



LYNNWOOD
WASHINGTON

ORDINANCE NO. 3302

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,
EXTENDING THE MORATORIUM AND INTERIM OFFICIAL LAND
USE CONTROLS PROHIBITING SUPERVISED DRUG CONSUMPTION
FACILITIES, SAFE INJECTION SITES AND OTHER USES OR
ACTIVITIES DESIGNED TO PROVIDE A LOCATION FOR PERSONS TO
CONSUME ILLICIT DRUGS; AMENDING SECTIONS 2 AND 4 OF
ORDINANCE NO. 3284; AND PROVIDING FOR AN EFFECTIVE DATE,
SEVERABILITY AND SUMMARY PUBLICATION.**

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 adopted moratoria and/or official land use controls that prohibit the siting of

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

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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

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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

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

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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

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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; and

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

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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

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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

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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

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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

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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 impacts of supervised drug
89 consumption facilities, to determine the appropriate location and regulatory framework for the
90 permitting and operation of such 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 designed to provide a location for individuals to consume illegal and illicit drugs,
97 during the period of time necessary for the City to consider appropriate regulations and locations
98 for such facilities; and

99 WHEREAS, on January 8, 2018, in accordance with RCW 35A.63.220 and RCW 36.70A.390,
100 the City Council passed Ordinance No. 3284, establishing a moratorium and official land use
101 control prohibiting the location of Supervised Drug Consumption Facilities in the City, for a period
102 of six months until July 8, 2018; and

103 WHEREAS, on February 26, 2018, the City Council held a hearing on the moratorium and
104 official land use control prohibiting the location of Supervised Drug Consumption Facilities in the
105 City, and after hearing all the public comments, determined to leave Ordinance No. 3284 in place;
106 and

107 WHEREAS, on February 1, 2018 and March 1, 2018, the Human Services Commission
108 considered the issue of Supervised Drug Consumption Facilities in the City at open public
109 meetings, discussed the topic with several experts, and ultimately determined to recommend
110 that these Facilities not be permitted to locate in the City; and

111 WHEREAS, on July 12, 2018, the Planning Commission will hold a public hearing on this
112 item; and

113 WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council to renew or
114 extend a moratorium or interim official control a period of up to six months, if a public hearing is
115 held and finding of facts are made prior to the renewal or extension; and

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117 WHEREAS, additional time is required to prepare, process and consider a permanent
118 ordinance relating to the proper regulation or prohibition of Supervised Drug Consumption
119 Facilities in the City; and

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121 WHEREAS, on June 25, 2018, the City Council held a public hearing on the extension for
122 thirty (30) days of the moratorium and official land use controls established in Ordinance No.
123 3284, at which time members of the public had the opportunity to present testimony and other
124 evidence in support of or against the extension; and

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126 WHEREAS, the City Council adopts the foregoing recitals as its findings of fact justifying
127 the extension of the moratorium and interim official control to protect the public health, safety
128 and welfare of the residents and property owners of the City of Lynnwood; and

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130 WHEREAS, the City Council after due consideration has determined that the extension of
131 the moratorium and interim official control provisions, as stated in this Ordinance, is in the best
132 interests and necessary for the protection of the public health, safety, peace and general welfare;
133 now, therefore

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135 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:
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137 **Section 1. Findings.** The recitals set forth above are hereby adopted as the City Council’s
138 findings in support of the extension for one additional month of the moratorium and official land
139 use controls imposed by Ordinance No. 3284.

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141 **Section 2. Extension of Moratorium and Official Land Use Control.** Section 2 of Ordinance
142 No. 3284 is amended to read as follows:

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144 **Section 2. Imposition of Moratorium and Official Land Use Control.** Pursuant to RCW
145 35A.63.220 and RCW 36.70A.390, a moratorium and an official land use control prohibiting
146 the locating of Supervised Drug Consumption Facilities, also known as Community Health
147 Engagement Locations, within the City of Lynnwood is hereby imposed, and a new Section
148 21.04.500 is added to the Lynnwood Municipal Code to read as follows:
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150 **21.04.500 Use prohibited in all zoning district.**

151 Notwithstanding any other provision of this code, Supervised Drug Consumption
152 Facilities designed to provide a hygienic environment where individuals are able to
153 consume illicit drugs, intravenously or by any other method, are prohibited in all zoning
154 districts in the City. A Supervised Drug Consumption Facility includes all uses
155 established or activities undertaken for the above-defined purpose, irrespective of how
156 the use or activity is described or configured. A Supervised Drug Consumption Facility
157 may also be referred to as a community health engagement location, supervised drug
158 injection site or facility, safe injection site, or fix room.

159 **Section 3. Extension of Moratorium and Official Land Use Control.** Section 4 of Ordinance
160 No. 3284 is amended to read as follows:

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162 **Section 4. Duration.** The moratorium and official land use controls established in
163 Section 2 above shall be in effect from the effective date of this Ordinance January 8, 2018
164 and through August 7, 2018, and shall automatically expire on that date unless repealed,
165 modified, or extended after subsequent public hearing and entry of appropriate findings
166 of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

167
168
169 **Section 3. Severability.** If any section, subsection, sentence, clause, phrase, or word of this
170 Ordinance should be held to be invalid or unconstitutional or inapplicable by a court of
171 competent jurisdiction, such invalidity or unconstitutionality or inapplicability thereof shall not
172 affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase,
173 or word of this Ordinance.

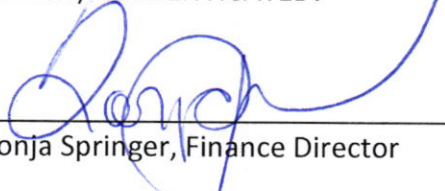
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175 **Section 4. Effective Date; Summary Publication.** This Ordinance, or a summary thereof
176 consisting of the title, shall be published in the official newspaper of the City, and shall take effect
177 and be in full force five (5) days after publication.

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179 PASSED BY THE CITY COUNCIL the 25th day of June 2018.

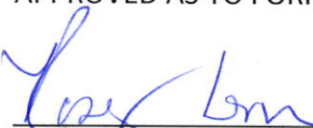
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182 APPROVED:

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185 _____
186 Nicola Smith, Mayor

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189 ATTEST/AUTHENTICATED:

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192 _____
193 Sonja Springer, Finance Director

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196 APPROVED AS TO FORM:

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199 _____
200 Rosemary Larson, City Attorney

201 PASSED BY THE CITY COUNCIL: 06/25/2018
202 PUBLISHED: 06/28/2018
203 EFFECTIVE DATE: 07/03/2018
204 ORDINANCE NUMBER: 3302



On the 25th day of June 2018 the City Council of the City of Lynnwood, Washington, passed ordinance 3302. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE 3302

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, EXTENDING THE MORATORIUM AND INTERIM OFFICIAL LAND USE CONTROLS PROHIBITING SUPERVISED DRUG CONSUMPTION FACILITIES, SAFE INJECTION SITES AND OTHER USES OR ACTIVITIES DESIGNED TO PROVIDE A LOCATION FOR PERSONS TO CONSUME ILLICIT DRUGS; AMENDING SECTIONS 2 AND 4 OF ORDINANCE 3284; AND PROVIDING FOR AN EFFECTIVE DATE; SEVERABILITY AND SUMMARY PUBLICATION.

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

DATED this 28th day of June 2018.

A handwritten signature in blue ink 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 EDH814538 ORDINANCE SUMMARIES 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 06/28/2018 and ending on 06/28/2018 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$44.16.

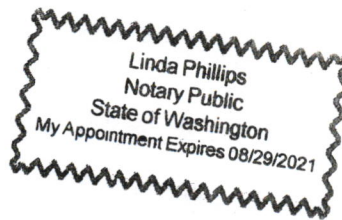
Dicy Sheppard

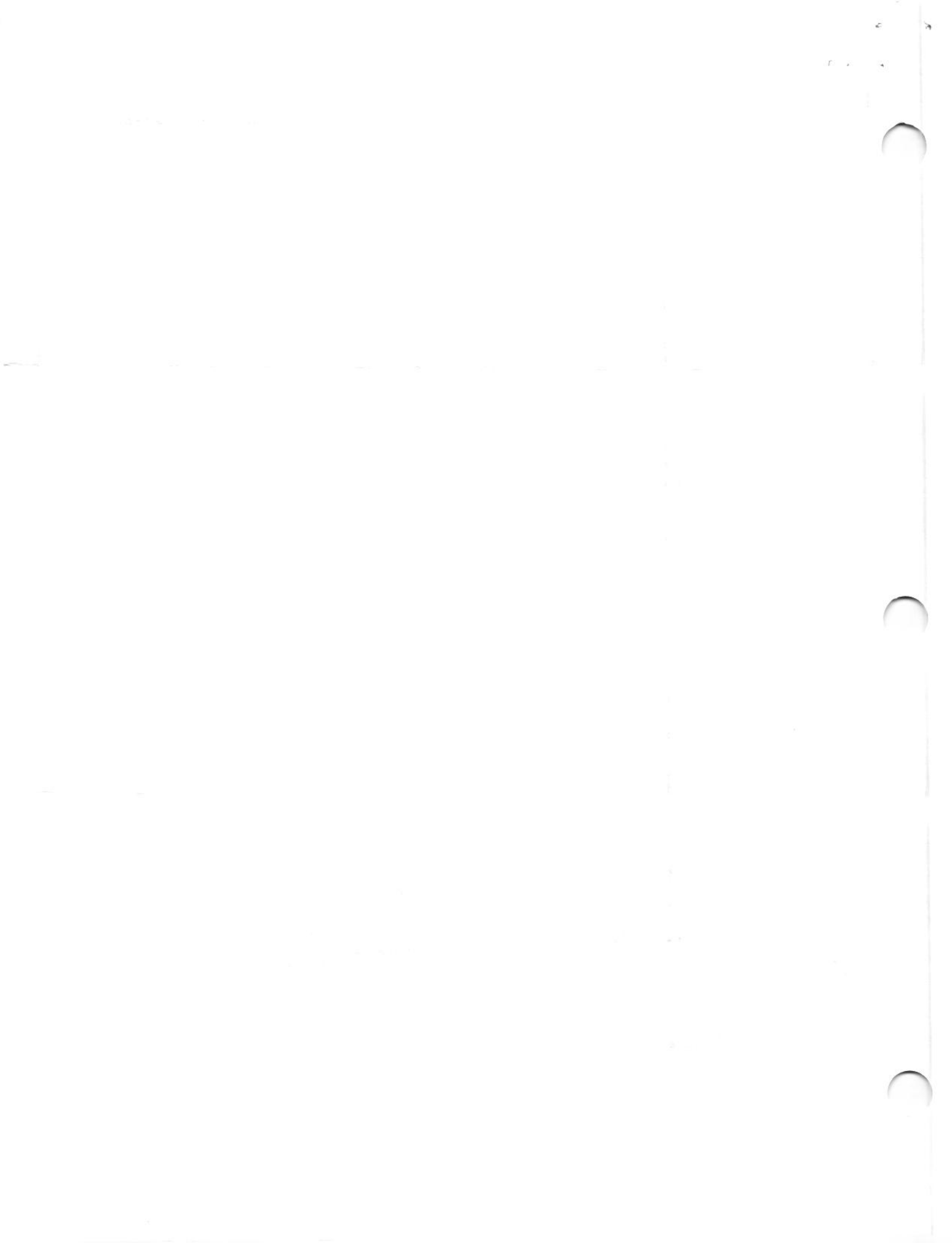
Subscribed and sworn before me on this 28th day of June, 2018.

Linda Phillips

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890
DEBBIE KARBBER





CITY OF LYNNWOOD, WASHINGTON
On the 25th day of June 2018 the City Council of the City of Lynnwood, Washington, passed ordinance 3302, 3303 and 3304. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE 3302
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, EXTENDING THE MORATORIUM AND INTERIM OFFICIAL LAND USE CONTROLS PROHIBITING SUPERVISED DRUG CONSUMPTION FACILITIES, SAFE INJECTION SITES AND OTHER USES OR ACTIVITIES DESIGNED TO PROVIDE A LOCATION FOR PERSONS TO CONSUME ILLICIT DRUGS; AMENDING SECTIONS 2 AND 4 OF ORDINANCE 3284; AND PROVIDING FOR AN EFFECTIVE DATE; SEVERABILITY AND SUMMARY PUBLICATION.

ORDINANCE 3303
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, REPEALING LMC 3.64, ELIMINATING THE PRINT SHOP REVOLVING FUND; PROVIDING FOR AN EFFECTIVE DATE; SEVERABILITY AND SUMMARY PUBLICATION.

ORDINANCE 3304
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, REPEALING LMC 3.68, ELIMINATING THE CENTRAL STORES REVOLVING FUND; PROVIDING FOR AN EFFECTIVE DATE; SEVERABILITY AND SUMMARY PUBLICATION.

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

DATED this 3rd day of July 2018.

Debbie Karber, Deputy City Clerk
EDH814538

Published: June 28, 2018.





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. 3302 of the City of Lynnwood, Washington, entitled as follows:

ORDINANCE 3302

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, EXTENDING THE MORATORIUM AND INTERIM OFFICIAL LAND USE CONTROLS PROHIBITING SUPERVISED DRUG CONSUMPTION FACILITIES, SAFE INJECTION SITES AND OTHER USES OR ACTIVITIES DESIGNED TO PROVIDE A LOCATION FOR PERSONS TO CONSUME ILLICIT DRUGS; AMENDING SECTIONS 2 AND 4 OF ORDINANCE 3284; AND PROVIDING FOR AN EFFECTIVE DATE; SEVERABILITY AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on June 25, 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 June 28, 2018.

Debra Karber, Deputy City Clerk