

Lynnwood Planning Commission
Meeting April 10, 2003

Staff Report

Agenda Item: **E-1 – OTP Ordinance**

Opiate Substitution Treatment Programs

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Kevin Garrett (425) 670-6292

Recommendation:

After the public hearing, consider recommendations to the City Council as to the appropriate land use regulation of OTPs in the City of Lynnwood.

Background/Discussion:

The City became aware in late October of 2002 of that a private provider of opiate substitution treatment (**methadone and other opiate substitution drugs**) was interested in locating an OTP at the Alderwood Professional Building, 18631 Alderwood Mall Parkway. The siting of such facilities is not specifically addressed in Lynnwood's zoning code, other than unintentionally under the general classification of medical clinics.

On November 12, 2002 the City Council adopted Interim Ordinance (a 180 day ordinance) 2429 providing a process for siting OTPs in Lynnwood. Although OTPs were continued to be allowed in all zoning districts as other medical clinics, a 250 foot siting restriction to mitigate undesired impacts and a conditional use permit process were included in the ordinance.

It is not known at this time with certainty whether the 250 foot restrictions or any other conditions not imposed on other types of medical clinics can legally be imposed. The interested OTP provider has claimed that such restrictions violate the Americans with Disabilities Act. There are several federal court cases supporting that claim, although none of the cases are out of Washington State which has a statute specifically authorizing cities to impose a conditional use permit processes in the siting of OTPs – RCW 70.96A.410. The interested OTP provider has filed suit against the City challenging both the ordinance and the determination that the providers building permit application, filed prior to the adoption of the ordinance, is an incomplete application.

Purpose of Hearing:

The purpose of this Public Hearing is to allow the Commission to receive additional information and public input and to make a recommendation to the City Council as to the appropriate land use regulation of OTPs in Lynnwood.

Next Steps:

Following the public hearing, the Commission should review and discuss the testimony and materials received, then make a recommendation to the City Council.

Attachments:

- *Lynnwood Interim Ordinance No. 2429*
- *RCW 70.96A.400, .410 and .420*
- *Federal Regulation of Methadone: Table of Contents and Executive Summary*, by Rettig, Richard, National Academy Press; 1995.
- *New Federal Regulations Issued to Improve Methadone Treatment*, January 2001 SAMHSA Press Release
- *Fact Sheet: Improving Quality and Oversight of Methadone Treatment*, Jan. 16, 2001
- *Federal Register*, Wednesday, January 17, 2001, 42 CFR Part 8
- *Excerpt from CSAT Guidelines for the Accreditation of Opioid Treatment Programs*, from the Council on Substance Abuse Treatment
- *Email from David Curtis* at the Washington State Department of Social and Health Services, Division of Alcohol and Substance Abuse to Jacqueline Hedrickson at SAMSA regarding theft of bottle of Methadone from an OTP in Seattle, May 22, 2002
- *Changing the Behavior of Methadone Recipients*, from the "Methadone Site"
- *Death of Addict Spurs New Debate over Methadone*, from the Sacramento Bee
- *Mayor Targets 6 Crime Locales*, from the Washington DC newspaper The Common Denominator
- *An Evaluation of Private Methadone Clinics*, a Research Report
- *Drug Market Thrives By Methadone Clinics*, from the Washington Post
- *Methadone and Methadone Addiction*, from Heroin Addiction.com
- *New Bedford Clinic Probed in Methadone Deaths*, from the Standard-Times Newspaper
- *Portland Man Charged with Manslaughter in Methadone Death*, from the Concord Monitor Online
- *The Clinic Clash*, from the dailyillini.com
- *Methadone Clinic for Heroin and Other Opiate Addictions to Open in Fort Myers*, from the Naples Daily News
- *Poisoning Paradise: Constant Craving*, from the Naples Daily News
- *Cracking the System – Cocaine Use in Methadone Clinics*, by Tom Carnwath & Tim Bottomley
- *What is Heroin?*, from HeroinAddiciton.com
- *Methadone Maintenance, Some Treatment Programs Are Not Effective; Greater Federal Oversight Needed*, 1990 Report from United States General Accounting Office

Lynnwood Planning Commission
Meeting of April 10, 2003

Staff Report

Agenda Item: E-2

2003 Comprehensive Plan Amendment "Study List"

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Ron Hough (425) 670-6655

Introduction:

Cities and counties may amend their comprehensive plans only once each year. Ideally, all amendments are processed together as a package to help ensure consistency. However, if some amendments need to follow different tracks, they will all come together in September for simultaneous action by the City Council. The process and schedule for this year's amendments were approved by the City Council last December.

Any citizen, organization, commission, special interest group, Mayor or City Council may propose a change to either the Comprehensive Plan map or text, including the City's long-range vision, goals, objectives and policies. This can be done in one of two ways:

- **Formal Application:** Processing is guaranteed – \$3,000 deposit required.
- **Suggested Amendment:** Processing is subject to Study List approval – \$50 fee.

Formal Applications:

Applications were submitted for three site-specific Comprehensive Plan Map amendments. These requests will be fully processed later and are not subject to Study List approval. They are:

A. Raskin Map Amendment:

Location: Between Interurban Trail and 204th St., east of Scriber Lake Alternative H.S.
Request: Map change from **BTP** (Business/Technical Park) to **MF-3** (High-density Multi-family). This site was previously approved for a Planned Unit Development.

B. Alderwood Manor Community Church Map Amendment:

Location: Alderwood Mall Boulevard, east of 36th Street and north of 196th St.
Request: Map change from **MF-2** (Medium-density Multi-family) to **RC** (Regional Comc'l)

C. Steves Map Amendment:

Location: 194th Street, east of 64th Avenue
Request: Map change from **MF-1** (Low-density Multi-family) to **MF-2** (Medium-density Multi-family) for four lots.

Suggested Amendments:

A Suggested Amendment is less expensive and less formal. While subject to early rejection, it allows the applicant to "suggest" an amendment to either the Plan text or map. If the City Council feels the suggestion is worthy of consideration, it will keep it on the Study List. If not, the suggestion will be removed and not considered further. Suggested amendments that are approved for the Study List will be processed along with the formal applications.

The following Suggested Amendments have been received and are offered for Study List consideration:

1. City Center Plan:

Applicant: City of Lynnwood

Location: Lynnwood Triangle portion of Subregional Center (general area)

Description: A subarea plan is being prepared to guide the long-range development of a new City Center for Lynnwood. A Planned Action SEIS and implementing development regulations are expected to accompany this plan as it goes through the review process this summer.

Recommendation: **Include on Study List**

2. Mobile Home Park Study:

Applicant: City of Lynnwood

Location: **The Squire** and **Kingsbury East** Mobile Home Parks are adjacent to each other north of 176th Street and on the west side of 44th Avenue.

Description: Both parks currently have **MF-1** (multi-family) Comprehensive Plan designations and are zoned **RS-8** (single-family). This Plan/Zone conflict was recommended for corrective action in 2001 and again in 2002, but was remanded by the City Council for further study in 2003.

Recommendation: **Include on Study List**

3. Lytton Map Amendment:

Applicant: City of Lynnwood

Location: 21011 – 67th Ave. W

Description: In October 2001, following a citywide consistency review, the Plan designation of this 16,553 sq. ft. property was changed from multi-family residential to commercial. The property contains an 8-unit apartment building constructed in 1969. Mr. Litton (applicant) was in the process of purchasing the property and was advised by the seller not to worry about the proposed changes. The subsequent changes made his building nonconforming and prevented his proposed improvements. Mr. Lytton is requesting the **MF-3** (high-density multi-family) Plan designation. There is no other high-density zoning in the area. If this is included on the Study List, other designations will be reviewed, including the MF-2 designation, which exists across the street to the north. An important task will be to determine how different zones would affect the nonconforming status and correct the problems with this property.

Recommendation: **Include on Study List**

4. Palmer Text & Map Amendments:

Applicant: Jeff Palmer, Manager – Kingsbury West Mobile Home Park

Location: A. Text amendment – Citywide
B. Map Amendment – Kingsbury West Annex (Mobile Home Park)

Description: In 2002, Jeff Palmer suggested a text amendment that would revise the *High Density Single-Family (SF-2)* Plan designation to allow single-family developments to a density of 10 units per acre and a minimum lot size of 4,800 sq. ft.

Those suggested amendments would have required significant study, public input and modifications to both the Comprehensive Plan and Zoning Code. And, because a density of 10 units per acre could not be achieved with a minimum lot size of 4,800 sq. ft., the City did not process those requests but directed them to the update of the development regulations – a more appropriate venue in which to deal with density modifications.

Suggestion "A" – Mr. Palmer is asking the City to amend the single-family residential categories to allow the following densities:

- SF-1 4.0 – 6.0 units per acre
- SF-2 6.1 – 8.0 units per acre
- SF-3 8.1 – 10.0 units per acre

Suggestion "B" – Palmer is also requesting a Plan designation change for the Kingsbury Annex from MF-1 to MF-2, along with a consistent zoning change from RML to RMM. He feels RML zoning is inappropriate and inconsistent with similar properties along the Highway 99 corridor.

Recommendations:

Suggestion "A" Remove from Study List – City staff is proposing similar adjustments to the residential Plan categories, one of which is a new SF-3 category that would allow densities to 12 units per acre. This should cover Mr. Palmer's suggestion.

Suggestion "B" Include on Study List – The designation of this mobile home park was changed from **MF-2** (medium-density multi-family) to **MF-1** (low-density multi-family) in 2002 while a property to the immediate north was changed to **MF-2** for a condominium development. The Commission might review the designations on the Annex to see if there's any reason to return to the higher-density designation.

5. Opalka Map Amendment:

Applicant: City of Lynnwood – Parks & Recreation Dept.

Location: South side of the Interurban Trail, west of 48th Avenue.

Description: The Parks & Recreation Dept. is requesting a designation change from **PRO** (Parks, Recreation and Open Space) to **BTP** (Business/Technical Park) on this 2.3 acre City-owned property. The site was acquired in 1994 for a future heritage park. However, a new Heritage Park is under construction at another location and this site is no longer needed, nor suitable, for park use. The City intends to sell the property, but first needs to apply an appropriate Plan designation and zone.

Recommendation: **Include on Study List**

6. Code-related Text and Map Amendments:

Applicant: City of Lynnwood – Dept. of Community Development

Location: Citywide

Description: These amendments are being proposed to assure plan consistency with upcoming development code amendments, and to interconnect with the City Center Sub-area Plan. Three basic amendments, with related changes, are included in this amendment proposal. A new high-density single-family land use plan category is proposed. One of the commercial land use plan categories is proposed to be renamed and re-described. And, a new land use plan category is added to provide for adoption of and referral to a new City Center Sub-area Plan. These proposals require amendments to the Comprehensive Plan text and to the Future Land Use Plan map legend.

Recommendation: **Include on Study List**

7. Implementation Program Update – Text Amendments:

Applicant: City of Lynnwood – Dept. of Community Development

Location: Citywide

Description: Measurable objectives from various elements of the Comprehensive Plan come together in the **Five-year Implementation Program**, which is found at the end of the Implementation Element of the Plan. This program primarily involves the Departments of Community Development, Public Works and Parks & Recreation. The table is directly linked to objectives in other parts of the Plan, so adjustments to either the objectives or the table will correct both. The 5-year program was not updated last year.

Recommendation: **Include on Study List**

8. Environmental Resources Element – Text Amendments:

Applicant: City of Lynnwood – Dept. of Community Development

Location: Citywide

Description: Transfer general policies from LMC Title 17 to the Environmental Element of the Comprehensive Plan where they would be more appropriately located. Also, policies related to transportation and to plants and animals may be fortified as well. Details to follow.

Recommendation: **Include on Study List**

Approval Criteria:

The following criteria will be used later by the Planning Commission and City Council when processing the proposals. A proposal doesn't need to meet the criteria to get onto the Study List. The criteria are included here simply to help the Commission determine whether or not each proposal is within the realm of possibility. If a proposal conflicts with several criteria, it may be recommended for removal from the Study List.

The criteria are as follow:

- A. The proposed amendment is supported by or consistent with the goals, policies, and objectives of the various elements of the Comprehensive Plan.
- B. Circumstances related to the proposed amendment and/or the area in which it is located, have changed sufficiently since the adoption of the Comprehensive Plan.
- C. The assumptions upon which the Comprehensive Plan was based are no longer valid, or new information is available which was not considered since the adoption of the Plan.
- D. The proposed amendment promotes a more desirable community as a whole.
- E. The proposed amendment would not cause adverse impacts to public services or facilities; or if applicable, other properties in the vicinity, unless they are reasonably mitigated.
- F. The proposed amendment reflects an applicable change in the community's vision.
- G. The proposed amendment would not create a pressure to change the land use designation of other properties, unless the change of land use designation for other properties is in the best long-term interests of the community in general.
- H. The proposed amendment is consistent with legal requirements, such as GMA.

Next Steps:

The Planning Commission's recommended "Study List" will be forwarded to the City Council for consideration at a work session on May 21, 2003. The Council's approved Study List and the Plan Amendment applications will be processed in the upcoming months. The following meetings will be necessary to process the amendments.

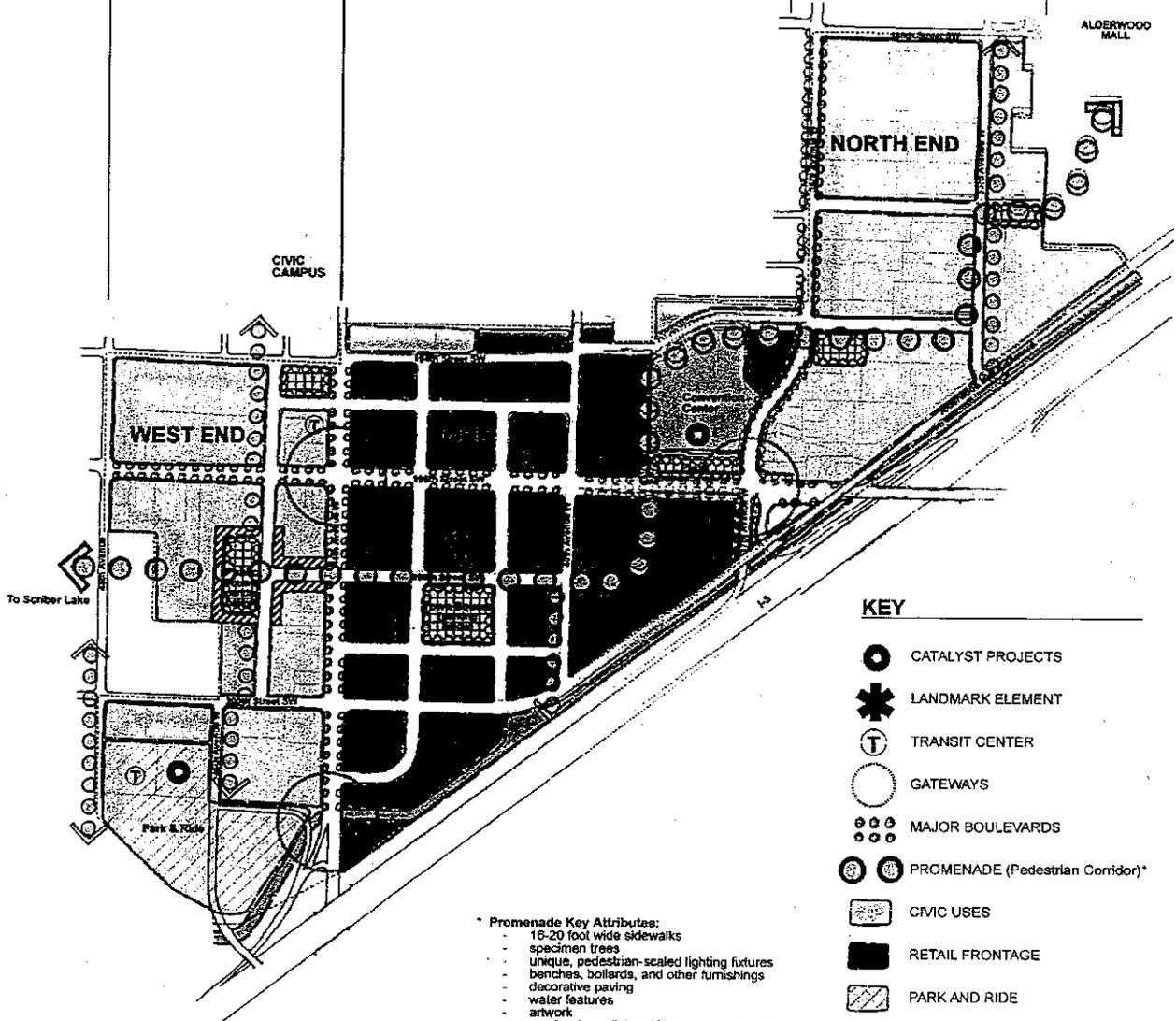
- ✓ Planning Commission Study List Public Hearing (April 10)
- City Council action on the "Study List" (May 12)
- Planning Commission Public Hearing on 2003 Plan Amendments
- City Council Public Hearings to finalize the 2002 Plan Amendments
- City Council Adoption of all approved amendments.

Attachments:

- A. City Center Plan
- B. Mobile Home Park Study
- C. Lytton Map Amendment
- D. Palmer Map Amendment
- E. Opalka Map Amendment
- F. Five-year Implementation Program

Attachment A City Center Plan

	WEST END	CORE	NORTH END
Summary	Residential, Retail, Local Services	Major Office, Retail, Services, Convention Center, Hotel, Residential	Office, Services, Retail
Ranges of FAR's	3-5 FAR	8-10 FAR	3-5 FAR
Ranges of Height	70'-140' height	150'-350' height	70'-140' height
Ranges of Stories	5-10 stories	15-25 stories	5-10 stories
Range of Total Square Feet (approximate)	Retail 600,000 sf Commercial/Office 500,000 sf Residential 2,600 du	Retail 600,000 sf Comm/Office 3,900,000 sf Residential 1,000 du	Retail 300,000 sf Commercial/Office 1,600,000 sf Residential 400 du



TOTAL		
Retail	1.5 million sf	12%
Comm/Office	6.0 million sf	48%
Residential	4.8 million sf (4,000 du)	40%
TOTAL	12.3 million sf	

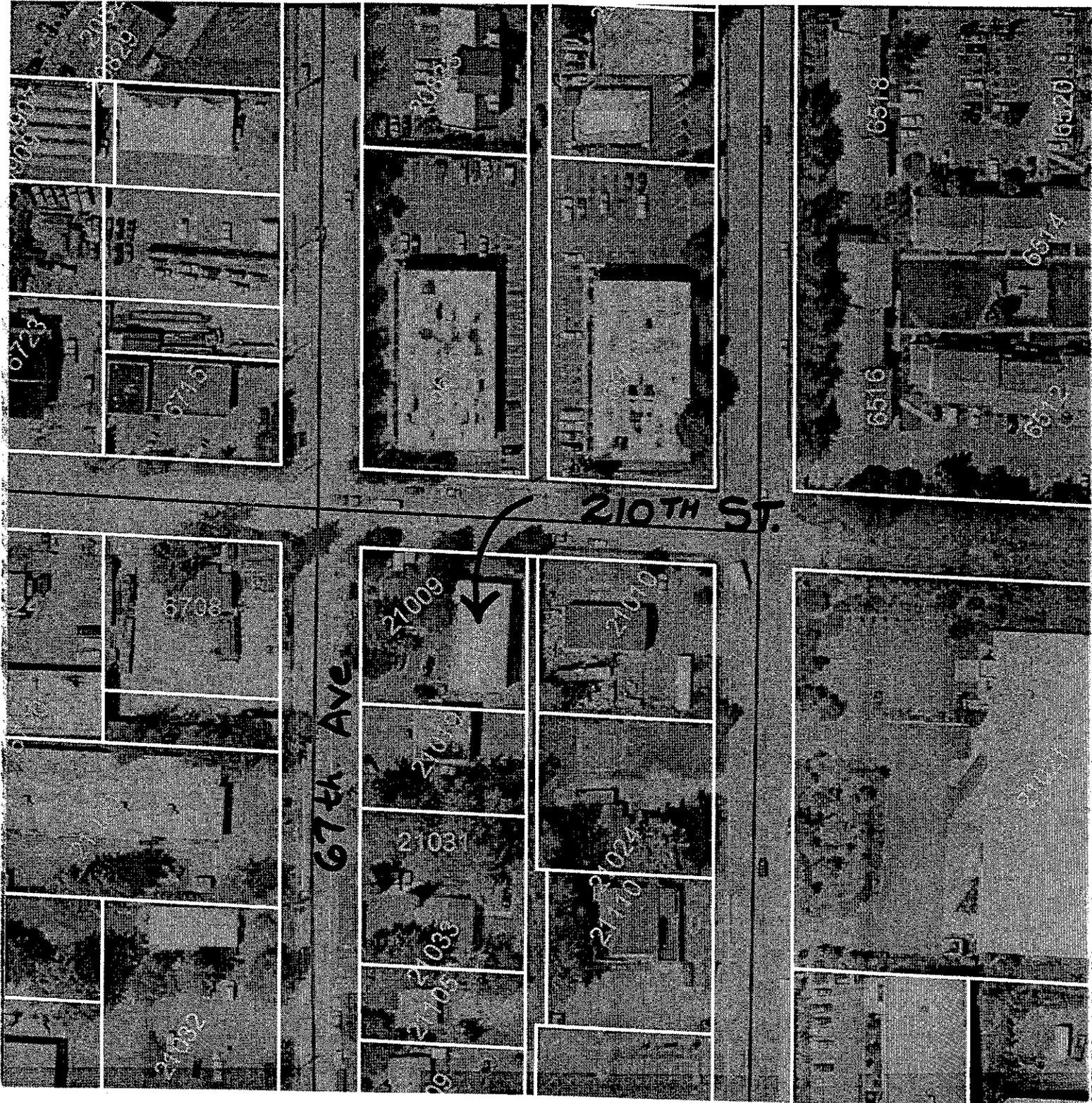
- Promenade Key Attributes:**
- 16-20 foot wide sidewalks
 - specimen trees
 - unique, pedestrian-scaled lighting fixtures
 - benches, bollards, and other furnishings
 - decorative paving
 - water features
 - artwork
 - on-street parallel parking (where a street)
 - one driving lane each direction (where a street)

- Notes:**
1. All streets would have street trees, but only the Major Boulevards have been highlighted.
 2. Streets (not including Major Boulevards or Arterials, would have on-street parking, especially in areas with retail frontage.

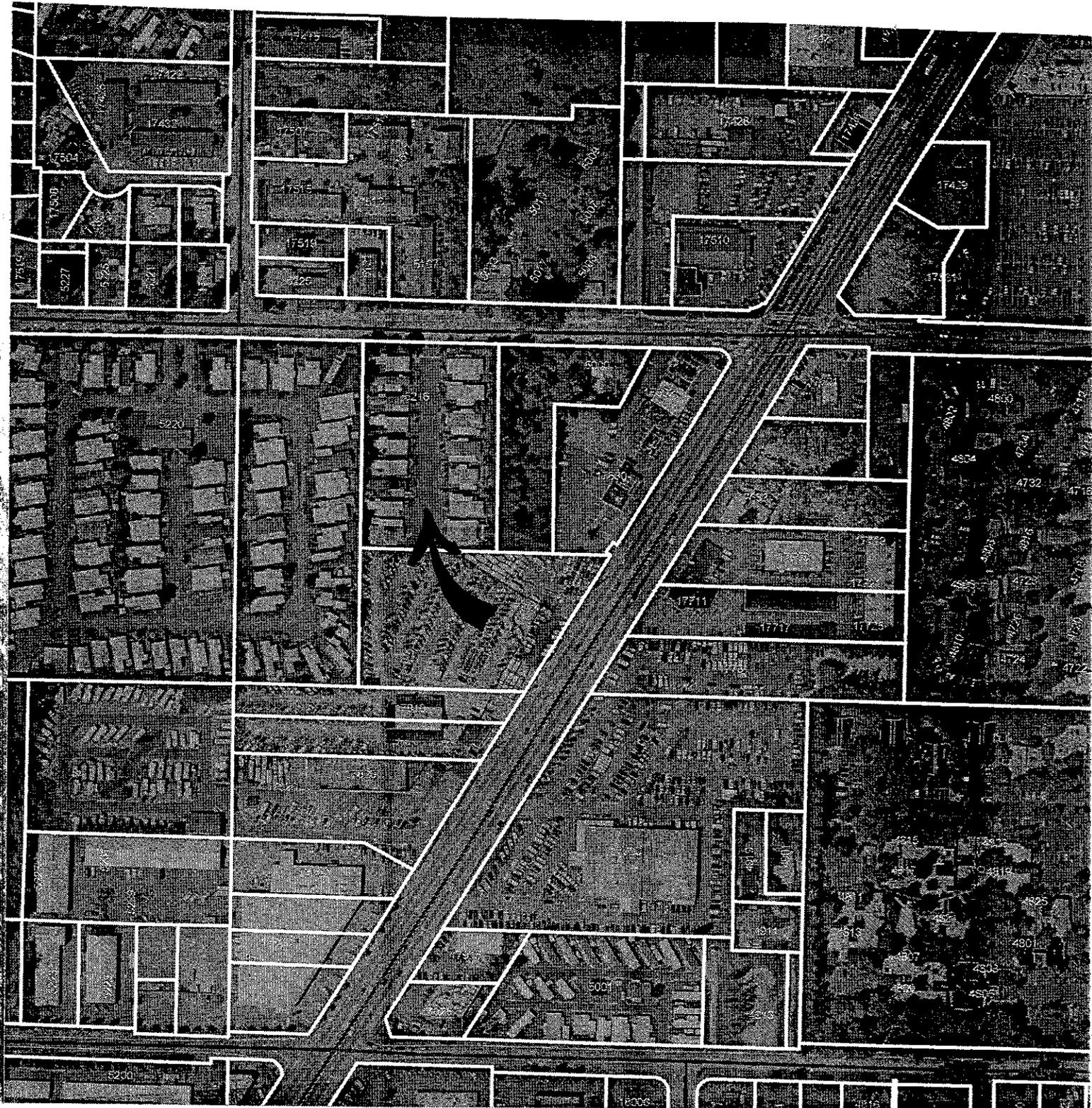
KEY

- CATALYST PROJECTS
- LANDMARK ELEMENT
- TRANSIT CENTER
- GATEWAYS
- MAJOR BOULEVARDS
- PROMENADE (Pedestrian Corridor)*
- CIVIC USES
- RETAIL FRONTAGE
- PARK AND RIDE
- PARKS / PLAZAS
- INTERURBAN TRAIL
- CONNECTION TO INTERURBAN TRAIL
- TRANSITION TO SCALE OF DEVELOPMENT OUTSIDE THE CITY CENTER

Attachment C Lytton Map Amendment



Attachment D Palmer Map Amendment



Lynnwood Comprehensive Plan
Five-year Implementation Program

Obj. or Policy	Activities	Completion Targets				
		2002	2003	2004	2005	2006
Public Works Department						
T-7	Completion of video detection equip.				◆	
T-9	Begin traffic simulation testing alternative routes	◆				
T-13	Work with transit providers for procedures for transit signal priority	◆				
T-16	Develop an integrated non-motorized transportation system	◆				
T-21	Develop a new LOS system and related model		◆			
T-27	Establish, review and maintain construction standards	◆				
I-1.7	Study Tree Preservation Ord. Revise to provide enforceable pres. process.	◆				
Community Development						
LU-2	Update land use regulations for development in mixed-use districts	◆				
LU-3	Establish criteria to guide mixed-use overlay districts	◆				
LU-4	Prepare a handbook for site design and buffering of uses		◆			
LU-5	Amend development regulations for consistency between densities and Plan standards	◆				
LU-6	Develop maximum permissible development densities for the City Center Master Plan	◆				
LU-7	Establish maximum densities for Subregional Center planning area	◆				
LU-9	Prepare market analysis of probable land needs over next ten years	◆				
LU-10	Prepare a schedule of public improvements for College District	◆				
LU-11	Schedule additional work to be done to complete the Park Central Plan				◆	
LU-12	Propose zoning, transp., access, and other adjustments in Subregional Cntr.	◆				
LU-13	Adopt subarea plan and zoning for new City Center	◆				
LU-14	Review development and aesthetic		◆			

Obj. or Policy	Activities	Completion Targets				
		2002	2003	2004	2005	2006
	qualities of the Hwy. 99 corridor and a course of action to improve the area					
LU-15	Submit a proposal for improvement plan for the 196 th Street corridor			◆		
LU-18	Establish the purpose and function of neighborhood planning areas	◆				
LU-19	Establish neighborhood planning boundaries by May 31	◆				
LU-20	Develop sample by-laws and procedures for neigh. planning orgs.	◆				
LU-21	Begin two pilot neighborhood planning organizations by August 1	◆				
LU-22	Prepare socio-economic profile and survey of housing conditions for the two pilot neighborhoods by Nov. 1	◆				
LU-23	Prepare neighborhood renewal plans for the pilot neighborhoods by Mar. 31		◆			
LU-24	Complete mapping and analysis of environmentally sensitive areas in UGA	◆				
LU-25	Prepare Environmental Element for Comp. Plan by Sept. 1	◆				
LU-28	Rewrite development regs. to assure consistency w/ Comp. Plan by Sept. 1	◆				
LU-29	Participate in MUGA process and reach mutual agreement by Sept. 1	◆				
H-1	Establish citywide program for neighborhood preservation by Jan. 1		◆			
H-2	Provide program of incentives for dev. of vacant lots and redevelopment.		◆			
H-5	Prepare and adopt a master plan for a new City Center by Sept. 1, 2002	◆				
H-8	Develop an awareness program for housing programs by Jan. 1			◆		
E-2	Adopt min. development stds. for commercial and industrial dev.			◆		
Parks & Recreation						
P-1	Acquire core park land	◆		◆		◆
P-2	Plan and develop 2 neighborhood parks and renovate 3 playgrounds	◆		◆	◆	◆
P-3	Acquire open space in Lund's Gulch corridor by Meadowdale Bch. Co. Park		◆			
P-5	Provide passive rec. opportunities in acquired natural areas.				◆	
P-8	Plan & build Lynnwood Heritage Park		◆			
P-9	Plan & build multi-purpose community center.				◆	

Obj. or Policy	Activities	Completion Targets				
		2002	2003	2004	2005	2006
P-12	Develop Non-motorized Transportation Plan and Trails Master Plan	◆				
P-13	Develop an additional 1.7 mi. of trails outside of parks.					◆
P-16	Improve trailheads, landscaping, and signage along the Interurban Trail		◆			
P-20	Develop partnership with Edmonds School District to improve selected school recreation areas	◆				
P-25	Develop and conduct a parks, rec., and open space survey.	◆				
P-26	Complete 5-year update of the Parks & Recreation Comprehensive Plan	◆				
P-27	Develop a public information program to increase public awareness.	◆				
HR-3	Provide space to store and display cultural and historical resources		◆			
HR-4	Provide ways to recognize owners who contribute to historic resources.	◆	◆	◆	◆	◆
HR-5	Provide ways to educate the community about historic values	◆	◆	◆	◆	◆

Lynnwood Planning Commission
Meeting of April 10, 2003

Staff Report

Agenda Item: I

Upcoming Commission Meetings

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Ron W. Hough, Planning Manager

■ The following schedule is for planning purposes – subject to adjustments.

April 24	Public Hearing:	<u>Subdivision Code Rewrite</u> [Continued]
	Unfin. Business:	<u>Opiate Substitution Program Ord.</u> -- Recommendations
	Work Session:	<u>Plan Amendment Proposals</u> <u>Development Regulations – Phase 2</u>
May 8	Public Hearing:	<u>Transportation Improvement Plan (TIP)</u>
	Work Session:	<u>Plan Amendment Proposals</u>
May 22	Public Hearing:	None scheduled
	Work Session:	<u>Plan Amendment Proposals</u> <u>Development Regulations – Phase 2</u>
June 12	Public Hearing:	<u>Comp. Plan Amendments</u> – All Proposals
	Business:	<u>Comp. Plan Amendments</u> – Recommendations
	Work Session:	?
June 26	Public Hearing:	None scheduled
	Work Session:	?