



ORDINANCE NO. 3441

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, IMPOSING A SIX-MONTH MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR SUBSTANCE ABUSE OUTPATIENT CLINICS; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses, specifically as provided by RCW 36.70A.390 and

WHEREAS, within the express terms of the Planning Enabling Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses, specifically as provided by RCW 35A.63.220; and

WHEREAS, moratoria authorized by the Growth Management Act and by the Planning Enabling Act provide cities with the legal authority to temporarily stop the acceptance and processing of certain land use applications so that the status quo is preserved while the City evaluates the appropriate location of certain land uses and the appropriate development regulations to apply to such uses; and

WHEREAS, on October 26, 2017 former Deputy Health and Human Services Secretary Eric D. Hargan declared that a substance abuse public health emergency exists nationwide, and on April 4, 2022 Health and Human Services Secretary Xavier Becerra renewed the substance abuse public health emergency; and

WHEREAS, as a result of the continuing substance abuse public health emergency, cities across the nation have experienced proliferation of substance abuse outpatient clinics intended to address and mitigate impacts created by widespread substance abuse; and

WHEREAS, the City of Lynnwood Municipal Code Title 21, Zoning, has not been amended or revised to address the desired location of substance abuse outpatient clinics in the City, and the City wishes to preserve the status quo for a six-month period to evaluate the appropriate location for substance abuse clinics and whether separation requirements between substance abuse clinics and schools and other uses are appropriate;

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

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46 **Section 1. Findings of Fact.** The recitals set forth above are hereby adopted as the City
47 Council’s findings of fact in support of the moratorium established by this Ordinance. The City
48 Council may, in its discretion, adopt additional findings after the public hearing referenced in
49 Section 5 below.

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51 **Section 2. Moratorium Imposed.** As authorized by the Growth Management Act, RCW
52 36.70A.390, and the Planning and Zoning Enabling Act, RCW 35A.63.220, a moratorium is
53 hereby enacted on the acceptance and processing of applications for substance abuse
54 outpatient clinics.

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56 **Section 3. Vested Rights.** The moratorium imposed in Section 2 of this Ordinance shall
57 not apply to any rights that have vested prior to the effective date of this Ordinance.

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59 **Section 4. Effective Duration of Moratorium.** The moratorium established in this
60 Ordinance shall be in effect for a period of six (6) months from the effective date of this
61 Ordinance and shall automatically expire at the conclusion of that six-month period unless
62 sooner repealed.

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64 **Section 5. Public Hearing.** The City Council will hold a public hearing within sixty days in
65 order to take public testimony and to consider adopting further findings of fact.

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67 **Section 6. Effective Date.** This Ordinance, as a public emergency ordinance necessary
68 for the protection of the public health, public safety, public property, and public peace, shall
69 take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark*
70 *County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive
71 underlying facts necessary to support this emergency declaration are included in the
72 “WHEREAS” clauses, above, all of which are adopted by reference as findings of fact as if fully
73 set forth herein.

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75 **ADOPTED BY THE CITY COUNCIL AT A SPECIAL MEETING THEREOF ON THE 17TH DAY OF APRIL,**
76 **2023.**

77 PASSED BY THE CITY COUNCIL this 17th day of April, 2023.

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79 APPROVED:

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81 DocuSigned by:
82 Christine Frizzell 4/18/2023
83 5E0020D425DB4B8...
84 Christine Frizzell, Mayor

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87 ATTEST/AUTHENTICATED:

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89 DocuSigned by:

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91 9859FC9ACFCA4CF...
Luke Lonie, City Clerk

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APPROVED AS TO FORM:

DocuSigned by:



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Lisa M. Marshall, City Attorney