

**City of Lynnwood**  
**PLANNING COMMISSION MEETING MINUTES**  
**MAY 8, 2003**

Commissioners present:

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

Staff present:

Ron Hough, Comprehensive Planning Manager  
Kevin Garrett, Current Planning Manager  
Tim Fargo, Assistant Planner  
Bill Franz, Engineering Services Manager

Others present:

Ruth Ross, City Council Liaison

**SUMMARY OF THE MAY 8, 2003, MEETING MINUTES**

**Transportation Improvement Plan (TIP)**

A brief presentation was given by staff identifying new projects, completed or funded projects, and projects deferred without grants. Commission recommended forwarding the proposed TIP to City Council for a Public Hearing on June 9, 2003.

**Opiate Substitution Program Ordinance – Continued from April 24, 2003**

This item was continued from April 24 for further discussion. With no consensus on a recommendation, the Commission moved to forward the results of motions this evening to the City Council without a recommendation on any specific action from the City Planning Commission.

**Comprehensive Plan Amendment Proposals – Group #2**

Staff reviewed four additional Comprehensive Plan Amendment proposals.

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Commissioner Powers moved to adopt the April 24, 2003, minutes as written. The motion was seconded by Chair Johnson and carried unanimously.

**CITIZENS COMMENTS**

None of the citizens present offered any comments.

**PUBLIC HEARING**

Transportation Improvement Plan (TIP)

Bill Franz, Public Works Engineering Services Manager, explained the process for the annual amendments to the City's Six-Year TIP. Mr. Franz spoke briefly on the following:

- Five new projects – Four relating to the City Center Project and one Transit project
- Ten projects dropped from previous list due to funding or completion
- Nine projects deferred without grants

Questions and discussion followed Mr. Franz' presentation.

Chair Johnson opened the public hearing portion of the meeting. With no public present for testimony, Chair Johnson closed the public hearing.

Commissioner Decker, seconded by Commissioner Bigler, moved to recommend that the Summary Project List for the 2004-2009 Six-Year TIP be forwarded to the City Council for their consideration as presented by staff.

The motion passed unanimously.

## **UNFINISHED BUSINESS**

### Opiate Substitution Program Ordinance

Planning Manager Garrett explained that this item was continued from the April 24 meeting for a recommendation to the City Council. The public hearing was concluded at the last meeting and no further testimony will be taken. The Commission was unable to gain the required four votes that were needed to act on a motion for recommendation. Mr. Garrett added that Commissioner Decker, who was absent from the last meeting, had reviewed the audiotapes of the last meeting and is prepared to participate in this evening's voting. If the required four votes for any particular motion are not achieved, the Commission can pass the item on to City Council with direction to staff to report on the split.

In the event any particular motion does not pass, Chair Johnson asked that the Commissioners go on record stating their positions so that a record can be made available for Council. The Commissioners also have the opportunity to write directly to Councilmembers about their position if they choose to do so.

Commissioner Decker advised that he had reviewed the audiotapes from the last meeting and was prepared to participate in further discussion on this matter.

Commissioner Decker moved that the City require a conditional use permit for opiate substitution programs with no other land use regulations for this use. Commissioner Bigler seconded the motion.

Mr. Garrett answered questions from Commissioners Powers and Walther on the hearing before the Hearing Examiner and the process for a conditional use permit.

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

Motion failed for lack of four affirmative votes. Roll call: No: Johnson, Powers; Yes: Bigler, Decker, Walther.

Commissioner Powers moved, seconded by Chair Johnson, that opiate substitution programs should be treated as medical clinics for purposes of zoning compliance.

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

Motion failed. Roll Call: No: Bigler, Walther, Decker; Yes: Powers, Johnson

Commissioner Decker moved to forward the results of the motions this evening to the City Council without a recommendation on any specific action from the City Planning Commission. Chair Johnson seconded the motion.

Motion carried unanimously.

Chair Johnson requested the Commissioners state their positions in support of their votes for the record. (See Attachment A for complete testimony.)

## WORK SESSION

### Comprehensive Plan Amendment Proposals – Group #2

Four Comprehensive Plan Amendment proposals were on the agenda for study:

- City Center Plan (postponed until later)
- Mobile Home Parks – Proposal is to change the Plan designation of two adjacent mobile home parks from MF-1 (low-density multi-family) to SF-3 (high-density single-family). Assistant Planner Fargo provided background information on this matter and explained the options being considered. A brief discussion followed regarding the SF-3 designation and other communities such as Poulsbo and Langley, in which high-density single-family communities have been developed. Staff informed the Commission that a work session will be held at their next meeting on the high-density single-family regulations that are being proposed.
- Palmer Map Amendment – The proposal is to change the Plan from MF-1 (low-density multi-family) to MF-2 (medium-density multi family) along with a simultaneous zone change from RML to RMM. Planning Manager Hough provided background and information about this proposal, recent history and the possible impacts of the proposed change.
- Lytton Map Amendment – This proposal would change the Plan from RC (regional commercial) to MF-3 (high-density multi-family residential). Planning Manager Hough provided background information and answered questions pertaining to this proposal.

## DIRECTOR'S REPORT & INFORMATION

Planning Manager Hough reported on the following:

### Upcoming Meetings:

May 26

- No public hearings scheduled.
- Work Sessions on Plan Amendment Proposals #3 and Development Regs – Phase 2

June 12

- Public Hearing – Comprehensive Plan Amendments (all proposals)

### City Council Activities:

April 28

- Passed an ordinance to repeal the Sign Code's "sunset clause"
- Extended the Interim Ordinance on Secured Community Transition Facilities
- Adopted Transitional Buffers ordinance.
- No decision on the Growth Targets issue. Sent to May 19 Work Session.

May 5

- Conducted work session on the 2003 Plan Amendment Study List

May 12

- Scheduled approval of the 2003 Plan Amendment Study List

### Planning Commission candidates

Mayor expected to interview and appoint the single applicant. Council interview May 19.

## ADJOURNMENT

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

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**Dave Johnson**, Chair

May 8, 2003

**Commissioners' Positions on**

**Vote for Opiate Substitution Program Ordinance**

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**Commissioner Decker:**

To reiterate, I feel this Planning Commission has a responsibility and the duty, not something we can shirk, to examine the impact of perceptions that businesses and others, even residences, have on their neighbors. We examine the height of buildings so that they don't unduly affect a building next to it; we restrict where businesses that sell adult-type of objects are at, even though there is no evidence that such types of businesses have a negative impact on the community. Nevertheless, we still restrict where they're at and we have the authority and ability to restrict where they're at. Where liquor stores and such are located is also governed and regulated, as well. And we do that because of perceptions of those businesses. Not because they, in and of themselves, cause problems, but merely because of the perception. So, to protect other businesses, neighborhoods, and parts of our community, we legislate and regulate where various types of businesses are. That's part of our responsibility. I think there is an impact because of the perception of this type of a clinic and we have the responsibility to protect the businesses and residents of this community by regulating and legislating any business which has a substantial impact or perception on its neighbors.

**Commissioner Walther:**

My comments are that I'm a little bit leery of this project. The City doesn't have experience in siting this type of a clinic. Is that correct? We've never sited one before? Ron, is this a first? So, because of that, I have some concerns and I feel that a review is needed. I, myself, have a lot of questions. I understand that when these folks are in treatment that their criminal activity goes down and employment increases. But I still have a concern there is a relationship between drug usage and crime. And, if it's correct that the crime rates have gone down in that population, but I have the question, Is there some remaining criminal activity that could exist? That could really affect our neighborhood. I'm concerned about the possibility of dropouts from the program. If people drop out, are they going to go back to heroin usage if they're living in Lynnwood because they've moved here because of this clinic? What's going to happen? I read a lot of the literature that was passed out to us. There have been problems in other areas with the resale of methadone – selling it on the street. I know that the examples that Sheryl and others have given in our area show there haven't been problems. But I still have some questions in my mind about resale problems, loitering, bad language, parking and traffic impacts, impacts on the police, and things like that. I guess I would like to see this facility sited away from areas where there are large populations like the mall, like a high school, maybe near a hospital or in a small strip mall, maybe in an industrial area. And I think that the conditional use permit review would look at that. I think we do need to take into account the perceptions of people in that professional building – how they feel. Maybe that's not the best site for this facility. Because we have all of these questions, or because I have a lot of questions, I would like to see some sort of review which the conditional use permit would allow.

**Chair Johnson:**

I'll speak next in support of Commissioner Powers' motion. I broke this down as a technical land use issue. It is, as Commissioner Decker pointed out, a legislative matter – something we don't deal with here on the Commission. That's the City Council's purview. As a result, I couldn't make a distinction, based on the testimony that was taken in an open forum, between

an opiate substitution program clinic and a medical clinic. I understand that there are perceptions out there. I didn't hear any evidence other than some people that were in the current medical clinic that they believed something bad was going to occur if this was allowed. However, I still try to – and I want to – this is very important. This is not site specific. This is a technical issue relating to the entire City and I think some of the Commissioners are hung up on a particular site, even though it was in part of the staff report that what we do with respect to zoning and land use issues affects the City and not site-specific issues in this particular matter. I looked at it from that point of view. Nobody offered up any other nomenclature. It's an essential public service. It's a medical clinic. That's my statement in support of Commissioner Powers' motion.

**Commissioner Bigler:**

I've got a few points to make regarding my decision not to support Commissioner Powers' motion. I supported the motion to have a Hearing Examiner go over the business license application because I feel that is the responsible thing to do. We are here because we are civic minded. And I'm quite frankly surprised that we have lost that – or apparently lost that. We've had a number of people from our community come in here and testify to us that they don't want this sited next to Toys R Us.

**Chair Johnson:** It's not site specific.

**Bigler:** This particular one is site specific; you're right. They want to see responsibility exercised with regard to the siting of this type of facility and Commissioner Powers' motion would not address that – that civic mindedness. Regarding the Americans with Disability Act, I really seriously doubt that the siting of this facility would be affected by the Americans with Disabilities Act. The access was the question that came under scrutiny when we talked about the ADA whether or not they could go into the front door and have a separate back door. I think that, with regard to what a Hearing Examiner would provide, the service that this person or this process would provide, would be to apply reason to the siting of this type of facility. It may not. In most people's eyes it's incongruent to put a liquor store next to a church – unless you have some extraordinary circumstances where, like in an inner city, this type of thing might happen. But in a community like Lynnwood this would be grossly incongruent. I'm making an analogy to address that -- the siting. I am absolutely perplexed why a company like CRC, who is purportedly responsible and civic minded, could come into a community, a bedroom community like Lynnwood, and seeking a site for a methadone clinic, select one next to Alderwood Mall and Toys R Us. I can't imagine. There are a number of other business-type sites with medical facilities elsewhere. There could have been – there should have been – the experience on this company's part to recognize the community displeasure and distrust that would have been generated by this selection that they made. That's about all I have to say.

**Commissioner Powers:**

I recognize that we are in a very emotional time right now. I brought in an article from a magazine for the Commissioners and I have extras that I can give to staff if you'd like to read it. It's mostly about people not being able to cope with everything that is going on in the world right now and they are basically looking for a sense of security. It's all on a very subconscious level that they are seeking this. I think that they are, to an extent, looking at finding security in lots of different ways and I think this ended up being one of those ways. I noticed in the papers that we got from Ms. Shallbetter, from the attorney for the corporation. She mentioned a number of times in her writing a "generalized fear" that people have for these facilities. I kind of agree with that. I was the one that asked for a police report from the facilities that are down in – run by the same company down further south. Commander Watkins mentioned, after talking to people down there, that the major issues seemed to be littering, loitering, and bad language and nothing that seemed to be major crime. I pointed out that there's much more of that going on over at the high school and the mall and the movie theaters. I felt, if that was the worst thing, then we really had nothing to worry about and that's why I went for the motion that stuck to just thinking of this in terms of zoning.

**Chair Johnson** thanked the Commissioners for their thoroughness and splendid debate. We have moved this item to the City Council and I'm sure they'll handle it in a manner that is consistent with the community.