

Adopted: 12/14/16  
Effective: 12/14/16

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

EMERGENCY ORDINANCE NO. 16-123

RELATING TO GROWTH MANAGEMENT; EXTENDING AN INTERIM OFFICIAL CONTROL ENACTED BY EMERGENCY ORDINANCE NO. 16-051 FOR AN ADDITIONAL THREE-MONTH PERIOD, REGULATING RETAIL MARIJUANA BUSINESSES LICENSED UNDER STATE LAW, 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 Snohomish County Council (“County Council”) adopted regulations for marijuana-related facilities in Amended Ordinance No. 13-086 effective November 28, 2013; and

WHEREAS, the County Council amended regulations for marijuana-related facilities in Amended Ordinance No. 15-009 effective June 15, 2015; and

WHEREAS, the County Council adopted Emergency Ordinance No. 16-051 on June 22, 2016, establishing an interim official control prohibiting new marijuana retail uses from locating in unincorporated Snohomish County for the following six months; 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 retail marijuana uses to the Snohomish County Planning Commission (“Planning Commission”) for review and recommendation; and

WHEREAS, the Washington State Liquor and Cannabis Board (WSLCB) is in the process of reviewing applications and issuing licenses for marijuana retail businesses in unincorporated Snohomish County; 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

1 WHEREAS, residents and business owners within Snohomish County have  
2 expressed concerns about negative impacts to communities resulting from clusters of  
3 multiple marijuana retail uses located in close proximity to each other; and  
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5 WHEREAS, without additional regulations and review processes, new marijuana  
6 retail uses may open in locations that would exacerbate impacts from existing clusters  
7 of marijuana retail uses, or would create new impacts from new clusters of marijuana  
8 retail uses; and  
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10 WHEREAS, the County Council wishes to reduce the risk of new marijuana retail  
11 uses in locations where they would exacerbate existing clusters or create new clusters  
12 during the period of time necessary for consideration of the new regulations; and  
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14 WHEREAS, RCW 36.70A.390 provides that the County Council may adopt a  
15 moratorium, interim zoning ordinance, interim zoning map, and/or interim official control  
16 effective for up to six months, and provides for renewals; and  
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18 WHEREAS, moratoria, interim zoning ordinances, and interim official controls  
19 enacted under RCW 36.70A.390 are methods by which local governments may  
20 preserve the status quo so that new regulations will not be rendered moot by  
21 intervening development; and  
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23 WHEREAS, the provisions of Emergency Ordinance No. 16-051 will expire on  
24 December 22, 2016, before new permanent regulations can be effective, unless action  
25 is taken to extend those provisions prior to that date;  
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27 WHEREAS, additional time is required for the County Council to consider and act  
28 on permanent regulations for marijuana retail uses and for the regulations to become  
29 effective.  
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31 NOW, THEREFORE, BE IT ORDAINED:  
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33 Section 1. The County Council makes the following findings and conclusions:  
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35 A. The County Council adopts and incorporates the foregoing recitals as findings as if  
36 set forth fully herein.  
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38 B. The County Council readopts and clarifies the following findings from Emergency  
39 Ordinance No. 16-051:  
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- 41 1. Marijuana retail uses have located within unincorporated Snohomish County in a  
42 pattern that has generated citizen concerns about adverse impacts that clusters  
43 of marijuana retail uses can have on a community. Any further increase in the  
44 clustering of marijuana retail uses would exacerbate those adverse impacts.

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2. The County Council clarifies that its intent in adopting Emergency Ordinance No. 16-051 was to adopt interim zoning regulations in SCC 30.22.100 and 30.22.110 to prohibit new marijuana retail uses licensed by the State of Washington from establishing at locations in unincorporated Snohomish County while the County Council considered adopting regulations that address clustering, regardless of the legal status of a business proposing such a marijuana retail use.
  3. It is in the best interest of Snohomish County to continue to prohibit new marijuana retail uses from locating in unincorporated Snohomish County at this time, pending further study and public engagement on potential regulatory changes.
  4. The proposed interim official control will promote the public health, safety, morals, and general welfare, and it is consistent with the goals and policies of the Comprehensive Plan.
  5. This ordinance satisfies the procedural and substantive requirements of and is consistent with the GMA.
  6. Pursuant to WAC 197-11-880 and SCC 30.61.020, the adoption of this ordinance is exempt from the requirements for a threshold determination under the State Environmental Policy Act (SEPA).
- C. The County Council adopts the following additional findings in support of extension of the interim official control in Emergency Ordinance 16-051 for an additional three-month period.
1. Snohomish County has made steady and continuous progress toward adopting permanent regulations to replace the interim official control adopted by Amended Emergency Ordinance 16-051.
  2. The County Council conducted a public hearing on Emergency Ordinance No. 16-051 on August 10, 2016.
  3. The County Council discussed marijuana retail regulations on July 5 and August 2, 2016, and referred several potential options for permanent regulations on retail marijuana uses to the Planning Commission for review and recommendation.
  4. 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.
  5. After holding a public hearing, the Planning Commission reviewed, considered, and deliberated on a range of options for County Council consideration.

- 1  
2 6. The Planning Commission transmitted a letter to the County Council dated  
3 September 28, 2016, and received by the council on October 19, 2016, reporting  
4 that the Planning Commission was unable to provide a recommendation by  
5 voting in favor of any of the options before them. The Planning Commission's  
6 letter described the motions made during deliberations and includes comments  
7 on the options considered by the Planning Commission.  
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9 7. With no recommendation available from the Planning Commission, the matter of  
10 marijuana retail regulations was transmitted back to the County Council without a  
11 proposed ordinance.  
12  
13 8. Additional time is required for the Snohomish County Council to complete its  
14 consideration of the Planning Commission's letter, including the possibility of the  
15 adoption of permanent regulations on marijuana retail uses.  
16  
17 9. The emergency that existed at the time of adoption of Emergency Ordinance No.  
18 16-051, and as documented in Emergency Ordinance No. 16-051, continues to  
19 exist within the county, and a renewal of the interim official control is necessary  
20 for the continued preservation of the public peace, health, and safety.  
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22 10. During this additional time until permanent regulations can be adopted, the  
23 County Council finds that it is still in the best interest of Snohomish County to  
24 continue the interim official control on new marijuana retail uses.  
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26 Section 2. Pursuant to section 2.120 of the Snohomish County Charter, the  
27 County Council finds and concludes that renewing the interim official control to regulate  
28 the siting of licensed marijuana retail uses is necessary for the immediate preservation  
29 of the public peace, health and safety. Non-emergency options would not be adequate  
30 to prevent new marijuana retail uses from clustering in neighborhoods where they would  
31 be detrimental to the public peace, health, and safety. Based on the foregoing, the  
32 County Council declares that an emergency exists and this ordinance shall take effect  
33 on December 22, 2016.  
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35 Section 3. Section 5 of Emergency Ordinance No. 16-051, adopted on June 22,  
36 2016, is amended to read:  
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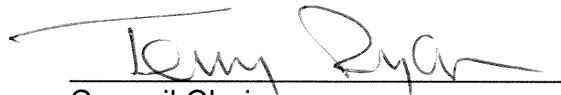
38 Section 5. Expiration. The interim zoning regulations in sections 3 and 4  
39 of this ordinance shall automatically expire and be deemed to have been  
40 repealed ~~((six))~~ three months from ((the date of adoption)) the effective date of  
41 Emergency Ordinance No. 16-123, unless renewed or otherwise extended prior  
42 to such date in accordance with RCW 36.70A.390.  
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1 Section 4. Renewal. In accordance with RCW 36.70A.390, this ordinance may  
2 be renewed for one or more six-month periods if a subsequent public hearing is held  
3 and findings of fact are made prior to each renewal.  
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5 Section 5. Public hearing. The Snohomish County Council will hold a public  
6 hearing on this matter on January 18, 2017, at the hour of 10:30 a.m. in the Henry M.  
7 Jackson Board Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett,  
8 Washington, for the purpose of hearing public testimony on this matter in accordance  
9 with RCW 36.70A.390. The notice for the public hearing shall specifically indicate that  
10 this ordinance may be renewed for one or more six month periods if a subsequent  
11 public hearing is held and findings of fact are made prior to each renewal.  
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16 PASSED this 14<sup>th</sup> day of December, 2016.  
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18 SNOHOMISH COUNTY COUNCIL  
19 Snohomish County, Washington  
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22 \_\_\_\_\_  
23 Council Chair

24 ATTEST:

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27 Asst. Clerk of the Council  
28  
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- 30 ( ) APPROVED  
31 (  ) EMERGENCY  
32 ( ) VETOED  
33

DATE: \_\_\_\_\_  
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35 \_\_\_\_\_  
36 County Executive

37 ATTEST:  
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40 Approved as to form only:  
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43 \_\_\_\_\_  
44 Deputy Prosecuting Attorney

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