Chapter 18.92
ESSENTIAL PUBLIC FACILITIES

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18.92.010 Purpose.

Essential Public Facilities typically create real or perceived negative impacts on social, environmental and/or economic features of their host jurisdiction, including unique impacts to the public infrastructure. These impacts may be difficult or impossible to mitigate completely. As such, communities are likely to resist the placement of Essential Public Facilities within their jurisdictions, and as a consequence Washington State has found it necessary to adopt laws which prohibit any community from excluding such facilities outright.

The City, therefore, has a vital interest in ensuring that these facilities are innovative and built with the community in mind; that they are sited in appropriate locations and subject to reasonable conditions for design, intensity of use, noise, infrastructure capacity, neighborhood context, and operation. Such facilities shall also meet the City’s high standards for environmental design and shall avoid or mitigate adverse fiscal impacts to the City. (Ord. 1400 § 2, 2006)


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.
18.92.030 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)

18.92.040 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. 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. Landscaping and Fencing

   a. Standards.

   i. In addition to the adopted City of Ferndale landscaping standards (Chapter 18.74 FMC), all landscaping that is intended to act as a screen should
consist of mature vegetation. Landscaping trees must be balled and burlap 2” or 3” caliper size to City of Ferndale standards.

   ii. All on-site landscaping, together with landscaping along frontage streets within the public right-of-way, shall utilize the adopted City of Ferndale landscaping standards (Chapter 18.74 FMC).

   iii. Landscaping shall be utilized to enhance the personal scale of a facility by clearly defining pathways, entrance areas, parking areas, and access roadways. Such landscaping may also be used to soften the appearance of security features and fencing.

   iv. No barbed wire, concertina fencing, or similar fencing shall be visible on the facility or the site without a variance. Exception: sally ports and similar prisoner transfer locations may include such fencing for security reasons, provided that the facility is designed to limit or obscure the appearance of such fencing.

   v. Perimeter fencing shall be consistent with requirements of the Ferndale Landscaping Standards for L-3 high Screen landscaping.

2. Signage.

   a. Standards

      i. Signage shall be in accordance with the City of Ferndale sign code (Chapter 18.80 FMC), except that no freestanding pole signs shall be permitted, other than internal direction signs.

3. Buffers

4. Parking Lot Design and Access

   a. Off-street parking areas shall be designed to minimize visual impact. Separation between fleet/employee vehicles and public parking areas, if required, shall utilize attractive elements which may consist of landscaping or fencing consistent with other components of the site.
b. Prisoner transport locations such as sally ports as well as the vehicles associated with that transport shall be placed in a location that is not visible from residentially zoned property.

This may be accomplished through vegetative screening, the installation of structural elements, or by locating these components in an area of the facility that is already shielded from view.

5. Lighting and Glare

a. Minimum and maximum lighting standards shall assure that correctional facilities provide safe vehicular and pedestrian access as well as providing illumination necessary for security. Excess “spill-over” lighting and negative off-site impacts shall be minimized.

b. The use of LED or similar exterior lighting shall be considered.

c. Exterior light standards may not exceed the maximum height allowed by zone. If practical, exterior light standards should not exceed the height of nearby structures within the facility.

d. Illuminated signage and exterior building lighting should be compatible with the architecture of the project and shall not detract from the visibility of surrounding buildings.

e. Landscape and architectural lighting should be situated to illuminate building facades, building entrances, and feature or courtyard spaces including the internal lighting at primary entrance points and foyers.

f. Night lighting must be provided for all pedestrian walkways and where stairs, curbs, ramps and crosswalks occur.

g. All exterior lighting fixtures in parking areas and driveways should utilize cutoff shields or other appropriate measures to conceal the light source from adjoining uses and rights-of-way.
h. Other lights shall be designed to avoid spill-over glare beyond the site boundaries.

i. Light posts within 350 feet of residentially-zoned property shall not exceed 18 feet.

j. Prisoner housing shall utilize skylights to the greatest extent practical in lieu of wall windows. In no case shall windows in areas available to prisoners be placed in a location that faces residentially-zoned property.

6. Outdoor Storage, Trash Collection, and Loading Areas

a. Standards. Loading areas and outdoor storage areas may exert visual and noise impacts on surrounding neighborhoods and should be designed so that delivery and loading operations do not disturb adjoining neighborhoods. These areas, when visible and audible from public streets or residentially-zoned property, shall be screened, recessed or enclosed. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have public entrances.

b. 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.

c. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public or private street or public sidewalk.

d. Mechanical or HVAC equipment should not be installed at ground level along any portion of a building facing a public or internal street unless such location is necessitated by the nature and design of the building it serves, or would otherwise present a risk to security or operations. A solid fence or wall and native plants shall screen such equipment. Should mechanical or HVAC equipment be installed on the roof, it shall be concealed from view of residentially zoned property and the public right of way through the use of rooftop screens, strategic location upon the roof, articulated rooflines, or similar means.
D. Building Design

1. Facades and Exterior Walls

   a. Facades shall be articulated to provide visual interest that will be consistent with the community’s identity, character and scale. The Hearing Examiner may modify standards as requested by the applicant upon the demonstration that strict compliance with these provisions would result in security implications.

   b. Regardless of building size, all facades greater than 100 feet in length, measured horizontally and visible from public streets, sidewalks, or trails, or residentially-zoned property, must incorporate wall-plane recesses, projections, color changes, significant landscaping, or other measures, in order to break up the apparent mass of the building.

      i. Prisoner housing areas not visible from residentially zoned property or the public right of way shall be exempted from the requirements in (a) and (b) above, for the purpose of security and operational efficiency.

   c. Facades and exterior walls shall consist of appropriate durable materials.

   d. Front facades and facades visible from public streets or residentially zoned properties should not include the following as the primary building material:

      i. Smooth-faced concrete block

      ii. Smooth-faced tilt up concrete panels

      iii. Prefabricated steel panels

2. Entryways

   a. The primary public entrance for buildings with public access shall include significant architectural features such as articulated roofs and walls, outdoor patios, extensive window glazing, archways, or other similar elements.
b. Entryways and front facades may be utilized to conceal flat roofs, rooftop HVAC and mechanical equipment, prisoner housing and other similar features.

E. Miscellaneous

1. Multiple buildings within the same campus shall exhibit complimentary design elements such as a common color palette, uniform signage, common materials, similar building height, rooflines, or similar. When practical, the applicant shall seek to place correctional facilities behind structures that contain complimentary uses that would otherwise be permitted within the Manufacturing zone.

2. 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.

3. Nothing in this chapter shall prevent supervised work release crews from working within the community or on the site, subject to certain reasonable restrictions.

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

4. 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.

5. In order for City staff, the Ferndale Hearing Examiner and the general public to review developments for compliance, it shall be a requirement of the applicant to provide the following information, above and beyond the requirements for a typical submittal, to the City as part of the development review application:

   1. Color elevations with material types and colors shown.
2. Three-dimensional computer models or animations of the proposed facility and site.

F. Lot Size, Setbacks and Parking Requirements

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

2. Minimum lot width: None.

   a. Setbacks.
      i. Front: 150 feet
      ii. Rear: 50 feet
      iii. Side: 50 feet
   iv. No view of residential property shall be allowed from inmate housing or recreational areas unless it adheres to a minimum 600’ line of site setback.
   b. Lot coverage: no minimum
   c. Maximum building height: 35 feet.

4. Parking.
   a. 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.

G. 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)

18.92.050 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)

18.92.060 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)

18.92.070 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)

18.92.080 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)

18.92.090 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 typsite 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)