JOINT PLANNING COMMISSION/ CITY COUNCIL MEETING

MEETING DATE: May 22, 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

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OVERVIEW

A joint Planning Commission/ City Council meeting has been scheduled for 6 p.m. Wednesday, May 22, at the Ferndale Whatcom Educational Credit Union meeting room. The meeting is intended to provide both the Planning Commission and City Council with an introduction to the potential Whatcom County Jail and Sheriff’s Offices being considered at LaBounty Drive in Ferndale,
and to review the City of Ferndale’s requirements for Essential Public Facilities. The primary goal of the meeting will be to provide Staff and the Planning Commission with direction as to potential Zoning Text Amendments related to Essential Public Facilities, which could include a potential directive to cease work on such an amendment.

This meeting will not focus on the ongoing Supplemental Environmental Impact Statement (SEIS), although staff is prepared to answer questions related to the SEIS.

**BACKGROUND**

Whatcom County has identified the need for a new jail facility (correctional facility) in anticipation of continued population growth and increased inmate population. The County has also elected to create a campus where the Whatcom County Sheriff and administrative support offices share land and resources with the jail.

Whatcom County previously considered two sites (in addition to the existing jail location(s) in Bellingham) within the unincorporated County, and issued a Draft Environmental Impact Statement (DEIS) in October 2010. Due to a number of factors, neither of the two sites considered in the original DEIS remain viable for a future jail; one site was purchased by a third party and the other was determined to have extensive wetlands/critical areas that severely diminished its development potential.

The County has now identified an approximately forty-acre site on the west side of LaBounty Road, within the City of Ferndale (Exhibit 1) as a possible jail location. While other sites were still being considered in late 2012/early 2013, Whatcom County has noted that the LaBounty site is now the only site being considered for a new jail.

Whatcom County is the agency responsible for determining the appropriate size, services and location of the jail facility, including whether sheriff offices or other offices will be included in the development proposal. As Whatcom County is a public agency, these decisions must be made with public input. However, Whatcom County is at the same time in a role very similar to a private developer: the County has the right to investigate property, determine if specific properties serve the needs of the development and then, if appropriate, to acquire the property.
If the property is acquired, Whatcom County would be required to submit a development application to the City of Ferndale. This process is the focus of this joint meeting.

In 2006, following an extended development moratorium imposed by the City in order to prevent the unplanned establishment of “Transitional Housing” (commonly known as half-way houses), the City of Ferndale adopted Ferndale Municipal Code 18.92 (Essential Public Facilities).

The Revised Code of Washington (RCW) 36.70A.200 (5) states that “No local comprehensive plan or development regulation may preclude the siting of essential public facilities” which are “those facilities that are typically difficult to site, such as ....state and local correctional facilities.” (RCW 36.70A.200 (1).

In other words, this means that facilities such as airports, jails, hospitals, etc., are necessary components of modern society – but they are seldom welcomed as next door neighbors. The State of Washington has sought to make a clear regulatory statement that local jurisdictions cannot simply create development regulations that are intended to block the development of such facilities.

The City of Ferndale lists a number of Essential Public Facilities, and their process within FMC 18.92. Currently, Correctional Facilities, which all parties agree includes a Whatcom County Jail (which is more technically considered a “detention facility”) are required to respond to the following requirements (complete text in Exhibit 2):

**Location:** Permitted in the Manufacturing zone east of the Nooksack River (the proposed jail location is in the appropriate zone).

**Process:** Conditional Use. This process includes staff technical review followed by staff recommendations (including approval, approval with conditions, or denial). The public is invited to attend a public hearing to discuss the proposal and staff recommendation. The Ferndale Hearing Examiner holds this meeting and issues a subsequent decision approving or denying the proposal. If the Hearing Examiner approves the proposal, staff will continue processing the permit.

**Siting Criteria:**

*Line of Sight:* Correctional Facility cannot be within line of site (it is not “possible to reasonably distinguish and recognize individuals”) of a “risk
potential facility or activity” (including trails and school bus stops). The code defines line of sight as an unobstructed visual distance of 600 feet from a correctional facility to a “risk potential facility,” or a minimum distance of 350 feet.

Setbacks: A correctional facility cannot be located within 350 feet of a residentially-zoned property.

Separation Requirements: A correctional facility cannot be located within one mile of another correctional facility or within one mile of a transition facility.

Design Criteria:


Fencing: A six-foot-high solid fence must enclose the side and rear yards.

Fencing: Security fencing such as barbed wire shall not be visible from the public right-of-way.

Analysis

When writing development regulations, there is a delicate balance between providing flexibility and lacking guidance. The current Ferndale Municipal Code is very clear with regard to process, and is arguably clear with regard to several other sections. However there are several points in which the code is not clear. There are also a number of requirements within the existing code that appear to protect against a development that is very different in nature from what will likely be proposed. One of staff’s primary responsibilities is to identify code sections that do not address issues, or that appear to address them at a higher or lesser degree than would normally be expected. In this case, several elements of the code appear to be protecting against a development type that is not being considered by Whatcom County.

Setback requirements: The code is clear that setbacks will be measured to the property line of residential property, which means that properties on the east side of LaBounty and immediately north of the site are subject to the 350’ setback requirement. The code is not clear as to where the distance should be measured from, however. From property line to property line? From the edge of the
building to the residential property line? From the edge of the parking lot to the edge of the residential property line?

**Use and Siting Criteria.** The code defines a correctional facility as:

“‘Correctional facility’ means a publicly operated facility, or privately operated facility under government contract, for the detention of criminally committed persons, and detention for pretrial purposes. A ‘correctional facility’ under this definition includes adult and juvenile detention facilities and work release facilities.” (FMC 18.08.030)

This definition does not address sheriff offices or warehouse space. Both of these elements are proposed as part of Whatcom County’s development, but are not an integral part of a correctional facility or jail – not all, or even most jails include such elements. Staff has issued a written interpretation to Whatcom County based on the code, the minutes of Planning Commission and Council meetings, as well as the draft documents created by staff during the Essential Public Facilities process. We cannot infer from these documents that the City intended to include such offices in its restrictions or definition of Essential Public Facilities. In addition, both professional offices and warehouse space are allowed as Permitted Uses within the Manufacturing Zone.

Therefore, sheriff offices and warehouse space are not subject to the same setback requirements as a correctional facility – they are subject to the setback requirements of the underlying Manufacturing Zone. When and if a development application is submitted, Whatcom County understands that staff will react to that proposal and determine whether or not the specific proposal meets the intent of the code – for example, if the proposal “stacked” the various elements in one building it would be difficult for staff to agree that this complies with the intent.

In addition to the setbacks from residential zones, the code is fairly clear with regard to line of sight – at least insofar as the requirements speak for themselves.

Lastly, the Siting Criteria restricts correctional facilities from being within one mile of another correctional facility or within one mile of a “secure community transition facility” – a halfway house. It has been argued that the Federal Government’s Border Patrol station on the south side of Sunset Avenue, which includes temporary holding cells, would thus block the development of a jail at this site. While staff does not believe that the holding cells at the Border Patrol meet the definition of a correctional facility, the City Council and Planning Commission should be aware of this concern.
Height: The code limits correctional facilities to 35 feet, but the underlying Manufacturing Zone establishes a height limit of 45’. The adjacent Residential Office zone allows a height limit of up to 70’. The code is clear in this respect, but there is no clear rationale for the reduced height limit – and this is the opportunity for the City to reconsider whether the current regulations are justified or should be amended.

Design Criteria: Current design criteria are well laid out and easy to follow. However, staff would like the Planning Commission and Council to consider whether the listed design criteria are sufficient.

Overall, there are two common themes in staff’s questioning: What is the City seeking to protect the community from, and do the existing measures do the job?

As with the “big box” discussion that occurred from 2005-2007, everyone has an image in their head of what certain types of development look like, or could look like. More often than not, those images are not good. It appears that much of the Correctional Facility zoning requirements are based on that image of a worst-case scenario design. If that is the case, staff can certainly agree with the rationale for most, if not all of the restrictions (and could even argue for a potential increases).

But why accept a worst case scenario, in any form? As with the big box discussion, there are examples of intimidating fortress designs for jails, just as there are examples of huge, ugly retail boxes. But there are an increasing number of jail designs that are not only tolerable but actually attractive – certainly more attractive than many of the process-driven designs of industrial uses within the Manufacturing Zone. If attractive design and operational efficiency are not mutually exclusive, why should the City of Ferndale accept a code that allows an applicant to ignore the design cues of the City? In turn, how can the City ignore the design cues of the community and hope that the environmental review or the conditional use process will solve the problem?

The existing code appears to establish restrictions intended to obscure correctional facilities to the greatest possible through a combination of wall features and setbacks. Yet even at 350 feet a facility would likely still be quite visible. Are the setbacks intended to protect the community from visual impacts?
Are they intended to protect the community from other potential life-safety impacts such as escaped prisoners? Does a 350’ setback do either one?

Put simply, a 350’ setback accomplishes one thing: a setback of 350 feet. Setbacks are blunt but effective instruments in the planning world. There are other measures that can be employed that may be more effective in addressing specific areas of concern. For example, the City can identify a range of design standards, similar to those used in the retail design chapters, to “dress up” the facades of buildings facing public rights-of-way. The City can state clearly that there should be no view of residentially-zoned properties from prisoner housing or recreation areas. The City can limit the height of light standards to not only prevent light glare but to avoid the “stadium” appearance of conventional prisons.

The current code does none of these things. There is the potential that the SEPA environmental review process may identify some of these elements. There is the possibility that it will not. There is the possibility that the Ferndale Hearing Examiner will adopt these measures as a condition of the Conditional Use. There is the possibility that he may not.

Staff recommends that the City clarify its expectations with regard to correctional facilities, as it appears that such a facility will be proposed in the City of Ferndale. By clarifying the City’s expectations and requirements within the code, the City will provide additional certainty to the community, potential applicants, and code administrators.

In fact, would such regulations provide more certainty and control for residents than simply putting an armored box a greater distance away? Would updated regulations provide the Hearing Examiner with more ability to approve or deny an application? At present the Hearing Examiner is in many ways limited to considering whether or not the facility is a sufficient distance away from residential properties, and is left to subjectively determine if a design element should or should not be approved.

**CONCLUSION**

Staff requests that the City Council and Planning Commission consider the issues raised in this staff report. You may also wish to visit the City webpage ([http://www.cityofferndale.org/jail.php](http://www.cityofferndale.org/jail.php)) and the County webpage ([http://www.whatcomcounty.us/jailsiting/index.jsp](http://www.whatcomcounty.us/jailsiting/index.jsp)) for additional information and previous staff reports.
Exhibit 3 includes a red-lined potential text amendment. This exhibit is intended to promote discussion, and should not be considered a formal proposal from City staff – as it is subject to substantial change and modification. Similarly, potential site designs that will be available for view at the joint meeting are also subject to change and modification.

We hope to leave the joint meeting with a greater understanding of what the City Council and Planning Commission wish to protect the community from, whether you are interested in modifying requirements to ensure that a facility is designed to meet your expectations and have heard what ideas you may have to improve the code and protect the community. Please also note that you have every right to direct staff to cease work on zoning text amendments related to Essential Public Facilities, and that this direction could occur on May 22nd without any additional action.
18.92.030 Correctional facilities.

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.

2. In no case shall a correctional facility 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 correctional facility property closest to the risk potential facility or activity.

3. A correctional facility 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 correctional facility property closest to the nearest residentially zoned property.

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. 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: 50 feet.
      ii. Rear: 50 feet.
      iii. Side: 50 feet.
   b. Lot coverage: 40 percent.
   c. Maximum building height: 35 feet.

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.
   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)
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)

18.92.020  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.

2. In no case shall any area of the correctional facility available to prisoners a correctional facility 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. Vegetation, structural elements, or other methods may be used to permanently block line of site between prisoners and risk
potential facilities or activities. 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 correctional facility property closest to the risk potential facility or activity.

3. When not separated by a public right of way, correctional facility properties, including required vegetated buffers, fencing, parking areas and structures can be no less than 100’ from adjacent residentially-zoned properties.

3. A 20’ vegetated buffer including a full screen fence at least six feet high shall be installed along the perimeter of the property. These requirements may be reduced along street frontages in order to provide vision corridors to architecturally significant elements of the facility. A correctional facility 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 correctional facility property closest to the nearest residentially-zoned property.

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.

5. At no time shall prisoners within the facility be released directly from the facility. All prisoners shall be transported to a designated outside location prior to release.

C. Design Criteria.

1. Screening and Landscape Requirements.

a. Design shall be as defined in Chapter 18.74 FMC. Landscaping shall be utilized to obscure the size of buildings with particular attention to the screening of prisoner spaces, the screening of lengthy exterior wall sections, enhancement outdoor spaces, reduction of erosion and stormwater runoff and mitigation of air pollution.

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. Barbed wire, concertina wire, or similar are prohibited.

d. The storage of fleet vehicles, impound yards, or other such areas shall be attractively screened from the view of adjacent properties through the use of fencing, landscaping or other means.

e. Areas for outdoor storage, truck parking, trash collection or compaction, loading or other such uses shall be screened from public or private rights of way.

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

2. Lighting Requirements.

   a. Exterior lighting systems, including parking lot lights, may not exceed the height of the building.


   a. Buildings shall include clearly defined entrances that are defined by architecturally significant elements that enhance or contrast other areas of the facility.

      i. The use of glass and indoor/outdoor accent lighting at entrance areas is encouraged.

      ii. Entrance areas may be used to fully or partially conceal flat roofs and roof top equipment from public view.

b. 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.
4. Design Continuity
   a. Multiple buildings within the same facility shall reflect compatibility in design elements and consistency in signage.

5. Prisoner Transport and Housing
   a. Entrances to prisoner transportation shall be obscured from view through the use of sally ports, solid screening (landscaping or structural), or other means.

   b. Prisoner housing, cell blocks, recreation areas, eating areas and any other area in which prisoners are allowed must be screened from view from residentially zoned properties, and no line of site to such properties may be allowed from these locations.

   c. Prisoner transport shall be minimized to the greatest extent feasible, and may include the implementation of electronic communications, shared transport of multiple prisoners, or other methods.

6. 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.

7. Signage
   a. Freestanding signage shall be minimized to 100 square feet and shall be limited to monument signs six feet high or less. Landscaping shall surround the primary sign.
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 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)