

# Skagit County Jail

## Essential Public Facilities Decision Criteria

Preliminary responses to the decision criteria identified in the Mount Vernon Municipal Code Section 17.200.060.F are provided below. These criteria will be formally reviewed for the selected site, after the SEPA process has been completed. Text shown in italics is extracted directly from the municipal code.

*Decision Criteria for Type Two Facilities – Local Essential Public Facilities. The hearing examiner may recommend approval, or condition his/her recommendation for approval; and the city council may approve, or condition its approval of a conditional use permit for a local EPF only when the proposal meets all of the following criteria:*

### Alf Christianson Seed Site Alternative

*1. The proposal shall be consistent with the comprehensive plan and types of uses of the underlying zoning of the proposed site including being consistent with the environmental impacts of the underlying zoning permitted uses;*

**Response:** As discussed in the Draft EIS Section 3.9 Land Use, upon completion of the anticipated comprehensive plan and zoning designation amendment, with mitigation the Alf Christianson Seed Site would be consistent with the Mount Vernon Comprehensive Plan and Public zoning designation.

*2. The project applicant has demonstrated a need for the project, as supported by an analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed;*

**Response:** The purpose of the proposed project is to provide sufficient jail infrastructure to serve the residents, cities/towns, and tribes of Skagit County over the next 15 to 20 years. The project is also intended to provide opportunity to accommodate future jail infrastructure needs over a 40- to 50-year planning horizon. The new jail is needed primarily due to overcrowding at the existing jail. Overcrowding results in a variety of other issues such as safety concerns for staff and inmates, increased operational costs, limitations on programming, and inmates being turned away. The Draft EIS Chapter 1 provides more detail about the proposed project need.

*3. If applicable, the project would serve a significant share of the city's population, and the proposed site will reasonable serve the project's overall service population.*

**Response:** As discussed in the Draft EIS Chapter 2 Alternatives, the City of Mount Vernon is the greatest user of the Skagit County Jail. As such, the Skagit County Public Safety Jail Coordinating Council determined that the new jail should be located within the

incorporated limits of Mount Vernon. The Mount Vernon City Council unanimously agreed with this decision.

*4. The applicant has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology;*

**Response:** The Draft EIS Chapter 2 Alternatives contains a detailed explanation of the site selection methodology. The Corrections Facilities Committee of the Law & Justice Council, later referred to as the Skagit County Facilities Task Force, was convened in 2002 to begin evaluating future programming needs and the potential range of alternatives. Between 2002 and 2013, the County facilitated an alternative evaluation process that involved a wide range of alternatives and stakeholders. Alternatives evaluated include expansion of the existing facility, outsourcing, and new jail sites. The site selection and evaluation process for a new jail site began in 2006. The County fostered an open process in which sites were suggested by property owners, realtors, County Commissioners, County staff, Sheriff's office staff, City staff, and consultants. In total, the County evaluated 14 potential new jail sites between 2006 and 2013 using the following evaluation criteria.

Initial Evaluation Criteria:

- Distance from services (Sheriff's department, fire responder, medical services, attorney offices, and courthouse)
- Location so that the cities can efficiently transport incoming inmates
- Site access—site is easily accessed and must have two access points
- Site character, size, and use
- Site acquisition and costs
- Agency/public support
- Utilities extend to property lines

Final Evaluation Criteria:

- Site is located within the city of Mount Vernon
- Site will accommodate up to 800 beds (7.5 or more acres)
- Site topography will allow for efficient building design via a one-story solution
- Site property is currently for sale and is competitively priced

Based upon the results of the alternative evaluation process, twelve sites were eliminated from further consideration. Two sites were advanced as final candidate sites and evaluated in the Draft EIS.

*5. The project is consistent with the applicant's own long-range plans for facilities and operations;*

**Response:** The County's long-range plans include a downtown Law and Justice Campus. The Alf Christianson Seed Site is consistent with these plans due to its proximity to support services in the downtown area.

*6. The project has fewer impacts in the particular geographic area in contrast with other available locations;*

**Response:** As discussed in the Draft EIS Chapter 2 Alternatives, twelve other sites were considered by the County and eliminated from further consideration. Alternatives evaluated include expansion of the existing facility, outsourcing, and new jail sites. The County researched 14 new sites between 2006 and 2013, including the two alternatives analyzed in the Draft EIS. Each site was eliminated because it either did not meet the proposal objectives or would result in greater social, economic, or environmental impacts than the two final alternative sites. The Alf Christianson Seed Site and Truck City Site have the fewest potential impacts of the sites that meet the project needs.

*7. The applicant has provided a meaningful opportunity for public participation in the siting decision and development of mitigation measures that is appropriate in light of the project's scope, applicable requirements of the city code, and state or federal law;*

**Response:** The County has provided continuous, meaningful opportunities for public participation throughout the alternative selection and evaluation process. Since the site selection and evaluation process for a new jail site began in 2006, information provided to the public and opportunities for public participation included:

- 17 public meetings and work sessions beginning in June 2012;
- Front page coverage in the Skagit Valley Herald newspaper of the Coordinating Council meetings;
- SEPA scoping for the Draft EIS, July 18 to August 20, 2013;
- A SEPA public hearing held on August 13, 2013. The scoping summary with hearing transcript, written comments, and index are provided in Appendix B of the Draft EIS.

*8. The proposal complies with applicable requirements of all other applicable provisions of the city code;*

**Response:** This criterion will be addressed by the County during the EPF review process for the selected jail site.

*9. The project site meets the facility's minimum physical site requirements, including projected expansion needs. Site requirements shall be determined by the minimum size of the facility, setbacks, access, support facilities, topography, geology, and on-site mitigation needs;*

**Response:** As described in the Draft EIS Chapter 2 Alternatives, the evaluation criteria for the new jail site included minimum size requirements (7.5 acres or more) to accommodate the current and projected needs of the County for jail infrastructure. The County collaborated with architectural firms and the City of Mount Vernon during the alternative evaluation process to ensure that the potential new jail site could accommodate appropriate setbacks, access, landscaping, and stormwater design requirements.

*10. The proposal, as conditioned, adequately mitigates significant adverse impacts to life, limb, property, the environment, public health and safety, transportation systems, economic development and other identified impacts;*

**Response:** Mitigation measures in the EIS identify design elements that are integrated into the proposed project design in order to avoid and minimize adverse impacts. Additional investigations and mitigation are recommended to minimize potential adverse impacts related to hazardous materials, cultural resources, and land use compatibility, and off-site improvements are recommended to minimize impacts to the transportation system. Construction methods and BMPs are also identified to minimize adverse impacts that may occur during construction. The Draft EIS does identify significant adverse economic impacts that cannot be mitigated. If the new jail is constructed on the Alf Christianson Seed Site, it could result in a lost opportunity to construct a mixed use development on the site that may not be constructed elsewhere in the downtown area. This lost opportunity represents nearly \$86 million in gross business receipts, 368 jobs, \$17 million in personal income, and over \$500,000 in tax revenue on an annual basis. This foregone opportunity is considered a significant adverse impact that cannot be mitigated. Further work will be required for facility design in order to adequately address Mount Vernon Comprehensive Plan policies and goals related to downtown redevelopment as expressed in the Mount Vernon Downtown and Waterfront Master Plan.

*11. The proposal shall not have any probable significant adverse impact on critical areas or resource lands, except for lineal facilities, such as highways, where no feasible alternative exists;*

**Response:** Regulated critical areas in the city include aquifer recharge areas, steep slopes, streams, and wetlands. There are no critical areas on the site. The closest stream to the site is a fish-bearing stream along and parallel to I-5, south of East Section Street. The closest wetland is south of East Hazel Street between the rail line and Blackberry Drive. The site and surrounding area are developed with urban uses—there are no resource lands on or surrounding the property. Therefore, the proposed jail facility would not have any significant adverse impact on critical areas or resource lands.

*12. The proposal incorporates specific features to ensure it responds appropriately to the existing or planned character, appearance, quality of development, and physical characteristics of the site and surrounding property;*

**Response:** Although the design has not been completed, the conceptual plan envisions landscaping around the perimeter of the site, with the buildings clustered toward the center and parking with landscaping providing a buffer from I-5 for adjacent residential areas. Visual renderings illustrating the preliminary design of the new jail at both alternative sites are provided in Draft EIS Section 3.5 Aesthetics. The new jail will be highly visible from Kincaid Street (see Draft EIS Figure 12). In order to uphold the vision, goals, and objectives of the Downtown and Waterfront Master Plan, the design of the jail must comply with the Design Guidelines established in Section 10.7 of the master plan. The design should reflect the character of the downtown area and recent development downtown such as the Skagit Station transit center, north of Kincaid Street. Opportunities to enhance the site as part of the gateway to the downtown area should also be considered, including incorporation of a pedestrian pathway, public art, courtyard, and/or public outdoor space. Further work will be required for facility design in order to adequately address Mount Vernon Comprehensive Plan policies and goals related to downtown redevelopment as expressed in the Mount Vernon Downtown and Waterfront Master Plan.

*13. Major public facilities which generate substantial traffic should be sited near major transportation corridors;*

**Response:** Based upon the traffic analysis conducted for the Draft EIS, the new jail at the Alf Christianson Seed Site would only increase the number of trips by up to 34 vehicles each day. This is a relatively minor addition when compared to the number of daily trips occurring along adjacent roads. The Alf Christianson Seed Site is located adjacent to Kincaid Street, which provides direct access to I-5.

*14. The project sponsor has proposed mitigation measures that are consistent with the Uniform Relocation Assistance Act, Chapter 8.26 RCW, Chapter 486[sic: 468]-100 WAC as now and hereafter amended when otherwise required by law;*

**Response:** Acquisition and relocation would be conducted in accordance with the Washington State Relocation Assistance–Real Property Acquisition Policy (RCW Chapter 8.26.190 (2)):

*“For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired under subsection (1) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant of the lands, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his or her term, and the fair*

*market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the owner of such building, structure, or improvement.”*

Acquisition and relocation would also be conducted in compliance with the policies and procedures outlined in WAC 468-100.

*15. The proposal will not be materially detrimental to uses or property in the immediate vicinity;*

**Response:** The proposed jail and administrative uses would not substantially change traffic circulation patterns in the immediate vicinity, although access to Kincaid Street from the Alf Christianson Seed Site may be restricted to a right-in/right-out movement. The street vacation at the Alf Christianson Seed Site would not change existing access for surrounding uses, since the street currently is blocked with temporary barriers.

Development of a new jail on the Alf Christianson Seed Site will fragment the 8.7-acre property identified as Opportunity Site 11 in the Downtown and Waterfront Master Plan. The remaining properties fronting Kincaid Street will be approximately 1.4 acres. The remaining, fragmented property is not likely to accommodate the large, cohesive development of a single use as envisioned in the master plan for Opportunity Site 11. The opportunity cost of not redeveloping the larger site as a hotel or complex of uses may be high, as discussed in Draft EIS Section 3.8 Economics.

In terms of potential impacts on adjacent property values, studies indicate that there is a hierarchy of susceptibility of impact with high income/high amenity office or residential uses being most susceptible to impacts. Lower income and lower amenity commercial uses are considered less susceptible. The uses adjacent to the Alf Christianson Seed Site are generally medium value office and low-income residential uses. While these current uses are unlikely to experience negative property value impacts, the Downtown and Waterfront Master Plan envisions redevelopment of this area into a more vibrant mixed use. Upon implementation of the master plan vision, a new jail at the Alf Christianson Seed Site may have a greater impact on adjacent property values.

Further work will be required for facility design in order to adequately address Mount Vernon Comprehensive Plan policies and goals related to downtown redevelopment as expressed in the Mount Vernon Downtown and Waterfront Master Plan.

*16. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensures it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property; and*

**Response:** See the response to criterion 12 above.

*17. Parity exists with the uses permitted in the same general area in their freedom from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. (Ord. 3425 § 3, 2008).*

**Response:** The proposed jail facility would not emit odors, air pollutants, vibrations, or physical hazards. Noise would be similar to other low-impact non-residential uses, the main sources of which would be traffic and building systems. Traffic would increase by approximately 35 vehicles per day on either site, which is a minimal increase compared to current average daily traffic.

## **Truck City Site Alternative**

Preliminary responses to the EPF decision criteria 1, 5, 10, 11, 12, 13, 15 and 16 for the Truck City Site are provided below. Responses to criteria 2, 3, 4, 6 through 9, 14, and 17 are the same as the Alf Christianson Seed Site above.

*1. The proposal shall be consistent with the comprehensive plan and types of uses of the underlying zoning of the proposed site including being consistent with the environmental impacts of the underlying zoning permitted uses;*

**Response:** As discussed in the Draft EIS Section 3.9 Land Use, upon completion of the anticipated comprehensive plan and zoning designation amendment, the Truck City Site would be consistent with the Mount Vernon Comprehensive Plan and Public zoning designation.

*5. The project is consistent with the applicant's own long-range plans for facilities and operations;*

**Response:** The County's long-range plans include a downtown Law and Justice Campus. Due to its location in south Mount Vernon, the Truck City Site would not be considered part of a downtown campus.

*10. The proposal, as conditioned, adequately mitigates significant adverse impacts to life, limb, property, the environment, public health and safety, transportation systems, economic development and other identified impacts;*

**Response:** Mitigation measures in the EIS identify design elements that are integrated into the proposed project design in order to avoid and minimize adverse impacts. Additional investigations are recommended to minimize potential adverse impacts related to hazardous materials and cultural resources, and off-site improvements are recommended to minimize impacts to the transportation system. Construction

methods and BMPs are also identified to minimize adverse impacts that may occur during construction. The Draft EIS does not identify significant adverse economic impacts that cannot be mitigated for the Truck City Site.

*11. The proposal shall not have any probable significant adverse impact on critical areas or resource lands, except for lineal facilities, such as highways, where no feasible alternative exists;*

**Response:** Regulated critical areas in the city include aquifer recharge areas, steep slopes, streams, and wetlands. There are no aquifer recharge areas, steep slopes, or wetlands on the site. There is a historic drainage that is entirely piped adjacent to the site that runs north-south along the property's east edge. The east portion of the site would be landscaped and would avoid development near piped drainage. The closest wetland is north of McFarland Lane, west of Old Highway 99 South.

The jail would be located across Old Highway 99 South from an existing agricultural field and likely would have less circulation and noise than the existing truck refueling facility. Therefore, the proposed jail facility would not have any significant adverse impact on critical areas or resource lands.

*12. The proposal incorporates specific features to ensure it responds appropriately to the existing or planned character, appearance, quality of development, and physical characteristics of the site and surrounding property;*

**Response:** Although the design has not been completed, the conceptual plan envisions landscaping around the perimeter of the site, with the buildings clustered toward the center and parking with landscaping providing a buffer to adjacent developed properties. The single-story buildings would be compatible with the existing and planned mix of uses surrounding the site. Visual renderings illustrating the preliminary design of the new jail at the Truck City Site are provided in Draft EIS Section 3.5 Aesthetics. The jail design is consistent with the commercial and industrial nature of the surrounding area, which is dominated by large retail and business park uses that are highly visible from I-5. The jail would likely have less traffic and noise impacts than the existing truck refueling facility.

*13. Major public facilities which generate substantial traffic should be sited near major transportation corridors;*

**Response:** Based upon the traffic analysis conducted for the Draft EIS, the new jail at the Truck City Site would only increase the number of trips by up to 33 vehicles each day. This is a relatively minor addition when compared to the number of daily trips occurring along adjacent roads. The Truck City Site is located along Old Highway 99 South, less than one-quarter mile from the Anderson Road exit of I-5.

*15. The proposal will not be materially detrimental to uses or property in the immediate vicinity;*

**Response:** The proposed jail and administrative uses would not interfere with adjacent uses. Development at the Truck City Site would not change traffic circulation patterns and would have fewer circulation and noise issues than the existing truck refueling and restaurant on the site.

In terms of potential impacts on adjacent property values, studies indicate that there is a hierarchy of susceptibility of impact with high income/high amenity office or residential uses being most susceptible to impacts. Lower income and lower amenity commercial uses are considered less susceptible. The uses around the Truck City Site are industrial and have the least potential for impact. These uses are unlikely to experience negative property value impacts.

*16. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensures it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property; and*

**Response:** See the response to criterion 12 above.