

City of Lynnwood
PLANNING COMMISSION MEETING MINUTES
APRIL 24, 2003

Commissioners present:

Dave Johnson
Brian Bigler
Tia Peycheff
Jacqueline Powers
Donna Walther
ABSENT: Decker

Staff present:

James Cutts, Community Development Director
Ron Hough, Comprehensive Planning Manager
Kevin Garrett, Current Planning Manager
Lee Michaelis, Associate Planner

Others present:

Ruth Ross, City Council Liaison

SUMMARY OF THE APRIL 24, 2003, MEETING MINUTES

Opiate Substitution Program Ordinance – Continued Public Hearing

The public hearing from April 10 was continued and further written and oral testimony was taken from interested parties. With no consensus on a recommendation, Chair Johnson continued this item to the next Commission meeting on May 8, 2003, with the expectation that Commissioner Decker will review the audiotape and be able to participate in a vote.

Subdivision Code Rewrite – Continued Public Hearing

The continued public hearing was opened to accept additional written and oral testimony from interested parties. The Commission accepted staff's recommendation and forwarded this code amendment to the City Council.

Comprehensive Plan Amendment Proposals – Group #1

Staff reviewed four of ten Comprehensive Plan Amendment proposals. Representatives of three of the properties provided testimony on their particular amendment.

CALL TO ORDER

Chair Johnson called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES

Commissioner Bigler moved to adopt the April 10, 2003, minutes as presented. The motion was seconded by Commissioner Powers and carried unanimously.

CITIZENS COMMENTS

None of the citizens present offered any comments.

PUBLIC MEETING

Opiate Substitution Program Ordinance – continued Public Hearing from April 10, 2003

Planning Manager Garrett explained that the reason for continuing this hearing from April 10 was to receive further written and oral testimony on this issue. Garrett advised that the following documents had been received and would be introduced into the record: 1] FAX from Dr. Floyd (object); 2], letter from Robert Crowe (object), and 3] FAX from Traci Shallbetter, Davis Wright Tremaine (approve). At the conclusion of the public hearing and after discussion, the Commission will decide on the recommendation they would like to forward to City Council.

Planning Manager Garrett offered the following three alternatives for the Planning Commission's recommendation: 1) opiate substitution programs would be treated as medical clinics for the purposes of zoning compliance, 2) require a conditional use permit for opiate substitution programs with no other land use regulations, and 3) require a conditional use permit and include the separation requirements for opiate substitution programs as in the Interim Ordinance (with any revisions identified by the Commission).

At the conclusion of Planning Manager Garrett's presentation, Chair Johnson opened the meeting for public comment.

1. City of Lynnwood Police Department

Chief Steve Jensen introduced Commander Paul Watkins who, at the request of City Council, visited cities in the Puget Sound area that currently have opiate substitution treatment programs in existence.

Commander Watkins reported on information he received relating to opiate substitution treatment programs in Federal Way, Seattle, and Renton. He noted that criminal data related specifically to the sites was not available. However, business owners located near these facilities reported that loitering, littering and bad language had increased. Commander Watkins has compiled crime statistics for the proposed site for a benchmark to compare criminal activity should the opiate substitution facility locate in Lynnwood. Commander Watkins added that CRC has stated that they will be very proactive and work with the Police Department in alleviating any problems that may arise should this facility open in Lynnwood.

2. Sharel Rogers, CRC, 3952 Volteir Street, San Diego, CA

Ms. Rogers described her nine-year association with this industry. She added that the majority of CRC's facilities are located in commercial, retail, or medical office areas and are rarely in industrial zones. Ms. Rogers stated that locating in an industrial zone would be an inappropriate use as this is not an industrial business. She was unable to find anything that subjected CRC to specific uses in any of the locations.

3. Carol Howard Aguayo, 4012 173rd Place SW, Lynnwood

Ms. Aguayo is a former teacher and the mother of a student at Lynnwood High School. She asked for statistics relating to CRC locations that are located within the distance that Lynnwood High School is to this proposed site. She has concerns about the possibility that clients of CRC may try to sell their take-home doses to the students.

Ms. Rogers, CRC, responded that they have locations at varying distances from facilities. The nearest school is directly next-door and was built nine years after their facility had opened at that location.

4. Dick Jones, Regional Administrator for Washington State Division Alcohol and Drug Abuse, DSHS

Mr. Jones advised that DSHS has a school nearby and has not had any problems. Responding to a question from Commissioner Bigler on rescinding a license, Mr. Jones replied that there is a process for rescinding licenses if the law is violated or Federal requirements are not met. He was not aware of any licenses that have been rescinded. Also, he has had very few complaints about these facilities. Most of the complaints he receives are from clients dissatisfied with the court system. Commissioner Bigler asked Mr. Jones to address the issue of problems with this type of facility in other communities. Mr. Jones responded that he has not seen any problems associated with these facilities in other communities.

5. Traci Shallbetter, Attorney, Davis Wright Tremaine, 1501 Fourth Avenue, Ste. 2600, Seattle, WA 98101-1688

Ms. Shallbetter responded to the concern of selling doses to the high school students. She asked if there would be the same concern if a pharmacy located near the high school. Readily available statistics indicate that the problem with drug resale is in the area of prescription drugs. Ms. Shallbetter doesn't understand how anyone could have a greater concern about the sale of these doses than they would about prescription drugs sold through a pharmacy.

6. Nancy Torgerson, 18631 Alderwood Mall Parkway, Ste. 201, Lynnwood 98037

Ms. Torgerson supports the ordinance as written. She is concerned that her practice, Alderwood Vision Therapy Center, will be seriously impacted if this treatment center is located at the proposed site. Ms. Torgerson shared comments from patients and staff who are concerned and fearful about this facility locating in this building. Some of the patients and staff have indicated they will not be comfortable coming to her location.

At the conclusion of public testimony, Chair Johnson opened the discussion portion of the meeting. After a brief discussion with staff, Commissioner Powers moved and Chair Johnson seconded that opiate substitution programs would be treated as medical clinics for purposes of zoning compliance.

Commissioner Bigler stated that he could not support the motion because it is the duty of the Planning Commission to represent the community. His choice would be to require a conditional use permit with no other land use regulations.

Chair Johnson restated Commissioner Powers' motion and a vote was taken.

Motion failed. Roll call: Yes: Powers, Johnson, Psycheff; No: Bigler, Walther.

Per L.M.C. 2.29.050, in order for a motion to pass, four members must vote in the affirmative. With this information, Commissioner Powers asked that a revote be held on her motion. Chair Johnson restated the motion and a vote was taken.

Motion failed.

Commissioner Bigler, seconded by Commissioner Walther, moved to require a conditional use permit for opiate substitution programs, with no other land use regulations for this use.

Motion failed.

With no consensus on a recommendation, Chair Johnson continued this item to the next Planning Commission meeting on May 8, 2003, with the expectation that Commissioner Decker will review the audiotape and be able to participate in a vote.

Subdivision Code Re-write (continued from March 27)

Associate Planner Michaelis advised that David Toyer, Michael Smith, and Michael Echelbarger have provided additional input to the Subdivision Code Re-write since the March 27, 2003, meeting. All their concerns were addressed in the staff report.

Chair Johnson opened the continued public hearing to accept public testimony from interested parties.

David Toyer, Master Builders Association of King and Snohomish Counties, 335 116th Avenue SE, Bellevue, WA 98004

Mr. Toyer stated that since the last meeting he has met with staff and Mr. Smith addressing concerns by all parties. He is generally satisfied with the rewrite with the following exceptions: 1) road width issues, and 2) Title 19.35.010.9 that excludes panhandles and flag lots in the computation of the lot area to meet any dimensional requirement of the lot. Mr. Toyer feels these items are significant items relative to flexibility and generally some of the major items in making in-fill development meet financing and density perspectives. Mr. Toyer recommends that the Commission approve the changes.

Commissioner Peycheff, seconded by Commissioner Powers, moved to accept staff's recommendation to forward this code amendment to the City Council. The motion passed unanimously.

WORK SESSION

1. Signs in the Public Right-of-Way – Community Development Director Cutts advised this item was removed from the agenda because City Council decided to eliminate the sunset clause.
2. Comprehensive Plan Amendment Proposals – Group #1

Planning Manger Hough reviewed four of ten Comprehensive Plan Amendment proposals: three formal applications and one suggested amendment.

- Raskin Map Amendment – Proposal is to change the Comprehensive Plan designation from BTP (Business/Technical Park) to MF-3 (high density multi-family) and change the Zoning from PUD to RMH (high-density multi-family).

Mike Raskin, MJR Development – developer and owner of this property. Mr. Raskin explained that this property was originally purchased a few years ago to build an office complex. Since that time the market has changed and the currently high vacancy rate will no longer support additional office space. He is requesting the proposed changes to high-density multi-family in order to provide affordable housing in Lynnwood.

Gary Young, Polygon Northwest, 11625 SE Fifth, Ste. 200, Bellevue, WA – local housing provider in partnership with Mr. Raskin. Mr. Young described his background and experience in designing residential communities. He then explained the conceptual plan for a new residential community on this site. Mr. Young and Mr. Raskin agree with staff's general conclusions for this particular amendment.

Staff reminded the Commission that the proposal is to change the Comprehensive Plan and the zoning will follow. The Commission is not considering any particular development plans for the property.

- Alderwood Manor Community Church Map Amendment – Proposal is to change the Comprehensive Plan from MF-2 (medium-density multi-family) to RC (regional commercial) along with consistent zoning to B-1 (Community Business).

Larry Calvin advised that, at the time this application was submitted, the City Council had not authorized staff to proceed with Phase 2 of the City Center Plan. In order to move this project forward, the church decided to submit an application. The church will work with staff through the City Center process and if it becomes apparent that the City Center Plan will be adopted during this calendar year, the church will withdraw its application.

- Steves Map Amendment – Proposal is to change the Comprehensive Plan designation from MF-1 (low-density multi-family) to MF-2 (medium-density multi-family) and change the Zoning from RML (low-density multi-family) to RMM (medium-density multi-family).

Bill Toskey and Ann Steves – Mr. Toskey, acting project manager, advised that this project is called Trinity Way because there are three parties involved: Steves family providing the property and a large portion of the funding, YWCA will operate and manage the facility, and Edmonds Rotary Club will manage the construction and some funding. The completed project will provide housing for 15 families in need.

Planning Manager Hough pointed out that the specific project is not the Commission’s primary consideration. The Commission should consider the appropriateness of this site for the level of density requested and according to the approval criteria.

- Opalka Map Amendment – Proposal is to change the Comprehensive Plan designation from PRO (Parks, Recreation and Open Space) to BTP (Business/Technical Park) and change the Zoning from P-1 (Public) to BTP (Business/Technical Park).

Staff reviewed surrounding uses, including the adjacent I-5 Freeway, Interurban Trail, Scriber Creek wetlands and the previously approved office complex to the north. The City has no need for this property and plans to sell it. The Commission will recommend the most suitable Plan and zoning designations.

DIRECTOR’S REPORT & INFORMATION

Planning Manager Hough reported on the following:

- Population & Employment Targets
 - April 1 – Deadline for submittal to County (13 cities have submitted their numbers).
 - April 16 – Council Work Group – directed staff to write a letter to the County.
 - April 28 – On Council Agenda for approval of letter to County.
- Planning Commission candidates
 - One application has been submitted and is being reviewed by Mayor.
 - Hoping for more interest from the Diversity Fair.

Community Development Director Cutts reported:

- City Center Plan
 - March 3 – City Council discussion on subarea plan
 - April 2 – City Council discussion on subarea plan continued to this date
 - Draft EIS to be released soon.

ADJOURNMENT

Commissioner Bigler, seconded by Commissioner Psycheff, moved to adjourn. The motion carried, and the meeting adjourned at 9:40 p.m.

Dave Johnson, Chair