CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6376

AN ORDINANCE amending the Bellevue Land Use Code, Title 20 of the Bellevue City Code, to impose a prohibition on community health engagement locations, safe injection sites, and other uses or activities designed to provide a location for individuals to consume illicit drugs intravenously or by other means; adding Section 20.10.410 LUC to prohibit safe injection sites citywide; providing for severability; and establishing an effective date.

WHEREAS, in September 2016, the Heroin and Opioid Addiction Task Force convened by King County and Seattle recommended a comprehensive strategy focusing on prevention and increasing access to addiction treatment on demand; and

WHEREAS, in January 2017, the King County Executive and Seattle Mayor announced they would move forward on the complete set of recommendations, including the establishment of facilities referred to as Community Health Engagement Locations (CHELs); and

WHEREAS, in June 2017, the King County Council voted to limit establishment of CHELs only to cities whose elected leaders choose to locate these facilities in their communities; and

WHEREAS, in order to respond to this rapidly emerging policy issue, the City Council expressed a strong preference for prohibiting uses and activities such as CHELs and safe injection sites, which are established and designed to provide a location for individuals to consume illicit drugs intravenously, in the City of Bellevue; and

WHEREAS, the City Council adopted Interim Official Control Ordinance No. 6369 on August 7, 2017, prohibiting CHELs and safe injection sites citywide; and

WHEREAS, pursuant to RCW 36.70A.106, the City of Bellevue submitted notice of intent to adopt regulations and a request for expedited review to the Washington State Department of Commerce on September 6, 2017; and

WHEREAS, the City Council duly held the public hearing on September 25, 2017, as required by the Growth Management Act to keep the Interim Official Control in effect for a period of six months and in order to adopt the Interim Official Control as a permanent regulation; and

WHEREAS, expedited review was granted by the Washington State Department of Commerce on September 25, 2017, and the City of Bellevue was deemed to have met the Growth Management Act notice to state agency requirements in RCW 36.70A.106 for the prohibition on CHELs and safe injection sites; and

WHEREAS, the Environmental Coordinator for the City of Bellevue has determined that this text amendment to the Land Use Code would be Categorically Exempt from the Threshold Determination requirements of the State Environmental Policy Act pursuant to the terms of WAC 197-11-800(19); and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying adoption of this Ordinance; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Bellevue Land Use Code is hereby amended to add a new section 20.10.410 as follows:

20.10.410 Use Prohibited in all Land Use Districts
Medically Supervised Consumption Centers (MSCC) designed to provide an hygienic environment where individuals are able to consume illicit drugs intravenously or by other means are prohibited in all Land Use Districts in the City. A MSCC includes all uses established or activities undertaken for the above-defined purposes, irrespective of how the use or activity is described. A MSCC may also be referred to as a medically supervised injection center, community health engagement location, supervised injection site or facility, safe injection site, fix room, or drug consumption facility.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this 16th day of October, 2017 and signed in authentication of its passage this 17th day of October, 2017.

(SEAL)

CITY OF BELLEVUE CORPORATE SEAL 1953 WASHINGTON

John Stokes, Mayor

Approved as to form:

Matthew McFarland, Assistant City Attorney

Attest:

Kyle Stannert, City Clerk

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