

1 SNOHOMISH COUNTY COUNCIL  
2 Snohomish County, Washington

3  
4 EMERGENCY ORDINANCE NO. 14-087

5  
6 RELATING TO GROWTH MANAGEMENT, ADOPTING AN INTERIM OFFICIAL  
7 CONTROL REGULATING MEDICAL MARIJUANA COLLECTIVE GARDENS,  
8 COLLECTIVE GARDEN DISPENSARIES AND ACCESS POINTS, AMENDING SCC  
9 30.22.110, DECLARING AN EMERGENCY,  
10 AND SETTING A HEARING DATE  
11

12  
13 WHEREAS, chapter 69.51A RCW provides that qualifying patients or their  
14 designated care providers may create and participate in collective gardens to produce,  
15 process, transport, and deliver cannabis for medical use; and  
16

17 WHEREAS, under chapter 69.51A RCW, there is no limit to the number of  
18 collective gardens, collective garden dispensaries and access points that can be located  
19 in an area, nor restrictions as to where collective gardens, collective garden  
20 dispensaries and access points may be located in relation to other uses; and  
21

22 WHEREAS, RCW 69.51A.140 authorizes counties to adopt and enforce zoning  
23 regulations, business licensing requirements, and health and safety requirements  
24 pertaining to the production, processing, or dispensing of cannabis or cannabis products  
25 within unincorporated areas of the county; and  
26

27 WHEREAS, Article XI, Section 11 of the Washington Constitution provides that  
28 any county may "make and enforce within its limits all such local police, sanitary and  
29 other regulations as are not in conflict with general laws," which grants counties  
30 jurisdiction over land use issues like zoning; and  
31

32 WHEREAS, without additional regulations and review processes, new marijuana  
33 businesses may open in areas where they are incompatible with surrounding uses; and  
34

35 WHEREAS, the Snohomish County Council referred proposed legislation to the  
36 Department of Planning and Development Services and to the Planning Commission in  
37 order to consider regulations to reduce the potential incompatibility of marijuana  
38 collective gardens in certain rural zones; and  
39

40 WHEREAS, the Snohomish County Council wishes to reduce the risk of new  
41 businesses opening where they are incompatible with surrounding uses during the  
42 period of time necessary for consideration of the new regulations; and  
43

44 WHEREAS, the Snohomish County Council has determined that the proposed  
45 amendments to the development regulations promote a county purpose as established  
46 under RCW 36.70A.130, RCW 36.70A.470 and chapter 30.73 SCC; and  
47

48 WHEREAS, RCW 36.70A.390 provides that the Snohomish County Council may  
49 adopt a moratorium, interim zoning ordinance, interim zoning map, and/or interim official  
50 control; and  
51

52 WHEREAS, moratoria, interim zoning ordinances, and interim official controls  
53 enacted under RCW 36.70A.390 are methods by which local governments may  
54 preserve the status quo so that new regulations will not be rendered moot by  
55 intervening development;  
56

57 NOW, THEREFORE, BE IT ORDAINED:  
58

59 Section 1. The Snohomish County Council makes the following findings and  
60 conclusions:  
61

- 62 A. The Snohomish County Council adopts and incorporates the foregoing recitals as  
63 findings as if set forth fully herein.  
64
- 65 B. The number of collective gardens in the Clearview area has increased recently to a  
66 level that has generated significant citizen concerns about the impact that so many  
67 marijuana businesses can have on a community. Any further increase in the  
68 concentration of marijuana businesses, including collective gardens, collective  
69 garden dispensaries, and access points, in that area would exacerbate the problem.  
70
- 71 C. The interim zoning regulations in SCC 30.22.110 will prohibit new medical marijuana  
72 collective gardens, collective garden dispensaries and access points from locating in  
73 the Clearview Rural Commercial (CRC) zone while regulations to promote  
74 compatibility are considered.  
75
- 76 D. It is in the best interest of Snohomish County to prohibit new collective gardens,  
77 collective garden dispensaries and access points from locating in the CRC zone at  
78 this time, pending further study and public engagement on potential long-term  
79 regulatory changes.  
80
- 81 E. The proposed interim official control will promote the public health, safety, morals,  
82 and general welfare, and it is consistent with the goals and policies of the  
83 Comprehensive Plan.  
84
- 85 F. Marijuana is illegal under federal law. State and local regulations do not preempt  
86 federal law. People and businesses involved in the production, processing, sales,  
87 and possession of marijuana could still be subject to prosecution under federal law.  
88 Local zoning and other regulations are not a defense against a violation of federal

89 law. The United States Department of Justice in a letter to the Commissioners of  
90 Clark County, Washington dated January 17, 2012, stated that "Congress has  
91 determined that marijuana is a schedule I controlled substance and, as such,  
92 growing, distributing, and possessing marijuana in any capacity, other than as part of  
93 a federally authorized research program, is a violation of federal law regardless of  
94 state laws permitting such activities."  
95

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

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

103 Section 2. Pursuant to section 2.120 of the Snohomish County Charter, the  
104 Snohomish County Council finds and concludes that adopting an interim official control  
105 to regulate the siting of medical marijuana collective gardens, collective garden  
106 dispensaries and access points is necessary for the immediate preservation of the  
107 public peace, health or safety. Non-emergency options would not be adequate to  
108 prevent a potentially large number of new medical marijuana collective gardens,  
109 collective garden dispensaries and access points from opening in neighborhoods where  
110 they would be detrimental to the public peace, health, and safety. Based on the  
111 foregoing, the Snohomish County Council declares that an emergency exists and this  
112 ordinance shall take effect immediately.  
113

114 Section 3. Snohomish County Code Section 30.22.110, last amended by  
115 Amended Ordinance No. 13-086 on November 13, 2013, is amended to read:  
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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 <sup>62</sup>	A	A	A	A				A	A	A	A
Agriculture <sup>41</sup>	P	P	P	P	P	P	P	P	P	P	P
Airport: Stage 1 Utility <sup>1</sup>	C	C	C <sup>115</sup>					C			
Antique Shop	C		C <sup>45, 115</sup>	P <sup>79</sup>	P						
Art Gallery <sup>41</sup>	C		C <sup>115</sup>	P <sup>79</sup>	P						
Asphalt Batch Plant & Continuous Mix Asphalt Plant											P
Auto Repair, Minor				P <sup>78</sup>	P	P					
Auto Towing	C		C								
Bakery				P <sup>78</sup>	P						
Bakery, Farm <sup>97</sup>	P	P	P	P			P		P	P	
Bed and Breakfast Guesthouse <sup>58</sup>	C		C <sup>115</sup>	P				C	C	A	
Bed and Breakfast Inn <sup>58</sup>	C		C <sup>115</sup>	P				C	C	C	
Boarding House	P <sup>15</sup>	P <sup>15</sup>	P <sup>15, 115</sup>					P <sup>15</sup>		P <sup>15</sup>	
Boat Launch, Commercial <sup>31</sup>		C							C		
Boat Launch, Non-commercial <sup>31</sup>	C		C	C				C	C		
Campground									C <sup>32</sup>		
Caretaker's Quarters	P		C				P				P
Cemetery, Columbarium, Crematorium, Mausoleum <sup>41</sup>	P		C <sup>115</sup>								
Church <sup>41</sup>	P		C <sup>115</sup>	C	P						
Cold Storage							P				
Commercial Vehicle Home Basing			C <sup>33</sup>								

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 <sup>115</sup>	P	P						
Community Facilities for Juveniles <sup>103</sup>											
1 to 8 residents			P <sup>102, 115</sup>	P	P						
9 to 24 residents			S <sup>103, 115</sup>	P	P						
Construction Contracting				P <sup>80, 81</sup>							
Country Club	C		C <sup>115</sup>	P							
Craft Shop <sup>21</sup>				P							
Dams, Power Plants, & Associated Uses									P		
Day Care Center <sup>2</sup>	P		C <sup>115</sup>	P	P	P					
Distillation of Alcohol	C <sup>34</sup>		C <sup>34, 115</sup>							C <sup>34</sup>	
Dock & Boathouse, Private, Non-commercial <sup>3, 41</sup>	P	P	P	P				P	P	P	
Drug Store				P <sup>79</sup>	P						
Dwelling, Duplex	P	P	P					P		P	
Dwelling, Mobile Home	P	P	P		P <sup>6</sup>			P	P	P	P
Dwelling, Single Family	P	P	P		P			P	P	P	P
Equestrian Center <sup>41, 70, 72</sup>	P	C	C <sup>115</sup>					C	P	C <sup>70</sup>	
Excavation & Processing of Minerals <sup>28</sup>	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 <sup>115</sup>	P	P	P	P	P	P	P	P
Fallout Shelter, Joint <sup>7</sup>	P		P	P	P	P	P	P	P	P	P
Family Day Care Home <sup>8</sup>	P		P <sup>115</sup>	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
<b>Farm Product Processing</b> Up to 5,000 sq ft Over 5,000 sq ft <sup>94</sup>	P A	P A	P <sup>115</sup> A <sup>115</sup>	P A			P A	P A		P A	
<b>Farm Support Business</b> <sup>94</sup>	A	A	A <sup>115</sup>	A			P			A	
<b>Farm Stand</b> Up to 400 sq ft <sup>9</sup> 401 – 5,000 sq ft <sup>99, 100</sup>	P P	P P	P <sup>100, 115</sup> P, A <sup>100,</sup>	P P	P P	P P	P P	P P	P P	P P	P
<b>Farm Workers Dwelling</b>										P <sup>10</sup>	
<b>Farmers Market</b> <sup>93</sup>	P	P	P <sup>101,</sup> A <sup>101, 115</sup>	P	P	P	P			P	
<b>Farmland Enterprises</b> <sup>95</sup>		A	A <sup>115</sup>							A	
<b>Fish Farm</b>	P	P	P <sup>115</sup>					P	P	P	
<b>Fix-it Shop</b>				P <sup>78</sup>	P		P				
<b>Forestry</b>	P	P	P				P	P	P	P	P
<b>Forestry Industry Storage &amp; Maintenance Facility</b>	P <sup>30</sup>	P					P	P	P		
<b>Foster Home</b>	P	P	P	P				P		P	

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
<b>Garage, Detached Private Accessory</b> <sup>60</sup>											
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 <sup>41, 59</sup>	P	P	P	P	P	P	P	P	P		P
2,401- 4,000 sq ft on Less than 3 acres <sup>41, 59</sup>	A	A	A	A	A	A	A	A	A		A
4,001 sq ft and Greater <sup>41, 59</sup>	C	C	C	C	C	C	C	C	C		C
<b>Garage, Detached Private Non-accessory</b> <sup>60</sup>											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 sq ft and greater <sup>41, 59</sup>	C	C	C	C	C	C	C	C	C	C	C
<b>Golf Course and Driving Range</b>	C		C <sup>115</sup>							C <sup>74</sup>	
<b>Government Structures &amp; Facilities</b> <sup>27, 41</sup>	C	C	C <sup>115</sup>	C	P		C	C	C		C
<b>Greenhouse, Lath House, Nurseries:</b> <sup>52</sup> Retail	P	P	P <sup>115</sup>	P	P		P	P		P	
<b>Greenhouse, Lath House, Nurseries:</b> <sup>52</sup> Wholesale	P	P	P <sup>115</sup>	P	P		P	P		P	
<b>Grocery Store</b>				P <sup>80</sup>	P	P <sup>80</sup>					
<b>Grooming Parlor</b>					P						
<b>Guesthouse</b> <sup>85</sup>	P	P	P	P				P	P	P	
<b>Hardware Store</b>				P <sup>80</sup>	P						
<b>Hazardous Waste Storage &amp; Treatment Facilities Onsite</b> <sup>65</sup>	P			P		P	P	P	P		
<b>Health and Social Service Facility</b> <sup>90</sup>											
Level I	P	P	P <sup>115</sup>	P	P			P	P	P	P
Level II <sup>41 91</sup>			C <sup>115</sup>	C							
Level III											
<b>Home Improvement Center</b>				P <sup>80</sup>	P						
<b>Home Occupation</b> <sup>11, 84</sup>	P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>	P			P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Homestead Parcel <sup>40</sup>	C		C <sup>115</sup>							C	
Hotel/Motel				P		P					
Kennel, <sup>41</sup> Commercial <sup>12</sup>	P	P	P <sup>115</sup>					P		C	
Kennel, <sup>41</sup> Private-Breeding <sup>13</sup>	P	P	P					P		P	
Kennel, <sup>41</sup> Private-Non-Breeding <sup>13</sup>	P	P	P	P				P		P	
Kitchen, farm	P	P	P	P			P			P	
Library <sup>41</sup>	C		C <sup>115</sup>	P							
Licensed Practitioner <sup>29, 41</sup>				P <sup>79</sup>							
Livestock Auction Facility	C <sup>48</sup>		C <sup>48, 115</sup>		P		P			C <sup>48</sup>	
Locksmith				P	P						
Log Scaling Station	C	C	C <sup>115</sup>				P	P	P	P	
Lumberyard							P				
Manufacturing-All Other Forms Not Specifically Listed <sup>83</sup>				C			C				
Marijuana Collective Garden <sup>124, 126</sup>					((P))		P				
Marijuana Collective Garden Dispensary, or Access Point <sup>126</sup>				P	((P))						
Marijuana Processing <sup>124</sup>			P <sup>115</sup>				P			P	
Marijuana Production <sup>124</sup>			P <sup>115</sup>				P			P	
Marijuana Retail				P	P						
Metal Working Shop				P <sup>78</sup>			P				
Mini-equestrian Center <sup>41, 72</sup>	P	P	P <sup>115</sup>	P			P	P	P	P <sup>71</sup>	
Model Hobby Park <sup>75</sup>			A <sup>115</sup>							A	
Model House/Sales Office	P	P	P <sup>115</sup>					P	P		
Motocross Racetrack			C <sup>113</sup>						C <sup>113</sup>		



Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Motor Vehicle & Equipment Sales					P <sup>23</sup>						
Museum <sup>41</sup>	C		C <sup>115</sup>	P						C <sup>61</sup>	
Office, General				P	P						
Off-road vehicle use area, private									C <sup>109</sup>		
Park, Public <sup>14</sup>	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	C	
Personal Services Shop				P <sup>79</sup>	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 <sup>43</sup>				
Print shop				P							
Public Events/Assemblies on Farmland <sup>96</sup>										P	
Race Track <sup>24, 41</sup>			C <sup>115</sup>								
Railroad Right-of-way	C	C	C <sup>115</sup>		P		P	C	C	C	C
Recreational Facility Not Otherwise Listed <sup>98</sup>	C		C <sup>115</sup>		P		P <sup>79</sup>			C,	
Recreational Vehicle <sup>19</sup>	P	P	P					P	P	P	
Recreational Vehicle Park									C		
Resort									C		

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Restaurant				P <sup>80</sup>	P	P					
Retail Store				P <sup>80</sup>	P						
Rural Industries <sup>41</sup>	P <sup>25</sup>										
Sanitary Landfill	C	C	C <sup>115</sup>					C			C
Sawmill	C <sup>26</sup>	C <sup>26</sup>	C <sup>26, 115</sup>				P	P	P		
Schools											
K-12 & Preschool <sup>41, 68</sup>	C		C <sup>115</sup>	P							
College <sup>41, 68</sup>	C		C <sup>115</sup>								
Other <sup>41, 68</sup>				C			C				
Second Hand Store				P <sup>78</sup>	P						
Service Station <sup>41</sup>				P	P	P					
Shake & Shingle Mill	C <sup>26</sup>	C <sup>26</sup>	C <sup>26, 115</sup>				P	P			
Shooting Range <sup>92</sup>	C	C	C					C			
Sludge Utilization <sup>39</sup>	C	C, P <sup>50</sup>	C <sup>115</sup>					C		C	C <sup>56</sup>
Small Animal Husbandry <sup>41</sup>	P		P		P			P	P	P	P
Specialty Store				P <sup>78</sup>	P						
Stables	P	P	P	P			P	P	P	P	
Stockyard or Slaughter House							C <sup>48</sup>				
Storage, Retail Sales Livestock Feed			P <sup>54, 115</sup>	P			P			P	
Storage Structure, Accessory <sup>60</sup>											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 – 4,000 sq ft on More than 3 Acres <sup>41, 59</sup>	P	P	P	P	P	P	P	P	P	P	P
2,401 – 4,000 sq ft on Less than 3 acres <sup>41, 59</sup>	A	A	A	A	A	A	A	A	A	A	A
4,001 sq ft and Greater <sup>41, 59</sup>	C	C	C	C	C	C	C	C	C	C	C

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
<b>Storage Structure, Non-accessory</b> <sup>60</sup>											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 sq ft and greater <sup>41, 59</sup>	C	C	C	C	C	C	C	C	C	C	C
<b>Studio</b> <sup>41</sup>	C <sup>77</sup>		C <sup>77, 115</sup>								
<b>Swimming/Wading Pool</b> <sup>17, 41</sup>	P	P	P					P	P	P	P
<b>Tavern</b> <sup>41</sup>				P	P						
<b>Temporary Dwelling During Construction</b>	A	A	A	A	A	A	A	A	A	A	A
<b>Temporary Dwelling For Relative</b> <sup>18</sup>	A	A	A					A	A	A	A
<b>Temporary Logging Crew Quarters</b>								P	P		
<b>Temporary Residential Sales Coach</b> <sup>73</sup>	A		A <sup>115</sup>								
<b>Temporary Woodwaste Recycling</b> <sup>63</sup>	A						A	A			
<b>Temporary Woodwaste Storage</b> <sup>63</sup>	A							A			
<b>Tire Store</b>					P						
<b>Tool Sales &amp; Rental</b>				P	P						
<b>Transit Center</b>	C	C	C <sup>115</sup>	P		P		C	C	C	
<b>Ultralight Airpark</b> <sup>20</sup>	C	C	C <sup>115</sup>					C			
<b>Utility Facilities, Electromagnetic Transmission &amp; Receiving Facilities</b> <sup>27</sup>	C	C	C	C	P	C	P	C	C	C	C
<b>Utility Facilities, Transmission Wires or Pipes &amp; Supports</b> <sup>27</sup>	P	P	P	P	P	P	P	P	P	P	P
<b>Utility Facilities-All Other Structures</b> <sup>27, 41</sup>	C	C	C	C	P	C	P	C	C	C	C
<b>Veterinary Clinic</b>	P		C <sup>115</sup>	P	P					C	
<b>Wedding Facility</b> <sup>87</sup>		P	P <sup>115</sup>							P	
<b>Woodwaste Recycling</b> <sup>57</sup>	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
Woodwaste Storage <sup>57</sup>	C	C	C				C	C			
Yacht/Boat Club				P			P				

1

<b>P - Permitted Use</b>	<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>
<b>A - Administrative Conditional Use</b>	
<b>C - Conditional Use</b>	
<b>S - Special Use</b>	

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 29<sup>th</sup> day of September 2014.

13  
14 SNOHOMISH COUNTY COUNCIL  
15 Snohomish County, Washington

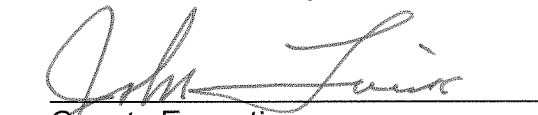
16  
17  
18   
19 Council Chair

20 ATTEST:

21   
22  
23 Asst. Clerk of the Council  
24  
25

26  APPROVED  
27  EMERGENCY  
28  VETOED  
29

30 DATE: 9/30/14

31   
32 County Executive

33 ATTEST:

34   
35

36 Approved as to form only:

37  9/18/14  
38 Deputy Prosecuting Attorney  
39