

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1285-18**

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, AN ORDINANCE IMPOSING AN INTEREM ZONING REGULATIONS REGARDING THE PROHIBITION OF COMMUNITY HEALTH ENGAGEMENT LOCATIONS, SAFE INJECTION SITES, AND OTHER USES OR ACTIVITES DESIGNATED TO PROVIDE A LOCATION FOR INDIVIDUALS TO CONSUME ILLICIT DRUGS BY ADOPTING SMC 16.10.040; ESTABLISHING AN EXPIRATION DATE; SETTING A PUBLIC HEARING; PROVIDING FOR RENEWAL; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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, in response, Snohomish County took action on September 25, 2017 by adopting Emergency Ordinance 17-081, which enacted new regulations to prohibit new supervised drug consumption facilities from locating or establishing such use in unincorporated Snohomish County while regulations at the County level were more closely considered, for a time of six months, with the option to extend; and

WHEREAS, Snohomish County Emergency Ordinance 17-081 further determined it was in the best interests of Snohomish County to prohibit supervised drug facilities pending further study; that Emergency Ordinance 17-081 was necessary for the immediate preservation of the public peace, health or safety; and that Emergency Ordinance 17-081 was consistent with the Snohomish County Comprehensive Plan and the Growth Management Act ("GMA"); and

WHEREAS, the City of Sultan ("the City") does not currently regulate the siting and establishment of supervised drug consumption facilities, also known as Medically Supervised Injection Centers ("MSIC"); and

WHEREAS, residents and business owners within the City have expressed concerns about negative impacts to communities resulting from MSIC; and

WHEREAS, the City Council wishes to explore options for regulating the siting and establishment of MSIC, including potentially prohibiting the siting and establishment of such facilities within the City; and

WHEREAS, without adequate regulations and review processes, new MSIC may be located in areas which would create negative impacts and potential safety issues for communities; and

WHEREAS, the City Council wishes to prevent MSIC, including the siting of such facilities or commencing such use, in the City during the period of time necessary for the City to consider appropriate regulations for such facilities; and

WHEREAS, RCW 36.70A.390 provides that the City Council may adopt a moratorium, interim zoning ordinance, interim zoning map, and/or interim official control; and

WHEREAS, the City believes the proposed interim control will promote the public health, safety, morals, and general welfare, and it is consistent with the goals and policies of the City of Sultan's Comprehensive Plan; and

WHEREAS, pursuant to WAC 197-11-880, the adoption of this ordinance is categorically exempt from the requirements for a threshold determination under the State Environmental Policy Act ("SEPA"); and

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

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

- A. The City Council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.
- B. Proposals to open MSIC within the region have highlighted the lack of regulation of such facilities and uses within the City of Sultan.
- C. The interim zoning regulations in SMC 16.10.040 will prohibit new MSIC from locating or establishing such a use in the city limits of Sultan while regulations that address the siting of MSIC, including prohibiting such facilities entirely, are considered.
- D. It is in the best interest of the City of Sultan to prohibit MSIC from locating or establishing such a use in the city limits of Sultan at this time, pending further study and public engagement on potential long-term regulatory changes.

Section 2. SMC 16.10.040 (Use Prohibited in all Zoning Districts), Adopted. A new section is added to Chapter 16.10 of the Sultan Municipal Code to read:

16.10.040 Use Prohibited in all Zoning Districts.

Medically Supervised Injection Centers ("MSIC") designed to provide a hygienic environment where individuals are able to consume illicit drugs intravenously are prohibited in all Zoning Districts in the City. An MSIC includes all uses established or activities undertaken for the above-defined purpose, irrespective of how the use or activity is described. A MSIC may also be referred to as a community health engagement location,

supervised injection site or facility, safe injection site, fix room, or drug consumption facility.

Section 3. Expiration. The interim zoning regulations in Section 2 of the ordinance shall automatically expire and be deemed to have been repealed six months from the date of adoption unless renewed or otherwise extended prior to such date in accordance with RCW 36.70A.390.

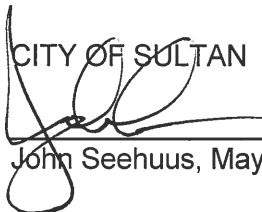
Section 4. Public hearing. The Sultan City Council will hold a public hearing on this matter on February 22, 2018 at the hour of 7:00 PM in the Sultan Council Chambers located at 319 Main Street, Sultan, Washington, for the purpose of hearing public testimony on this matter in accordance with RCW 36.70A.390. 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 5. Renewal. In accordance with RCW 36.70A.390, 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. 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 unconstitutionality 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.

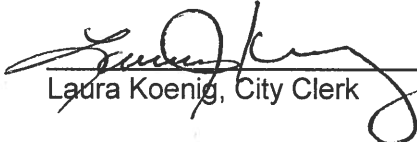
Section 7. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11th DAY OF JANUARY, 2018.

CITY OF SULTAN


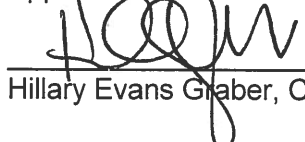
John Seehuus, Mayor

ATTEST/AUTHENTICATED:



Laura Koenig, City Clerk

Approved as to form:



Hillary Evans Graber, City Attorney

Date of Publication: 01/18/2018
Effective Date: 01/23/2018