

Adopted & Effective: 10/1/14

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

EMERGENCY ORDINANCE NO. 14-~~086~~

RELATING TO GROWTH MANAGEMENT, ADOPTING AN INTERIM OFFICIAL
CONTROL REGULATING MARIJUANA BUSINESSES LICENSED UNDER I-502,
AMENDING SCC 30.22.110, DECLARING AN EMERGENCY,
AND SETTING A HEARING DATE

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

WHEREAS, the Washington State Liquor Control Board is in the process of reviewing and issuing licenses for marijuana businesses; 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, without additional regulations and review processes, new marijuana businesses may open in areas where they are incompatible with surrounding uses; and

WHEREAS, the Snohomish County Council referred proposed legislation to the Department of Planning and Development Services and to the Planning Commission in order to consider regulations to reduce the potential incompatibility of marijuana businesses in certain rural zones; and

WHEREAS, the Snohomish County Council wishes to reduce the risk of new businesses opening where they are incompatible with surrounding uses during the period of time necessary for consideration of the new regulations; and

WHEREAS, the Snohomish County Council has determined that the proposed amendments to the development regulations promote a county purpose as established under RCW 36.70A.130, RCW 36.70A.470 and chapter 30.73 SCC; and

WHEREAS, RCW 36.70A.390 provides that the Snohomish County Council may adopt a moratorium, interim zoning ordinance, interim zoning map, and/or interim official control; and

WHEREAS, moratoria, interim zoning ordinances, and interim official controls enacted under RCW 36.70A.390 are methods by which local governments may

46 preserve the status quo so that new regulations will not be rendered moot by
47 intervening development;

48
49 NOW, THEREFORE, BE IT ORDAINED:

50
51 Section 1. The Snohomish County Council makes the following findings and
52 conclusions:

- 53
- 54 A. The Snohomish County Council adopts and incorporates the foregoing recitals as
55 findings as if set forth fully herein.
 - 56
 - 57 B. The potential siting of marijuana production and processing facilities in the Rural 5-
58 acre (R-5) zone has generated significant citizen concerns about the compatibility of
59 such facilities with the existing rural character of the area.
 - 60
 - 61 C. The number of medical marijuana collective gardens in the Clearview area has
62 increased recently to a level that has generated significant citizen concerns about
63 the impact that so many marijuana businesses can have on a community. Any
64 further increase in the concentration of marijuana businesses, including licensed
65 retailers, in that area would exacerbate the problem.
 - 66
 - 67 D. The interim zoning regulations in SCC 30.22.110 will prohibit new marijuana
68 producers and processors licensed by the State of Washington under Initiative 502
69 from locating in the R-5 zone while regulations to promote compatibility are
70 considered.
 - 71
 - 72 E. The interim zoning regulations in SCC 30.22.110 will prohibit new marijuana retail
73 licensed by the State of Washington under Initiative 502 from locating in the
74 Clearview Rural Commercial (CRC) zone while regulations to promote compatibility
75 are considered.
 - 76
 - 77 F. It is in the best interest of Snohomish County to prohibit new marijuana producers
78 and processors from locating in the Rural-5 zone at this time, and to prohibit new
79 marijuana retailers from locating in the CRC zone at this time, pending further study
80 and public engagement on potential long-term regulatory changes.
 - 81
 - 82 G. The proposed interim official control will promote the public health, safety, morals,
83 and general welfare, and it is consistent with the goals and policies of the
84 Comprehensive Plan.
 - 85
 - 86 H. Marijuana is illegal under federal law. State and local regulations do not preempt
87 federal law. People and businesses involved in the production, processing, sales,
88 and possession of marijuana could still be subject to prosecution under federal law.
89 Local zoning and other regulations are not a defense against a violation of federal
90 law. The United States Department of Justice in a letter to the Commissioners of
91 Clark County, Washington dated January 17, 2012, stated that "Congress has

92 determined that marijuana is a schedule I controlled substance and, as such,
93 growing, distributing, and possessing marijuana in any capacity, other than as part of
94 a federally authorized research program, is a violation of federal law regardless of
95 state laws permitting such activities.”

96
97 I. This ordinance satisfies the procedural and substantive requirements of and is
98 consistent with the GMA.

99
100 J. Pursuant to WAC 197-11-880 and SCC 30.61.020, the adoption of this ordinance is
101 exempt from the requirements for a threshold determination under the State
102 Environmental Policy Act (SEPA).

103
104 Section 2. Pursuant to section 2.120 of the Snohomish County Charter, the
105 Snohomish County Council finds and concludes that adopting an interim official control
106 to regulate the siting of licensed marijuana businesses is necessary for the immediate
107 preservation of the public peace, health or safety. Non-emergency options would not be
108 adequate to prevent new marijuana businesses from opening in neighborhoods where
109 they would be detrimental to the public peace, health, and safety. Based on the
110 foregoing, the Snohomish County Council declares that an emergency exists and this
111 ordinance shall take effect immediately.

112
113 Section 3. Snohomish County Code Section 30.22.110, last amended by
114 Amended Ordinance No. 13-086 on November 13, 2013, is amended to read:

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2
3

30.22.110 Rural and Resource Use Matrix

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Accessory Apartment ⁶²	A	A	A	A				A	A	A	A
Agriculture ⁴¹	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, Minor				P ⁷⁸	P	P					
Auto Towing	C		C								
Bakery				P ⁷⁸	P						
Bakery, Farm ⁹⁷	P	P	P	P			P		P	P	
Bed and Breakfast Guesthouse ⁵⁸	C		C ¹¹⁵	P				C	C	A	
Bed and Breakfast Inn ⁵⁸	C		C ¹¹⁵	P				C	C	C	
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									C ³²		
Caretaker's Quarters	P		C				P				P
Cemetery, Columbarium, Crematorium, Mausoleum ⁴¹	P		C ¹¹⁵								
Church ⁴¹	P		C ¹¹⁵	C	P						
Cold Storage							P				
Commercial Vehicle Home Basing			C ³³								

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Commercial Vehicle Storage Facility				C			P				
Community Club	P		C ¹¹⁵	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}							
Country Club	C		C ¹¹⁵	P							
Craft Shop ²¹				P							
Dams, Power Plants, & Associated Uses									P		
Day Care Center ²	P		C ¹¹⁵	P	P	P					
Distillation of Alcohol	C ³⁴		C ^{34, 115}							C ³⁴	
Dock & Boathouse, Private, Non-commercial ^{3, 41}	P	P	P	P				P	P	P	
Drug Store				P ⁷⁹	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
Fabrication Shop							P				
Fallout Shelter, Individual	P	P	P ¹¹⁵	P	P	P	P	P	P	P	P
Fallout Shelter, Joint ⁷	P		P	P	P	P	P	P	P	P	P
Family Day Care Home ⁸	P		P ¹¹⁵	P	P			P		P	

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
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	P	P	P	P			P	
			A ^{101, 115}								
Farmland Enterprises ⁹⁵		A	A ¹¹⁵							A	
Fish Farm	P	P	P ¹¹⁵					P	P	P	
Fix-it Shop				P ⁷⁸	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	
Garage, Detached Private Accessory ⁶⁰											
Up to 2,400 sq ft	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
2,401- 4,000 sq ft on Less than 3 acres ^{41, 59}	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

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
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 and Driving Range	C		C ¹¹⁵							C ⁷⁴	
Government Structures & Facilities ^{27, 41}	C	C	C ¹¹⁵	C	P		C	C	C		C
Greenhouse, Lath House, Nurseries: ⁵² Retail	P	P	P ¹¹⁵	P	P		P	P		P	
Greenhouse, Lath House, Nurseries: ⁵² Wholesale	P	P	P ¹¹⁵	P	P		P	P		P	
Grocery Store				P ⁸⁰	P	P ⁸⁰					
Grooming Parlor					P						
Guesthouse ⁸⁵	P	P	P	P				P	P	P	
Hardware Store				P ⁸⁰	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	P
Level II ^{41 91}			C ¹¹⁵	C							
Level III											
Home Improvement Center				P ⁸⁰	P						
Home Occupation ^{11, 84}	P ⁶⁴	P ⁶⁴	P ⁶⁴	P ⁶⁴	P			P ⁶⁴	P ⁶⁴	P ⁶⁴	P ⁶⁴
Homestead Parcel ⁴⁰	C		C ¹¹⁵							C	
Hotel/Motel				P		P					
Kennel, ⁴¹ Commercial ¹²	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	

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Kitchen, farm	P	P	P	P			P			P	
Library ⁴¹	C		C ¹¹⁵	P							
Licensed Practitioner ^{29, 41}				P ⁷⁹							
Livestock Auction Facility	C ⁴⁸		C ^{48, 115}		P		P			C ⁴⁸	
Locksmith				P	P						
Log Scaling Station	C	C	C ¹¹⁵				P	P	P	P	
Lumberyard							P				
Manufacturing-All Other Forms Not Specifically Listed ⁸³				C			C				
Marijuana Collective Garden ^{124, 126}					P		P				
Marijuana Collective Garden Dispensary, or Access Point ¹²⁶				P	P						
Marijuana Processing ¹²⁴			((P ¹¹⁵))				P			P	
Marijuana Production ¹²⁴			((P ¹¹⁵))				P			P	
Marijuana Retail				P	((P))						
Metal Working Shop				P ⁷⁸			P				
Mini-equestrian Center ^{41, 72}	P	P	P ¹¹⁵	P			P	P	P	P ⁷¹	
Model Hobby Park ⁷⁵			A ¹¹⁵							A	
Model House/Sales Office	P	P	P ¹¹⁵					P	P		
Motocross Racetrack			C ¹¹³						C ¹¹³		
Motor Vehicle & Equipment Sales					P ²³						
Museum ⁴¹	C		C ¹¹⁵	P						C ⁶¹	
Office, General				P	P						
Off-road vehicle use area, private									C ¹⁰⁹		
Park, Public ¹⁴	P	P	P	P	P		P	P	P	P	P
Park-and-Pool Lot				P	P	P	P				

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Park-and-Ride Lot	C	C	C	P		P		C	C	C	
Personal Services Shop				P ⁷⁹	P						
Personal Wireless Communications Facilities <small>27, 41, 104, 105, 106</small>	C	C	C	C	C	C	C	C	C	C	C
Petroleum Products & Gas Storage – Bulk							P ⁴³				
Print shop				P							
Public Events/Assemblies on Farmland ⁹⁶										P	
Race Track ^{24, 41}			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			C,	
Recreational Vehicle ¹⁹	P	P	P					P	P	P	
Recreational Vehicle Park									C		
Resort									C		
Restaurant				P ⁸⁰	P	P					
Retail Store				P ⁸⁰	P						
Rural Industries ⁴¹	P ²⁵										
Sanitary Landfill	C	C	C ¹¹⁵					C			C
Sawmill	C ²⁶	C ²⁶	C ^{26, 115}				P	P	P		

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Schools											
K-12 & Preschool ^{41, 68}	C		C ¹¹⁵	P							
College ^{41, 68}	C		C ¹¹⁵								
Other ^{41, 68}				C			C				
Second Hand Store				P ⁷⁸	P						
Service Station ⁴¹				P	P	P					
Shake & Shingle Mill	C ²⁶	C ²⁶	C ^{26, 115}				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
Specialty Store				P ⁷⁸	P						
Stables	P	P	P	P			P	P	P	P	
Stockyard or Slaughter House							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	C
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}								
Swimming/Wading Pool ^{17, 41}	P	P	P					P	P	P	P
Tavern ⁴¹				P	P						
Temporary Dwelling During Construction	A	A	A	A	A	A	A	A	A	A	A

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
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								
Temporary Woodwaste Recycling ⁶³	A						A	A			
Temporary Woodwaste Storage ⁶³	A							A			
Tire Store					P						
Tool Sales & Rental				P	P						
Transit Center	C	C	C ¹¹⁵	P		P		C	C	C	
Ultralight Airpark ²⁰	C	C	C ¹¹⁵					C			
Utility Facilities, Electromagnetic Transmission & Receiving Facilities ²⁷	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}	C	C	C	C	P	C	P	C	C	C	C
Veterinary Clinic	P		C ¹¹⁵	P	P					C	
Wedding Facility ⁸⁷		P	P ¹¹⁵							P	
Woodwaste Recycling ⁵⁷	C	C	C				C	C			
Woodwaste Storage ⁵⁷	C	C	C				C	C			
Yacht/Boat Club				P			P				

1

P - Permitted Use	<p>A blank box indicates a use is not allowed in a specific zone.</p> <p>Note: Reference numbers within matrix indicate special conditions apply; see SCC30.22.130.</p> <p>Check other matrices in this chapter if your use is not listed above.</p>
A - Administrative Conditional Use	
C - Conditional Use	
S - Special Use	

1 Section 4. Expiration. The interim zoning regulations in section 3 of this
2 ordinance shall automatically expire and be deemed to have been repealed six months
3 from the date of adoption unless renewed or otherwise extended prior to such date in
4 accordance with RCW 36.70A.390.


5
6 Section 5. Public hearing. The Snohomish County Council will hold a public
7 hearing on this matter on October 29, 2014, at the hour of 10:30 a.m. in the Henry M.
8 Jackson Board Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett,
9 Washington, for the purpose of hearing public testimony on this matter in accordance
10 with RCW 36.70A.390. The notice for the public hearing shall specifically indicate that
11 this ordinance may be renewed for one or more six month periods if a subsequent
12 public hearing is held and findings of fact are made prior to each renewal.

13
14 Section 6. Renewal. In accordance with RCW 36.70A.390, this ordinance may
15 be renewed for one or more six month periods if a subsequent public hearing is held
16 and findings of fact are made prior to each renewal.

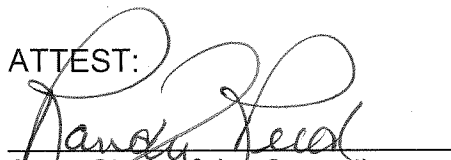
1 Section 7. Severability. If any section, sentence, clause or phrase of this
2 ordinance shall be held to be invalid or unconstitutional by the Growth Management
3 Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality
4 shall not affect the validity or constitutionality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

10
11
12 PASSED this 1st day of October 2014.

13
14 SNOHOMISH COUNTY COUNCIL
15 Snohomish County, Washington

16
17 
18 _____
19 Council Chair

20 ATTEST:

21 
22 _____
23 Asst. Clerk of the Council

- 24
25
26 () APPROVED
27 () EMERGENCY
28 () VETOED

29 DATE: _____

30 _____
31 County Executive

32 ATTEST:

33 _____
34

35
36 Approved as to form only:

37  9/18/14
38 _____
39 Deputy Prosecuting Attorney

D-22