PLANNING COMMISSION MEETING

MEETING DATE: June 12, 2013

PROJECT NAME: Essential Public Facilities Zoning Text Amendment

TYPE OF APPLICATION: Proposed Zoning Text Amendment

DESCRIPTION: A proposal to amend the Ferndale Municipal Code 18.92 (Essential Public Facilities), clarifying requirements for such facilities

APPLICANT: City of Ferndale

LOCATION: City-wide, particularly within the Manufacturing (M) zone of the City of Ferndale

STAFF REPORT EXHIBITS

<table>
<thead>
<tr>
<th>EXHIBIT #</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>“Skeleton” Text Amendment</td>
</tr>
<tr>
<td>2</td>
<td>“SCORE” Images</td>
</tr>
<tr>
<td>3</td>
<td>Whatcom County Memo</td>
</tr>
</tbody>
</table>

OVERVIEW

The May 22nd joint meeting between the Planning Commission and City Council provided direction to move forward with potential text amendments related to Essential Public Facilities (FMC 18.92), specifically amendments to the Correctional Facility sections.

Staff would like the June 12th meeting to focus on the elements of potential text amendments and to allow the July 10th meeting to focus on the specific language of
the text. In other words, the June meeting should address the conceptual framework (what is the City trying to do), while the July meeting will review a text amendment that incorporates the June discussion into text changes. We have included a text amendment skeleton in Exhibit 1 for the purpose of identifying where the various sections to be added could fit – but rather than focus on the specific code language on June 12th, it may be more productive to simply discuss the various elements, using a white board and video projector.

As we have said, the May 22nd meeting provided some direction:

- A desire to move forward with text amendments in general.

- A focus on text amendments that would clarify the City’s expectations, and the City’s rationale for:
  - A more complete description of building and site design
  - Requirements for fiscal impact assessment
  - A discussion of sight-line issues
  - A discussion of minimum setbacks

The direction did not include efforts to prevent or oppose the construction of a jail facility in Ferndale. However, the City Council will consider a resolution in support or in opposition to a jail on June 17th. Staff has discussed this issue with the City Council, and we feel that the consideration of a resolution should in no way impact the Planning Commission’s deliberations. The City Council clearly directed staff and the Planning Commission to work on amendments to the text.

Among the topics that were discussed at the joint meeting, the setback discussion appears to be the subject that has received the most attention. Staff has indicated that the 350’ minimum setback from residentially zoned property, in addition to the sight line setback of up to 650’ lacks a clear rationale: what are the setbacks expected to accomplish? This does not mean that these regulations are illegal, or that they must be changed.

The City could expand on these setbacks, could clarify the purpose for the setbacks, leave the setbacks as-is, or reduce the setbacks.

Staff has approached this discussion from the standpoint that the existing setbacks were identified based on a combination of then-existing (2005) perceptions of what a jail facility typically looks and acts like as well as the expectation that a jail facility was a less-likely, or certainly less-immediate land use within the City of Ferndale. If Staff’s assumptions are correct, it makes sense to ask whether the existing regulations appropriately address the new reality of the situation: would the same regulations be
in place if the “model” for a jail were the SCORE facility in King County, vs. a maximum security prison?

If the answer is yes, that the same regulations should be adopted for a SCORE facility vs. a maximum security prison, then the scope of potential changes would be dramatically reduced. This is not the direction that was heard at the joint meeting, however, so the potential zoning text amendments are not dramatically different from what the Planning Commission has seen before.

The potential text amendments are thus based on a philosophy of recreating the code to require that a correctional facility use the SCORE facility (and other similar facilities) as a model. In order to ensure that this occurs, the code must become much more specific in terms of what it would require. We have attempted to extract the qualities of the SCORE facility and describe these concepts in text language.

Staff believes there are five primary options (with an unlimited number of variations within each option):

**Option 1:** Make no changes to the text. The simplest option.

**Option 2:** Make no changes to the text, other than the expansion or reduction of setback and line of sight requirements.

**Option 3:** Amend the text to require more specific design elements in a variety of areas. Make no change to setback or line of sight requirements.

**Option 4:** Amend the text to encourage more specific design elements in a variety of areas. Reduce setback requirements only if all design elements are addressed (otherwise retain setbacks as they exist).

**Option 5:** Amend the text to encourage more specific design elements in a variety of areas. Reduce setback and line of sight requirements.

Staff believes that Options 3, 4 and 5 are the most viable of the five options. Although the joint meeting was not unanimous, it appeared that the majority of commissioners and council members felt that changes to the text were necessary.
Option 3, which would require higher design standards without modifying setback or line of sight requirements, could be one of the more popular options within the local neighborhood. This option would add, not remove or lessen requirements.

Meanwhile, Option 4 would reduce setback and line of sight distances only if high design standards are met. Option 4 would require that the City be very clear in its description of design thresholds, and to be just as clear that setbacks would be reduced if those design thresholds are met. There can be no ambiguity in the text that would suggest that a design was “close enough,” or that horse trading could occur where a setback could be flexed in exchange for an additional design element. If Option 4 were selected it is more likely that a jail facility would be designed to fit the exact patterns defined by the code. This could result in a jail design that is perhaps less innovative, but also more predictable.

Option 5 combines higher design elements with reduced setbacks. It is intended to answer the question “if a facility is built to these standards, what are the appropriate setbacks?”

Before this question can be answered, the Planning Commission must move beyond the debate over whether large setbacks are good and smaller setbacks are bad – and address what the setbacks are intended to do. This discussion has not yet occurred, even during the joint meeting.

One of the prime arguments in favor of retaining large setbacks is based on the notion that larger setbacks will protect nearby properties from the impacts of a jail facility. There is not much evidence that this is the case – greater setbacks will not necessarily protect adjacent properties from traffic, from light, or from appearance. They are more restrictive, but staff is not convinced that they are more beneficial.

It is also important to consider the fact that the possibility of larger setbacks comes up in part due to the fact that the area is relatively undeveloped. Jail facilities in more urban areas do not have these same opportunities, resulting in multistory developments and reduced setbacks. This does not mean that the City must reduce setbacks, as the same argument could be made to the County that a multi-story development should be considered. Instead, it means that both large setbacks and

---

1 It is not accurate to suggest that any of the five options represent an ideal situation for many of the nearby residents and property owners if the end result is a jail facility at LaBounty Road. This unfortunately is the nature of Essential Public Facilities. And while Planning Commissioners and Councilmembers, either separately or collectively, may seek to or succeed in preventing a jail facility in Ferndale, the Municipal Code is not the right tool to oppose a facility.

2 To be fair, the whole concept of an appropriate setback depends on perception as much as it does on verifiable impact or protection: the City of Ferndale requires that rear yard setbacks be larger than side yard setbacks for residential properties, not because it is safer – but because it results in a certain design aesthetic.
single story development are possible due to the nature of the site. Neither is essential for a facility – or for the adjacent properties.

One of the prime arguments in favor of reducing setbacks is based on the expectation that the jail facility will be better-able to utilize the natural topography of the site, as well as to preserve the potential for future expansion. There is little question that there are more options available for site design if setbacks are reduced. However, by allowing Sheriff Offices and non-jail related elements within the 350’ setback (which would be allowed without any text amendment), the proposed facility does still fit on the site.

Staff disclaimer: It is difficult to decide where setbacks should be discussed in this process. Much of the uncertainty rests with the answer to the question “does the SCORE facility model change the way the City looks at setbacks?” If the SCORE facility does not change this calculus, and if the City can identify no other rationale to alter the setbacks – then Options 2 or 3 are likely the most desirable options. However, if the SCORE facility model does change the discussion, we must explore what elements change the discussion. We expect that this next section will be the main focal point of Planning Commission deliberations on June 12th.

WHAT “MAKE”S THE SCORE FACILITY?

To prepare for this workshop, Staff would like the Planning Commission to review the images of the SCORE facility and other similar facilities in Exhibit 2, on the City’s webpage (http://www.cityofferdale.org/cdd/jailplanning.php) and in general internet searches. Wendy Jones, Chief of the Whatcom County Sheriff’s Office Corrections Bureau, has submitted observations comparing more traditional jail designs to facilities such as SCORE (Exhibit 3). What stands out for the Planning Commission? What are elements of a “traditional” jail design that are unwanted? Please remember that the Municipal Code is primarily intended to address design, site, and aesthetic issues – not social issues such as the appropriate size of a facility or inmate programs. These may be important topics for discussion, but this is simply not the forum for that discussion.

This exercise is intended to identify what the Planning Commission/ community wants to see/ does not want to see. Once these elements are identified and placed into enforceable code, the next step will be to relook at the setbacks/ line of sight: would the City’s new requirements change the setback/ line of sight requirements?3

---

3 The setback discussion may take a significant amount of time, but the actual setback code change will not – it is possible that all of the design elements will be ‘ready to go’ after July 10th, allowing the Planning Commission to spend the majority of its time on July 30th debating the setback number – which can be modified with three strokes of the keypad.
Staff has done its own review and submits the following for discussion. Are these elements Detrimental, Not Relevant/Neutral, Moderately Relevant, Important, or Vital?

BUILDING DESIGN

- Single story

- Modulated front entry design

- Extensive use of glass/window glazing in front lobby

- Exercise yards are contained within the footprint of the building and are screened from the view of surrounding properties.

- Traditional: Visible/prominent guard towers

- Traditional: Large expanses of interrupted identical materials (parking lot, landscaping, and building facades)

SITE DESIGN

- Outdoor seating areas for staff and the public are shielded but remain visible. Potentially reduces the “fortress” atmosphere of the facility.

- Use of barbed wire/concertina wire is limited to Sally Port entrance.

- Traditional: visible/prominent security fencing

- Little or no visible signage

- Front entry gates

- Outdoor sculpture as a focal point (not included in SCORE facility)/attractive outdoor furniture

OVERALL AESTHETICS

- SCORE facility utilizes “appropriate durable materials: stainless steel, precast concrete walls, marble and glass.”
- SCORE facility does not include wood in the exterior of the structure, with the exception of outdoor seating areas for staff.

- SCORE facility includes a large lobby and a large exterior patio/entrance.

- Prominent flag location

- Use of complimentary/contrasting colors and materials, such as stonework contrasted with metal/glass

LIGHTING

- Common lighting design features throughout building and site design

- Pedestrian scale/height lighting

- Light standards are no taller than primary building

- Traditional: “stadium” light standards

PARKING

- Parking lot is segmented into three distinct sections

- Two parking areas at the front of the building are split by substantial landscaping area.

- Sally Port is obscured from view by security fencing, and recessed by exterior walls

- Loading and unloading areas are recessed and are shielded from view from the primary entrance by walls and landscaping.

PRISONER HOUSING

- SCORE housing is at the rear of the complex and there are no exterior windows providing views to the outside.

LANDSCAPING

- Relatively mature trees at front entrance
- Landscaping islands within parking lot are substantial

- Existing vegetation is largely retained

- No significant vegetative “barrier” between facility and adjacent uses. Existing vegetation may provide a similar effect.

ENVIRONMENTAL

- Stormwater facility is obscured from view/ incorporated into site design

- The facility uses natural lighting, skylights, open-air recreation areas.

- The City of Ferndale EAGLE standards and Whatcom County’s requirement for LEED Silver compliance for public buildings will likely add additional environmental elements.

POTENTIAL “PROCESS” AMENDMENTS

Thus far, the Planning Commission has focused on amendments to the text that would affect the look of the facility and the site. There are additional procedural elements that also deserve attention:

Review Process: The City currently requires that a Correctional Facility be reviewed through the Conditional Use Permit (CUP) process. Staff strongly encourages the City to preserve this process, which involves Hearing Examiner review and approval, following an Open Record Public Hearing. Staff also believes that by expanding/clarifying the City’s requirements, the Hearing Examiner will have a more solid/definitive basis for making a decision. Is the Planning Commission supportive of this approach?

Fiscal Analysis: A fiscal analysis would identify the financial impact an Essential Public Facility would have on the City. Fiscal Analysis is not typically a part of the environmental (SEPA) review, which focuses on environmental elements. WAC 197-11-740 defines the “environment” as those elements listed, and only those elements listed, in WAC 197-11-444. WAC 197-11-444 includes an extensive list, but fiscal impacts are not included.
Before discussing what should or should not be included in a fiscal analysis, the Planning Commission should consider the purpose of such an analysis: what questions would be answered – and what decisions could result?

If an Essential Public Facility (not just a correctional facility – but any EPF) were shown to generate far less revenue than an alternative use, would it (or could it) alter the City’s consideration? Would an EPF that generates tremendous sales tax revenue as the result of construction costs be considered differently from a small manufacturing plant that generates little in construction or retail revenue, but provides recurring property tax revenue? How extensive should a fiscal analysis be? Should it review the salaries of employees? Should it review the anticipated change in property values of surrounding properties? Again, how would this information be used, and what would it be compared against? And, whether the fiscal impacts are great or small – how would it alter the decision to build? Essential Public Facilities are not essential because they generate profit. The City of Ferndale’s understanding that an EPF may have a negative fiscal impact would not change the State requirements that the City cannot preclude their siting.

This is not to say that a fiscal analysis should not be included. Such an analysis could confirm or deny perceptions of the fiscal impacts of an EPF. It could also evaluate the verifiable losses that could occur to the City – particularly associated with property tax. The loss of existing property taxes is fairly easy to estimate: the “LaBounty site” currently pays $20,352.93 per year to Whatcom County. Of this, the City expects to receive $3,654.67 in 2013. This assessment is based on vacant land, and the City could certainly argue that this vacant land – if it is not replaced by other vacant land of similar quality and development potential – represents a fiscal loss to the City in the future, and that this future loss should also be evaluated.

The City would then be in a position of demonstrating loss/harm, and seeking appropriate/ equivalent mitigation for those losses. If such mitigation was not available or was not acceptable to the applicant, the City would be in a position of recommending denial within the CUP process.

If a fiscal analysis cannot be conducted as part of an environmental analysis, what process should include such an analysis? Staff does not believe it is appropriate for the City to expect to include a fiscal analysis as a condition of the CUP approval unless the Ferndale Municipal Code specifically requires or allows for such an analysis. To add such an analysis to individual project reviews would risk a nexus challenge and/or the Hearing Examiner rejecting the condition – if the fiscal analysis is seen as vital by the City, depending on the good will of the Hearing Examiner to preserve the condition may be too great a risk.
Staff feels that the best way to guarantee that a fiscal analysis will be completed is to require it within the Ferndale Municipal Code. A potential requirement could read as follows:

*Essential Public Facilities generally result in the removal of land from property tax rolls and may sometimes remove existing or prevent future sales tax that would otherwise be generated. While these fiscal impacts cannot factor into the approval or denial of a proposed Essential Public Facility, they can inform the City and the applicant of the fiscal impact that will likely result from the facility.*

_A fiscal impact analysis shall be required for all Essential Public Facilities and shall include, but will not be limited to, the following:_

1. City share of property taxes before and after proposed development.
2. City taxes, including retail sales taxes, before and after proposed development.
3. Anticipated sales taxes before and after the proposed development, including sales taxes generated by construction.
4. Other?

Does the Planning Commission believe a fiscal analysis should be included in the text? If so, what elements should be included?

**PLANNING COMMISSION OPTIONS FOR ACTION AND NEXT STEPS**

Staff’s main objective for June 12th is to have a frank discussion of the Planning Commission’s likes and dislikes for jail design and siting criteria. Staff will use this discussion to create legally-defensible code language that will be ready for review at the July 10th meeting. We would also expect some certainty with regard to the overall process and the desire to include a fiscal impact assessment – including the purpose of such an assessment. The setback issue, while very important, need not be resolved on June 12th. As discussed above, it may be appropriate to let the dust settle on the design elements before discussing the setback issue in depth. But this is up to the Planning Commission.

As Director, I don’t expect to present on this subject for very long on June 12th, and instead would rather repeat our expectations for the meeting and then let the Planning Commission discuss. We realize that there is a lot to get to, and have worked carefully with Chairperson Cole on a meeting process that will be the most effective.
Chapter 18.92
ESSENTIAL PUBLIC FACILITIES

Sections:

18.92.010 Purpose.
18.92.020 Secure community transition facilities.
18.92.030 Correctional facilities.
18.92.040 Substance abuse treatment facility.
18.92.050 Mental health facility.
18.92.060 Hospitals.
18.92.070 Convalescent centers.
18.92.080 Miscellaneous essential public facilities.

18.92.010 Purpose.
The siting of essential public facilities within a jurisdiction cannot be precluded under state law. The City has an interest in ensuring that these facilities are sited in appropriate locations and subject to reasonable conditions for design, intensity of use, noise, infrastructure capacity, neighborhood context, and operation. It is the purpose of this code to establish appropriate requirements for reasonably accommodating essential public facilities. (Ord. 1400 § 2, 2006)

18.92.015 Fiscal Impact Assessment.
Essential Public Facilities generally result in the removal of land from property tax rolls and may sometimes remove existing or prevent future sales tax that would otherwise be generated. While these fiscal impacts cannot factor into the approval or denial of a proposed Essential Public Facility, they can inform the City and the applicant of the fiscal impact that will likely result from the facility.

A fiscal impact analysis shall be required for all Essential Public Facilities and shall include, but will not be limited to, the following:

1. City share of property taxes before and after proposed development.
2. City taxes, including retail sales taxes, before and after proposed development.
3. Anticipated sales taxes before and after the proposed development, including sales taxes generated by construction.
18.92.020 Secure community transition facilities.
A. Secure community transition facilities (SCTF) are permitted in the M (manufacturing) zone east of the Nooksack River subject to issuance of a conditional use permit.

B. Siting Criteria.

1. The SCTF should be located in relationship to transportation facilities in a manner appropriate to its transportation needs.

2. In no case shall an SCTF be located within line of sight of a "risk potential facility or activity." "Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. An unobstructed visual distance of 600 feet shall be considered within line of sight, unless the applicant can substantially demonstrate that visual obstructions or barriers exist that limit line of sight. At no time shall line of sight be reduced to less than 350 feet. Distance shall be calculated as a straight-line measurement from that point on the SCTF property closest to the risk potential facility or activity.

3. An SCTF shall not be located within 350 feet of a residentially zoned property. Distance shall be calculated as a straight-line measurement from that point on the SCTF property closest to the nearest residentially zoned property.

4. At no time shall an SCTF within the City be located within one mile of another SCTF or within one mile of a "correctional facility," as defined in this title, except in that there may be multiple facilities housed on one campus. Distance shall include facilities inside and outside the City’s jurisdiction.

C. Design Criteria.

1. Screening and Landscape Requirements.

   a. Design shall be consistent with the following requirements:

      i. A minimum five-foot deep landscaped buffer shall be provided along any public or private right-of-way. Such buffer shall contain a mix of ground cover, shrubs, and shade trees. Trees shall be spaced a maximum of 30 feet on center. Sufficient amount of shrubs and vegetative groundcover shall be planted to provide full coverage in three years.

      ii. One finger planter shall be provided for every 10 parking spaces. Finger planters shall be a minimum of six feet wide by 16 feet long. Finger planters shall contain a minimum of one shade tree and sufficient low
maintenance vegetative groundcover to provide full coverage in three years.

iii. An underground irrigation system is required which is adequate to provide watering needs for plant materials. The requirement for an irrigation system may be waived for small planting areas that contain only drought-tolerant vegetation.

b. A six-foot high, solid wood or masonry perimeter fence shall enclose the rear and side yards including fencing along a line parallel to the street and conterminous with the front facade of the primary structure.

c. Any security fencing (barbed wire, concertina wire, etc.) shall not be visible from the public right-of-way.

d. Fencing and landscaping requirements may be revised for security purposes with approval of the hearing body.

2. Minimum lot size: The site area shall be adequate to provide required parking, yards, and off-street loading areas.

3. Minimum lot width: None.


a. Setbacks.

i. Front: 25 feet.

ii. Rear: 25 feet.

iii. Side: 25 feet.

b. Lot coverage: 40 percent.

c. Maximum building height: 35 feet.

5. Parking: 1.5 parking spaces per bed. Partial parking spaces are rounded up to the nearest whole number.

D. Public Notice Requirements.

1. Public notice shall be given consistent with FMC 14.15.050, except that public notice mailing shall be extended to all owners of record of properties within 1,000 feet of the proposed site.
2. If the 1,000-foot notification area extends into areas outside the City limits, the affected adjacent jurisdiction shall be notified by mail. (Ord. 1400 § 2, 2006)

18.92.030 Correctional facilities.

Purpose: The City seeks to locate correctional facilities in a manner that upholds community safety, achieves best management practices and sets high standards for architectural and site design.

A. Correctional facilities are permitted in the M (manufacturing) zone east of the Nooksack River subject to issuance of a conditional use permit.

B. Siting Criteria.

1. The correctional facility should be located in relationship to transportation facilities in a manner appropriate to its transportation needs.

4. At no time shall a correctional facility within the City be located within one mile of another correctional facility or within one mile of a “secure community transition facility” as defined in this title, except in that there may be multiple facilities housed on one campus. Distance shall include facilities inside and outside the City’s jurisdiction.

C. Lot Design Criteria.

1. Setback and Screening Requirements
   a. Line of Sight/ Location of Prisoner Housing
   b. Minimum Setback Overall/ from residential properties
   c. Minimum Vegetative Buffer/ Fencing
      i. Use of Mature Landscaping
   d. Fleet Vehicle/ Impound Yard Screening
   e. Allowance for modification for security reasons
   f. Front entry gates/ perimeter fencing requirements (if any)
g. Warehouse/ inmate housing screening

2. Lighting Requirements.
   a. Common Lighting Designs Throughout Building
   b. Maximum Lighting Height (Pedestrian Scale/ Scale in Relation to Building)
   c. Prohibited Lighting

3. Operations Requirements
   a. Limited Prisoner Release
   b. Limited Public Visitation
   c. Signage Limitation

D. Building Design Criteria

1. Entryway as Focal Point
   a. Watchtower Restriction
   b. Allowance for Roof Height Modulation
      i. Entrance areas may be used to fully or partially conceal flat roofs and roof top equipment from public view.
   c. Outdoor Sculpture/ Waterworks

2. Use of Appropriate Durable Materials (list)
   a. Emphasis on Glass at Entryway

3. Use of building modulation/ material change/ landscape to enhance appearance of building size
4. Complimentary Building Design within Campus

E. Nothing in this chapter shall result in a reduction in design necessary to protect the security and safety of the facility and surrounding facilities, or the ongoing operation of such facility. However, applicants shall be required to identify alternatives that address the form of such elements and their compatibility with residential land uses, and to identify practical alternatives to minimize aesthetic impacts.

F. EAGLE compliance and Public/Institutional Zoning

a. Correctional Facilities are considered public buildings and are subject to compliance with the City’s EAGLE standards.

b. In addition to the specific requirements of this section, Correctional Facilities must comply with the requirements of Chapter 18.94 FMC – Public/Institutional Zone. In those cases where a conflict exists, the most restrictive requirements shall apply.

2. Minimum lot size: The site area shall be adequate to provide required parking, yards, and off-street loading areas.

3. Minimum lot width: None.

   a. Setbacks.
      i. Front: 50-feet.
      ii. Rear: 50-feet.
      iii. Side: 50-feet.

   b. Lot coverage: 40-percent.

5. Parking.
   a. One parking space per employee during the largest shift plus one-quarter parking space per bed. Partial parking spaces are rounded up to the nearest whole number. A minimum of one parking space per employee during the largest shift is required. In no case shall parking be allowed on adjacent public right of ways. The applicant shall be required to provide the City with a parking analysis in order to determine the appropriate number of parking spots for the facility.

   b. Correctional Facilities shall seek to identify opportunities to decrease the number of parking spots required for the facility by limiting or prohibiting offender release from the site, limiting or prohibiting in-person visitation, employing advanced methods of video conferencing and communication, and more.

   b. Work release facilities shall have one parking space per employee during the largest shift, plus one parking space per client/occupant.

D. Public Notice Requirements.

   1. Public notice shall be given consistent with FMC 14.15.050, except that public notice mailing shall be extended to all owners of record of properties within 1,000 feet of the proposed site.

   2. If the 1,000-foot notification area extends into areas outside the City limits, the affected adjacent jurisdiction shall be notified by mail. (Ord. 1400 § 2, 2006)

18.92.040 Substance abuse treatment facility.
A. Substance abuse treatment facilities are permitted in the RO (residential office), HC (highway commercial) and GC (general commercial) zones subject to issuance of a conditional use permit.

B. Siting Criteria.

   1. The substance abuse treatment facility should be located in relationship to transportation facilities in a manner appropriate to its transportation needs.

   2. A substance abuse treatment facility shall not be located within 350 feet of community centers, public park and recreation facilities, public and private schools, playgrounds, sports fields, and youth camps. Distance shall be calculated as a
straight-line measurement from that point on the substance abuse treatment facility property closest to the nearest point on the protected use property.

C. Design Criteria.

1. Screening and Landscape Requirements.
   a. Design shall be as defined in Chapter 18.74 FMC.
   b. A six-foot high, solid wood or masonry perimeter fence shall enclose the rear and side yards including fencing along a line parallel to the street and conterminous with the front facade of the primary structure.
   c. Any security fencing (barbed wire, concertina wire, etc.) shall not be visible from the public right-of-way.
   d. Fencing and landscaping requirements may be revised for security purposes with approval of the Hearings Examiner.

2. Minimum lot size: The site area shall be adequate to provide required parking, yards, and off-street loading areas.

3. Minimum lot width: None.

   a. Setbacks.
      i. Front: 25 feet.
      ii. Rear: 20 feet.
      iii. Side: 15 feet.
   b. Lot coverage: 40 percent.
   c. Maximum building height: 35 feet.

5. Parking: One parking space per employee during the largest shift plus one-half parking space per bed and/or day treatment occupant as determined by design. Partial parking spaces are rounded up to the nearest whole number.

D. Public Notice Requirements. Public notice shall be given consistent with FMC 14.15.050. (Ord. 1400 § 2, 2006)
18.92.050 Mental health facility.

A. Mental health facilities are permitted in the RO (residential office), HC (highway commercial) and GC (general commercial) zones subject to issuance of a conditional use permit.

B. Siting Criteria.

1. The mental health facility should be located in relationship to transportation facilities in a manner appropriate to its transportation needs.

2. A mental health facility shall not be located within 350 feet of community centers, public park and recreation facilities, public and private schools, playgrounds, sports fields, and youth camps. Distance shall be calculated as a straight-line measurement from that point on the substance abuse treatment facility property closest to the nearest point on the protected use property.

C. Design Criteria.

1. Screening and Landscape Requirements.
   a. Design shall be as defined in Chapter 18.74 FMC.
   b. A six-foot high, solid wood or masonry perimeter fence shall enclose the rear and side yards including fencing along a line parallel to the street and conterminous with the front facade of the primary structure.
   c. Any security fencing (barbed wire, concertina wire, etc.) shall not be visible from the public right-of-way.
   d. Fencing and landscaping requirements may be revised for security purposes with approval of the Hearings Examiner.

2. Minimum lot size: The site area shall be adequate to provide required parking, yards, and off-street loading areas.

3. Minimum lot width: None.

   a. Setbacks.
      i. Front: 25 feet.
      ii. Rear: 20 feet.
iii. Side: 15 feet.

b. Lot coverage: 40 percent.

c. Maximum building height: 35 feet.

5. Parking. One parking space per employee during the largest shift plus one-half parking space per bed and/or day treatment occupant as determined by design. Partial parking spaces are rounded up to the nearest whole number.

D. Public Notice Requirements. Public notice shall be given consistent with FMC 14.15.050. (Ord. 1400 § 2, 2006)

18.92.060 Hospitals.

A. Hospitals are permitted in the RO (residential office), HC (highway commercial) and GC (general commercial) zones subject to issuance of a conditional use permit.

B. Siting criteria: The hospital should be located in relationship to transportation facilities in a manner appropriate to its transportation needs.

C. Design Criteria.

1. Screening and landscape requirements shall be as defined in Chapter 18.74 FMC.

2. Minimum lot size: The site area shall be adequate to provide required parking, yards, and off-street loading areas.

3. Minimum lot width: None.


a. Setbacks.

   i. Front: 25 feet.

   ii. Rear: 20 feet.

   iii. Side: 20 feet.

b. Lot coverage: 40 percent.

c. Maximum building height: 45 feet.
5. Parking: One and one-half parking space per bed as determined by design. Partial parking spaces are rounded up to the nearest whole number.

D. Public Notice Requirements. Public notice shall be given consistent with FMC 14.15.050. (Ord. 1400 § 2, 2006)

18.92.070 Convalescent centers.
A. Convalescent centers are permitted in the RM 1.5 (residential multifamily), RO (residential office), and HC (highway commercial) zones subject to issuance of a conditional use permit.

B. Siting criteria: The convalescent center should be located in relationship to transportation facilities in a manner appropriate to its transportation needs.

C. Design Criteria.

1. Screening and landscape requirements shall be as defined in Chapter 18.74 FMC.

2. Minimum lot size: The site area shall be adequate to provide required parking, yards, and off-street loading areas.

3. Minimum lot width: None.

   a. Setbacks.
      i. Front: 25 feet.
      ii. Rear: 20 feet.
      iii. Side: 20 feet.
   b. Lot coverage: 40 percent.
   c. Maximum building height: 35 feet.

5. Parking: One parking space per bed as determined by design.

D. Public Notice Requirements. Public notice shall be given consistent with FMC 14.15.050. (Ord. 1400 § 2, 2006)

18.92.080 Miscellaneous essential public facilities.
Uses not addressed in the preceding sections, but which may potentially be considered essential public facilities, shall be subject to conditional use permits and shall be evaluated under the following process:

A. An agency or organization may request in writing that a proposed facility be reviewed through the miscellaneous essential public facilities conditional use permit process. This request should be in the form of a letter to the Zoning Administrator, addressing the criteria in subsection (A)(1) of this section.

   1. The Zoning Administrator shall review this request and grant it if the following criteria are met:
      
      a. The facility meets the definition of essential public facility defined in this section, or as currently defined in the RCW;
      
      b. The facility is a type difficult to site because of one of the following:
         
         i. The facility needs a type of site of which there are few sites,
         
         ii. The facility can locate only near another public facility,
         
         iii. The facility has or is generally perceived by the public to have significant adverse impacts that make it difficult to site, or
         
         iv. The facility is of a type that has been difficult to site in the past;
      
      c. It is likely this facility will be difficult to site; and
      
      d. There is need for the facility and Ferndale is in the facility service area.

   2. The Zoning Administrator shall determine if the facility serves a regional, countywide, statewide or national need. If it does, the Administrator may condition the review with a requirement that the review process consider one or more sites in parts of the service area outside of the City of Ferndale.

B. Where more than one local government is involved in the review process, Ferndale staff shall participate in the review process and use the data, analysis and environmental documents prepared in that process in the City's review, if planning and building staff determines those documents are adequate. If the facility would require a variance or other development permit, those approvals shall also be decided through the processes appropriate for those actions.

C. The Zoning Administrator shall require that the conditional use permit process include a public involvement component that meets the following standards:
1. Notice of application shall be mailed to all property owners living within the zone of likely impact, a minimum of 300 feet and a maximum of 1,000 feet, as determined by the Zoning Administrator to encourage public participation for any proposed site considered under this essential public facility siting process.

2. At least one neighborhood meeting process, conducted by the applicant, that gives those who live near the proposed site or sites and those who will use the facility, where appropriate, the opportunity to affect the design and location of the facility. The neighborhood meeting shall present information relevant to subsection (D) of this section. Public notice of the meeting shall be provided as per FMC 14.15.050, except that mailing shall be extended to the distance consistent with the notice of application. If the notification area extends into areas outside the City limits the affected adjacent jurisdiction shall be notified by mail.

3. At least one public hearing shall be held with notice of public hearing provided as per FMC 14.09.030, except that mailing shall be extended to the distance consistent with the notice of application.

D. The following criteria shall be used to decide the application:

1. Whether there is a public need for the facility.

2. The impact of the facility on the surrounding uses and environment, the City, and the region.

3. Whether the design of the facility or the operation of the facility can be conditioned, or the impacts otherwise mitigated, to make the facility compatible with the affected area and the environment.

4. Whether a package of incentives can be developed that would make siting the facility within the community more acceptable.

5. Whether the factors that make the facility difficult to site can be modified to increase the range of available sites or to minimize impacts on affected areas and the environment.

6. Whether the proposed essential public facility is consistent with the Ferndale Comprehensive Plan.

7. If a variance is requested, the proposal shall also comply with the variance criteria.

8. Essential public facilities shall comply with any applicable state siting and permitting requirements (e.g., hazardous waste facilities).
E. A financial analysis of the proposed facility’s impact on the City of Ferndale’s budget shall be completed by the organization proposing the essential public facility. If the study shows that locating a facility in a community would result in a disproportionate financial burden on the City, an agreement should be executed to mitigate the adverse financial impact or the approval shall be denied. (Ord. 1400 § 2, 2006)
## Summary Project Statistics

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joint Ownership</td>
<td>(7) Jurisdictions</td>
</tr>
<tr>
<td>Total Bed Capacity</td>
<td>813 beds including 29 medical beds</td>
</tr>
<tr>
<td>Bed Mix</td>
<td>80% of beds celled, 20% In dormitories</td>
</tr>
<tr>
<td>Floor Area Per Bed</td>
<td>205 SF</td>
</tr>
<tr>
<td>On-Site Construction Cost</td>
<td>$65,000 Per Bed Average or $53,000,000</td>
</tr>
<tr>
<td>2012 Daily Bed Rate Without Debt Service</td>
<td>$78 per day @ 90% occupancy</td>
</tr>
<tr>
<td>2012 Daily Bed Rate Incl. Debt Service</td>
<td>$113 per day @ 90% occupancy</td>
</tr>
<tr>
<td>2012 Non-Owner Rental Bed Rate</td>
<td>$125 - $135 per day</td>
</tr>
<tr>
<td>Booking Fee</td>
<td>None, absorbed in the daily rate</td>
</tr>
<tr>
<td>Medical Inmate Fee</td>
<td>None, absorbed in the daily rate</td>
</tr>
<tr>
<td>Total FTE Staffing at 90% Capacity</td>
<td>140 FTE</td>
</tr>
<tr>
<td>Staffing Ratio</td>
<td>One Staff to 5.7 Inmates</td>
</tr>
</tbody>
</table>
Information & Statistics
Overall Project Effort: 5 years 2006-2011
Ground Breaking: August 10, 2009
Total Project Funding: $97,861,342
Facility & Off-site Cost: Approximately $53,000,000
Facility Size: 163,830 square feet
Site Acreage: 15.44 Acres
Public Parking: 67 spaces
Staff Parking: 110 spaces
Bed Capacity: 813
  128 Double Cells = 256 Beds
  94 Quad Cells = 376 Beds
  148 Dormitory Beds
  4 Single Cells
  13 Medical Single Cells
  16 Ward Beds
Number of Housing Pods: 14
Number of Outdoor Exercise Areas: 2 General and 2
Maximum
Number of Control Rooms: 2
Number of Security Cameras: 614
Number of Skylights: 127
Cubic Yards of Concrete on the Roof: 1,102
Length of Main Hallway: 394 Feet

Owner
Owner Cities: Auburn, Burien, Des Moines, Federal Way, Renton, SeaTac, Tukwila
SCORE Director: Penny Bartley

Design & Construction Administration
Architect: DLR Group
Electrical Engineer: DLR Group
Structural Engineer: DLR Group
Interior Design: DLR Group
Planning, Programming, & Financial Analysis: DLR Group
Cost Estimating: Rider Levett Bucknall
Mechanical Engineer: Glumac
Civil Engineer: KPFF
Geotechnical Engineer: Hart Crowley
Fire Protection Engineers: Aegis Engineering
Security Engineers: R & N Systems Design
Kitchen & Laundry Design: Halliday Associates
Landscape Architect: Aspen Design Group

Contractors
Site Work Contractor: Scarsella Brothers
General Contractor: Lydig Construction
Electrical Contractor: Berg Electric
Mechanical Contractor: Robison Mechanical
Security Systems Integrator: Sierra Systems
Detention Equipment Coordinator: CML

Owner’s Representative: Shiels Obletz Johnsen

Photography Credits
Pages 2-24, 26: © Sam Van Fleet Photography
Pages 25, 27-29: Kelley Tanner, DLR Group
June 5, 2013

Mr. Jori Burnett, Community Development Director
City of Ferndale
Via Email

Re: Your request for information for the Ferndale Planning Commission

Dear Jori,

Thank you for your inquiry. I have had Chief Corrections Deputy Wendy Jones prepare the following response:

This is in response to your email of May 31, requesting some information on why the SCORE facility would or would not be a good model for a new jail, along with some information on elements of traditional facilities that are undesirable and/or antiquated. I am going to bullet the responses, as I am sure you are going to be providing the Planning Commission with a great deal of information, and imagine having it in a concise format will help.

I am going to start this out backwards by listing some of those elements of traditional facilities (like our current Main Jail facility) that make them less desirable.

**Linear Design/Security:** Jails of this generation were frequently designed on a multi-storied, linear model, like the current downtown jail. This design makes it difficult to adequately supervise the offenders. Security for this design is based on indirect supervision with intermittent security checks of the housing areas, done every 30-60 minutes. This provides offenders with long stretches of time where no one is directly supervising them, seldom a good idea with offender populations. Due to the design, staff cannot see into portions of many of the housing areas, and there are multiple areas where inmates are able to hide themselves. Couple this with no cameras in the housing areas, and the results have been inmate on inmate violence, vandalism, and in a recent incident, a serious assault on a Deputy.

*Construction style/materials:* Traditionally jails have depended on thick walls, generally of reinforced concrete block, for basic construction. This has lead to not only a fortress like appearance on the exterior, but a physically heavy building, with very little flexibility. They take up large amounts of space and are very difficult to expand.

With the growth in jail populations over the past 30 years, we have been significantly limited in our ability to expand housing areas, and to adjust housing options to meet the changing jail
population. The results are we lack space where we need it, and wind up housing offenders who should be separated (ex. 1\textsuperscript{st} time DUI offenders and offenders who have been to prison on serious offenses) together in the same units.

This style of construction has created a great deal of difficulty in updating or replacing infrastructure elements like wiring or plumbing, and with the changes in building codes, most multi-level jails are unable to add floors onto the facility. The alternative becomes converting areas of the facility designed for other uses (ex. storage) into housing areas. This goes back to the first issue, that of security, in that the spaces were not designed to house offenders and do not have some of the safety features a regular housing unit would possess. In addition, the construction materials themselves have created “dead spots” within the facilities so that staff cannot communicate via their radios, creating another safety concern.

\textbf{Technology:} Jails from this era did not anticipate the development of technology. This includes things as basic as desktop computers and would include more recent technology such as the use of security cameras in housing areas, video court appearances, video visiting based on “Skype” type technology, or the use of biometrics such as digital photographs and fingerprinting. Electrical and IT wiring needs were not anticipated, existing conduits are too small to accommodate the new demand, and mechanic access is very difficult, and can require Yoga like contortions to get to an area for repairs. The lack of other options creates a jail where inmates have to be removed from their housing units for visiting and court appearances, increasing operational expenses due to the staffing needed to move them. Offenders also have to be transported to the various Municipalities for Court appearances occurring after their initial First Appearance. These municipal Court transports are done by the various city police departments.

The Ferndale Police Department transports offenders to Ferndale Municipal on a weekly basis. This takes Officers off of the street and can tie them up for several hours, depending on the number of offenders who need to appear in court. Having a video court system set up would allow Corrections Deputies to simply move the offender to a secure area within the jail to make their court appearance.

\textbf{Jail Alternative Programs:} At the time the jail was built, most jail alternative programs didn’t exist. As jails expanded programs such as work release, work crews and electronic home detention, they were left with trying to accommodate the different requirements for these programs into a facility designed to be a box to simply hold offenders away from the public. Issues such as contraband control for offenders leaving and returning to the facility were not considered. Moving to group housing for very low security offenders was not envisioned, so minimum security inmates tie up much needed higher security cells because there are no other options. Something as basic as having storage space for work crew vehicles and equipment was never factored into space requirements.

\textbf{Environmental Factors:} 30 years ago, there was no concept of environmentally friendly jail construction. Little thought was given to issues such as energy and water conservation,
insulation, alternative energy sources, recycling programs, use of sustainable building materials, etc. This has left us with a generation of jails that are wasteful, energy inefficient and expensive to operate.

It has only been in fairly recent history that we have realized that a jail can be designed and constructed to blend into a specific community, rather than accept that it must look, and in many cases, function, like a building from the middle ages.

**Emergencies:** Traditional jails have very few allowances for any type of emergency response, including evacuation of the offenders. We have conducted several emergency drills where disasters such as fires, earthquakes and natural gas line explosions were simulated. In each case, the end result was a high offender death count due to the difficulty in accessing the offenders, and getting them moved down the 2-3 floors of a single available emergency fire escape. Once evacuated, we have no close secure area of refuge.

We can compare this to the Interim Work Center which is a one story facility with secured multiple points of emergency egress, and a secure area of refuge at the back of the building, within a fenced parking area. We anticipate we can evacuate this building within 1-2 minutes. This brings me to the second part of this memo: the SCORE Facility.

SCORE is a good basic design and an excellent place to start the planning process. While there are some elements of the design we are looking at modifying, they are primarily interior details and don’t really effect the larger design concept. Some of the elements which have made it a good model are:

**Line of sight/Increased security:** The basic design provides significantly improved line of sight. The configuration allows deputies in a central control room to have clear lines of sight into all areas of the dayroom all of the time. Cell doors have large central windows so that both deputies and the day room cameras have a much improved ability to see into the cells, while still allowing the offenders some privacy. This clear line of sight provides 24 hour a day observation, resulting in significantly increased security for the facility, increased protection against inmate on inmate violence, and reductions in the amount of vandalism/property damage to the facility.

**Construction materials:** SCORE has taken advantage of newer construction techniques such as pre-cast concrete and steel walls, which are at least as secure as the traditional methods, but reduce the footprint of the facility and allowed a much greater degree of flexibility in design. In addition, due to the coating on the surfaces, it is much easier to keep clean, is more durable, and is more resistant to vandalism.

The higher level of insulation possible with newer building materials leads to decreased energy costs and a more consistent temperature within the housing units. The large number of skylights throughout the facility (over 100) takes advantage of natural lighting and heating. The natural light entering into the living areas meets Correctional standards, increases security by
substituting the skylights for exterior windows, and reduces lighting cost by having a system that only turns on artificial lights when the lumen in the rooms drop below a programmed level. Use of communication technology: SCORE has done a good job in moving forward with the use of technology for their court appearances and visiting. They are currently providing on-site video visiting and closed circuit court appearances. We will be seeking to take that another step farther. While we are planning on using a court appearance system similar to SCORE, we are planning on moving the vast majority of visiting to a remote access web based system, similar to Skype. This will allow both personal and professional visiting from anywhere there is an internet connection. It will be easier for offenders to see friends and family, or consult with their attorney, and reduces the need for visitors to come to the site. The net effects will be an increase in the availability of visiting and a reduction in the traffic impact on the local roads.

Use of cameras: The number of cameras in the SCORE facility is significantly higher than any other facility of which I am aware. We will be working with the jail designers to determine the best use of cameras in the new facility, but are positive that the numbers will be far higher than are in either of our 2 existing facilities. This increases the level of supervision with the housing and program areas and results in a drop in behavioral issues. The end result is a safer jail.

Internal services: Bringing as many services, especially medical services, within the secure confines of the jail increases security and reduces off-site transports. Making certain that basic health care and testing, such as X-rays, can be performed within the jail reduces the need to transport the offender off-site, reducing the security risk to the community as well as to the transporting Deputies.

Large commercial kitchen: One of the possible community benefits ties to the size of the kitchen that will be designed into the facility. Several years ago I toured the jail in Arapaho County Co. One of the points made by the jail administrator was that the jail kitchen was part of the communities’ emergency planning. The large kitchen with trained labor could be quickly used as an emergency meal preparation area in the event of natural disasters. I would anticipate that we could provide a similar service in the event of earthquake, flooding or severe winter storms.

Exterior design: While a jail is a jail, it does not have to be the forbidding fortress of old. SCORE is a great example of a facility that contributes a well built, attractive, civil building to the community. There are an increasing number of newer jails that we can look to for ideas on architectural features that will make this project a benefit to the community. SCORE was able to utilize the site in such a way that, except for a discreet sign, people are not aware of the jail from the road. While they have landscaping and parking around the building, there are also greenbelt areas between the facility and surrounding residences and businesses. Having this type of visual buffer works to help shield neighbors, and assists in creating unobtrusive but clear borders. The type of visual buffer can vary with the features of specific parcels of land. SCORE had a wooded lot to start with, allowing them to use existing foliage as a visual buffer. Much of the LaBounty site has been logged, however, there is a greenbelt to the North and the topography of the property itself can be used to help minimize the visual
presence of the housing units. There is a jail in Lexington Kentucky that created a façade that looks like a horse barn to fit in with their local community.

Sincerely,

[Signature]

Bill Elfo, Sheriff

cc: Jack Louws, County Executive
    Bill Valdez, DLR
    Reid Shockly, Shockley Planning