

PDS Director's Rule 18-01



Snohomish County

Planning and Development Services

Department: Snohomish County Planning and Development Services	Pages: 3	Supersedes: N/A
	Adopted: January 26, 2018	Effective: January 26, 2018
Subject and Title: Implementing SCC 30.28.120 Marijuana Retail First-in-Time Determination	Code and Section Reference: SCC 30.28.120 (Marijuana Retail Requirements)	
	Type of Rule: Code Clarification and Implementation	
	Cite Basis: Chapter 30.82 SCC	
Approved: //s// signature on file _____ Barbara Mock, Director	Date: January 26, 2018	

BACKGROUND:

Amended Ordinance No. 17-006 was adopted on February 15, 2017 and established application and separation requirements, as well as a numeric limit, for marijuana retail uses in unincorporated Snohomish County.

PURPOSE:

The intent of this rule is to implement and provide clarity to the provisions of SCC [30.28.120](#).

The first-in-time provisions are utilized by the Department of Planning and Development Services (the "Department") to determine which application has priority in siting a marijuana retail facility in the event the Department receives two or more conditional use permit applications for a marijuana retail use. This determination is necessary when such applications propose a location that may violate the separation requirements set forth in SCC [30.28.120\(1\)](#) and [30.28.120\(2\)](#) or exceed the limit of marijuana retail facilities allowed in unincorporated Snohomish County set forth in SCC [30.28.120\(3\)](#). The applicant is responsible for demonstrating compliance with SCC 30.28.120(1), 30.28.120(2), and 30.28.128(3) at the time a conditional use permit application is submitted.

RULE:

In the event that two or more retail marijuana facilities are proposed to be located within 2,500 feet from each other, 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.

The Director shall make the “first-in-time” determination in connection with an application for a conditional use permit or as otherwise appropriate.

The applicant is responsible for showing compliance in connection with SCC 30.28.120(1), 30.28.120(2), and 30.28.120(3) at the time a conditional use permit is submitted to the Department:

1. Applicant shall provide evidence that there are less than 32 state-licensed marijuana retail facilities in unincorporated Snohomish County as set forth in SCC 30.28.120(3).
2. Applicant shall provide evidence that the location identified in the conditional use permit application satisfies the distance requirements from schools and from other state-licensed marijuana retailers as set forth in SCC 30.28.120(1) and 30.28.120(2).

A priority applicant shall have its conditional use permit application processed by the Department based on the following criteria:

1. First to submit a complete application for a conditional use permit based on the date and time of submittal to the Department.
2. In the event two or more conditional use 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.

“First-in-time” determinations are location specific and do not transfer to a new property, location or site.

FINDINGS:

The following findings support the purpose of this rule:

1. This rule is necessary to implement the separation requirements and to provide clarity to the provisions of SCC 30.28.120.
2. This rule provides a methodology to determine which application has priority if two or more applications for a conditional use permit for a marijuana retail use are received by the Department and propose to locate within the separation requirements set forth in SCC 30.28.120(1) and 30.28.120(2) or that may exceed the limit of marijuana retail facilities in unincorporated Snohomish County as set forth in SCC 30.28.120(3).
3. This rule affirms that an applicant is responsible for providing evidence an application is in compliance with SCC 30.28.120(1), 30.28.120(2), and 30.28.120(3) at the time a conditional use permit application is submitted.
4. Pursuant to Chapter 30.82 SCC, the public participation process and notification requirements for this rule have been satisfied.

PDS Director’s Rule 18-01

Implement SCC 30.28.120 Marijuana Retail

First-in-Time Determination

Page 2 of 3

RULEMAKING PROCESS:

The following provides the procedural process for adoption of this rule:

Rulemaking Process		
Notice of Proposed Rule		
Filed with Council Clerk	December 22, 2017	
Posted at Counter	December 22, 2017	
Published	December 22, 2017	Herald
Comment Period (21 days)	January 12, 2018	No comments were received
Notice of Rule Adoption		
Filed with Council Clerk	January 29, 2018	
Published	February 2, 2018	Herald
Copies to Commenters	N/A	No comments were received