

SUP07-1: County of Page, Virginia
Special Use Permit Application
for
A Regional Jail in a M1 (Industrial) Zoning District

Location and Proposed Use

The subject 33.76 acre parcel (Tax Map # 42A5 (A) 79) is located on the north side of Stoney Brook Lane and south of U.S. Route 211. The site is north of EMCO Enterprises' manufacturing facility. (map attached)

The applicant, the County of Page, is seeking a special use permit in order to construct a regional jail facility. In a M1 (Industrial) zoning district all uses require a special use permit. Presently the subject parcel is undeveloped.

State Enabling Legislation Related to Regional Jails

Per the Code of Virginia, §53.1-81, "three or more cities and counties, or any combination thereof, are authorized, pursuant to approval of the Board, to construct, enlarge or renovate a regional jail facility or to enlarge or renovate and existing jail for the purpose of establishing a regional jail facility."

Additionally, the Code of Virginia states the Commonwealth "shall reimburse each such locality its pro rata share up to one-half of the capital costs...of such construction, enlargement or renovation in accordance with the provisions of this section."

Presently, there are 20 regional jail authorities that are members of the Virginia Association of Regional Jails.

Regional Efforts: Page, Rappahannock, Shenandoah, & Warren Counties

In July of 2005, County Administrators and Sheriffs from Page County, Warren County, Rappahannock County and Shenandoah County began a dialog to discuss overcrowding problems in local jails. Shortly after, Moseley Architects were retained to develop information concerning the capacity and approximate cost of construction and operating a regional jail to accommodate the future incarceration capacity needs for the three jurisdictions.

Local Jail Operating Capacity for Fiscal Year 2005¹

Page County Jail

- Opened in 1969
- Operating capacity of 34
- Average daily population of 77 in FY-05

¹ Regional Jail Study for Page, Rappahannock, Shenandoah and Warren Counties. Moseley Architects, Page 2.

- Twenty-first most crowded jail in the Commonwealth in FY-04

Rappahannock County Jail

- Opened in 1835 with an expansion in 1991.
- Operating capacity of 7
- Average daily population of 16 in FY-05
- Ninth most crowded jail in the Commonwealth FY-04

Shenandoah County Jail

- Opened in 1969 with an expansion in 1991.
- Operating capacity of 55
- Average daily population of 80 in FY-05
- Fifty-third most crowded jail in the Commonwealth in FY-04

Warren County Jail

- Opened in 1950 with expansions in 1989 and 2001
- Operating capacity of 79
- Average daily population of 112 FY-05
- Sixty-sixth most crowded jail in the Commonwealth in FY-04

During fiscal year 2005 the aggregate average daily population for all Counties was 285.

Structure of Virginia Regional Jails²

Within the Virginia regional jail system, there are a number of “regional jail models”. The original regional jail concept envisioned a regional jail as a replacement for three or more small local jails. The initial concept has evolved over the years to include a number of regional jail models. These models generally follow one of the patterns described below:

- **Single location, full service regional jail** – provides incarcerations of pre-trial and sentenced inmates and replaces three or more local jails. Achieves some level of staffing efficiency and program flexibility not possible with smaller local jails.
- **Multiple location, full service jail** – regional jail consist of two or more facilities and provides incarceration of pre-trial and sentenced inmates. Generally replaces three or more local jails and achieves some level of staffing efficiency and program flexibility not possible with the smaller local jails.
- **Single location, limited service regional jail** – provides incarceration for multiple jurisdictions for a limited segment of the sentenced inmate populations. Within the jurisdictions, local jails continue to operate and provide full service

² Regional Jail Study for Page, Rappahannock, Shenandoah and Warren Counties. Moseley Architects, Pages 48 – 49;

operations. The regional construct provides and opportunity for more work opportunities and programs for the inmates than can be feasibly and cost effectively operated at the local jail.

- **Single location, “overflow” full service regional jail** – provides incarceration for pre-trial and sentenced inmates from member jurisdictions. This model is similar to the previous model with the exception that the regional jail accepts all inmates regardless of security classification and also accepts pre-trial inmates. The jurisdictions each operate a “local full service jail”. In this particular model, the participating jurisdictions do not consider expansion of the local jail as a viable option and are utilizing the regional jail as a substitute for expanding the local jail capacity.

Structure of Proposed Regional Jail

The participating localities have indicated the operational model for a regional jail facility would be a “multiple location, full service jail”. If the regional jail is located in Luray, the jails located in Page County and Rappahannock County would close and operate exclusively from the regional jail facility; whereas the jails in Shenandoah County and Warren County would continue to operate, but at a reduced level of service. Regardless, the operation of all jails (even those in Shenandoah and Warren Counties) would be administered via the Regional Jail Authority.

Facility Size

The regional jail facility would have approximately 485 beds, and employ roughly 140 staff members. A large percentage of the staff would work rotating shifts.

A 485 bed facility would not preclude a regional jail authority from exceeding 485 inmates. Once fully operational such a facility could house between 600 to 800 inmates; the maximum number of inmates allowable will be predicated on design factors and state mandates.

The applicant has provided a site diagram (attached) that indicates the minimum land area necessary to accommodate the proposed facility is 16.67 acres.

Anticipated Opening

Officials from Page County have indicated that the Commonwealth of Virginia would allocate funds for the regional jail during Fiscal Year 2008 – 2009; construction would most likely begin in the spring of 2009. In all likelihood the earliest that such a facility could be operational would be during the fall of 2010.

Conditions of the Special Use Permit

The applicant, Page County, has agreed to the following conditions if the special use permit is approved (signed copy attached):

1. If the regional jail is completed prior to construction of Stoney Brook Lane and Fairlane Drive as shown on the final plat for the Fair View Meadow Subdivision, the regional jail authority (Authority) will proffer to the Town of Luray a negotiated fixed dollar amount to construct both Stoney Brook Lane and Fairlane Drive as shown on the final plat. The negotiated fixed dollar amount will be reimbursed to the Authority by Fair View Meadow Subdivision.
2. The Authority will pay for a traffic impact analysis (TIA) in order to determine specific traffic impact at the intersection of Collins Avenue and Fairlane Drive.
3. The Authority will be responsible for a pro-rata share, along with other impacted users, in the form of a negotiated fixed dollar amount of a) engineering cost associated with analyzing water and sewer capacity and, b) cost associated with on-site and off-site improvements necessary to supply water and sewer to the site. Additionally, the Authority encourages the Town to consider consolidating water and sewer facilities in the vicinity to create a solution with improved efficiency and reduced long-term maintenance than currently realized by the existing infrastructure.
4. As required by the Town of Luray, the County will plant vegetative buffers between the regional jail facility and all adjoining parcels.
5. The Board understands the Town's desire for the Authority to construct and improve Stoney Brook Lane from the proposed site of the regional jail to the "stub" shown on the final plat of the adjacent Fair View Meadow Subdivision. While the Authority may ultimately be accepting of such a condition if placed in a special use permit, the Board wishes to remind the Town that, at the Town's specific request, the land from the road was turned over to the Town by the County. The Town's written request strongly implied the Town would be responsible for constructing the future extension of Stoney Brook Lane.

ADJACENT USES

To the east and south, the subject site is adjacent to industrial uses; U.S. 211 Bypass is located to the north, and to the west is an undeveloped R5 (Townhouse Residential) parcel. Recently, a final plat has been submitted for this undeveloped R5 parcel and at "build out" will consist of 200 + townhouse units.

Access, Traffic Impacts & Parking

At this moment a detailed site plan for the proposed regional jail facility is not available, but it is envisioned the regional jail facility will have one principle point of ingress and egress located on Stoney Brook Lane. Also, a site plan would be required to conform to parking requirements detailed in Article V, Section 506.18 of the Town Code. This

section states, “for industrial establishments...there shall be provided one parking space for each 1 ½ employees computed on the basis of maximum number of individuals employed within an eight hour shift, plus space to accommodate all trucks and other vehicles used in connection therewith.”

Per the conditions of the special use permit, the applicant has agreed to conduct a TIA (traffic impact analysis) in order to analyze traffic – specifically at the intersection of Collins Avenue and Fairlane Drive. The applicant is aware that the traffic generated by this facility will likely necessitate the need for a left turn lane and an increased right turn lane at this intersection.

Since the subject parcel is zoned for industrial uses, it’s important to consider the type and scope of vehicular traffic that this proposed use would likely generate, in contrast to other potential industrial uses.

Floodplain

An analysis of FEMA’s FIRM Map (Flood Insurance Rate Map) indicates that approximately 25 percent of the subject site is located in a “floodway area”. FEMA defines a floodway area as follows: “The floodway is a channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment...” Therefore the portion of the site identified as being in this area (per the FIRM map) will be required to be free of structures.

The FEMA map also indicates that approximately 50 percent of the subject site is located in the flood “fringe” or floodplain area. Per the Town Code and Virginia Uniform Statewide Building Code construction within this area is allowable provided “such development shall be undertaken only in strict compliance with the provisions of the ordinance and with all other applicable codes and ordinances such as the Virginia Uniform Statewide Building Code and the Town of Luray subdivision regulations.”

The remaining 25 percent of the subject site is not located in an identified floodway or flood fringe area.

Other Considerations:

- The proposed facility would employ approximately 140 people. Officials from a nearby regional jail facility indicated starting salaries for correctional officers begin at \$32,000 annually. Though it can be anticipated that a significant percentage of the staff would commute from adjoining localities, Page County (and therefore Luray) would inevitably reap economic benefits and increased employment opportunities.
- The applicant is strongly encouraged to eliminate any potential obtrusive structures (razor wire, guard towers, etc.) from the design of a regional jail facility. It is believed that eliminating potential obtrusive structures and

appropriate buffering between adjacent uses would increase the compatibility of a jail facility to adjacent uses.

- Though the chance of a significant flood event is rare, it is important to remember that such an event could be extremely adverse. Therefore contingencies for such an event should be clearly examined and formulated.
- Town Staff strongly believes the burden for constructing and extending Stoney Brook Lane - to the “stub” shown on the Fair View Meadow final plat – should be the responsibility of the applicant, regardless of who that might be.

SUMMARY

Throughout the Commonwealth of Virginia, the regional jail model has increasingly become a popular method for local government to provide detention/jail services. Also, state enabling legislation has facilitated the regional jail model, and provided participating local governments with increased capital funds for the construction of regional jail facilities.

The proposed site is approximately 33 acres and is zoned for industrial uses. In an industrial zoning district, all uses require a special use permit. The applicant, Page County, has submitted and consented to five specific conditions as part of the special use permit.

If approved, the applicant would be required to submit a detailed site plan displaying the spatial orientation of the site, and conformity to Town Code (e.g. parking, floodplain construction). The applicant also would be required to submit engineering plans, which would be required to be reviewed and approved by the Town prior the commencement of construction. Furthermore, the Town will require a detailed traffic impact analysis be submitted in order to determine the necessity and scope of specific on-site and off-site traffic improvements.

As with any proposed use in an industrial area, the use should be objectively evaluated in regard to its compatibility to surrounding uses and overall benefit to the community at large.