COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

HEARING BODY: Planning Commission
MEETING DATE: March 13, 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

In 2006 the City of Ferndale adopted new standards for Essential Public Facilities, including correctional facilities (jails). These requirements are contained within FMC 18.92. The State of Washington acknowledges that these facilities are difficult to site, and prevents jurisdictions from prohibiting them outright. The existing Ferndale code seeks to address these issues by limiting the areas in which those facilities can be located (east of the Nooksack River and within the Manufacturing zone), and requiring that the facilities have large setbacks from residentially-zoned property.
Clearly, this approach was intended to significantly limit the areas in which correctional facilities could be located. Realistically, the 350’ setback requirement, coupled with the relatively extensive site requirements of a facility, the significant wetlands in the Manufacturing zone and the relatively small size of lots in the zone makes the siting of a correctional facility more difficult (see Exhibit 2).

Again, perhaps this was the goal, and perhaps these restrictions are reasonable to protect the City from the adverse impacts that such a facility may impose on the community and the surrounding area. However, from reading the code, it is unclear precisely what impacts the City expects to protect itself from.

The code requires six foot high fencing around the perimeter of the facility. It limits the extent of barbed wire. It limits line of site to neighboring properties, with particular emphasis on limiting the ability to distinguish and recognize individuals.

From staff’s perspective, the existing code appears to be protecting the City and its residents from the prototypical “jail,” complete with watch towers, guard dogs, and search lights.

As well it should.

But rather than assuming that jail facilities will always include such characteristics, staff suggests that the City insist that they do not. And, if the jail facilities can manage to change the way that they look and operate, would the City and its residents be comfortable with changing the way that it regulates them?

Staff is neither for nor against a potential jail in Ferndale. Certainly there are potential impacts that a jail would create regardless of the way it looks and acts. We recognize the desire to simply prohibit a jail. Yet that is not an option: “no local comprehensive plan or development regulation may preclude the siting of essential public facilities.” (RCW 36.70A.200 (5).

If the City has no ability to prohibit a jail, staff believes that the City should plan with the expectation that a jail will be proposed at some point in the future. What are the concerns? Can they be mitigated? What are common elements to successful, attractive modern jails that should be required if a facility were proposed in Ferndale? What elements of a traditional jail facility are no longer necessary?

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1 This must always be the case in considering text amendments: if a code allows the potential for certain land uses, height limits, etc., it must be assumed that at some point a property owner will take advantage of those allowances. In this case – if a jail facility (complete with watch towers, guards, etc.) were to be established within 350’ feet of a residential area – would the Planning Commission wish that it had placed different controls?
There is ample evidence that modern correctional facilities have the ability to look and function differently/better than older facilities. There are numerous local and national examples of correctional facilities transitioning from a fortress mode of design to a civic mode. The South Correctional Entity (Score Jail) in South King County (Exhibit 3) is one recent example: there is little evidence of exterior armed guards, concertina wire, floodlights or even prisoners at all. Modern jails can look much more like college campuses than they do traditional jails.

In an effort to start discussion of potential modifications to FMC 18.92, we have attached a red-lined version of the chapter as Exhibit 1. This proposal focuses on the form and function of a facility rather than its distance from other uses. This forces the City to address its concerns head on.

**ANALYSIS**

There are two primary elements that staff believes should be addressed with equal weight:

1. The psychological impacts of a nearby jail facility.
2. The actual form and function(s) of a jail facility.

It is relatively easy to control the way that a facility looks and operates, at least on the exterior, provided that land use regulations are specific enough to guide the development and certain operations in a manner that reflects the expectations of the community.

It is much more difficult to address the psychological impacts of a jail facility, and there is likely no amount of “prettiness” that could make nearby residents forget that the facility is still a jail. We cannot pretend that by simply putting attractive landscaping on a facility that the facility will cease its primary function or reduce the “it’s right next to my house” concern. To that end, does a 350’ separation (the current code requirement) really eliminate or adequately mitigate these concerns? Or, is such a distance merely sufficient to reduce certainty but raise anxiety?

Would more specific requirements, such as a prohibition on prisoner release from the site, restrictions against watch towers, elimination of tall light standards, etc. do more? 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.

Recognizing that any actual application would require an environmental review – almost certainly an Environmental Impact Statement (EIS) – to analyze site specific issues (wetlands, slopes, soils, size of the proposal, transportation impacts, etc.), the code itself is not intended to address site-specific issues or mitigation measures. Instead, it is intended to be relatively general in nature, and to provide the applicant and decision makers with an understanding of the basic requirements for developing in Ferndale.

The proposed text expands on existing Siting and Design Criteria, and adds requirements for lighting, building design, design continuity, prisoner transport and housing, EAGLE and Public/Institutional Zoning requirements, signage, and more. If the Planning Commission is supportive of this form-based concept, these sections could be expanded or amended as directed.

At this time, nothing in the proposal is untested: The Score jail in Des Moines reflects all of these conditions, and has been used as an example by the Whatcom County jail task force during their decision-making process. Staff will present additional examples at the public workshop on March 13th.

Staff realizes that the Planning Commission and Council may ultimately decide that the existing requirements are appropriate, and that with some clarification could continue to be applied. Though not impossible, it is unlikely that another entity would seek to establish a correctional facility in Ferndale (the Whatcom County jail is “the only game in town”).

The proposed changes are intended to clarify the City’s requirements with regard to correctional facilities, not to make the siting of such facilities more or less difficult. Realistically, the existing code favors larger properties or properties that are unencumbered by residential zoning in relatively close proximity. In fact, the minimum criteria identified by the Jail Task Force suggest that a relatively large site will be required: single story facilities offer increased efficiency in ongoing operations and enable expansion opportunities in the future. If a large site is required, there are perhaps two or three vacant sites that meet the locational criteria of the City (Manufacturing Zoning east of the Nooksack River, south of Smith Road).

While there may be a psychological element associated with the physical separation between residential property and a correctional facility, the proposed language supports the existing language in that the “line of sight” – the ability to see other
properties – is the most significant impact (real or psychological) that can be addressed outside of the project-specific development review. To put it bluntly – the fear factor that “someone may be looking at me” can be completely removed with the proposed new language in a manner that the existing code does not.²

The proposed language would allow elements of the correctional facility in much closer proximity than the existing language: a 50’ setback is required (unless changed), representing a reduction of up to 300’ from the existing code. Employee parking facilities could be closer. This could mean that administrative offices, storage, and other components would be located adjacent to other properties.

The City has invited property owners from the surrounding area to join the Planning Commission at this public workshop. The Planning Commission may respond to questions if it wishes, but is not obligated to do so at this time. A public hearing will be held by the Planning Commission, followed by a second public hearing by City Council at a date to be determined. It is important to involve the public as early in the process as possible, just as it is important to reassess the existing code provisions well before any potential application is submitted.

One of the primary goals of this review process is to determine what the community wishes to protect itself from. This is a similar conversation to one that occurred on large retail: there are unquestionably impacts that a jail would or could create, but there are likely potential impacts that could be mitigated, both through the project-specific environmental review and through code changes. Generally speaking, the introduction of SEPA environmental reviews in the 1970’s occurred at a time when local jurisdictions lacked established regulatory controls (codes) to protect against impacts to wetlands, transportation, stormwater, and a whole host of other elements. Over the last forty years land use regulations have been established that ensure that these things are protected – and for many projects, the SEPA environmental review has been reduced to a review of specific project or site-specific issues rather than a catch-all for all impacts.

By preserving a code section that provides little direction, staff believes that the City is relying on a subsequent environmental review to do the majority of the leg work. As the Planning Commission knows, SEPA environmental reviews usually take place once an application has been made and land has been purchased. Staff would prefer that the majority of the design/concerns over a jail are addressed proactively in frank discussion, rather than retroactively, from a defensive posture.

² The existing code considers a line of site to be 600’ and requires “visual obstructions or barriers” within that distance. The proposed code simply states that no area of the facility available to prisoners be located within the line of site from “risk potential” uses such as residential units.
QUESTIONS AND NEXT STEPS

The Planning Commission has the opportunity to carefully consider public testimony, to request additional information from not only Ferndale staff and Whatcom County, but to explore what has occurred in other jurisdictions. Likely more than one workshop will be required to consider the zoning text amendment.

At present, the “Janicki” site in Ferndale ranks highly among other locations throughout the County. In fact, it is the preferred location for a future jail site, according to the Sherriff’s office. The site will likely continue to rank highly even if no changes to the existing code are made. However, Whatcom County does not wish to move forward on further plans to acquire the land, to reject the land, or to begin designing a project until the City has completed its review of the existing code.

Staff has a number of questions for the Planning Commission:

1. What elements of the code proposed by staff does the Planning Commission support? Which elements does the Planning Commission reject?

2. What are the concerns of the Planning Commission, as residents of the City of Ferndale, over a potential jail in the City? How can these concerns be addressed?

3. Would the Planning Commission like to provide the public with the opportunity to comment during this initial public workshop? What are the best ways to elicit productive public comments during this process (simple testimony, a workshop with “break out” sessions for discussion, etc.)?

4. What additional information would the Planning Commission like to see? The Whatcom County Sherriff’s office is expected to attend the workshop. Do photographs of other facilities help?

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3 Staff cannot think of a better time to voice these concerns: no land has been acquired, no plans have been drawn – really, no expenses have been incurred.
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.
   c. Maximum building height: \textbf{35.45} 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. 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)
PIMA COUNTY - ARIZONA
SCORE FACILITY: SOUTH KING COUNTY
SCORE FACILITY:
SOUTH KING COUNTY
SCORE FACILITY:
SOUTH KING COUNTY
SCORE FACILITY STAFF BRIEFING ROOM AND COURTYARD
SCORE FACILITY: SOUTH KING COUNTY