Essential Public Facilities – Workshop –
Mr. Burnett introduced the staff report. There is a lot that goes into jails before the construction of a jail. Jail is an essential public facility it does need to go somewhere. Local law enforcement have best interest of the public in mind. Burnett added that there will be a power point presentation and part of the objective is knowing that the Planning Commission is comfortable with zoning text amendment prior to a public hearing. Jail facility currently in downtown Bellingham, determined that a new facility will be needed. As part of their process, potential sites throughout the county were looked at. No application has been made to the City and the City is neither for or against a correctional facility. Jurisdictions cannot prohibit an essential public facility in accordance with RCW 36.70A200(5). City cannot create regulations that are intended to block those facilities. Some anticipated processes, one is a zoning text amendment, design requirements, setbacks, height limits, etc. During the selection process the county determines the size of the facility, followed by development review and impact statement, City would be looking at application in same manner of a private development. Environmental Impact Statement (EIS) would be specific to the site, won’t know for certain what roads will be impacted, EIS would address and include studies, potential mitigation measures. In turn, City would run through conditional use process that would go in front of hearing examiner. EIS that would also include public comment periods, hearing examiner would make decision to approve or deny, each process will include the opportunity to comment. Planning Commission will hold workshops and can request a joint City Council meeting. When Planning Commission holds a public hearing there will be opportunity to comment, County process will also have opportunity to comment. Staff will make sure that those comments have been made, can also submit comments to City and work closely with County in regards to comments. Both the City and County have established dedicated webpages. City has identified where potential facilities could be allowed, area that a potential jail could submit an application. In the current code minimum setback is 350 feet from residentially zoned property and the requirement for line of sight setback is 600 feet. Code requires 6 foot high fence in side/rear yards and no barbed wire in view of public right of way. Burnett added some things to consider, would existing requirements adequately protect the city, also, if requirements were designed to prohibit a jail, what does the community wish to protect against. City can’t dictate what goes on inside a jail, can put reasonable controls on how it looks on the outside. There is time to accommodate and provide hearing examiner with more direction. Some issues can be addressed through the environmental review process including how wetlands will be mitigated. City is in control of process, County will work with City staff.

Commissioner Black asked about the wetlands on site and if did wetland mitigation would there be room to build facility and maintain setbacks.

Mr. Burnett showed map, they are probable wetlands, current owner has identified a mitigation plan, also a fair point to make, believe it is a preferred site.
Commissioner Black added that wetland mitigation is one of the costs for improvements at I-5 262 exit, economic analysis as part of review. Mr. Burnett added that City has not gotten to specifics as part of scoping, it will be included in fiscal analysis.

Chairperson Cole commented that it would benefit the community and added that Mr. Burnett has given valuable information.

Chairperson Cole added that community members should be able to weigh in if there are benefits to community, it would help ease minds.

Commissioner Kennedy added that some benefits are revenue and asked about safety perspectives and what visual barriers could be included.

Mr. Burnett responded that we can start talking about visual barriers now, for instance, a 6 foot vegetative screen, with exception of entryway, however, won’t start talking about how a specific design until proposed to City. Suggest when talking about zoning text amendments, think about this property, in general terms also.

Joan Dow 5491 Woodfern Way – Bellingham – member of community, in county. Greatly support Sherriff Elfo, toured the present jail, they are stacked, are holding twice as many people as designed. Have an obligation to protect people in jails.

Robert French – 5044 LaBounty road – Ferndale – Some of the issues raised is he would be looking at jail from his house. If there is a financial impact to the city, there is a financial impact to Mr. French. One risk that is taken is increased traffic, the access to property is inadequate in current condition. Other mitigation circumstances, LaBounty needs to be improved, looking at access from Slater Road directly into jail facility. North of location for jail facility out Creighton Road from Smith Road, enhanced security for facility.

Jim Fox – 5141 LaBounty road – Lives north of the proposed site, has gone to all the neighbors, ~60 residents there is a value loss to properties, all properties will lose values. Should consider other commercial sites. Asked whether there will be anyone getting employment from this new facility. Traffic is the biggest issue, bikers that use it as an access road, there are no shoulders and no sidewalks. If Creighton Road be only access, would alleviate some concerns.

Sheriff Bill Elfo – Facility has been needed for 20 years. Appointed a jail task force, came up with two recommendations, facility needs to be able to house between 500-700 inmates, could be expanded if needed. Recommended close to I-5 and reasonable distance to courthouse. Task force developed site selection criteria, put together possibilities and this site is the top choice and has been selected for further review. Will not release any inmates from facility, will continue to release in downtown Bellingham. Have never had an escape from the Whatcom County Jail since it opened in 1983. Design will look like an office
building, looking at “SCORE” Facility in Des Moines. No one will see inmates out on the yards.

Commissioner Moore resident of Ferndale, speaking as a resident, main concern is to protect City.

Sheriff Elfo suggests a prohibition about release from facility. Commissioner Black asked if any sites considered were located on the Lummi Indian reservation. Sheriff Elfo responded no.

Commissioner Turner asked if the Port property at airport was considered. Sheriff Elfo responded that did not want to partner and could only lease property not purchase property.

Noralee Booth – On Jail planning task force, has been a complex learning experience. Largest project that a county can undertake. She had an opportunity to look at current Snohomish jail. Encourage people to go to website, buildasafejail.com. Presentation on website about new jail in Snohomish.

Loralee Reilly- 1533 Seahawk Drive, Ferndale – Opposes jail and is offended picture rendition did not include LaBounty Development. Do not want to see prisoners bused in through neighborhood. And asked if visitations are going to be taken into consideration.

Ray Baribeau - 4511 Glen Meadows Place – Lives in county outside of Bellingham. Has gone into jail as a volunteer, has visited Yakima jail and new “SCORE” facility in Des Moines. Facility is designed to keep inmates out of sight. In almost every family, someone has been in jail.

Commissioner Moore asked Sheriff Elfo to explain what a video visitation is.

Sheriff Elfo responded that the national trend is visitation electronically. Skype is set up through internet at courthouse and would minimize number of family members for visitation coming into facility. Anticipate lawyers would come in and have face to face contact.

Chairperson Cole asked what the percentage of visitation will be done by video. Sheriff Elfo responded they predict 90-95%, rare exception have someone come into facility.

Mr. Fox asked if inmates have a legal right to have in person visitation. Sheriff Elfo responded that there is no face to face at interim jail currently.

Councilmember Mutchler noted that the area is zoned manufacturing and facility could not be in neighborhoods. He then asked if the jail is not built what could be there. Mr. Burnett responded that some uses are offices, rental facilities and asphalt plants. There is a range of facilities that could go there. Zone has been that for ~45 years.
Commissioner Kennedy asked what is the rough number of staff per inmate to run a facility.

Sheriff Elfo responded that there are 85 corrections staff for opening population of 450 inmates. Plan on having a good electronic monitoring system and control booths. Officer can walk through and have visual contact, building efficiencies will increase security.

Mr. Burnett mentioned that staff anticipated questions from Planning Commission, goal is to give a better idea of what it would be, next step would be how to deal with from a zoning perspective. The impacts will be addressed at EIS process.

Commissioner Turner asked what the architectural plan to enter in and go out and how Creighton exit would look. Mr. Burnett responded that we may be able to provide more detail, however need to take a step back and look more generally. Consider how is it put into a code that could apply to multiple sites, it does make it more complicated when talking about a specific site, zone needs to be more general.

Commissioner Turner added that the 350 foot setback does not sound bad.

Commissioner Goldsmith asked the year the “SCORE” facility opened. Mr. Burnett responded late 2011.

Commissioner Goldsmith suggested allowing neighbors near “SCORE” facility to talk to Planning Commission and other individuals.

Commissioner Moore noted that one issue is line of sight, having a model where facility would be in determining line of sight.

Chairperson Cole noted that she would like to hear local law enforcement perspective.

Mr. Burnett added that staff is interested in having a joint meeting with City Council, could take place of Planning Commission next meeting.

Mayor Jensen added that staff is looking at having joint meeting at a different facility.

Mr. Burnett added that meeting would be tentatively scheduled for May.