

**NOTICE OF FINAL ACTION
RULE ADOPTION**

**SNOHOMISH COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES**

The following described rule is adopted pursuant to 30.82.040 Snohomish County Code (SCC)

Notice Date: February 2, 2018

Rule Title: Rule 18-01 – Implementing SCC 30.28.120 Marijuana Retail First-in-Time Determination

Introduction: In accordance with Chapter 30.82 SCC and after reviewing and considering any comments submitted in response to the notice of proposed rulemaking, the Planning & Development Services (PDS) Director approved Rule 18-01 on February 2, 2018 to implement and provide clarity to the provisions of SCC 30.28.120 (Marijuana Retail Requirements).

Rule Summary: 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.

Effect: Rules issued in accordance with the provisions of Chapter 30.83 SCC have the same effect and shall be enforceable as a provision of Title 30 SCC.

Request for County Council Review: This Rule may be reviewed by the County Council upon written request by an interested person, if such a request is submitted to the PDS Director or the contact person listed below no later than 120 days after the notice date shown above. Council

review shall determine whether the adopted rule is consistent with the scope of the department's rule making authority. No other formal appeal opportunity is available.

Contact Person: Troy Holbrook, Principal Planner (425) 388-6257 (TTY 425-388-3700).

Mailing Address: Snohomish County Planning and Development Services,
3000 Rockefeller Ave. M/S 604 Everett, WA 98201- 4046.

E-mail: Troy.Holbrook@snoco.org

Availability: Call the contact person listed above to obtain a copy of the rule or request a copy at the PDS Customer Service Center (CSC) of the Robert J. Drewel Building, 3000 Rockefeller Ave., Monday through Friday between the hours of 8am and 4pm, except Thursdays when the CSC is closed between 8am and 10am.

ADA Notice: Snohomish County strives to provide accessible facilities and services to all members of the public. Sign language interpreters and communication materials in alternative forms will be provided on request. Call the Main Desk at (425) 388-3311, or TTY (425) 388-3700.