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Part 2 - PLANNING COMMISSION					
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Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR (Remote) MEETING AGENDA
Snohomish County Planning Commission

September 27, 2022
5:30 PM

Join the Zoom Meeting: <https://zoom.us/j/96527346176>
or call (253) 215-8782
Webinar ID: 965 2734 6176

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

B. CHAIRPERSON'S REPORT

C. PUBLIC COMMENT

D. APPROVAL OF MINUTES

- [August 23, 2022](#): Regular Meeting

E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS

- [Upcoming Planning Commission Meeting Topics](#)
- County Council Actions on Planning Commission Recommendations

F. UNFINISHED BUSINESS

1. School District Capital Facilities Plans: Hearing

Eileen Canola, Senior Planner, Planning and Development Services, Eileen.Canola@snoco.org

School districts must prepare and adopt a capital facilities plan (CFP) that meets state and local requirements in order to participate in Snohomish County's school impact fee program. School impact fees provide mitigation for the impacts of new development on public school facilities and can only be spent on certain public facilities. Snohomish County Planning and Development Services (PDS) has reviewed eleven school district CFPs for consistency with the review criteria established in county code. PDS briefed the Planning Commission on July 26, 2022, on these eleven school district CFPs (<https://snohomishcountywa.gov/4037/Biennial-Update-to-School-Districts-CFPs>).



For further information, please review the following:

- [Staff Reported dated 8/30/2022](#)
- [Staff Report dated 7/28/2022](#)
- [Presentation dated 7/28/2022](#)
- [Project Webpage including School District CFPs First Drafts](#)

2. 2023-2028 Capital Improvement Plan: Hearing

Eileen Canola, PDS Senior Planner, 425-262-2253, Eileen.Canola@snoco.org

Debbi Mock, Finance Dept, Senior Financial Consultant, Debbi.Mock@co.snohomish.wa.us

Planning and Development Services (PDS) along with the Finance Department coordinates an annual Capital Improvement (CIP) Program that the County Charter requires to be adopted with the County budget each year. At the August 23, 2022 Planning Commission meeting, County departments provided the Commission with a high-level overview of the County's annual CIP including how it satisfies state and local requirements.

At this September 27th meeting, staff from the Finance Department will provide updated fiscal information and it is anticipated that the Executive-recommended 2023-2028 Capital Improvement Program will be issued.

For further information, please review the following:

- [Staff Report dated 7/12/2022](#)
- [Presentation dated 8/23/2022](#)
- [Preliminary 2023 CIP](#)

G. NEW BUSINESS

1. Retail Marijuana: Briefing

Ryan Countryman, Senior Legislative Analyst, Ryan.Countryman@snoco.org

The County Council has referred code amendments via Motion 22-337 to the Planning Commission for consideration and a recommendation back to the council. The proposed code amendments would (1) allow marijuana retail in the Clearview Rural Commercial (CRC) zone with a conditional use permit, (2) increase the separation requirement for marijuana retail in rural zones from 2,500 feet (close to ½ mile) to 10,000 feet (nearly 2 miles), and (3) codify first-in-time provisions from Director's Rule 18-01 while also addressing the scenario where an existing permitted marijuana retail business might seek to move locations and still retaining their first-in-time status.

For further information, please review the following:

- [Staff Report dated September 9, 2022](#)



- [Motion 22-337 dated August 24, 2022](#)

H. ADJOURN



Snohomish County
Planning Commission
Planning and Development Services

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

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WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

Please check www.snohomishcountywa.gov for additional information or the Snohomish County Department of Planning and Developmental Services, Reception Desk, 2nd Floor, County Administration Building East, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

AMERICANS WITH DISABILITIES ACT NOTICE:

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Snohomish County Planning Commissioners:

Merle Ash, District 1	Tom Campbell, District 4
Mark James, District 1	Neil Pedersen, District 4
Vacant, District 2	Rosanna Brown, District 5
Raymond Sheldon, Jr., District 2	Leah Everett, District 5
Robert Larsen, District 3	Keri Moore, Executive Appointee
Christine Eck, District 3	

Commission Staff (from Planning and Development Services (PDS) Department):

Mike McCrary, Commission Secretary	Megan Moore, Commission Clerk
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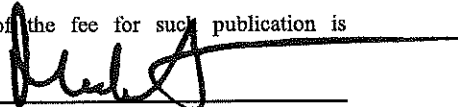
Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

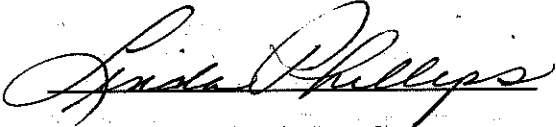
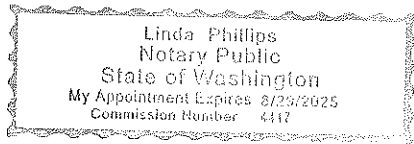
Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH963001 9/27/22 AGENDA as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 09/17/2022 and ending on 09/17/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$163.85.



Subscribed and sworn before me on this

19th day of September
2022



Notary Public in and for the State of Washington.

Snohomish County
Planning Commission
Planning and Development Services
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Commission Staff (from Planning and Development Services (PDS) Department):
Mike McCrary, Commission Secretary
Megan Moore, Commission Clerk
Published: September 17, 2022. EDH963001



Snohomish County Council

To: Snohomish County Planning Commission

From: Snohomish County Council
Ryan Countryman, Senior Legislative Analyst

Memo Date: September 9, 2022

Briefing Date: September 27, 2022

Subject: Staff Report on Referral Motion 22-337
Proposed Code Revisions for Marijuana Retail

Consideration

The County Council wishes to obtain a recommendation from the Planning Commission regarding proposed code amendments related to marijuana retail. Motion 22-337, passed on August 24, 2022, makes the formal request. It also includes a draft of the proposed ordinance attached as Exhibit A. The motion requests a response by February 28, 2023.

Background

Councilmember Jared Mead sponsored Motion 22-337. As drafted, the ordinance attached to the motion would address gaps in code and changed circumstances related to retail marijuana.

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.

Zoning requirements. The first county regulations become effective on November 28, 2013. Several commercial zones allowed marijuana retail as a permitted use, which meant that PDS staff could administratively approve permits for a retail location. This included the Clearview Rural Commercial (CRC) zone. However, in 2015, the County

Council revised SCC 30.22.110 so that CRC zoning no longer allowed new marijuana retail locations. This was in part on a finding that “the number of medical marijuana collective gardens¹ 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”.

On June 22, 2016, in response to concerns about negative impacts to communities resulting from clusters of multiple state-licensed marijuana retail facilities located in close proximity, the County Council enacted an emergency ordinance removing the marijuana retail use as a permitted use in all zones.

On February 15, 2017, the County Council adopted a new ordinance that made marijuana retail a conditional use in all the zones that previously allowed marijuana retail as a permitted use, except for CRC. Approval of conditional uses requires a public hearing before the Hearing Examiner.

Distance Separation: 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.

First-in-time. 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. In 2018, as the number of permitted marijuana retail locations was approaching the state limit, the PDS director 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.

Analysis

This analysis looks at the changes from a logical perspective first, and then in the order of sections in the proposed ordinance.

Logical Perspective. The proposed ordinance would make three types of changes:

¹ “Marijuana Collective Garden” is a now-obsolete term that is roughly synonymous with Marijuana Retail for the purposes of this staff report and proposed ordinance. While Marijuana Collective Garden was current terminology in 2015, more recent State Legislation altered both terminology and definitions. This report notes that there are subtle differences, but the main point is that changing state-legislation both illustrates and results in the rapid co-evolution of legal requirements and industry practices.

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 Motion 22-337, Council staff has direction to work with Planning Commission and others to refine the proposed ordinance. Council staff will report back to the County Council providing a summary of the proposal and recommendations made by the Planning Commission. This may refinements to the proposed ordinance. The County Council would then consider taking further action.

By Ordinance Section. Sections 1 – 3 adopt recitals, findings of fact, and conclusions, and state that the County Council based its findings and conclusions on the entire record of Snohomish County Planning Commission and the County Council.

Section 4 makes Marijuana Retail a conditional use in CRC zoning by amending the rural and resource zone categories use matrix in SCC 30.22.110. This done by adding an underlined “C” (highlighted below) in the appropriate place on the table. (Underlines in an ordinance indicate inserted changes.)

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	P	P	P ¹¹⁵					P	P		

Section 5 makes two types of changes in SCC 30.28.120. First, changes in SCC 30.28.120(2) would increase the distance separation in rural zones as shown by proposed insertions (underlines) and deletions (with double parentheses and strikeouts):

(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.

Second, the insertions of new subsections (4) through (6) 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:

(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.

Request

Motion 22-337 requests that the Planning Commission consider the proposed amendments, hold a public hearing, and make a recommendation to the County Council by February 28, 2023.

Proposed Ordinance on Marijuana Retail

COUNCIL STAFF PRESENTATION TO THE
SNOHOMISH COUNTY PLANNING COMMISSION

SEPTEMBER 27, 2022

Agenda

- Background and Referral Process
- Definitions
- Proposed Changes
- Reasoning
- Input Sought from Planning Commission
- Next Steps
- Questions

Background

- Voters Legalized Marijuana in Washington in 2012 (Initiative 502)
 - Some changes in state requirements, including increasing the maximum number of retail locations
 - Further relaxation in 2019
- Snohomish County began permitting in 2013
 - Several iterations on where and how allowed
 - Last code amendments in 2017
 - PDS Directors Rule (18-01) in 2018 addresses “first-in-time” requirements
- Proposal sponsored County Councilmember Jared Mead, seeking a recommendation from the Planning Commission

Definitions

Marijuana Retail

A facility licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet (SCC 30.91M.042)

Conditional Use

A use allowed in a zone only after review by the hearing examiner and with approval of permit conditions as necessary to make the use compatible with other permitted uses in the same vicinity and zone (SCC 30.91C.240)

Clearview Rural Commercial (CRC) Zoning

The intent and function of the CRC zone is to permit the location of commercial businesses and services that primarily serve the rural population within the defined boundary established by the CRC land use designation. Uses and development are limited to those compatible with existing rural uses that do not require urban utilities and services (SCC 30.21.025(2)(e))

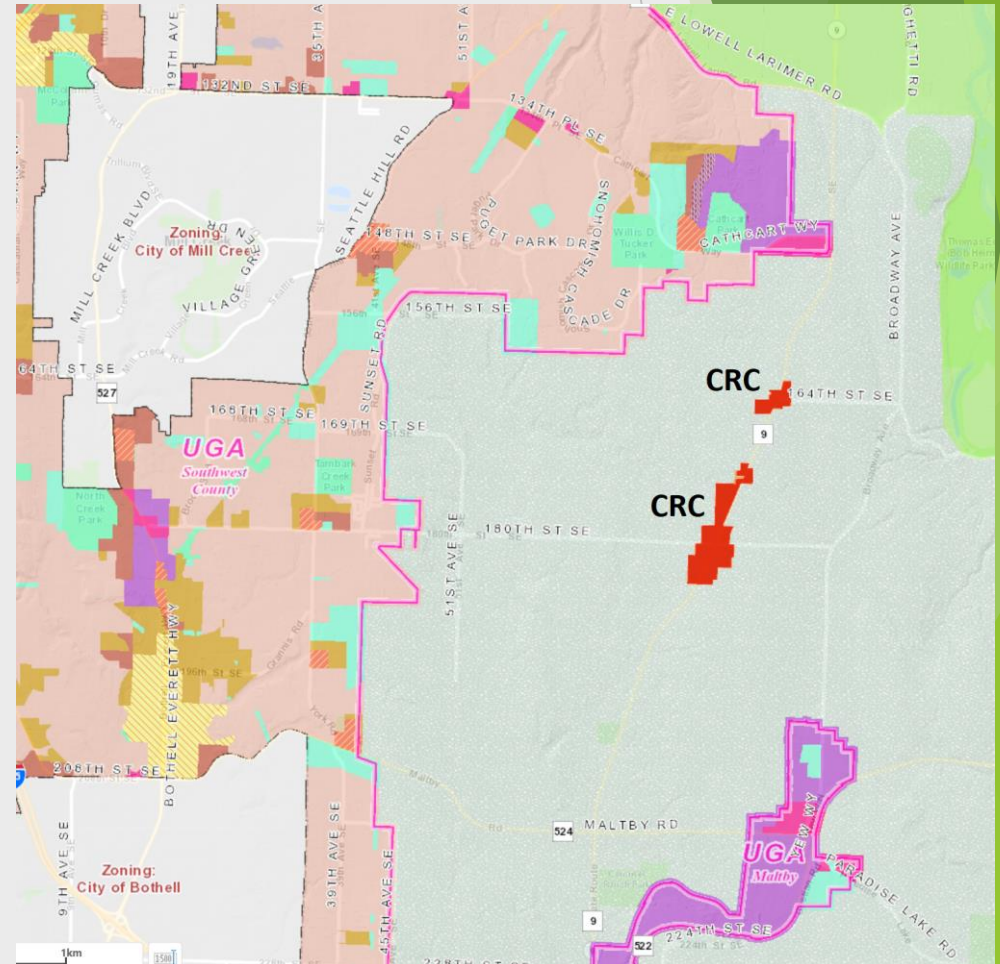
Proposed Change #1

Allow Marijuana Retail in CRC Zoning as a Conditional Use

- Changes are in the use matrix for rural zones (SCC 30.22.110)

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	C						
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	P	P	P ¹¹⁵					P	P		

- Was previously a permitted use in CRC, but disallowed due to concern about “over-concentration” in this area



Proposed Change #1

Increase Distance Separation in Rural Zones

- ▶ Current separation requirement is 2,500 feet in all zones
- ▶ Proposed to increase to 10,000 feet in rural zones (CRC and RB) as edits in SCC 30.28.120(2):

(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. [...]
- ▶ Addresses prior concerns about over concentration in CRC zoning

Proposed Change #3

Codify First-in-Time Provisions of Rule 18-01 and Allow Locations to Move

- ▶ Proposed as new subsections (4) to (6) in SCC 30.28.120:
- ▶ Allows existing permitted uses to be “first”

(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:

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- (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.

Reasoning

Summary of Findings

- ▶ In 2019, the State Legislature adopted a finding that the “industry stakeholders, and stage agencies have collaborated to develop a safe, fully regulated marketplace” for marijuana retail
- ▶ Snohomish County is at or near the maximum of 32 permitted locations in unincorporated areas
- ▶ Clearview Rural Commercial zoning provides services to rural residents
- ▶ Increasing distance separation in rural zones is another way to avoid prior concerns about over-concentration of marijuana uses in CRC
- ▶ Permitted locations may wish to move locations and retain first-in-time status

Input Sought

Are the proposed changes appropriate?

Does the Planning Commission recommend any other changes related to Marijuana Retail?

Next Steps

1. Possible updates to the proposed code amendments and findings based on input from Planning Commission and others
2. Further briefing on changes if needed
3. Public hearing by Planning Commission (likely October 25, 2022)
4. Recommendation by Planning Commission to the County Council by February 28, 2023
5. Consideration and action by the County Council 1st quarter 2023

Questions

Any Questions?

Ryan Countryman, ryan.countryman@snoco.org, 425-309-6164

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

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO MARIJUANA RETAIL

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

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO MARIJUANA RETAIL

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.

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO MARIJUANA RETAIL

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

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO MARIJUANA RETAIL

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.

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO MARIJUANA RETAIL

- 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	

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO MARIJUANA RETAIL

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					

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO MARIJUANA RETAIL

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	

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO MARIJUANA RETAIL

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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TYPE OF USE	Rural Zones							Resource Zones			
	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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EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO MARIJUANA RETAIL

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

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO MARIJUANA RETAIL

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.

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO MARIJUANA RETAIL

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.

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO MARIJUANA RETAIL

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



Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR SESSION
SEPTEMBER 27, 2022
MINUTES

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

Commissioner Robert Larsen, Planning Commission Chair, called the meeting to order at 5:32 p.m.

Of the ten (10) currently appointed commissioners, eight (8) were in attendance (a quorum being six (6) members and a majority being six (6) members:

Commissioners Present	Commissioners Absent
Rosanna Brown	Merle Ash
Christine Eck	Tom Campbell
Leah Everett @ 5:35 pm	
Mark James	
Robert Larsen	
Keri Moore	
Neil Pedersen	
Raymond Sheldon	

Mike McCrary, Planning and Development Services Director served as the Planning Commission Secretary for this meeting.

B. CHAIRPERSON'S REPORT

No report was given.

C. PUBLIC COMMENT

No public comment was given.

D. APPROVAL OF MINUTES

The minutes of [August 23, 2022](#), was unanimously approved.

E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS

- [Upcoming Planning Commission Meeting Topics](#)
- [County Council Actions on Planning Commission Recommendations](#)



F. UNFINISHED BUSINESS

1. School District Capital Facilities Plans: Hearing

Eileen Canola, Senior Planner, Planning and Development Services, Eileen.Canola@snoco.org

A public hearing was held on the 2022-2027 School Districts Capital Facilities Plans. Staff did not have any updates to the previous report. School districts must prepare and adopt a capital facilities plan (CFP) that meets state and local requirements in order to participate in Snohomish County's school impact fee program. School impact fees provide mitigation for the impacts of new development on public school facilities and can only be spent on certain public facilities. Snohomish County Planning and Development Services (PDS) has reviewed eleven school district CFPs for consistency with the review criteria established in county code. PDS briefed the Planning Commission on July 26, 2022, on these eleven school district CFPs (<https://snohomishcountywa.gov/4037/Biennial-Update-to-School-Districts-CFPs>).

Chair Larsen opened the **Public Hearing at 5:37 p.m.** for the School District Capital Facilities Plans.

One letter of public comment was received by the Planning Commission before the public hearing.

One member of the public spoke at the hearing in favor of the proposal.

The **Public Hearing was closed at 5:41 p.m.**

Following the hearing, there were no additional questions or discussion from the commissioners.

A **Motion** was made by Commissioner Everett and seconded by Commissioner Moore recommending **APPROVAL** of the School District Capital Facilities Plans as submitted by staff.

VOTE (Motion):

8 in favor (*Brown, Eck, Everett, James, Larsen, Moore, Pederson, Sheldon*)

0 opposed

0 abstention

Motion PASSED

For further information, please review the following:

- [Staff Reported dated 8/30/2022](#)
- [Staff Report dated 7/28/2022](#)
- [Presentation dated 7/28/2022](#)
- [Project Webpage including School District CFPs First Drafts](#)

2. 2023-2028 Capital Improvement Plan: Hearing

Eileen Canola, PDS Senior Planner, 425-262-2253, Eileen.Canola@snoco.org



Snohomish County
Planning Commission
Planning and Development Services

Brian Haseleu, Finance Dept, Budget Manager, Brian.Haseleu@co.snohomish.wa.us

Planning and Development Services (PDS) along with the Finance Department coordinates an annual Capital Improvement (CIP) Program that the County Charter requires to be adopted with the County budget each year. At the August 23, 2022 Planning Commission meeting, County departments provided the Commission with a high-level overview of the County's annual CIP including how it satisfies state and local requirements.

Prior to the public hearing, Brian Haseleu presented updated financial slides to the Commission. The presentation showed there was no change to the overall size of the CIP, no changes in projects or spending, and detailed the use of Real Estate Excise Tax (REET) funds.

Following the presentation, a public hearing was held.

Chair Larsen opened the **Public Hearing at 5:56 p.m.** for the Capital Improvement Plan.

No public comments were received by the Planning Commission before the public hearing. No one spoke at the public hearing.

The **Public Hearing was closed at 5:56 p.m.**

Following the hearing the commissioners asked about the future electric demand and how that will be addressed by the Public Utility District (PUD) and a requested the PUD share future supply and demand projections.

A **Motion** was made by Commissioner Eck and seconded by Commissioner Everett recommending **APPROVAL** of the Capital Improvement Plan as submitted by staff.

VOTE (Motion):

8 in favor (*Brown, Eck, Everett, James, Larsen, Moore, Pederson, Sheldon*)

0 opposed

0 abstention

Motion PASSED

For further information, please review the following:

- [Finance Presentation dated 9/27/2022](#)
- [Staff Report dated 7/12/2022](#)
- [Presentation dated 8/23/2022](#)
- [Preliminary 2023 CIP](#)

G. NEW BUSINESS

1. Retail Marijuana: Briefing

Ryan Countryman, Senior Legislative Analyst, Ryan.Countryman@snoco.org



Ryan Countryman presented on the proposed ordinance on Marijuana Retail. The proposed code amendments would (1) allow marijuana retail in the Clearview Rural Commercial (CRC) zone with a conditional use permit, (2) increase the separation requirement for marijuana retail in rural zones from 2,500 feet (close to ½ mile) to 10,000 feet (nearly 2 miles), and (3) codify first-in-time provisions from Director’s Rule 18-01 while also addressing the scenario where an existing permitted marijuana retail business might seek to move locations and still retaining their first-in-time status.

Following the discussion Commissioners asked questions about what prompted the proposed code amendments, the marijuana permit application process, other jurisdictions marijuana retail including federal and tribal lands and how annexations changes the number of licensed locations.

For further information, please review the following:

- [Presentation dated 9/27/2022](#)
- [Staff Report dated 9/9/2022](#)
- [Motion 22-337 dated 8/24/2022](#)

H. ADJOURN

The meeting adjourned at 6:25 p.m.

PLANNING COMMISSION’S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission’s recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

You may become a party of record for any specific topic that comes before the Planning Commission by submitting a written request or testimony to Megan Moore, Planning Commission Clerk, PDS, M/S 604, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:



Snohomish County
Planning Commission
Planning and Development Services

Please check www.snohomishcountywa.gov for additional information or the Snohomish County Department of Planning and Developmental Services, Reception Desk, 2nd Floor, County Administration Building East, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

AMERICANS WITH DISABILITIES ACT NOTICE:

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Snohomish County Planning Commissioners:

<i>Merle Ash, District 1</i>	<i>Tom Campbell, District 4</i>
<i>Mark James, District 1</i>	<i>Neil Pedersen, District 4</i>
<i>Vacant, District 2</i>	<i>Rosanna Brown, District 5</i>
<i>Raymond Sheldon, Jr., District 2</i>	<i>Leah Everett, District 5</i>
<i>Robert Larsen, District 3</i>	<i>Keri Moore, Executive Appointee</i>
<i>Christine Eck, District 3</i>	

Commission Staff (from Planning and Development Services (PDS) Department):

<i>Mike McCrary, Commission Secretary</i>	<i>Megan Moore, Commission Clerk</i>
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EXHIBIT 2.0007

Planning Commission Meeting 09/27/22

Contact Clerk of the Council for recording at 425-388-3494 or contact.council@snoco.org

(Clerk Note: saved in G:\ECAF\Council Approved\2023\23-0120 Retail Marijuana\2.0007)



Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR (Remote) MEETING AGENDA
Snohomish County Planning Commission

October 25, 2022
5:30 PM

Join the Zoom Meeting: <https://zoom.us/j/96527346176>
or call (253) 215-8782
Webinar ID: 965 2734 6176

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

B. CHAIRPERSON'S REPORT

C. PUBLIC COMMENT

D. APPROVAL OF MINUTES

- [September 27, 2022](#): Regular Meeting

E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS

- [Upcoming Planning Commission Meeting Topics](#)
- County Council Actions on Planning Commission Recommendations

F. UNFINISHED BUSINESS

1. [Retail Marijuana: Hearing](#)

Ryan Countryman, Senior Legislative Analyst, Ryan.Countryman@snoco.org

Planning Commission will hold a public hearing on the County Council referred code amendments. The proposed code amendments would (1) allow marijuana retail in the Clearview Rural Commercial (CRC) zone with a conditional use permit, (2) increase the separation requirement for marijuana retail in rural zones from 2,500 feet (close to ½ mile) to 10,000 feet (nearly 2 miles), and (3) codify first-in-time provisions from Director's Rule 18-01 while also addressing the scenario where an existing permitted marijuana retail business might seek to move locations and still retaining their first-in-time status.



For further information, please review the following:

- [Presentation dated September 27, 2022](#)
- [Staff Report dated September 9, 2022](#)
- [Motion 22-337 dated August 24, 2022](#)

G. NEW BUSINESS

1. Rural Cluster Subdivisions: Briefing

Steve Skorney, PDS Senior Planner, Steve.Skorney@snoco.org

The Planning Commission will hold a briefing on proposed code amendments to Chapters 30.25 and 30.41C relating to Rural Cluster Subdivisions and Short Subdivisions. The proposed code amendments will allow for greater flexibility in the siting of rural cluster subdivisions and short subdivisions while maintaining consistency with applicable policies and provisions in the county comprehensive plan, the State Growth Management Act, and VISION 2050.

For further information, please review the following:

- [Staff Report dated September 9, 2022](#)

2. Hybrid Meeting for December Planning Commission: Discussion

Commissioner discussion

3. ADJOURN



Snohomish County
Planning Commission
Planning and Development Services

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

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Snohomish County Planning Commissioners:

<i>Merle Ash, District 1</i>	<i>Tom Campbell, District 4</i>
<i>Mark James, District 1</i>	<i>Neil Pedersen, District 4</i>
<i>Vacant, District 2</i>	<i>Rosanna Brown, District 5</i>
<i>Raymond Sheldon, Jr., District 2</i>	<i>Leah Everett, District 5</i>
<i>Robert Larsen, District 3</i>	<i>Keri Moore, Executive Appointee</i>
<i>Christine Eck, District 3</i>	

Commission Staff (from Planning and Development Services (PDS) Department):

<i>Mike McCrary, Commission Secretary</i>	<i>Megan Moore, Commission Clerk</i>
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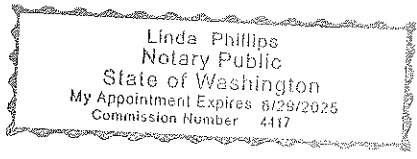
Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH964791 10/25/22 AGENDA MTG. as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 10/15/2022 and ending on 10/15/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$140.40. [Signature]



Subscribed and sworn before me on this 18th day of October, 2022.

[Signature: Linda Phillips]

Notary Public in and for the State of Washington.
Snohomish County Planning | 14107010
MEGAN MOORE



Snohomish County

Planning Commission
Planning and Development Services
3000 Rockefeller Avenue, M/S #604
Everett, WA 98201

Clerk Email: Megan.Moore@snoco.org

REGULAR (Remote) MEETING AGENDA
Snohomish County Planning Commission
October 26, 2022

5:30 PM

Join the Zoom Meeting: <https://zoom.us/j/96527346176>
or call (253) 215-8782

Webinar ID: 965 2734 6176

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

- A. CALL TO ORDER AND ROLL CALL
- B. CHAIRPERSON'S REPORT
- C. PUBLIC COMMENT
- D. APPROVAL OF MINUTES
- E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS
- F. UNFINISHED BUSINESS

1. Retail Marijuana: Hearing

Ryan Countryman, Senior Legislative Analyst,

Ryan.Countryman@snoco.org

Planning Commission will hold a public hearing on the County Council referred code amendments. The proposed code amendments would (1) allow marijuana retail in the Clearview Rural Commercial (CRC) zone with a conditional use permit, (2) increase the separation requirement for marijuana retail in rural zones from 2,500 feet (close to 1/2 mile) to 10,000 feet (nearly 2 miles), and (3) codify first-in-time provisions from Director's Rule 18-01 while also addressing the scenario where an existing permitted marijuana retail business might seek to move locations and still retaining their first-in-time status.

G. NEW BUSINESS

1. Rural Cluster Subdivisions: Briefing

Steve Skorney, PDS Senior Planner,

Steve.Skorney@snoco.org

The Planning Commission will hold a briefing on proposed code amendments to Chapters 30.25 and 30.41C relating to Rural Cluster Subdivisions and Short Subdivisions. The proposed code amendments will allow for greater flexibility in the siting of rural cluster subdivisions and short subdivisions while maintaining consistency with applicable policies and provisions in the county comprehensive plan, the State Growth Management Act, and VISION 2050.

2. Hybrid Meeting for December Planning Commission:

Discussion

H. ADJOURN

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

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Snohomish County Planning Commissioners:

Merie Ash, District 1	Tom Campbell, District 4
Mark James, District 1	Neil Pedersen, District 4
Vacant, District 2	Rosanna Brown, District 5
Raymond Sheldon, Jr., District 2	Leah Everett, District 5
Robert Larsen, District 3	Keri Moore,
Christine Eck, District 3	Executive Appointee

Commission Staff (from Planning and Development Services (PDS) Department):

Mike McCrary, Commission Secretary
Megan Moore, Commission Clerk

Published: October 15, 2022.

EDH964791



Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR SESSION
OCTOBER 25, 2022
MINUTES

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

Commissioner Robert Larsen, Planning Commission Chair, called the meeting to order at 5:33 p.m.

Of the ten (10) currently appointed commissioners, eight (8) were in attendance (a quorum being six (6) members and a majority being six (6) members:

Commissioners Present	Commissioners Absent
Merle Ash	Mark James
Rosanna Brown	Ray Sheldon
Tom Campbell	
Christine Eck	
Leah Everett @ 5:38 pm	
Robert Larsen	
Keri Moore	
Neil Pedersen	

David Killingstad, Planning and Development Services Director served as the Planning Commission Secretary for this meeting.

B. CHAIRPERSON'S REPORT

Megan Moore has accepted a new position as the Administrative Assistant to the Director of Planning and Development Services and will be stepping down as clerk for Planning Commission. The new Long Range Planning Administrative Assistant, Taylor Twiford, Taylor.Twiford@snoco.org will assume the role as clerk.

C. PUBLIC COMMENT

No public comment was given.

D. APPROVAL OF MINUTES

The minutes of [September 27, 2022](#), was unanimously approved.

E. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS



Snohomish County
Planning Commission
Planning and Development Services

David Killingstad reviewed the upcoming Planning Commission meeting topics and current County Council actions on Planning Commission recommendations.

- [Upcoming Planning Commission Meeting Topics](#)
- [County Council Actions on Planning Commission Recommendations](#)

F. UNFINISHED BUSINESS

1. Retail Marijuana: Hearing

Ryan Countryman, Senior Legislative Analyst, Ryan.Countryman@snoco.org

Planning Commission held a public hearing on the County Council referred code amendments. The proposed code amendments would (1) allow marijuana retail in the Clearview Rural Commercial (CRC) zone with a conditional use permit, (2) increase the separation requirement for marijuana retail in rural zones from 2,500 feet (close to ½ mile) to 10,000 feet (nearly 2 miles), and (3) codify first-in-time provisions from Director’s Rule 18-01 while also addressing the scenario where an existing permitted marijuana retail business might seek to move locations and still retaining their first-in-time status.

Mr. Countryman informed the Commission that state rules are forthcoming regarding what happens when a city annexes a current retail location and how it will affect the number of permitted locations in unincorporated Snohomish County.

Chair Larsen opened the **Public Hearing at 5:47 p.m.** for Retail Marijuana.

No members of the public spoke at the hearing.

The **Public Hearing was closed at 5:48 p.m.**

Following the hearing, there was discussion by the commissioners about the additional requirement of conditional use permits for retail marijuana and making a recommendation for marijuana retail be allowed as permitted use.

A **Main Motion** was made by Commissioner Ash and seconded by Commissioner Pedersen recommending **APPROVAL** of code amendments to retail marijuana as submitted by staff.

VOTE (Motion):

8 in favor (*Ash, Brown, Campbell, Eck, Everett, Larsen, Moore, Pederson*)

0 opposed

0 abstention

Motion PASSED

A **Secondary Motion** was made by Commissioner Ash and seconded by Commissioner Campbell recommending retail marijuana be allowed as permitted use.



VOTE (Motion):

8 in favor (*Ash, Brown, Campbell, Eck, Everett, Larsen, Moore, Pederson*)

0 opposed

0 abstention

Motion PASSED

For further information, please review the following:

- [Presentation dated September 27, 2022](#)
- [Staff Report dated September 9, 2022](#)
- [Motion 22-337 dated August 24, 2022](#)

G. NEW BUSINESS

1. Rural Cluster Subdivisions: Briefing

Steve Skorney, PDS Senior Planner, Steve.Skorney@snoco.org

Senior Planner, Steve Skorney briefed the Planning Commission on proposed code amendments to Chapters 30.25 and 30.41C relating to Rural Cluster Subdivisions and Short Subdivisions. The proposed code amendments will allow for greater flexibility in the siting of rural cluster subdivisions and short subdivisions while maintaining consistency with applicable policies and provisions in the county comprehensive plan, the State Growth Management Act, and VISION 2050.

The proposed amendments provide benefits by reducing impervious surfaces, costs, fragmentation of open space and wildlife corridors and increasing efficiency of natural drainage systems while not increasing rural densities. The proposed amendments increase the maximum number of lots in a rural cluster, modify setback buffers and cluster separation, and modify allowed utilities in restricted and interim open space.

Following the presentation, the commissioners had questions on timing of the proposal and clarified how the amendments don't increase the number of lots in a development but rather aggregate them to better preserve rural character. Further questions were asked about reduction in lot size, density bonuses and maintenance of private drainage systems. The importance of the purpose of the proposed amendments was also raised.

For further information, please review the following:

- [Presentation dated October 25, 2022](#)
- [Staff Report dated October 10, 2022](#)

2. Hybrid Meeting for December Planning Commission: Discussion

Planning Commission on December 13, 2022 will be a hybrid meeting. The in-person portion will be at the County Building, Administration West, Stillaguamish and Skykomish rooms. A social hour will be at 5:00 pm and the regular meeting will start at 5:30 pm.



H. ADJOURN

The meeting adjourned at 7:06 p.m.



Snohomish County
Planning Commission
Planning and Development Services

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

You may become a party of record for any specific topic that comes before the Planning Commission by submitting a written request or testimony to Megan Moore, Planning Commission Clerk, PDS, M/S 604, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

Please check www.snohomishcountywa.gov for additional information or the Snohomish County Department of Planning and Developmental Services, Reception Desk, 2nd Floor, County Administration Building East, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

AMERICANS WITH DISABILITIES ACT NOTICE:

Snohomish County facilities are accessible. The county strives to provide access and services to all members of the public. Sign language interpreters and communication materials in alternate form will be provided upon request of one calendar week. Contact Angela Anderson at 425-262-2206 Voice, or 425-388-3700 TDD.

Snohomish County Planning Commissioners:

<i>Merle Ash, District 1</i>	<i>Tom Campbell, District 4</i>
<i>Mark James, District 1</i>	<i>Neil Pedersen, District 4</i>
<i>Vacant, District 2</i>	<i>Rosanna Brown, District 5</i>
<i>Raymond Sheldon, Jr., District 2</i>	<i>Leah Everett, District 5</i>
<i>Robert Larsen, District 3</i>	<i>Keri Moore, Executive Appointee</i>
<i>Christine Eck, District 3</i>	

Commission Staff (from Planning and Development Services (PDS) Department):

<i>Mike McCrary, Commission Secretary</i>	<i>Megan Moore, Commission Clerk</i>
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EXHIBIT 2.0011

Planning Commission Meeting 10/25/22

Contact Clerk of the Council for recording at 425-388-3494 or contact.council@snoco.org

(Clerk Note: saved in G:\ECAF\Council Approved\2023\23-0120 Retail Marijuana\2.0011)



Snohomish County

SNOHOMISH COUNTY PLANNING COMMISSION

November 1, 2022

Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201-4046

SUBJECT: Planning Commission recommendations on proposed code amendments related to Marijuana Retail

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation to amend Snohomish County Code under the proposed Marijuana Retail ordinance. The Planning Commission had a briefing on this topic on September 27, 2022 and conducted a public hearing and deliberated on October 25, 2022.

The proposed ordinance considered by the Planning Commission would amend code by:

1. Allowing marijuana retail in the Clearview Rural Commercial (CRC) zone with a conditional use permit;
2. Increasing the separation requirement for marijuana retail in rural zones from 2,500 feet to 10,000 feet, and
3. Codifying first-in-time provisions from Director's Rule 18-01 while also addressing the scenario where an existing permitted marijuana retail business might seek to move locations and still retaining their first-in-time status

There were no written comments received by the Planning Commission from the public before the October 25, 2022 hearing. The hearing was open for public comment, but no one from the public commented at the hearing.

PLANNING COMMISSION RECOMMENDATION

At the October 25, 2022 Planning Commission meeting, Commissioner Ash made a motion, seconded by Commissioner Pederson, recommending APPROVAL of the proposed ordinance. This included proposed code amendments as presented by staff with supported findings and conclusions. By amendment made in a secondary motion and supported by the planning

commission, the commission recommends further amendment to the codes related to Marijuana Retail. Although not specifically discussed during the planning commission hearing, some of the findings and conclusions presented by staff may need updating by staff to reflect the secondary motion.

VOTE:

8 in favor (*Ash, Brown, Campbell, Eck, Everett, Larsen, Moore, Pederson*)

0 opposed

0 abstention

Main Motion PASSED

A **Motion** was made by Commissioner Ash and seconded by Commissioner Campbell amending the proposal to allow retail marijuana as a permitted use rather than as a conditional use in all zones where it is allowed.

VOTE:

8 in favor (*Ash, Brown, Campbell, Eck, Everett, Larsen, Moore, Pederson*)

0 opposed

0 abstention

Secondary Motion PASSED

This recommendation was made following the close of the public hearing and after due consideration of information presented. It is based on the findings and conclusions presented in the September 27, 2022, staff briefing and as supported by the Staff Report dated September 9, 2022.

Respectfully submitted,


Robert Larsen (Nov 1, 2022 19:31 PDT)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chair

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Director, Planning and Development Services