

ORDINANCE NO. 2429

1 AN INTERIM ORDINANCE OF THE CITY OF LYNNWOOD,
2 WASHINGTON, ADOPTING FINDINGS OF FACT;
3 ESTABLISHING SITING REQUIREMENTS FOR A OPIATE
4 SUBSTITUTION TREATMENT SERVICES, AS PROVIDED
5 FOR IN RCW 70.96A.400, 70.96A.410 AND 70.96A.420;
6 REQUIRING A PUBLIC HEARING DATE; PROVIDING FOR
7 SEVERABILITY; PROVIDING FOR AN EMERGENCY AND
8 DECLARING AN IMMEDIATE EFFECTIVE DATE; AND
9 PROVIDING FOR SUMMARY PUBLICATION.
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16 WHEREAS, RCW 70.96A.410 requires the Department of Social and Health
17 Services (DSHS) to consult with the legislative authority in any city in which an applicant
18 proposes to locate an Opiate Substitution Treatment Program and further requires that DSHS
19 certify only programs that will be sited in accordance with the appropriate city land use
20 ordinances and that any city may require conditional or special use permits with reasonable
21 conditions for the siting of programs; and

22 WHEREAS, the appropriate zoning and land use controls for an Opiate
23 Substitution Treatment Program in the City of Lynnwood have not been considered by the City
24 Council and included in the current zoning and land use codes of the City; and

25 WHEREAS, the Lynnwood City Council has elected to adopt a local siting
26 process and local development regulations (as permitted by RCW Chapter 71.09) for any Opiate
27 Substitution Treatment Program proposed to be located in the City of Lynnwood; and

28 WHEREAS, this interim ordinance as authorized by RCW 35A.63.220 and RCW
29 36.70A.390 is necessary in order to have in effect a siting process and local land use controls for
30 the certification by DSHS of any Opiate Substitution Treatment Program proposed to be located

1 in the City of Lynnwood until final zoning and land use controls for such facilities are considered
2 and adopted; and

3 WHEREAS, an Opiate Substitution Treatment Program provider is currently
4 working with the DSHS to locate an Opiate Substitution Treatment Program in the City of
5 Lynnwood and immediate action is necessary to protect the public health, safety and welfare
6 with respect to the location of an Opiate Substitution Treatment Program in the City of
7 Lynnwood, however to date there has been no consultation between the Lynnwood City Council
8 and the DSHS on this subject: and

9 WHEREAS, ingress and egress is an important factor in the citing of this type of
10 facility;

11 NOW, THEREFORE,

12 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
13 ORDAIN AS FOLLOWS:

14 Section 1. The recitals set forth above are adopted as findings of fact in support of
15 the need for this ordinance providing for interim development regulations.

16 Section 2. An " Opiate Substitution Treatment Service Provider " (OSTSP) means
17 an OSTSP required to be certified by the state DSHS as an opiate substitution treatment agency
18 or service provider in WAC Chapter 388-805.

19 Section 3. Title 21 of the Lynnwood Municipal Code is hereby amended to
20 include the siting of an OSTSP in the City of Lynnwood as requiring the issuance of a
21 conditional use permit in accordance with the provisions of Chapter 21.24 of the Lynnwood
22 Municipal Code and this ordinance. The siting process and criteria for essential public facilities
23 eligible for common site review described in the *Capital Facilities & Utilities* element of the

1 *Lynnwood Comprehensive Plan* is hereby adopted as an optional process that may be elected by
2 the sponsor of an OSTSP in addition to the conditional use permit process required by this
3 section.

4 Section 4. In addition to the requirements required of all conditional uses in
5 Chapter 21.24 LMC, a OSTSP shall also be subject to the following standards:

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9 A. Siting criteria.

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11 1. Minimum separation of 250feet from a property
12 zoned to a residential zone; and
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14 2. Minimum separation of 250 feet from a public
15 park; and
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17 3. Minimum separation of 250 feet from a child
18 care facility, youth organization, public or
19 private school, college or university.
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21 4. The minimum separation distances stated above
22 shall be measured from on a straight line
23 between the nearest point of the property line
24 defining the residential zoning, park, school,
25 college or university whether within or without
26 the city limits and the nearest point of the
27 proposed site of the OSTSP.
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29 5. Minimum separation of One-half ($1/2$) mile from
30 any other OSTSP.
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32 BC. Conditional Use Permit Application Process: A
33 conditional use permit application for an OSTSP shall comply with
34 all the permitting and procedural requirements pertaining to a
35 conditional use permit under chapter 21.24 LMC. In addition, the
36 following items shall accompany any application for a conditional
37 use permit for an OSTSP:

- 38
39 1. A narrative description of the siting process
40 used for the OSTSP, including alternative
41 locations considered.

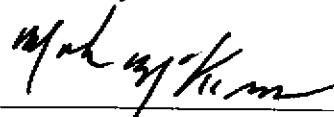
2. An analysis showing that utmost consideration was given to potential sites such that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction, or region.
3. Proposed land use mitigation measures including the use of buffering from adjacent uses.
4. A security plan for the facility and a co-operation plan with the Lynnwood Police Department.
5. Proposed operating rules for the facility and any adjacent parking area used by the facility.
6. A schedule and analysis of all public input solicited or to be solicited during the siting process.
7. A certification from DSHS that it has completed its consultation process with the City Council for the proposed location and/or the plan of DSHS to participate with the City Council in the consultation process required by RCW 70.96A.410 prior to certification of the program.
8. An ingress and egress plan for managing clientele visits to the facility.

Section 5. A public hearing on this interim ordinance shall be held within sixty days of the adoption of this ordinance.

Section 6. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

1 Section 7. This ordinance, being an exercise of a power specifically delegated to the City
2 legislative body, is not subject to referendum. The ordinance shall take effect immediately upon
3 passage. This ordinance is necessary for the protection of the public health safety and welfare.
4 Due to the nature of the risk that a OSTSP poses to the public, an emergency is declared requiring
5 an immediate effective date. This ordinance may be published by summary publication
6 consisting of the ordinance title only.

7 APPROVED by the Lynnwood City Council this 12th day of November 2002.



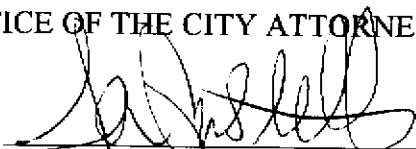
MAYOR, Mike McKinnon

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11 ATTEST/AUTHENTICATED:



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15 Administrative Services Director, Mike Bailey

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17 APPROVED AS TO FORM:
18 OFFICE OF THE CITY ATTORNEY:



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21 BY
22 City Attorney, Greg A. Rubstello