconforming uses in SCC 30.28.072. Currently the code only exempts legal nonconforming marijuana retail uses in existence on or before June 21, 2016, from separation requirements. Additionally, the applicant proposes a limit of two marijuana retail uses within the CRC in total.

EVALUATION

According to SCC 30.74.030 and 30.74.040, PDS is required to recommend to the county council proposed docket amendments be further processed only if all the initial review and evaluation criteria are met. PDS conducted an initial review and evaluation of the proposed amendments, and the findings are discussed below.

Findings of Initial Review and Evaluation Criteria (SCC 30.74.030(1)):

Criterion “a”: The proposed amendment is consistent with the countywide planning policies (CPPs), the multicounty planning policies (MPPs), the Growth Management Act (GMA), and other applicable state or federal laws.

The proposed amendments to the Snohomish County Code are consistent with the GMA, the MPPs, and the CPPs. Below are several provisions that are relevant to the proposal.

Growth Management Act

The proposal is consistent with the following GMA requirements:

Planning goals (RCW 36.70A.020)

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and

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encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

The proposed code amendment is consistent with the GMA's goals of encouraging economic development, promoting economic opportunity for all citizens, and ensuring that public facilities and services are adequate to support development. The proposal provides for economic opportunity within the CRC zone by allowing a marijuana retail business to operate at a location where it had previously existed. It would also allow more than one marijuana retail business within the Clearview LAMIRD, providing additional economic opportunities to citizens in the area. Existing public facilities and services are adequate to accommodate the proposal.

Multicounty Planning Policies

The proposal is consistent with the following policy in the MPP:

MPP-Ec-23: Support economic activity in rural and natural resource areas at a size and scale that is compatible with the long term integrity and productivity of these lands.

The proposed code amendment is consistent with MPP-Ec-23, which supports economic activity in rural areas at a scale compatible with the long-term integrity of those lands. The proposal expands opportunities for marijuana retail businesses to operate within the Clearview LAMIRD, an area designated to accommodate a variety of economic uses in a rural context.

Countywide Planning Policies

The proposed amendments are consistent with the CPPs. The following CPPs are particularly relevant to the proposed amendments:

CPP DP-15 The County and cities should adopt policies, development regulations, and design guidelines that allow for infill and redevelopment of underutilized lands and other appropriate areas.

CPP ED-2 The County and cities should foster an equitable business and regulatory environment that supports and encourages the establishment and growth of small and startup businesses, especially those that are woman- and minority-owned.

CPP ED-13 Jurisdictions should recognize, where appropriate, the growth and development needs of businesses of local, regional, or statewide significance and ensure that local plans and regulations provide opportunity for the growth and continued success of such businesses.

The proposed code amendment is consistent with CPP DP-15, CPP ED-2, and CPP ED-13, which encourage infill development, support small businesses, and recognize the needs of businesses with local and regional significance. The proposal will allow a small business owner to continue operating a previously established marijuana retail business in the CRC zone within an existing commercial building. The reduced separation requirements for marijuana retail uses create

economic opportunity within the Clearview LAMIRD, a rural area experiencing increased commercial development.

Criterion “b”: Any proposed change in the designation of agricultural lands, forest lands, and mineral resource lands is consistent with the designation criteria of the GMA and the comprehensive plan.

This criterion is not applicable. The proposal will not change any GMA resource lands designation.

Criterion “c”: If the proposed amendment has been reviewed by the planning commission or county council as part of a previous proposal, circumstances related to the current proposal have significantly changed and support a plan or regulation change at this time.

This criterion is not applicable.

Criterion “d”: If the next docket cycle to be set is limited to minor amendments by SCC 30.74.015(2)(a), the proposal satisfies all the following conditions in SCC 30.74.030(d):

(i) The time required to analyze environmental impacts of the proposed amendment is available within the time frame for processing minor amendments;

This proposal will allow a previously established marijuana retail use to operate again in the CRC zone. No additional environmental impacts are anticipated as a result of this proposal.

(ii) The time required for additional analysis to determine the need for additional capital improvements and revenues to maintain level of service, when applicable to the proposal, is available within the time frame for processing minor amendments;

(iii) There is no need for additional analysis because the proposal does not require any additional capital improvements or revenues to maintain the level of service. The time required for processing any required additional amendments not anticipated by the proponent is available within the time frame for processing minor amendments;

There are no additional required amendments anticipated to process these minor amendments. However, if additional amendments are necessary, there is adequate time to process them within the schedule for this minor amendment docket cycle.

(iv) The proposed amendment does not alter the urban growth boundary;

The proposal does not alter the urban growth boundary.

(v) The proposed amendment does not make or require substantial changes to comprehensive plan policy language;

There are no changes to comprehensive plan policy language as result of this proposal.

(vi) The proposed amendment does not change land capacity to an extent that would require compensating changes in other areas in order to maintain consistency with policies and growth allocations established at the county and regional level.

The proposal does not change land capacity.

Findings of Initial Review of Rezone Requests (SCC 30.74.040):

- (1) The rezone request is for an implementing zone consistent with a concurrent proposed amendment to the future land use map that meets the criteria of SCC 30.74.030.**

This criterion is not applicable. There is no rezone request in conjunction with the proposed amendments.

- (2) Public facilities and services necessary for development of the site, as defined in applicable capital facilities plans, are available or programmed to be provided consistent with the comprehensive plan and development regulations as determined by applicable service providers.**

This criterion is not applicable. There is no rezone request in conjunction with the proposed amendments.

- (3) Site plan approval would not be required concurrent with the rezone under chapters 30.31A, 30.31B, or 30.31F SCC.**

This criterion is not applicable. There is no rezone request in conjunction with the proposed amendments.

Summary of Consistency with Review Criteria:

Consistent with Initial Docket Review Criteria: SCC 30.74.030(1)				Consistent with Rezone Criteria: SCC 30.74.040		
"a"	"b"	"c"	"d"	"1"	"2"	"3"
Y	N/A	N/A	Y	N/A	N/A	N/A

PDS RECOMMENDATION

The PG Management proposal is consistent with all applicable initial review and evaluation criteria under SCC 30.74.030(1) and 30.74.040; therefore, PDS recommends that the proposal be further processed as a minor amendment.