

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2344

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON RELATING TO GROWTH MANAGEMENT, ADOPTING AN INTERIM OFFICIAL CONTROL PROHIBITING THE PERMITTING AND SITING OF SUPERVISED DRUG INJECTION SITE FACILITIES; AMENDING SMC 14.100 AND SMC 14.207.080; SETTING A DATE FOR PUBLIC HEARING AND PROVIDING FOR SEVERABILITY.

WHEREAS, in March 2016, King County and the cities of Seattle, Renton, and Auburn convened a Heroin and Opioid Addiction Task Force; and

WHEREAS, in September 2016, the Heroin and Opioid Addiction Task Force released a report with recommendations to prevent opioid addiction and improve opioid use disorder outcomes in King County; and

WHEREAS, one of the recommendations of the Heroin and Opioid Addiction Task Force was to establish, on a pilot program basis, at least two sites for supervised opioid consumption in King County; and

WHEREAS, Snohomish does not currently regulate the siting and establishment of supervised drug injection site facilities; and

WHEREAS, the City Council has concerns about negative impacts to the community resulting from supervised drug injection site facilities; and

WHEREAS, the City Council wishes to research, study and explore options for regulating the siting and establishment of supervised drug injection site facilities, including potentially prohibiting the siting and establishment of such facilities within the City; and

WHEREAS, without adequate regulations and review processes, new supervised drug injection site facilities may locate in areas that would create negative impacts and potential public safety issues for the City; and

WHEREAS, the City Council wishes to prevent supervised drug injection site facilities or uses from siting or commencing such use in the City during the period of time necessary for the City to research, study and consider appropriate regulations for such facilities; and

WHEREAS, Snohomish is an optional municipal code City and RCW 35A.11.020 confers broad legislative powers on the City's Council;

WHEREAS among the City’s powers is the power to plan and zone under Chapter 35A.63 RCW;

WHEREAS, RCW 35A.63.220 provides that the City Council may adopt a moratorium, interim zoning ordinance, interim zoning map, and/or interim official control; and

WHEREAS, RCW 36.70A.390 authorizes the City Council to adopt an immediate moratorium, interim zoning ordinance, interim zoning map, and/or interim official control for a period of up to twelve (12) months if a public hearing on the proposal is held within at least sixty (60) days of its adoption and a work plan is developed for related studies providing for the period; and

WHEREAS, moratoria, interim zoning ordinances, interim zoning maps, and interim official controls enacted under RCW 35A.63.220 are methods by which local governments may preserve the status quo so that new regulations will not be rendered moot by intervening development.

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

Section 1. The City Council makes the following findings and conclusions:

- A. The City Council adopts and incorporates the foregoing recitals as findings as is set forth fully herein.
- B. Proposals to open supervised drug injection site facilities within the region have highlighted the lack of regulation of such facilities and uses within the City.
- C. The interim zoning regulations in SMC 14.100 and SMC 14.207.080 will prohibit new supervised drug injection site facilities from locating or establishing such a use in the City while regulations that address the siting of supervised drug injection site facilities, including the possibility of prohibiting such facilities entirely, are considered.
- D. It is in the best interest of Snohomish to prohibit supervised drug injection site facilities from locating or establishing such a use in the City at this time, pending further research, study and public engagement on potential long-term regulatory changes.
- E. The proposed interim official control will promote the public health, safety, and general welfare, and it is consistent with the goals and policies of the City’s Comprehensive Plan.
- F. This ordinance satisfies the procedural and substantive requirements of and is consistent with the Growth Management Act.

Section 2. Chapter 14.100 Snohomish Municipal Code, Definitions, is hereby amended to add a definition for “Supervised drug injection site facility” as follows. The current definitions in the chapter remain unchanged:

Supervised Drug Injection Site Facility means a legally-supervised medically-supervised facility designed to provide a location where individuals are able to consume illicit drugs intravenously. “Supervised Drug Consumption Facility” and “Safe Injection Site” mean the same as Supervised Drug Injection Site Facility.

Section 3. Snohomish Municipal Code Section 14.207.080, General Services Land Use Table, is hereby amended to read as follows:

Land Use	Open Space	Public Park	Urban Horticulture	Single Family Residential	Low Density Residential	Medium Density Residential	High Density Residential	Commercial	Neighborhood Business	Historic Business District	Business Park	Industrial	Airport Industry	Mixed Use
Personal Services														
Adult uses												p7		
Automotive repair								p		p1	p1	p	p1	
Automotive service								p		p	p	p	p	p
Cemetery, columbarium or mausoleum								p		p	p	p		
Childcare		c			p2	p2	p2	p2	p2		p			p2
Childcare, family – 12 children or less		c	c	c	c	c	c	c		c				c
Childcare, family – 6 children or less		c	p	p	p	p	p	p		p				p
Church, synagogue, temple, mosque				c9	c	c	c	p		p	p	p	p	p
Community stable		c	p			c								
Funeral home/crematory								p		p	p	p		
General personal services								p		p	p	p	p	p
Industrial launderers											p	p		
Commercial kennel or cattery			p4	p4				p			p	p		
Animal grooming w/o kenneling/boarding								p		p	p	p		p

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Miscellaneous repair								p		p	p	p	p	p
Social services								p		p	p	c		c
Veterinary clinic w/o kenneling/boarding			c8					p4		p4	p4	p		p4
Veterinary clinic w/ kenneling/boarding			c8					p4			p4	p		p4
Health Services														
Hospital								p		p	p	p		p
Medical/dental lab								p		p	p	p		p
Miscellaneous health								p		p	p	p		p
Nursing/convalescent home				c6	c	p	p	p		p	p	p		p
Office/patient clinic								p	p	p	p			p
Congregate care/assisted living				c6	c	p	p	p		p	p			p
Supervised drug injection site facility														
Education Services														
Elementary or middle/junior				c	c	c	c	p			p			p
School district support facility					c	c	c	p		p	p	p		p5
Secondary or high school				c	c	c	c	p			p			p
Specialized instruction school		c	c		c	c	c	p		p	p		p	p
Vocational school					c	c	c	p		p	p	p	p	p

Section 4. Expiration. The interim zoning regulations in sections 2, and 3 of this ordinance shall automatically expire and be deemed to have been repealed 6 months from the date of adoption unless renewed or otherwise extended prior to such date in accordance with RCW 35A.63.220.

Section 5. Public hearing. The City Council will hold a public hearing on this matter on February 20, 2018, at the hour of 7:00 p.m. at 1601 Avenue D, Snohomish, Washington , or as soon thereafter on that date and time as the hearing can be commenced for the purpose of hearing public testimony on this matter in accordance RCW 35A.63.220. The notice for the public hearing shall specifically indicate that this ordinance may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 6. Renewal. In accordance with RCW 35A.63.220, this ordinance may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

Section 9. Effective Date. This ordinance shall take effect five days after the date of its publication by summary and passage.

ADOPTED by the City Council and **APPROVED** by the Mayor this 16th day of January, 2018.

CITY OF SNOHOMISH

John T. Kartak

John T. Kartak, Mayor

ATTEST:

By



Pat Adams, City Clerk

APPROVED AS TO FORM:

By



Grant K. Weed, City Attorney

Date of Publication: 1-20-18

Effective Date: 1-26-18