PART 1:
OBJECTIVES, BACKGROUND, AND PROCESS
OBJECTIVE:

- INITIATE A REVIEW OF CITY ZONING/PROCESS REQUIREMENTS FOR “CORRECTIONAL FACILITIES” PRIOR TO SUBMITTAL OF DEVELOPMENT APPLICATION
BACKGROUND:

- WHATCOM COUNTY HAS IDENTIFIED THE NEED FOR A NEW JAIL FACILITY

- FERNDALE “LABOUNTY” SITE IS THE ONLY SITE BEING CONSIDERED

- QUESTION IS NO LONGER “IF” OR “WHERE” – BUT WHAT THE CITY WILL REQUIRE
LABOUNTY SITE
NO APPLICATION HAS BEEN MADE TO THE CITY FOR A JAIL/ CORRECTIONAL FACILITY

THE CITY OF FERNDALE IS NEITHER FOR OR AGAINST A CORRECTIONAL FACILITY

- JURISDICTIONS CANNOT PROHIBIT “ESSENTIAL PUBLIC FACILITIES”

RCW 36.70A.200 (5):

No local comprehensive plan or development regulation may preclude the siting of essential public facilities.
CITY DEFINES CORRECTIONAL FACILITY AS:

“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)

“CORRECTIONAL FACILITY” DOES NOT INCLUDE SHERIFF HEADQUARTERS, COURT
ANTICIPATED PROCESSES

THREE DISTINCT PROCESSES:

- **ZONING TEXT AMENDMENT (THIS PROCESS – CITY)**
  (Ex: Design requirements, setbacks, height limits)

- **ENVIRONMENTAL REVIEW**
  - SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT PROCESS INITIATED MAY 2013
    (Studies potential impacts, mitigation measures, etc.)
    - CITY OF FERNDALE/ WHATCOM COUNTY ARE CO-LEADS
    - SCOPING MEETING HELD MAY 16\(^{TH}\) – COMMENT PERIOD STILL OPEN

- **DEVELOPMENT REVIEW**
  - FOLLOWS DEVELOPMENT APPLICATION
  - CITY-CONTROLLED
  - DECISION BY FERNDALE HEARINGS EXAMINER FOLLOWING PUBLIC HEARING
ANTICIPATED PROCESSES

THREE DISTINCT PROCESSES:

- EACH PROCESS WILL INCLUDE THE OPPORTUNITY TO COMMENT

- INDIVIDUALS WHO MAKE COMMENTS/ PARTICIPATE IN ONE PROCESS WILL BE ADDED TO SUBSEQUENT PROCESS NOTIFICATIONS

- COMMENTS MADE DURING ONE PROCESS THAT ARE APPLICABLE TO ANOTHER PROCESS WILL BE FORWARDED TO THE APPROPRIATE REVIEWER/ PROCESS

- BOTH CITY OF FERNDALE AND WHATCOM COUNTY HAVE ESTABLISHED DEDICATED WEB PAGES TO EXPLAIN THE PROCESS.

  - WEB PAGES WILL LINK TO ONE ANOTHER

  - CONSTANT COMMUNICATION BETWEEN STAFF
ANTICIPATED PROCESSES

FUNDAMENTAL STAFF GOAL: PROCESS WILL BE CLEAR AND TRANSPARENT

FUNDAMENTAL UNDERSTANDING: A JAIL AND ADDITIONAL CAMPUS ELEMENTS ARE MAJOR, CAPITAL FACILITIES WITH SUBSTANTIAL DEVELOPMENT AND OPERATIONAL COSTS. JAIL SITING IS CONTROVERSIAL AND HAS THE POTENTIAL FOR SIGNIFICANT IMPACTS ON SURROUNDING PROPERTIES.

THE PROCESS IS COMPLEX.
TONIGHT’S FOCUS

IS THE FERNDALE MUNICIPAL CODE SUFFICIENT? WHY OR WHY NOT?

STAFF HAS DETERMINED THAT THE CODE COULD BE IMPROVED, FOR THE FOLLOWING REASONS:

- NO RATIONALE FOR HIGHER SETBACKS

- LITTLE OR NO DESCRIPTION OF REQUIRED ELEMENTS FOR REVIEW
PART II:
SUMMARY OF EXISTING FERNDALE CODE
WHAT DOES THE EXISTING CITY CODE REQUIRE?

- CONDITIONAL USE PROCESS (NO CHANGE PROPOSED)
- MANUFACTURING ZONE EAST OF THE NOOKSACK RIVER (NO CHANGE PROPOSED)
- MINIMUM SETBACK 350 FEET FROM RESIDENTIALLY-ZONED PROPERTY
- “LINE OF SIGHT” SETBACK OF 600 FEET/ SHOULD NOT BE ABLE TO REASONABLY VISUALLY DISTINGUISH AND RECOGNIZE INDIVIDUALS”
- SIX FOOT HIGH FENCE IN SIDE/REAR YARDS
- NO BARBED WIRE VISIBLE FROM PUBLIC RIGHT OF WAY
LABOUNTY SITE:
~40 ACRES TOTAL
WITH SETBACKS AND CRITICAL AREAS:
< ~14 DEVELOPABLE ACRES
WHAT DOES THE EXISTING CITY CODE REQUIRE?

- WOULD THE EXISTING REQUIREMENTS ADEQUATELY PROTECT THE PUBLIC’S INTERESTS?
  - DOES A 350’/600’ SETBACK RESOLVE THE CONCERNS OF THE COMMUNITY?
  - “IT WOULD IF IT MEANS NO JAIL WOULD BE BUILT”
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RCW 36.70A.200 (5):

No local comprehensive plan or development regulation may preclude the siting of essential public facilities.
IN ORDER TO ANSWER:

DOES A 350’/600’ SETBACK RESOLVE THE CONCERNS OF THE COMMUNITY?

LET’S START WITH:

WHAT DOES THE COMMUNITY WISH TO PROTECT AGAINST?
U.S. Department of Justice
Federal Bureau of Prisons

WARNING
All persons entering this Federal property are subject to a search of their person and/or property (including vehicle).

AVISO
Todas las personas que entren a esta propiedad Federal serán sometidas a una inspección personal o de su propiedad (incluyendo el vehículo) o ambas.
WOULD THE CONVERSATION CHANGE IF WE COULD REQUIRE THAT A JAIL FACILITY LOOKED LIKE THIS....?
OHIO
SCORE FACILITY:
SOUTH KING COUNTY
WHATCOM COUNTY
OPTION 3: Stepping Stones - Housing on South

AXON SITE PLAN
scale: NTS

SITE VIEW 1: from LaBounty Drive & Sunset Avenue looking North
scale: NTS

SITE VIEW 2: from North LaBounty Drive looking South
scale: NTS

SITE ELEVATION from LaBounty Drive
scale: NTS
WHATCOM COUNTY
OPTION 4: Stepping Stones - Housing on West

AXON SITE PLAN
scale: NTS

SITE VIEW 1: from LaBounty Drive & Sunset Avenue looking North
scale: NTS

SITE VIEW 2: from North LaBounty Drive looking South
scale: NTS

SITE ELEVATION: from LaBounty Drive
scale: NTS

SPACE LEGEND
- SHERIFF
- WAREHOUSE
- JAIL-LOBBY
- JAIL-SUPPORT
- JAIL-HOUSING
- CIRCULATION 
- PARKING

WAREHOUSE
LOADING
SALLY PORT INNATE ENTRY
JAIL LOBBY
JAIL SUPPORT
SHERRIFF OFFICE
SECURE STAFF PARKING
PUBLIC PARKING
PUBLIC ENTRY

SITE PLAN
scale: NTS

DLR Group
WOULD THE CONVERSATION CHANGE IF...

- THERE WAS NO PRISONER RELEASE FROM THE SITE?
- VIDEO CONFERENCING REDUCED DAILY VISITATION?
- VEGETATION OBSCURED THE MAJORITY OF THE FACILITY FROM VIEW?
- LIGHTING WAS CAST DOWNWARD, AND DID NOT INCLUDE TALL LIGHT TOWERS?
- REDUCED SETBACKS WOULD ALLOW NATURAL TOPOGRAPHY TO OBSCURE SENSITIVE ELEMENTS?
THE COMMUNITY HAS THE OPPORTUNITY TO DEFINE ITS CONCERNS PRIOR TO APPLICATION

- SOME CAN BE ADDRESSED THROUGH ZONING

- SOME CAN BE ADDRESSED THROUGH THE ENVIRONMENTAL REVIEW PROCESS (SCOPING PERIOD ENDS MAY 31ST)
THE COMMUNITY HAS THE OPPORTUNITY TO DEFINE ITS CONCERNS PRIOR TO APPLICATION

- THERE ARE REAL ISSUES AND VERY VALID CONCERNS – AND THESE MUST BE ADDRESSED

- THERE IS ALSO FEAR OF THE UNKNOWN – AND THIS MUST ALSO BE ADDRESSED
THE SETBACK ISSUE

- STAFF CANNOT RATIONALIZE WHY A 350’ SETBACK IS NECESSARY – WHY 350’? WHY NOT 100’? WHY NOT 500’?

- WHY SHOULD JAIL SETBACKS BE GREATER THAN ANY OTHER USE, INCLUDING HEAVY INDUSTRIAL USES?
1. REDUCE SETBACKS. REQUIRE THAT ANY CORRECTIONAL FACILITY AND RELATED CAMPUS ELEMENTS CONSIST OF:
   - Substantial vegetative buffer around perimeter
   - Limited prisoner release from facility, except in case of emergency or confirmed ride
   - Limited visitation
   - Fleet vehicle storage obscured from view
   - Light towers may not exceed height of building
   - Architecturally significant elements at entrances
   - Prisoner housing completely screened from view of residential properties
   - Compliance with EAGLE requirements
   - Minimal signage

* Regardless of potential changes, the City must include clear and definitive requirements that can be independently and reasonably calculated (e.g. a clearly established setback)

2. DO NOT REQUIRE ELEMENTS ABOVE, MAINTAIN EXISTING SETBACKS UNLESS ALL ELEMENTS LISTED ABOVE ARE MET.

3. DO NOT MAKE ANY CHANGES
CONCLUSION

• THIS IS FERNDALE’S PROCESS
  – COUNTY AND CITY STAFF WILL WORK TOGETHER
    • IDENTIFY NECESSARY OPERATIONAL ELEMENTS
    • DISCUSS POTENTIAL ALTERNATIVE MEASURES
    • ENSURE THAT PUBLIC COMMENTS ARE RESPONDED TO

- PUBLIC PARTICIPATION IS KEY
CONCLUSION

• PUBLIC PARTICIPATION DOES NOT MEAN:
  – “JAIL IS BAD – DENY IT”
  – SPREADING RUMORS
CONCLUSION

• IT APPEARS THAT A JAIL WILL BE PROPOSED IN THE CITY OF FERNDALE.

• EXISTING CODE IS LIMITED TO MINOR REVIEW CRITERIA FOR THE CONDITIONAL USE PROCESS, LARGE SETBACK REQUIREMENTS.
COUNCIL/ PLANNING COMMISSION OPTIONS

• SHOULD THE CODE BE CHANGED?
• IF YES, WHERE SHOULD FOCUS BE?
• IF NO, CODE AMENDMENT WILL CEASE IMMEDIATELY
END
SCORE FACILITY:
SOUTH KING COUNTY
NERMAN MUSEUM - KANSAS
SCORE FACILITY: SOUTH KING COUNTY
SCORE FACILITY STAFF BRIEFING ROOM AND COURTYARD