

**CITY OF LYNNWOOD**

**ORDINANCE NO. 2465**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON PROVIDING FOR AN EXTENSION OF THE EFFECTIVE DATE OF THE INTERIM LAND USE REGULATIONS ESTABLISHED IN ORDINANCE NO. 2429, WHICH REGULATIONS PROVIDE FOR THE SITING OF OPIATE SUBSTITUTION TREATMENT PROGRAMS (OTPs); ADOPTING FINDINGS OF FACT; AND FURTHER PROVIDE FOR SEVERABILITY; ESTABLISH AN EFFECTIVE DATE; AND PROVIDE FOR SUMMARY PUBLICATION.**

**WHEREAS**, on November 12, 2002 the City Council adopted interim land use regulations for the siting of Opiate Substitution Treatment Programs as provided for in RCW Chapter 70.96A, by the adoption of Ordinance No. 2429; and

**WHEREAS**, on April 28, 2003 the City Council extended the period of the interim regulations adopted in Ordinance 2429 for a period ending no later than November 11, 2003 on the basis that the City Council required additional time to consider the recommendations of the planning commission and for the resolution of legal issues over the legality of the interim regulations under the Americans with Disabilities Act on the basis of federal case law brought to the attention of the city council after the adoption of Ordinance 2429; and

**WHEREAS**, the City Planning Commission after discussion at multiple meetings and after public hearing in April and May of 2003 failed to reach a majority recommendation to the City Council; and

**WHEREAS**, the Washington State Department of Social and Health Services Substance Abuse Division (DASA) has only recently as of September 18, 2003 adopted final regulations for the state certification of OTPs requiring an applicant to communicate with the local jurisdiction in which it seeks to locate and to prepare a community plan prior to submitting an application, which regulations do not become effective until October 25, 2003; and

**WHEREAS**, consultation between DASA and the City Council required by RCW 70.96A.410 is continuing and will require additional meeting between DASA representatives and the City Council, including further explanation of the most recent changes to the regulations to become effective October 25, 2003; and

**WHEREAS**, the litigation challenging Ordinance No. 2429 remains unresolved and the legal questions concerning the validity of the provisions of Ordinance 2429 have not yet been addressed by the superior court; and

**WHEREAS**, the interim land use regulations in Ordinance 2429 are authorized by RCW 36.70A.390 which provides for a maximum effective date of one year for interim regulations unless the effective date is extended in additional periods of up to six months by the adoption of findings of fact after public hearing prior to the extension; and

**WHEREAS**, public hearing was held by the City Council on October 13, 2003 concerning the regulations in Ordinance 2429 and the issue of whether or not the regulations in Ordinance No. 2429 was before the City Council and opportunity for public comment was provided to the public at the public hearing; and

**WHEREAS**, the City Council has determined it in the public interest that the interim regulations in Ordinance No. 2429 should remain in effect for an additional period of up to six months after the expiration of Ordinance No. 2450 on November 11, 2003, during which time the city council will continue the consultation process with DASA, consider how best to incorporate the new state regulatory process for certification of OTPs into is land use regulations, and the legal proceeding in which the validity of the provisions of Ordinance 2429 are at issue will continue towards resolution; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

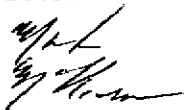
**Section 1:** The recitals set forth above are hereby adopted as findings of fact in support of the need for this ordinance and the additional six months extension of the interim land use and zoning regulations in Ordinance No. 2429.

**Section 2:** The interim land use regulations for the siting of OTPs in the City of Lynnwood provided for in Ordinance 2429 are hereby declared extended for a period of up to an additional six months from November 12, 2003 to May 11, 2003 or until the adoption of the final regulations, which ever date occurs earlier.

**Section 3:** Severability: In the event that any section, sentence or clause of the ordinance shall be held unconstitutional, such unconstitutionality shall not be deemed to affect any other section, sentence of clause of the ordinance.

**Section 4:** Effective Date/Summary Publication: This ordinance shall be in full force and effect immediately upon adoption by the City Council due to the declaration of an emergency set forth in the adopted findings of this ordinance. Publication of this ordinance may be by summary publication consisting of the ordinance title.

**PASSED BY THE CITY COUNCIL** this 13th day of October 2003, and signed in authentication of its passage this 14th day of October 2003.

 10/22/03

MIKE MCKINNON  
Mayor

**ATTEST:**



MICHAEL E. BAILEY  
Finance Director

**APPROVED AS TO FORM:**



GREG RUBSTELLO  
City Attorney

**SUMMARY OF ORDINANCE NO. 2465**

of the City of Lynnwood, Washington

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On the 13th day of October, 2003, the City Council of the City of Lynnwood, passed Ordinance No. 2465. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON PROVIDING FOR AN EXTENSION OF THE EFFECTIVE DATE OF THE INTERIM LAND USE REGULATIONS ESTABLISHED IN ORDINANCE NO. 2429, WHICH REGULATIONS PROVIDE FOR THE SITING OF OPIATE SUBSTITUTION TREATMENT PROGRAMS (OTPs); ADOPTING FINDINGS OF FACT; AND FURTHER PROVIDE FOR SEVERABILITY; ESTABLISH AN EFFECTIVE DATE; AND PROVIDE FOR SUMMARY PUBLICATION.

The full text of this Ordinance will be mailed upon request.

DATED this 16th day of October, 2003.

  
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MICHAEL E. BAILEY, FINANCE DIRECTOR