



LYNNWOOD
WASHINGTON

ORDINANCE NO. 3284

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, IMPOSING A MORATORIUM AND INTERIM OFFICIAL LAND USE CONTROL REGARDING THE PROHIBITION OF SUPERVISED DRUG CONSUMPTION FACILITIES, SAFE INJECTION SITES AND OTHER USES OR ACTIVITIES DESIGNED TO PROVIDE A LOCATION FOR PERSONS TO CONSUME ILLICIT DRUGS; ADDING A NEW SECTION 21.04.500 TO THE LYNNWOOD MUNICIPAL CODE; DECLARING AN EMERGENCY AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

WHEREAS, in March 2016, King County and the cities of Seattle, Renton, and Auburn convened the Heroin and Opioid Addiction Task Force to study and make recommendations on the best methods to prevent and treat opioid addiction and the related issues surrounding such addiction; and

WHEREAS, in September 2016, the Heroin and Opioid Addiction Task Force issued a report with recommendations for a comprehensive strategy focusing on prevention and increasing access to addiction treatment on demand, to prevent such addiction and improve opioid use disorder outcomes in King County; and

WHEREAS, one Task Force recommendation was to establish, on a pilot program basis, at least two sites for supervised drug consumption facilities, referred to in the Task Force report as “Community Health Engagement Locations” (safe injection sites); and

WHEREAS, in January 2017, the King County Executive and Seattle Mayor announced that they would move forward on the complete set of recommendations including the establishment of Community Health Engagement Locations (safe injection sites); and

WHEREAS, in June 2017, the King County Council voted to limit establishment of Community Health Engagement Locations to those cities whose elected leaders choose to locate these facilities in their communities; and

WHEREAS, in response to the action of the King County Council, a number of cities located in King County have adopted moratoria and/or official land use controls that prohibit the siting

39 of Community Health Engagement Locations within their jurisdictions, or have otherwise passed
40 resolutions opposing the siting of such facilities within their boundaries; and

41
42 WHEREAS, on September 25, 2017, the Snohomish County Council adopted Ordinance
43 No. 17-081, adopting emergency interim official land use controls that prohibit the siting of
44 supervised drug consumption facilities in unincorporated Snohomish County on a temporary
45 basis while the County studies the impacts and considers appropriate regulations and location
46 for such facilities; and

47
48 WHEREAS, on November 20, 2017, the Snohomish County Council held a public hearing
49 on the interim official controls, and after hearing the public testimony determined to have the
50 interim official controls remain in effect; and

51
52 WHEREAS, at least two other Snohomish County cities have adopted moratoria or interim
53 official land use controls to prohibit the location of supervised drug consumption facilities within
54 their jurisdictions, and other Snohomish County cities are considering similar ordinances; and

55
56 WHEREAS, supervised drug consumption facilities, including Community Health
57 Engagement Locations or similar sites, inherently attract criminal activity as the drugs consumed
58 at those sites are themselves illegal, and locating such sites in the City of Lynnwood may attract
59 additional criminal activity such as drug trafficking, burglary, and theft; and

60
61 WHEREAS, City staff have learned that persons, businesses or other entities have inquired
62 to other cities about applying for business licenses and development permits and approvals for
63 supervised drug consumption facilities, including Community Health Engagement Locations; and

64
65 WHEREAS, the City of Lynnwood does not currently regulate specifically the siting and
66 establishment of supervised drug consumption facilities; and

67
68 WHEREAS, the regulation of supervised drug consumption facilities is a valid exercise of
69 City police powers under Article XI, Section 11 of the State Constitution; and

70
71 WHEREAS, the establishment of land use and zoning regulations is an exercise of the
72 police power, and is specifically authorized by RCW 35.A.63.100; and

73
74 WHEREAS, residents and business and property owners within the City have expressed
75 concerns regarding negative impacts to the community resulting from supervised drug
76 consumption facilities; and

77
78 WHEREAS, the City Council wishes to explore options for regulating the siting and
79 establishment of supervised drug consumption facilities, including potentially prohibiting the
80 siting of such facilities in the City; and

81

82 WHEREAS, in November 2017, the Lynnwood Human Services Commission initiated the
83 study, consideration and discussion of the appropriate and most effective methods and
84 strategies to address the treatment of opioid addiction, that also take the impacts on the
85 community as a whole into account; and

86
87 WHEREAS, given the complexity of the relevant issues, the City needs time to conduct
88 appropriate research and analysis in order to understand the extent and impact of Initiative 502,
89 determine the appropriate location and regulatory framework for the permitting and operation
90 of supervised drug consumption facilities in the City; and

91 WHEREAS, without adequate regulations and review processes, new supervised drug
92 consumption facilities may locate in areas that would create negative impacts and potential
93 safety issues for communities; and

94 WHEREAS, in order to thoughtfully respond to this rapidly emerging policy issue, the City
95 Council desires to preserve the status quo by prohibiting in the City of Lynnwood these uses and
96 activities that are established and designed to provide a location for individuals to consume illegal
97 and illicit drugs, during the period of time necessary for the City to consider appropriate
98 regulations and locations for such facilities; and

99 WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council to
100 immediately adopt a moratorium or interim official control without holding a public hearing, so
101 long as the City Council holds a public hearing on the ordinance within sixty days of the
102 ordinance's adoption; and

103
104 WHEREAS, the City Council adopts the foregoing recitals as its findings of fact justifying
105 the adoption of this moratorium and interim official control to protect the public health, safety
106 and welfare of the residents and property owners of the City of Lynnwood; and

107
108 WHEREAS, the City Council after due consideration has determined that the moratorium
109 and interim official control provisions stated in this Ordinance are in the best interests and
110 necessary for the protection of the public health, safety, peace and general welfare; now,
111 therefore

112
113 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

114
115 **Section 1. Findings.** Upon consideration of the provisions of this Ordinance, the City Council
116 finds that the amendments contained herein are: a) consistent with the comprehensive plan; and
117 b) substantially related to the public health, safety, or welfare; and c) not contrary to the best
118 interest of the citizens and property owners of the city of Lynnwood. Further, the recitals set
119 forth above are hereby adopted as the City Council's findings in support of the moratorium and
120 official land use controls imposed by this Ordinance. The City Council may, in its discretion, adopt

121 additional or revised findings at the conclusion of the public hearing referenced in Section 3
122 below.

123
124
125 **Section 2. Imposition of Moratorium and Official Land Use Control.** Pursuant to RCW
126 35A.63.220 and RCW 36.70A.390, a moratorium and an official land use control prohibiting the
127 locating of Supervised Drug Consumption Facilities, also known as Community Health
128 Engagement Locations, within the City of Lynnwood is hereby imposed for a period of six (6)
129 months, and a new Section 21.04.500 is added to the Lynnwood Municipal Code to read as
130 follows:

131
132 **21.04.500 Use prohibited in all zoning district.**
133 Notwithstanding any other provision of this code, Supervised Drug Consumption Facilities
134 designed to provide a hygienic environment where individuals are able to consume illicit
135 drugs, intravenously or by any other method, are prohibited in all zoning districts in the
136 City. A Supervised Drug Consumption Facility includes all uses established or activities
137 undertaken for the above-defined purpose, irrespective of how the use or activity is
138 described or configured. A Supervised Drug Consumption Facility may also be referred to
139 as a community health engagement location, supervised drug injection site or facility, safe
140 injection site, or fix room.

141
142 **Section 3. Public Hearing.** As provided in RCW 35A.63.220 and RCW 36.70A.390, the City
143 Council sets a public hearing for February 26, 2018, which shall begin at 7:00 p.m. or as soon
144 thereafter as the business of the City Council shall permit, in order to take public testimony and
145 consider adopting further findings justifying the imposition of the moratorium and official land
146 use controls set forth in Section 2 above.

147
148 **Section 4. Duration.** The moratorium and official land use controls established in Section 2
149 above shall be in effect for a period of six (6) months from the effective date of this Ordinance
150 January 8, 2018 and through July 8, 2018, and shall automatically expire on that date unless
151 repealed, modified, or extended after subsequent public hearing and entry of appropriate
152 findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

153
154 **Section 5. Authorization of City Staff.** The City Staff, upon the Mayor's approval and
155 direction, are hereby authorized to research and analyze the extent and impact of Supervised
156 Drug Consumption Facilities, and to consider and develop an appropriate regulatory framework
157 and proper location for such uses and activities in the City.

158
159 **Section 6. Severability.** If any section, subsection, sentence, clause, phrase, or word of this
160 Ordinance should be held to be invalid or unconstitutional or inapplicable by a court of
161 competent jurisdiction, such invalidity or unconstitutionality or inapplicability thereof shall not

162 affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase,
163 or word of this Ordinance.

164
165 **Section 7. Emergency; Effective Date.** This Ordinance, as a public emergency ordinance
166 necessary for the protection of the public health, public safety, public property, or public peace,
167 shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark
168 County Board of Commissioners, 79 Wn.App. 641, 904 P.2d 317 (1995), underlying facts
169 necessary to support this emergency declaration are included in the recitals set forth above,
170 which are adopted by reference.

171
172
173 PASSED BY THE CITY COUNCIL the 8th day of January 2018.


174
175
176 APPROVED:

177
178 
179 _____
180 Nicola Smith, Mayor

181
182
183 ATTEST/AUTHENTICATED:

184 
185 _____
186 Sonja Springer, Finance Director

187 APPROVED AS TO FORM:

188 
189 _____
190 Rosemary Larson, City Attorney

191
192
193
194
195
196
197
198
199
200
201 FILED WITH ADMINISTRATIVE SERVICES: 01/08/2018
202 PASSED BY THE CITY COUNCIL: 01/08/2018
203 PUBLISHED: 02/01/2018
204 EFFECTIVE DATE: 01/08/2017
205 ORDINANCE NUMBER: 3284



On the 8th day of January 2018 the City Council of the City of Lynnwood, Washington, passed ordinance 3284. A summary of the content of these ordinance, consisting of the title, provides as follows:

ORDINANCE 3284

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, IMPOSING A MORATORIUM AND INTERIM OFFICIAL LAND USE CONTROL REGARDING THE PROHIBITION OF SUPERVISED DRUG CONSUMPTION FACILITIES, SAFE INJECTION SITES AND OTHER USES OR ACTIVITIES DESIGNED TO PROVIDE A LOCATION FOR PERSONS TO CONSUME ILLICIT DRUGS; ADDING A NEW SECTION 21.04.500 TO THE LYNNWOOD MUNICIPAL CODE; DECLARING AN EMERGENCY AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

The full text of these ordinances will be mailed upon request.

DATED this 1st day of February 2018.

A handwritten signature in cursive script that reads 'D. Karber'.

Debbie Karber, Deputy City Clerk

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Dicy Sheppard being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH794729 ORD 3284, 3285 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 02/01/2018 and ending on 02/01/2018 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$49.78.

Dicy Sheppard

Subscribed and sworn before me on this 15th day of February, 2018.

Linda Phillips

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL AID | 4127890
DEBBIE KARBBER



CLASSIFIED ADVERTISING

PROOF/RECEIPT



CITY OF LYNNWOOD

On the 8th day of January 2018 the City Council of the City of Lynnwood, Washington, passed ordinance 3284. A summary of the content of these ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3284

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, IMPOSING A MORATORIUM AND INTERIM OFFICIAL LAND USE CONTROL REGARDING THE PROHIBITION OF SUPERVISED DRUG CONSUMPTION FACILITIES, SAFE INJECTION SITES AND OTHER USES OR ACTIVITIES DESIGNED TO PROVIDE A LOCATION FOR PERSONS TO CONSUME ILLICIT DRUGS; ADDING A NEW SECTION 21.04.500 TO THE LYNNWOOD MUNICIPAL CODE; DECLARING AN EMERGENCY AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

On the 22nd day of January 2018 the City Council of the City of Lynnwood, Washington, passed ordinance 3285. A summary of the content of these ordinance, consisting of the title, provides as follows:

ORDINANCE 3285

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LMC 16.46, FLOOD HAZARD REGULATIONS; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

The full text of these ordinances will be mailed upon request.
DATED this 1st day of February 2018.

Published: February 1, 2018.

Debbie Karber, Deputy City Clerk
EDH794729



LYNNWOOD
WASHINGTON

CERTIFICATE

I, the undersigned, Debra Karber, the duly appointed Deputy City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3284 of the City of Lynnwood, Washington, entitled as follows:

ORDINANCE NO. 3284

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, IMPOSING A MORATORIUM AND INTERIM OFFICIAL LAND USE CONTROL REGARDING THE PROHIBITION OF SUPERVISED DRUG CONSUMPTION FACILITIES, SAFE INJECTION SITES AND OTHER USES OR ACTIVITIES DESIGNED TO PROVIDE A LOCATION FOR PERSONS TO CONSUME ILLICIT DRUGS; ADDING A NEW SECTION 21.04.500 TO THE LYNNWOOD MUNICIPAL CODE; DECLARING AN EMERGENCY AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on January 8, 2018 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on February 1, 2018.

Debra Karber, Deputy City Clerk