PLANNING COMMISSION MEETING

MEETING DATE: July 10, 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

At its June meeting, the Planning Commission directed staff to model amendments to the Essential Public Facilities/ Correctional Facilities design elements based on the City’s existing Retail Design requirements. The Planning Commission also clarified its intent for requiring a fiscal analysis of a correctional facility. The Commission did not discuss setback and buffer limitations, at Staff’s request.
Fiscal Analysis

Prior to discussing the design requirements, the Planning Commission may benefit from an update to the fiscal analysis discussion. As the Planning Commission is aware, the City requested a fiscal analysis as part of the Supplemental Environmental Impact Statement (SEIS) scoping process. The June Planning Commission packet explained that a fiscal analysis is not typically part of the environmental review, and is not included as an element of the “environment” that will be studied. However, Washington State does recognize that fiscal impacts can have an impact on the environment, and allow environmental studies to include fiscal analysis as a technical appendix.

The City contacted BERK Consulting, the company that provided a fiscal analysis as part of the Main Street Master Plan. BERK has significant experience in developing similar analysis for private development proposals, and in fact has developed similar analysis for proposed jails in the Puget Sound region within the last several years.¹

The Whatcom County Executive and City administration/staff met to discuss a fiscal analysis in June, and agreed that a fiscal analysis should be included as an appendix to the SEIS. The fiscal analysis will be paid for by Whatcom County, written by BERK Consulting, and directed by City staff. It will seek to determine the fiscal impact to the City and will also address potential fiscal impacts to adjacent property owners.² The study is expected to be completed by the end of Summer 2013.

Staff does not suggest removing the draft language requiring a fiscal analysis from the draft chapter, as such an analysis would also be required for other Essential Public Facilities. However, the Planning Commission should recognize that not all (or even most) Essential Public Facilities are as large or as expensive as a jail.

Design

The bulk of changes contained in Exhibit 1 reflect the retail design requirements. Staff has asked the jail planner (the DLR Group) to review the existing retail design requirements in order to determine if any of the changes would raise security or operational issues within the facility. Their response is contained in Exhibit 2. The Retail requirements are contained in Exhibit 3, for reference.

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¹ A copy of one such study is available at the City’s jail website, at http://www.cityofferndale.org/cdd/jailplanning.php
² Based upon a review of similar studies, fiscal impacts to nearby properties is likely difficult to determine with a high degree of certainty, partly due to the fact that there are so many variables that may impact property values. Overall, jail construction appears to have had an insignificant impact on adjoining property values in most jurisdictions.
Staff believes that the proposed changes and the DLR response to the retail design standards are very compatible. The two documents were created separately, without shared review.  

Similar to the retail design requirements, the proposed text is split into the following components:

- Siting Criteria (no changes proposed)
- Lot Design
  - Landscaping and Fencing
  - Signage
  - Setbacks and Buffers
  - Parking Lot Design and Access
  - Lighting and Glare
  - Outdoor Storage, Trash Collection and Loading Areas

Discussion: The City’s landscaping ordinance (FMC 18.74) will already be relied on for basic landscaping elements. The proposed text requires mature landscaping when such landscaping is to be utilized as a screen. The proposed text also seeks to allow/promote the use of landscaping to enhance the personal scale of the facility and to soften the appearance of security features and screening. The DLR Group memo indicates some concern that landscaping would be required as a measure to soften the appearance of structures and other hard surfaces. Staff is reluctant to relax the intent of the language, but we feel it is appropriate to consider alternative language that accomplishes the same or similar goals.

As per the June Planning Commission discussion, barbed wire and similar fencing is not allowed to be visible, with the exception of those entrances that are used for prisoner transfer. Freestanding pole signs would not be permitted.

The DLR Group requested that trash and unloading requirements be amended, and staff believes this is accomplished in the draft document – the features would be screened from the view of the public right of way and residential properties, but the screening would not necessarily need to obscure these elements from view of other properties in the Manufacturing zone.

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3 Upon the release of this staff report to the public, Whatcom County is able to view the draft chapter created by staff. We anticipate that the County and its jail planner may have additional comments prior to the Planning Commission meeting July 10th, and these will be forwarded to you (the County and its jail planner have been invited to the July 10th meeting).
As noted, setbacks and buffers were not discussed at the June meeting, in order for the Planning Commission to better understand the limitations on the site and the building first, before redirecting to focus on the setbacks and buffers (setbacks and buffers are in many ways mitigation measures themselves, intended to limit offsite impacts resulting from site and building development).

The proposed code would prevent prisoners from viewing adjoining residential land through the use of skylights, building orientation, or other elements. The Planning Commission appeared to be comfortable reducing or eliminating existing “line of sight” buffer requirements. The proposed text preserves this line of sight limitation but allows this buffer to be waived if the facility is constructed to prevent line of sight issues.

Staff has not filled in the setback requirements. The standard setback in the zone is fifteen feet on all sides. The existing correctional facility setbacks are 350’ from residentially zoned property and 50’ on all other sides.

The proposed text does include requirements to break up long expanses of fencing with stone columns or other architectural elements at least every 50’, to separate fleet vehicle parking from public parking, and to place prisoner transport locations and sally ports in a location “not visible from residentially zoned property.”

The draft chapter would limit light standards to the maximum height allowed by the zone. This language, which refers to “zone,” may be amended if necessary if the Planning Commission wishes to place an additional height restriction on correctional facilities: the Manufacturing Zone currently allows a 45’ height limit while the Essential Public Facility chapter reduces the height limit to 35’ for Correctional Facilities. Light standards would also be required to prevent spill-over or glare, and would be reduced in height within 350 feet of residentially-zoned property.

While the draft chapter focuses on reducing spillover effects of lighting, it also seeks to encourage/require development to utilize accent lighting to create an attractive visual effect/emphasize architecture features in the night and evening hours.

Mechanical and HVAC limitations are copied from the retail design chapter, emphasizing their placement along the sides of the building. The DLR Group has indicated that substantial architectural features, such as modulated roofs, that are intended only to obscure rooftop mechanical equipment may create security

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4 LED lighting has become more popular over the last decade and now provides a reasonably cost-effective alternative to standard lighting, virtually eliminating spillover effects.
challenges. As proposed, roof modulation would be required along the front/entrance of the building.

- Building Design
  - Facades and Exterior Walls
  - Entryways

While substantially similar to the retail design requirements, for obvious reasons the developments considered in this chapter function very differently from a shopping mall. The proposed building design elements focus on front entrances and those facades visible from the public right of way or residentially-zoned property. Portions of the building that are screened or otherwise not visible from these sensitive areas are exempt from higher design standards.  

The draft code seeks to require that visible facades and rooftops be designed to avoid the appearance of a simple “block” structure, but provides a range of alternatives to accomplish this goal. The code also includes three types of materials that are not desirable for the visible facades: smooth-faced concrete block, smooth-faced concrete panels, and prefabricated steel panels. These materials are the same as those that are prohibited in retail design. However, staff would like to discuss the reasoning for their exclusion: in the last decade, the use of each of these materials has been utilized (many would argue successfully) as architectural accents. The code as written would allow their use as secondary building materials – in order to provide such an accent. Is the Planning Commission comfortable with this approach?

Lastly, the draft code places added importance to the primary entryways. These entryways provide an anchor for large buildings and can be used to define the appearance of the structure. Unlike the retail requirements, staff has not included minimum requirements such as “the entryway shall incorporate at least two of the following elements.” This approach has some potential risk and some potential rewards – as written, a correctional facility proponent could argue that the inclusion of a small outdoor patio is sufficient to meet the requirement. However, if the City required “at least two of the following,” it may find itself left with a hodge-podge of design elements. If the Planning Commission wishes to move in the direction of

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5 Unlike retail buildings, which are built in areas that demand significant public access and are located in zones with significant mixed use, a correctional facility can only be built in the Manufacturing Zone. Staff believes that rigorous design elements should be required only in those areas that are visible from residential properties or the public right of way, and that requiring higher design standards for facades that are adjacent to manufacturing uses is unnecessary.
requiring “at least two” (or more) elements, staff can very easily adopt the similar language that is contained within the retail requirements.

- Miscellaneous
  - Multiple buildings should have compatible design
  - Standards should not reduce security elements
  - EAGLE Compliance

These requirements are fairly straightforward and are more fully explained in the code. As with so many things, the manner in which the requirement is written or defined is hugely important. What does “compatible design” mean? The code defines this as a “common color palette, uniform signage, common materials, similar building height, rooflines, or similar.” Is this sufficient?

**Next Steps and Options for Action**

Staff has prepared this staff report well in advance of the July 10th workshop. We did this in part to provide the Planning Commission with as much time as necessary to study the documents, but also to provide individual commissioners with time to contact staff to request additional information. An obvious request would be “what would a jail look like if it met these requirements?” Staff cannot blame the commission for this question, as we would like to know that as well. However, it is impossible to know for sure. There are so many design variations that may result from this or any other code that a sample design could only reflect what a jail facility could look like. As with any design, elements could change – and relatively “minor” elements such as siding or color could significantly change the overall perception. That said, staff is happy to respond to Planning Commission requests: what additional information does the Planning Commission need to better understand staff’s proposal?

The July 10th meeting is a workshop and no final decisions need to be made. However, the goal of the meeting is to provide staff with sufficient direction to bring an approvable document to the Planning Commission on July 30th. The following questions should be addressed:

1. Does the draft code address the elements that should be included?

2. Even if the elements are addressed, what language should be amended?
3. Should a sight-line buffer be eliminated if there is no visibility from prisoner housing to the public right of way or residentially-zoned property?

4. Can the setbacks be identified by plugging in a number, or should staff prepare more descriptive language? What alternative setback requirements should be prepared? What information/exhibits could help the Planning Commission reach a decision?

5. Does the Planning Commission wish to raise or lower the maximum height requirements? What additional information could be provided?

6. Is the Planning Commission prepared to hold an Open Record Public Hearing on July 30th? If so, the July 30th meeting would potentially be the last time the Planning Commission reviews this chapter for Correctional Facilities.
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 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. It is the purpose of this code to establish appropriate requirements for reasonably accommodating essential public facilities. (Ord. 1400 § 2, 2006)

**18.92.015 Fiscal Impact Assessment.**

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.

The proponent of an Essential Public Facility shall cause a fiscal impact analysis to be completed as a component of environmental review or as a requirement of the Conditional Use process. Such an analysis shall include, but will not be limited to, the following:

1. City share of property taxes before and after proposed development.
2. City taxes, including retail sales taxes, before and after proposed development.
3. Anticipated sales taxes before and after the proposed development, including sales taxes generated by construction.
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.

24. 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 must consist of mature vegetation, or be sufficient to effectively screen required elements at the time of initial occupany of the facility.

      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.

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. Setbacks and Buffers

   a. Standard Front, Side, Rear Setbacks

   b. Setbacks shall be increased to feet from residentially-zoned properties.

   c. A line of site setback of 600 feet shall be required from areas of the facility in which prisoners are likely to be located, including but not limited to prisoner housing, cafeteria, and recreation facilities, to a “risk potential facility or activity.” However, this requirement will be waived if it can be demonstrated that the facility and site design has eliminated the line of site from the prisoner areas to such facilities.

   d. Perimeter fencing shall be consistent with requirements of the Ferndale Landscaping Standards. Security fencing shall utilize vegetation and/or architectural elements such as stone columns at least once every 50 feet in order to break up unbroken expanses of fencing.
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 sued 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 internat 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.
D. Building Design

1. Facades and Exterior Walls

   a. Facades shall be articulated to reduce the scale and the uniform, impersonal appearances of correctional facilities that are subject to this chapter, and provide visual interest that will be consistent with the community’s identity, character, and scale.

   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 may be utilized to conceal flat roofs, rooftop HVAC and mechanical equipment, 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.

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. 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.

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: 3525’-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 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.

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)
Jori,

Please see our attached comments regarding the Chapter 18.58 Retail Design Guidelines and Standards to be used for the guidelines and standards for a Correctional Facility.

All sections not noted below are viewed with no exceptions if used for a correctional facility. The following comments are modifications we deem may compromise the security or integrity of the facility and should be modified as noted.

1. 18.58.050 Retail Matrix
   a. FEIA should not be required.

2. 18.58.060 / A / 2: Site Design Landscaping Guidelines –
   a. Paragraph B – This paragraph is acceptable as a guideline, but should not be included as a standard.
   b. Paragraph C – This paragraph is acceptable as a guideline, but should not be included as a standard. Additional fencing on the site may compromise visibility and security of the site.
   c. Paragraph C – Areas noted as ponds that would require fencing is very broad. The use of detention bioswales or small water overflow areas should be exempt from requiring a fence.

3. 18.58.060 / E / 2: Site Design Parking Lot Design and Access Guidelines –
   a. Paragraph b/i – Rest stations should not be included as a standard to limit loitering within the parking area. Shelters may compromise the visibility and security of the site.
   b. Paragraph g – Cart corrals are not applicable to this project type.

4. 18.58.060 / F: Smaller Retail Stores –
   a. This section is not applicable in its entirety and should be removed.

5. 18.58.060 / H/ 2: Site Design Pedestrian Circulation
   a. Paragraph a – This paragraph should be edited to be specific to a correctional facility in lieu of a retail development.
   b. Paragraph c / iii – Awnings or shelters may compromise visibility and security at the entrances to the buildings and should be provided only as acceptable.

6. 18.58.060 / I / 2: Site Design Outdoor Storage, Trash Collection and Loading Areas
   a. Paragraph e – This paragraph is not applicable to a correctional facility.

7. 18.58.060 / J / 2: Site Design Central Features and Community Spaces
   a. Paragraphs a – A community room open to the public may be added to the list of amenities from EAGLE.

8. 18.58.060 / L / 2: Site Design Vacant or Abandoned Properties
   a. Paragraph b – This paragraph is not applicable to a correctional facility.
   b. Paragraph c – This paragraph is not applicable to a correctional facility.
   c. Paragraph d – This paragraph is not applicable to a correctional facility.

9. 18.58.070 / A / 2: Building Design Facades and Exterior Walls Guidelines
   a. Paragraph a – Wall plane projections may compromise the security of the facility and should not be a standard of design. Change in material type or color is an acceptable means for differentiating the facades and may be implemented along long facades.
   b. Paragraph b – this paragraph is not applicable to correctional facilities.
c. Paragraph c - Providing differentiating materials on facades should not be regulated. Materials on buildings should match the activities and security level of the location or façade.

10. 18.58.070 / C: Building Design Smaller Retail Stores
   a. This section is not applicable in its entirety to correctional facilities.

11. 18.58.070 / E / 1: Building Design Roofs Standards
   a. Paragraph 1 – Roof lines should match the security and correction type of the facility, not the adjoining properties.

12. 18.58.070 / E / 2: Building Design Roofs Guidelines
   a. Paragraph a – Varying of roof planes may compromise the security of the facility and should not be a standard of design.
   b. Paragraph b – Roof treatments should not be included as a standard to conceal flat roofs or HVAC units.

13. 18.58.070 / F / 2: Building Design Materials and Colors Guidelines
   a. Paragraph a – Add item “viii. Architectural Concrete” as an exterior building material.
   b. Paragraph b – Items i, ii, and iii should be removed from the list of materials considered not acceptable.
   c. Paragraph e – Tinted windows should not be limited because it may limit or compromise the security of the facility.

cc Jack Louws, Bill Elfo, Jeff Parks, Wendy Jones, Tyler Schroeder, Tawni Helms, Michael Russell, Reid Shockey, Camie Anderson, Bill Valdez, Lori Coppenrath