

# AIRWAY HEIGHTS PLANNING COMMISSION MEETING

## AGENDA

March 9, 2022 6:00 P.M.

Due to COVID 19 Public Meetings and Hearings are being conducted via electronic methods. To participate in this meeting, you may join via Zoom at the following link:

Join Zoom Meeting

<https://us02web.zoom.us/j/85452172063>

Meeting ID: 854 5217 2063

One tap mobile

+12532158782,85452172063# US (Tacoma)

Please note that the microphones will be muted until public comment on the agenda.



- I. Invocation
- II. Call to Order : \_\_\_\_\_ PM
- III. Roll Call
  - A. Kal Patel, Chair
  - B. Mark Collins, Vice Chair
  - C. Angelena Campobasso
  - D. Hank Bynaker
  - E. Stephanie Lamb
- IV. Pledge of Allegiance
- V. Approval of Agenda
- VI. Approval of Minutes
- VII. Public Comment
- VIII. Presentation
- IX. Public Hearings
  - A. Electric Fence Ordinance
- X. Action Items
  - A. Selection of City Branding RFP Committee Representative
- XI. Workshops
  - A. JLUS Review
  - B. 2022 Comprehensive Plan- Final Land Use Alternative
- XII. Commissioner Reports
- XIII. Staff Report
  - A. Next Meeting: Wednesday, April 13, 2022
- XIV. Adjournment:\_\_\_\_\_p.m



**PLANNING COMMISSION  
MEETING MINUTES**

**Wednesday, February 9, 2022**  
Location: Digital Zoom Meeting

**I. INVOCATION:**

None.

**II. CALL TO ORDER:**

**6:06 pm**

**III. ROLL CALL:**

Chair	Kal Patel, Chair	Present
	Mark Collins, Vice Chair	Present
	Angelena Campobasso	Absent
	Hank Bynaker	Present
	Stephanie Lamb	Present

Staff Present:

Zachary Becker, Planning Technician  
Heather Trautman, Principal Planner

**IV. PLEDGE OF ALLEGIANCE:** Completed.

**V. APPROVAL OF AGENDA:** Commissioner Collins moved to approve the agenda, motion was seconded by Commissioner Lamb, motion passed unanimously.

**VI. APPROVAL OF MINUTES:** Commissioner Bynaker moved to approve the minutes for January 12, 2022, motion was seconded by Commissioner Collins, motion passed unanimously.

**VII. PUBLIC COMMENT:** None.

**VIII. PRESENTATION:** None.

**IX. PUBLIC HEARINGS:** None.

**X. ACTION ITEMS:**

a. **Land Use Survey Results** Principal Planner Heather Trautman led the Planning Commission members through the results of the Land Use Survey regarding land use alternatives for the City's 2022 Comprehensive Plan. Ms. Trautman also read letters and comments received in the past month regarding the proposed land use alternatives. Several members of the public were in attendance at the meeting and provided comments on the proposed land use alternatives:

- **Ken Johnson:** Mr. Johnson is the fire chief for Spokane County Fire District 10, and wanted to remind the Commissioners to consider public safety needs when discussing growth alternatives
- **Jack Kastell:** Mr. Kastell represents the Ewing/ Oswald group that currently has an open application at Spokane County for a UGA amendment on the eastern side of Airway Heights. Mr. Kastell made comments regarding the potential for a new high school in the Ewing/Oswald area, as well as, a status update on the required studies for his application that are required in order for his proposal to be considered.
- **Jamie Kowalski:** Ms. Kowalski represents Fairchild Airforce Base, and requested clarification on the difference in housing densities between Airway Heights and Spokane. Ms. Kowalski also provided comments on the location of several alternatives, and whether or not they were present within sound contours recognized by Spokane County.
- **Elizabeth Tellison:** Ms. Tellison represented two of the property owners who provided comments on the land use alternatives. Ms. Tellison asked the Commissioners to consider the willingness of property owners to be included within the alternative areas, as well as, looking at increasing densities in already established residential areas, as opposed to, identifying new residential areas to meet residential growth requirements
- **Darla Spence:** Ms. Spence identified herself as the daughter of a homeowner in one of the alternative areas. She had concerns that if her family's land were to be included as a preferred alternative, the character of land would be forever changed. She stated that she was greatly opposed to all of the identified alternatives. During this time, it was identified that one of the two areas Ms. Spence was referring to was already present within the City's UGA, and had been for some time.

b. **Selection of a Preferred Land Use Alternative** After public comments were made, the Commissioners held discussions regarding the selection of a preferred alternative. After extensive discussion, the Planning Commission selected the following alternative:

- A – Proposed Medium Density Residential (adopted since 1997 as a UGA and in the 2020 Comprehensive Plan)
- B1-B4 – Proposed Medium Density Residential from Low Density Residential and Commercial (adopted in the 2020 Comprehensive Plan)
- C – High Density Residential (adopted in the 2021 Downtown Plan)
- D- Reduce mixed use area anticipated density from 30%-10% (adopted in the 2020 Comprehensive Plan at 30%)

- E – Proposed change from Commercial to High Density Residential (pending 2018 rezone application)
- F2- Proposed swap of land of up to 180 acres for the Spokane County ORV Park (site F)
- G – Proposed re-designation from Industrial to Medium Density Residential
- H- Proposed re-designation from Industrial to Medium Density Residential

Conformation of the selected land use alternative was motioned by **Commissioner Collins** and seconded by **Commissioner Lamb**. Motion passed unanimously.

**XI. WORKSHOP:**

- a. **2022 Comprehensive Plan- Transportation Survey Results** Principal Planner Heather Trautman led the Planning Commission members through the results of the Transportation Survey regarding land use alternatives for the City’s 2022 Comprehensive Plan. Commissioners asked general questions. The workshop concluded at 8:53 pm.

**XII. COMMISSIONER REPORTS:** None.

**XIII. STAFF REPORTS:** Planning Technician Zachary Becker briefly presented on current planning projects. Principal Planner Heather Trautman reported on potential grant funding opportunities and the adoption of a water concurrency ordinance.

A. Next meeting: March 9, 2022

**XIV. ADJOURNMENT:**

**Chair Patel adjourned the meeting at 9:03 pm**

**APPROVED:**

Kal Patel, Chair

**ATTEST:**

Heather Trautman, Principal Planner

## Chapter 17.20

### FENCES AND WALLS

Sections:

#### 17.20.010 Requirements.

#### 17.20.010 Requirements.

No person shall construct any multi-family or non-residential fence in the City of Airway Heights without first obtaining a permit from the Building Department. The lack of a permit requirement does not waive the responsibility for all fences in complying with the provisions found within this Chapter. A site plan must be submitted showing the property lines, location, length, height and type of fence being installed. A survey may be needed if applicant cannot locate property markers. This chapter does not apply to fences or walls 30 inches or less in height, measured from grade, unless such a wall is structurally supporting additional weight from a building or parking area as required by the International Residential Code.

A. Residential fences, landscape walls and decorative posts may be constructed of wood, stone, brick, wrought iron, chain-link and wire mesh, except wire mesh is not permitted within the street yard or the side street yard. Residential fences shall not exceed three and one-half feet in height when located within the front yard setback, and shall not exceed six feet in any other part of the property.

1. Berms may not be built to increase fence height; fence is measured from the existing ground level as measured from the outside of the property line. A two inch gap may be permitted below the fence, which allows the fence to measure at six feet, two inches.

2. Replacement of fences with prior permits is permitted; new fences and fences without permit require a building permit application.

3. A variance of the fence height regulations may be granted if, after investigation by the planning department, it is found that site or terrain or nuisance animal conditions warrant a waiver of height restrictions.

4. Barbed wire may not be used in fencing for any residential use, including those in ~~nonconforming~~ found within the Commercial (C) and Industrial (I) zones.

5. Fence height measurements:

a. For chain-link fences, the fence line height is measured from the top of the fence post to the existing grade.

17.20 Figure 1

b. For picket fences, the fence line height is measured from the top of the fence pickets to existing grade.

17.20 Figure 2

c. For privacy fences, the fence line height is measured from the top of the fence pickets to existing grade, irrelevant of whether the fence has decorative caps, as long as they are no higher than four inches.

17.20 Figure 3

d. Fence line height is measured from the top of the horizontal fence line of the exterior face to the existing grade. The horizontal fence line is defined as the horizontal line from top of fence post to fence post. If the topography at grade is sloped in parallel, the fence shall be installed in a stepped fashion or sloped with the grade; see Figure 4. A maximum four inch variance is allowed from grade to bottom of each fence lath when topography is inherently uneven. However, the fence line height shall not exceed six feet.

17.20 Figure 4

e. Fences built on retaining walls shall be measured from the existing elevation, prior to construction of a retaining wall, to the top of the fence.

17.20 Figure 5

~~B. Nonresidential fences, landscape walls and decorative posts may be constructed of wood, stone, brick, wrought iron, chain link and wire mesh. Nonresidential fences shall not exceed three and one half feet in height when located within a required front setback, and shall not exceed six feet when located in any other part of the yard.~~

B. Fences for non-conforming residential uses in the Commercial (C) and Industrial (I) zones shall comply with the fence requirements of section (A) above.

C. Fences, walls and decorative posts in Industrial (I) zones may be constructed of wood, stone, brick, wrought iron, chain-link and wire mesh. They shall not exceed six feet when located in any other of the required setback areas, except as provided for electrical fences under (G)(1)(6) or barbed wire fences under (I)(1) of this Chapter.

D. Fences, walls and decorative posts in Commercial (C) zones may be constructed of wood, stone, brick, wrought iron, chain-link and wire mesh. They shall not exceed three and one-half feet in height when located within a required front setback, and shall not exceed six feet when located in any other part of the setback area.

E. Fences, walls and decorative posts in Public (P), Recreation (R), or Open Space (OS) zones may be constructed of wood, stone, brick, wrought iron, chain-link and wire mesh. They shall not exceed three and one-half feet in height when located within a required front setback, and shall not exceed six feet when located in any other part of the setback area. All outdoor trash or refuse containers serving offices, community infrastructure, or other non-residential uses shall be screened on all sides from public view by a minimum five-and-one-half-foot-high wall or fence.

F. Temporary fences are permitted for up to 180 consecutive days or for intervals not exceeding an aggregate of 180 days in any calendar year. A temporary fence does require a fence permit.

G. Front yard hedges, fences, and walls that are continuous in length shall have one access opening a minimum of 36 inches in width and shall remain unobstructed by any items other than a gate in order to form a clear passage to the street. Fences, walls, and hedges which existed before the adoption of the ordinance codified in this section that exceed the prescribed height or access opening requirements and pose a life safety hazard as to ingress and egress shall be required to provide such access points as defined in this chapter.

H. No electrical, barbed wire, or razor wire fences may be maintained in any residential, commercial, open space or recreational zone.

1. Electric fences shall be permitted under the following conditions: shall be for the confinement of animals and shall conform to the Washington State Rules and Regulations for Electrical Wiring, Chapter 19.28 RCW, as to voltage, amperage, and safety factors, and shall be energized only with Underwriters Laboratories approved equipment. Electric fences shall be marked with warning signs spaced every 100 feet along the fence.

A. Electric fences used for the confinement of animals shall conform to the Washington State Rules and Regulations for Electrical Wiring, Chapter 19.28 RCW, as to voltage, amperage, and safety factors, and shall be energized only with Underwriters Laboratories approved equipment. Electric fences used for the confinement of animals shall be marked with warning signs spaced every 100 feet along the fence.

B. Electrical fences used for any other purpose other than in section (1)(A) shall be located only within nonresidential sites within the I-1 Light Industrial or I-2 Heavy Industrial zone and conform to the following:

1. Unless otherwise specified herein, electric fences shall be constructed or installed in conformance with the specifications set forth in International Electro Technical Commission (IEC) Standard No. 60335-2-76.

2. Electrification:

A. The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery must be primarily charged by a solar panel. However, the solar panel may be augmented by a commercial trickle charger.

B. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

3. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is six feet in height

4. There shall be a space of four to 12 inches between the electric fence and the perimeter fence or wall.

5. Electric fences shall be subject to the screening requirements of AHMC 17.22.070 when installed adjacent to, across a street or alley from a non-industrial zone.

6. Electric fences shall have a maximum height of eight feet and a minimum height of six feet.

7. Electric fences shall be clearly identified using a warning sign sized no less than 9" x 12" that reads: "Warning-Electric Fence" at intervals of not less than 60 feet.

8. Electric fences shall be governed and regulated under burglar alarm regulations and permitted as such.

9. Fire and/or Police Department access must be provided through an approved device that acts as a disconnect such that entry to the premises removes risk of shock occurrence.

A. In the event that access by the Fire Department and/or Police Department personnel to a property where a permitted electric fence has been installed and is operating, is required due to an emergency or urgent circumstances, and the approved access device referred to in this section is absent or non-functional, and an owner, manager, employee, custodian or any other person with



control over the property is not present to disable the electric fence, the fire or police personnel shall be authorized to disable the electric fence in order to gain access to the property.

B. As a condition of permit issuance, all applicants issued permits to install or use an electric fence as provided in this section shall agree in writing to waive any and all claims for damages to the electric fence against the City of Airway Heights and/or its personnel under such circumstances.

10. A certificate of insurance indemnifying the City of Airway Heights shall be submitted with the application for electric fencing subject to approval from the City Attorney.

11.. It shall be unlawful for any person to install, maintain or operate an electric fence in violation of this section.

I. Barbed wire shall be permitted within Industrial (I) zones. Barbed wire shall not be permitted on any properties with a residential use.

1 2. If permitted per section I, barbed wire, not exceeding three strands, may be permitted at the top of a fence; providing, that the arms do not project over public property. The minimum height to the bottom strand of the barbed wire shall not be less than six feet from finished grade and eight feet to the top of the barbed wire.

2 3. In all cases where a barbed wire fence is requested, an application shall be made to the Building Official.

3 4. A certificate of insurance indemnifying the City of Airway Heights shall be submitted with the application for barbed wire fencing subject to approval from the City Attorney.

J F. Swimming pools, both public and private, shall be surrounded by a six-foot-high fence, with a gate having latching hardware operable only from the pool side of the fence.

K G. Notwithstanding any provision of the currently adopted International Residential Code, a permit must be obtained from the City before any fence is constructed. The fee for such permit shall be in accordance with fees specified in the currently adopted International Residential Code fee schedule or as revised by the City.

L H. All fences shall be maintained in a structurally sound manner. (Ord. C-675 § 255, 2008)

DRAFT



## City of Airway Heights

### JLUS Review and Alternative Analysis

#### Introduction

In 2009 local jurisdictions including the City of Spokane, Spokane County, and the City of Airway Heights participated in the Fairchild Airforce Base Joint Land-Use Study (JLUS) with a goal of reducing the potential for military aviation hazards, preventing incompatible uses, optimizing the potential mission profile, and protecting the health and safety of persons within the military influence area. At the conclusion of the JLUS Study the City of Spokane, Spokane County, and the City of Airway Heights adopted regulations to protect Fairchild Airforce Base (FAFB).

During outreach efforts for the City's 2022 Comprehensive Plan update, the City circulated a series of maps displaying potential alternatives for long term residential growth both through infill and rezoning efforts within the City's boundaries and through the re-designation of 180 acres of the City's Urban Growth Area (UGA) that is currently assigned to the Spokane County Off-Road Vehicle Park. During this effort, the City received a letter (Figure 1) from Spokane County indicating that the majority of the areas identified as potential growth areas were not consistent with JLUS Standards and Restrictions. Principal Planner Heather Trautman responded to this letter by issuing a memo explaining the City's position (Figure 2). Following the City's memo, staff from Spokane County, Airway Heights, and Fairchild Airforce Base met on January 18, 2022, to discuss the issue including the mapping base use for JLUS. The outcome of that meeting was that Airway Heights staff would present the issue to the City Council for review. The following is a review of the history of the JLUS adoption timeline, an overview of the existing regulations, and a series of alternatives for the City Council to consider.

#### Timeline

The following is a timeline of the history of protections for Fairchild Airforce Base implemented by the City of Airway Heights through 2012. This timeline was authored by a City Planner for the City of Airway Heights at the time, Derrick Bratton:

##### 1995

Air Installation Compatible Use Zone (AICUZ): First year AICUZ standards for FAFB released.

##### 1995 to 2008

City adopted the 1995 AICUZ in its entirety in 2008, opting to keep the 1995 AICUZ modeled sound contours (developmental overlay zone) because it was approx. 2.5 times larger than the modeled sound contours from the 2007 AICUZ. The City of Airway Heights was the only jurisdiction at the time to adopt Department of Defense (DOD) accepted protections for FAFB until late 2011.

### 2009 JLUS Report

Multi-jurisdictional, community developed study, providing recommendations for protection strategies for FAFB and Spokane International Airport (SIA). Not binding, as it only produced recommendations.

### 2010-2011 JLUS Technical Advisory Group (JTAG)

The JTAG consisted of technical staff from the cities of Airway Heights, Medical Lake, and Spokane, as well as Spokane County, Spokane International Airport, and FAFB. This JTAG determined which of the recommendations from the 2009 JLUS Report that would be implemented, and then developed draft development regulations that were then forwarded on to the JLUS Implementation Steering Committee for review and approval. These were recommendations only and not legally binding.

### 2010-2011 JLUS Implementation Steering Committee (JISC)

Reviewed and vetted the draft regulations, if deemed acceptable, then the JISC approved the recommended development standard. Airway Heights participated with a minority vote. Towards the end of the process, the JISC desired to deviate from the DOD and FAA standards, the effect of which would have shut down residential development in Airway Heights except in the NW quadrant of the City, which is already 98% platted. However, none of the other jurisdictions would have had this impact due to their land being rural, not urban, in nature. Rural landowners have limited subdivision rights, whereas urban landowners have smaller lots and generally a greater expectation and right to subdivide and develop their property in an urban manner and to an urban scale.

### 2011-2012 JLUS Memoranda of Understanding Group (JLUS MOU Group)

Airway Heights entered into a memorandum of understanding with the other JISC jurisdictions to develop specific standards for Airway Heights. After many meetings, agreement was achieved, with the City adopting AHMC 17.16, JLUS Protections for Fairchild Air Force Base in December, 2011, which was supported via a JISC resolution, a letter of support from FAFB, and by resolution from Spokane County.

## **Analysis**

### Washington State Requirements

#### **RCW 36.70A.530**

In 2004, the Washington State Legislature enacted RCW 36.70A.530 (Figure 3), which outlines provisions specific to military installation compatibility and the need for jurisdictions to work together with the installation to protect the vitality of the region. This legislation states that military installations are of particular importance to the economic health of the state of Washington and it is a priority of the state to protect the land surrounding military installations from incompatible development. Thus, cities and counties that have federal military installations, other than reserve centers, that employ 100 or more personnel and are operated by the Department of Defense (DOD) within or adjacent to its border, must notify the commander of the military installation of the jurisdiction's intent to amend its comprehensive

plan and development regulations to address lands adjacent to military installations to ensure those lands are protected from incompatible development.

The Growth Management Act (GMA) provides the framework for the regional coordination of growth and the subsequent development of compatibility measures.

#### **Noise Control Act of 1974**

The Noise Control Act of 1974 designated the Washington Department of Ecology as the authority on noise level regulations within the state. Inadequately controlled noise adversely affects the health, safety and welfare of people, the value of property, and the quality of the environment. The act charges the Department of Ecology with establishing maximum noise levels and implementing rules pertaining to:

- Performance standards setting allowable noise limits for the operation of products which produce noise;
- Use standards regulating, as to time and place, the operation of individual products which produce noise above specified levels considering frequency spectrum and duration: PROVIDED, the rules shall provide for temporarily exceeding those standards for stated purposes; and
- Public information requirements dealing with disclosure of levels and characteristics of noise produced by products.

As an important compatibility factor, this act draws attention to the need for coordination between installations, the community, and the state in regards to noise planning.

#### 2009 JLUS Study Recommendations

##### **Proposed Military Influence Areas (MIA)**

The 2009 JLUS Study includes a map (Figure 4) displaying a proposed set of Military Influence Areas 2-4. MIA 2 is defined as a 30,000-foot (about ab 5.7-mile) radius drawn from the Fairchild AFB runway. while MIA 3 and MIA 4 derived from a more specific set of data. MIA 3 was derived by taking the modeled results for the 65 Ldn noise contour and generalizing this area. The contour was generalized to reflect the fact that noise contours are annual averages of operations and associated noise levels, and will vary on any given day. Based on JLUS committee comments, the far eastern tail of the noise contour was removed based on the contour's narrow footprint on the eastern side and the fact that land in this area was primarily developed. After reviewing the data staff concludes that the MIA 3 may lose its ability be defined as a "sound contour", due to the changes made by the JLUS committee, and becomes a socio-political boundary, not necessarily representing the actual annual averages of the 65 Ldn sound contour (Figure 8). MIA 4 was derived based on a number of inputs that encompass the areas of primary aircraft overflight (closed pattern flight) and areas potentially exposed to noise levels of 70 Ldn and above.

The geography of the MIA 3 and MIA 4 are of particular importance to the City of Airway Heights, as a large percentage of the City proper, the City's UGA, and other surrounding areas are impacted by potential regulations within these areas. From an Airway Heights perspective, the MIA 3 encompasses all but the most northeastern portion of the City. The MIA 3 also contains all of the City's currently assigned UGA, and the majority of lands to the west of the City. The MIA 4 is less intrusive, as it only covers about half of

the City, including the entirety of the City's southern portion, as well as some land to the north of Highway 2 and to the west of Hayford Rd.

### **Recommended Implementation Strategies**

Chapter 5 of the 2009 JLUS Study includes a set of tables designed to provide recommended strategies for implementation by local governments. These strategies are broken down by geographic regions identified as MIA 1-4. This section contains 57 separate strategies, including categories: Military Influence Area, Comprehensive Plan, Acquisition, AICUZ, Avigation Easement, BASH, Fairchild Planning and Operational, Building Code, CIP/Infrastructure Master Plan, Code Enforcement/Building Inspection, Communications/ Coordination, Deed Restrictions/ Covenants, Memorandum of Understanding, Real Estate Disclose, SEPA/NEPA, Zoning/Subdivision, and other strategies.

Not all of the above mentioned strategy categories specifically relate to mitigation measures for local jurisdictions. For the sake of brevity, this report is only going to focus on the most impactful strategies proposed for the City of Airway Heights. These strategies fall within the Zoning/Subdivision category (Figure 5). Strategies that should be examined further include:

#### **Strategy 49**

##### Land Uses Allowed in MIA 4

Within MIA 4, land use designations (comprehensive plan or zoning code) in place as of May 2009 should be reviewed using the following criteria prior to any designation change:

- Land currently designated for non-residential use shall not be redesignated to a residential use category. It may be redesignated to another non-residential use category (except for mixed use) as long as conditions of approval restrict the intensity of development allowed (see Strategy 50).
- Land currently designated for a residential use shall not be modified to another residential designation that allows a higher density of use than allowed in the current designation.
- Existing approved subdivisions or other residential developments within MIA 4 shall not be amended or otherwise modified to increase the number or intensity of residential units previously approved.
- All uses in MIA 4 shall be required to do an acoustical study and provide appropriate noise attenuation. (See also Strategy 20)
- No new residential development shall be approved within the 70 LDN (or higher) noise contours for the potential mission scenario, as updated.

*Staff Analysis: This Strategy is only recommended in the MIA 4 and not in the MIA 3*

#### **Strategy 50**

##### Intensity Standards for Non-Residential Uses

Non-residential uses in MIA 4 can have a maximum occupancy of 150 persons per gross acre. Gross acreage is measured based on the site for a given use. In other words, the building or structure and land area associated with that development (parking, storage, etc.).

*Staff Analysis: This Strategy is only recommended in the MIA 4 and not in the MIA 3. The limitation of 150 person per acre precludes large box style businesses including grocery, hardware, and shopping centers.*

## **Strategy 52**

### Residential Zoning Expansion Limits

Prevent further urban density residential development close to Fairchild AFB by not permitting additional rezoning lands for urban density residential uses.

*Staff Analysis: This Strategy is only recommended in the MIA 4 and not in the MIA 3*

### City of Spokane and Spokane County Adopted Regulations

The City of Spokane and Spokane County both adopted regulations to protect Fairchild Airforce Base prior to the City of Airway Heights in summer of 2012. The adopted codes feature almost identical language, establishing both Accident Potential Zones (APZ) areas, as well as, Military Influence Areas (MIA), and Noise Impact Areas (NIA).

#### **Accident Potential Zones**

The APZ areas (Figure 6) are areas that essentially function as an extension of the FAFB runway. These areas include the Clear Zone, APZ I, and APZ II. These areas are clearly defined geographically, and are also present within the City of Airway Heights JLUS regulations.

#### **Noise Impact Areas**

The Noise Impact Areas essentially function as additional regulation within the MIA 3/4 that require additional sound mitigation measures be taken into account starting at the 70-75 Ldn contour. These areas do not have any specific land use regulations, as they are to function as additional mitigation based on the already established land use mitigations present within the underlying Military Influence area overlay.

#### **Military Influence Areas**

The third set of areas identified within both the City of Spokane and Spokane County both adopted regulations are the Military Influence Areas, which include MIA 1, 2, and 3/4. MIA 1 encompasses the geographical area within Spokane County's boundaries to include all the County's cities. This area is designed to allow for specific strategies to be implemented, both within Spokane County as a whole, and local governments.

MIA 2 extends approximately 26,400 feet (approximately 5 miles) from the Fairchild AFB runway. This area is defined as an area where Fairchild AFB aircraft over flights occur. MIA 2 is generally established for the purpose of enhanced level of notification to the public regarding military aircraft over flight and their associated impacts.

MIA 3/4 (Figure 7) is defined as the primary land use impact area whereby land uses and development densities have the potential to adversely impact Fairchild AFB operations. This area originated as two separate areas defined within the 2009 JLUS Study, MIA 3 and MIA 4, with MIA 3 being the visual representation of the 65 Ldn sound contour. Each of these areas came with associated policy

recommendations, as discussed in the previous section. After review of the record, it appears that the JISC made the decision to condense these areas into a single overlay, taking the most restrictive regulations, regulations that were initially proposed within the 2009 JLUS Study as only pertaining to the MIA 4, a much smaller area, and applying them to the whole of the MIA 3 and the MIA 4. After the condensing of the proposed MIA 3 and 4 was completed, additional changes were made to the overlay, including the removal of a portion of the City of Airway Heights, removal of the Spokane County ORV Park, the “trimming” of the 65 Ldn sound contour line in specific areas that covered the City of Spokane proper and portions of the areas adjacent to Medical Lake, Four Lakes, and the Geiger Heights areas.

#### City of Airway Heights Adopted Regulations

The City of Airway Heights completed its participation in the JLUS process through the passing of Ordinance C-771 (Figure 9) in December of 2012. This ordinance repealed and replaced the existing AHMC Chapter 17.16, which was previously titled “Air Installation Compatible Zone, AICUZ”, with a new Chapter entitled “JLUS Protections for Fairchild Air Force Base”. This new chapter adopted many of the recommendations of the 2009 JLUS Study, but with a few key differences from the City of Spokane’s SMC 17C.182 Fairchild Overlay Zones and Spokane County’s SCMC 14.702A Fairchild Airforce Base Overlay Zone (FOZ).

#### **Variations from City of Spokane and Spokane County**

The most important difference between the adopted regulations for the City of Airway Heights, is that, the City did not adopt the Military Influence Area 3/4. Instead, the City opted to retain the 1995 AICUZ sound contours (Figure 10), that were previously adopted as a part of 2008 AICUZ Chapter. Since the City chose to not adopt the MIA 3/4, additional regulations were amended to allow for specific allowed uses based on each sound contour, 65-69, 70-74, 75-70, 80-84, and 85+.

Another important difference between the adopted codes of Spokane and Spokane County and the City of Airway Heights, is how noise mitigations are addressed. The City of Spokane and Spokane County both adopted Noise Impact Areas, which essentially function as additional regulation within the MIA 3/4 that require additional sound mitigation measures be taken into account starting at the 70-75 Ldn contour. Since the City of Airway Heights did not adopt the MIA 3/4, and instead opted to retain the 1995 AICUZ sound contours, land use regulations and sound mitigation within the areas are collapsed into a single allowed use table.

When the city adopted the JLUS regulations under C-771, the sound modeling produced in the JLUS report was used. The model factored in the loudest air frame for the past, present, and future that could operate from Fairchild. This position was adopted to give the base maximum flexibility for current and future missions. The use of the sound modeling consideration was one of several factors for the city adopting regulations based on sound contours rather than merging MIA 3 and MIA 4 into a single category. The record reflects that it was known and repeated at the JLUS Committee Meetings, that AH was the only UGA jurisdiction that would be materially affected by the JLUS Study and implementing regulations

The choice to not adopt the 2009 JLUS sound contours, or MIA 3/4, was not universally supported, but was eventually agreed upon and supported by all parties on the JISC and a resolution was signed by representatives Spokane County, City of Spokane, and FAFB in December 2012 concluding that C-771 provided for protections for the base and was consistent with the JLUS recommendations.



## Alternatives

Contained within the City's records is documentation that FAFB supported the City of Airway Heights adopted regulations relating to JLUS. Since that time, representatives of FAFB have provided letters, emails and public comment during meetings that the City is not in conformance with JLUS requirements. As the City of Airway Heights has worked with FAFB to develop a better understanding of the City's JLUS adopted standards, FAFB representatives have asked that the City adopt the 2009 JLUS sound contours.

The following list provides a set of alternatives for the City Council to consider in light of the FAFB request and on-going concerns. In order to provide clarity moving forward, staff asks that the City Council consider the following alternatives:

### **Alternative 1 No Change**

In this alternative, the City of Airway Heights continues to function using the current regulations outline within AHMC 17.16 JLUS Protections for Fairchild Airforce Base. This would include continued use of the 1995 AICUZ sound contours, as well as, the previously established APZ I and APZ II.

*Staff Analysis: Since this alternative was a compromise to allow for the majority of the recommendations of section 5 of the JLUS Study to be implemented, while also providing adequate areas for eventual residential expansion for the City of Airway Heights, the City could not make any change to the current JLUS implantation strategy.*

### **Alternative 2 Adoption of City of Spokane and Spokane County Developmental Regulations**

In this alternative, the City of Airway Heights would amend the current regulations within AHMC 17.16 JLUS Protections for Fairchild Airforce Base to mirror the City of Spokane's SMC 17C.182 Fairchild Overlay Zones and Spokane County's SCMC 14.702A Fairchild Airforce Base Overlay Zone (FOZ). This would include the removal of the 1995 AICUZ sound contours and the adoption of the Military Influence Area 3/4.

*Staff Analysis: The adoption of the Military Influence Area 3/4 would enact significant restrictions on the City of Airway Heights long term ability to provide suitable land for residential development.*

*One consideration that should be mentioned is that during the original implementation of the JLUS strategies, which eventually led to the creation of the MIA 3/4 overlay, is that the JLUS document originally called for two separate areas, the MIA 3 and the MIA 4. At the time, the JISC made the decision to collapse these two overlay areas into a single overlay area. By doing this, areas that were located within MIA 3 that were not intended to have land use regulations, per the JLUS strategies, were assigned the same land use regulations as the MIA 4 areas. Taking a step back and reviewing the suggested regulations based on the JLUS strategies for MIA 3 and MIA 4 would potentially have significant impacts on the allowed land uses within these areas.*

*The adoption of the MIA 3/4 would reclassify all land currently within the City of Airway Height's Urban Growth Area (with the exception of the UGA currently assigned to the Spokane Count ORV Park) as unsuitable for residential use. Adoption of the MIA 3/4 would also severely limit the area in which the City of Airway Heights could propose a UGA to either the northside of Deno Road or to the northeastern portion of the City. Going north or east with a UGA would come with their own limitation. To the north of Deno*

*Road, a new mineral lands designation was approved in 2021 by Spokane County. The close proximity of this designation, including portions on Deno Road, could cause incompatible land use issues with residential development due to noise and dust. The City of Spokane's water service boundary east of Hayford Road could make the land unavailable by the City of Airway Heights due to Spokane's annexation requirements for water service extension. The due the extent of the application of the combined MIA ¾ over areas surrounding Airway Heights, it would make the acquisition of new residential areas through UGA modifications for the City of Airway Heights very difficult.*

### **Alternative 3 JLUS Recommendations**

In this alternative the City returns to and reviews the initial recommendations of the JLUS document and makes changes to the regulations of AHMC 17.16 JLUS Protections for Fairchild Airforce Base based on the recommended JLUS strategies and the 2009 JLUS boundaries.

*Staff Analysis: This is the most opened ended of the alternatives as it does not provide any specifics on what would be implemented. This option would essentially be revisiting the initial decision made by the City of Airway Heights that was monumented in Ordinance C-771, and would potentially require significant review from the Department of Commerce and other state agencies. A different map base such as the 2009 JLUS Sound Contours could be considered as part of this option.*

### **Figures**

Figure 1 Spokane County Letter

Figure 2 City of Airway Heights Memo

Figure 3 RCW 36.70A.530

Figure 4 JLUS Military Influence Areas

Figure 5 JLUS Strategies 49-57

Figure 6 Accident Potential Zones

Figure 7 Military Influence Area 3/4

Figure 8 21009 JLUS Sound Contours

Figure 9 City of Airway Heights Ord. C-771

Figure 10 1995 AICUZ Sound Contours

### **Appendices**

Appendix A Fairchild Joint Land Use Study (JLUS)

Appendix B Spokane County Zoning Code Chapter 14.702A Fairchild Air Force Base Overlay Zone (FOZ)

Appendix C City of Spokane Municipal Code Chapter 17C.182 Fairchild Overlay Zone

Appendix D City of Airway Heights Municipal Code Chapter 17.16 JLUS Protections for Fairchild Airforce Base

Appendix E Airway Heights Resolution NO. 2010-018

Appendix F Memorandum of Understanding Regarding JLUS Implementation

Appendix G JISC Findings & Recommendations



BUILDING & PLANNING • SCOTT R. CHESNEY, AICP, PLANNING DIRECTOR

January 11, 2022

Kal Patel, Chair  
City of Airway Heights Planning Commission  
Airway Heights, Washington

*Sent via email to Heather Trautman, Principal Planner*

Commissioner Patel:

Spokane County Building & Planning appreciates your request for our review of your Land Use Alternatives Summary of January 2022. County Planning supports a vibrant and growing Airway Heights as a strong member of our county community.

Spokane County has initiated its periodic review of our Comprehensive Plan, expecting approval by our Board of County Commissioners in the second quarter of 2026. Through the GMA Steering Committee of Elected Officials, our initial activity is a review of our growth patterns in the past twenty years—leading to an assessment of where growth has occurred and available land for growth. Concurrently we will assess and reevaluate our Countywide Planning Policies in order to provide guidance for all of our constituent communities as they update individual comprehensive plans. Your early assessment and evaluation of land use alternatives is well timed to benefit from the CWPP guidance later this year.

Your planning team identified three alternatives: *Steady Growth*, *Plan for the Growth Rate*, and *Growth Expansion*. We see some solid opportunity in the *Plan for Growth* and *Growth Expansion* alternatives and realize these may be more challenging than some other planning areas.

The narrative makes note of “sound contours” from Fairchild Air Force Base but does not note the JLUS standards or restrictions. It is important to note the efforts of Spokane County and communities in the past decade to understand the impacts of development on the mission and operations of Fairchild AFB. Current and future missions must have confidence that these protections on encroachment are solid and committed.

Our comments on the alternatives follow:

Planning area	Alt #1	Alt #2	Alt #3
Area A	Area is restricted for development by JLUS guidance. <b>Spokane County Planning does not support this area for residential growth</b>		
B1	Area is suited for medium density residential development		
B2	Area is restricted for development by JLUS guidance. This area was negotiated to be R-1 in 2012 during JLUS signing meetings Spokane County Planning does not support this area for medium density residential growth		
B3	Area is restricted for development by JLUS guidance. The was negotiated to be not-residential in 2012 during JLUS signing meetings Spokane County Planning does not support this area for residential growth		
B4	Area is restricted for development by JLUS guidance. <b>Spokane County Planning does not support this area for residential growth</b>		
C	Spokane County Planning supports higher density mixed-use development in this area as part of a renewed walkable downtown core		
D	Area is restricted for general development by JLUS guidance, which was negotiated to allow mixed use with 10% residential above commercial. Spokane County Planning will only support this area for residential growth at 10% of the mixed-use zone.		
E	Area is restricted for development by JLUS guidance. <b>Spokane County Planning does not support this area for residential growth</b>		
F	Not applicable	Spokane County Planning supports such an Urban Growth Area swap and will assist with its implementation	
F1	Not applicable	The northern portion of this site is suitable for residential growth—outside of the JLUS guidance boundary	
F2	Not applicable	Area is restricted for development by JLUS guidance. <b>Spokane County Planning does not support this area for residential growth</b>	
G	Not applicable	The northern portion of this site is suitable for residential growth—outside of the JLUS guidance boundary	
H	Not applicable	Area is suited for medium density residential development	
I	Not applicable	Not applicable	Area is suited for medium density residential development
J	Not applicable	Not applicable	Area is suited for medium density residential development and a good candidate for an Urban Growth Area swap from Area F

Spokane County Building & Planning supports the objective of higher density downtown development and several of the alternatives from your *Growth Rate* and *Growth Expansion* concepts as long as they proceed in conformance with JLUS guidance. We realize these areas may have additional challenges for development. We will collaborate with Airway Heights—at your request—to activate these lands in our role of regional planning and governance.

Let me be equally clear that Spokane County opposes any proposed development in areas not in conformance with the JLUS guidance placed to protect Fairchild Air Force Base.

Regards,



Scott R. Chesney, AICP

Director

## Memorandum



Date: January 12, 2022

To: City of Airway Heights Planning Commission

From: Heather Trautman, Principal Planner

---

The Spokane County Building and Planning Department submitted a letter via email on January 12<sup>th</sup> regarding the land use alternatives being discussed with the Planning Commission. As noted in the letter, these are three land use alternatives under consideration for a public review process in order to address the City of Airway Heights population allocation and associated housing demand. As included in the Planning Commission documents for today, City consultant Framework provided an analysis of the amount of vacant land which has been utilized since the 2017 periodic update, and working with City staff has developed three land use alternatives for consideration to address housing land needs. The purpose of the Planning Commission is final refinement of the alternative in preparation for a community engagement activity to gather perspectives from the public on the alternatives.

Spokane County correctly noted that the alternative maps did not include the sound contours adopted under JLUS by Airway Heights. However, the sound contours adopted by the City in 2012 (AHMC 17.16) were included in the analysis of the alternatives with the consulting firm Framework, who is developing the draft. As a public commenting document, the goal was to seek input on the priorities of the public regarding the proposed land use alternatives, and, since the alternatives have been vetted for JLUS compliance (description below) it did not appear to be necessary to include them within the maps.

Earlier today, a static image of the City of Airway Heights GIS map of the current zoning and JLUS sound contours adopted under AHMC 17.16 were emailed to Spokane County Building and Planning and Fairchild Airforce Base (FAFB) showing the areas north and outside of the Airway Heights adopted sound contour boundaries being considered for designation as residential or for an Urban Growth Area swap. As noted in the County's letter, there is one exception which is the property identified as 'E' in Alternatives 2 and 3 which reflects a rezone application in process at the City, which began in 2018. A portion of that property is located in the 65-69 Sound Contour. To view the City's Digital Mapping System, please visit:

<https://cawh.maps.arcgis.com/home/index.html>

After reviewing the County's comment letter, areas A, B1, B2, B3, B4, F1 and F2 are not located in the 65+ sound contours adopted in 2012 and the mapping component for the City of Airway Heights compliance under 17.16 with JLUS. It is staff's opinion that with compliance with AHMC 17.16 and the limitations on residential development in the 65+ sound contour, that the City has met the intent of JLUS. Further, that the City's adopted ordinance is the standard for compliance under RCW 36.70A.530(3).

RCW 36.70A.530

*Land use development incompatible with military installation not allowed—Revision of comprehensive plans and development regulations.*

*(1) Military installations are of particular importance to the economic health of the state of Washington and it is a priority of the state to protect the land surrounding our military installations from incompatible development.*

*(2) Comprehensive plans, amendments to comprehensive plans, development regulations, or amendments to development regulations adopted under this section shall be adopted or amended concurrent with the scheduled update provided in RCW 36.70A.130, except that counties and cities identified in \*RCW 36.70A.130(4)(a) shall comply with this section on or before December 1, 2005, and shall thereafter comply with this section on a schedule consistent with \*RCW 36.70A.130(4).*

*(3) A comprehensive plan, amendment to a plan, a development regulation or amendment to a development regulation, should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements. A city or county may find that an existing comprehensive plan or development regulations are compatible with the installation's ability to carry out its mission requirements.*

In addition, B1-B4, were reviewed in the 2020 comprehensive plan for land use designation from low density residential and commercial medium density residential. The medium density residential designation was the result of a specific agreement for these properties between the City Council and a representative of FAFB in May of 2020. The medium density residential designation was in lieu of the high density residential designation the application sought. The alternative maps carry forward the same land use designation as adopted in the 2020 plan.



**RCW 36.70A.530****Land use development incompatible with military installation not allowed—Revision of comprehensive plans and development regulations.**

(1) Military installations are of particular importance to the economic health of the state of Washington and it is a priority of the state to protect the land surrounding our military installations from incompatible development.

(2) Comprehensive plans, amendments to comprehensive plans, development regulations, or amendments to development regulations adopted under this section shall be adopted or amended concurrent with the scheduled update provided in RCW 36.70A.130, except that counties and cities identified in \*RCW 36.70A.130(4)(a) shall comply with this section on or before December 1, 2005, and shall thereafter comply with this section on a schedule consistent with \*RCW 36.70A.130(4).

(3) A comprehensive plan, amendment to a plan, a development regulation or amendment to a development regulation, should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements. A city or county may find that an existing comprehensive plan or development regulations are compatible with the installation's ability to carry out its mission requirements.

(4) As part of the requirements of RCW 36.70A.070(1) each county and city planning under RCW 36.70A.040 that has a federal military installation, other than a reserve center, that employs one hundred or more personnel and is operated by the United States department of defense within or adjacent to its border, shall notify the commander of the military installation of the county's or city's intent to amend its comprehensive plan or development regulations to address lands adjacent to military installations to ensure those lands are protected from incompatible development.

(5)(a) The notice provided under subsection (4) of this section shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the adoption of a comprehensive plan or an amendment to a plan. The notice shall provide sixty days for a response from the commander. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed plan or amendment will not have any adverse effect on the operation of the installation.

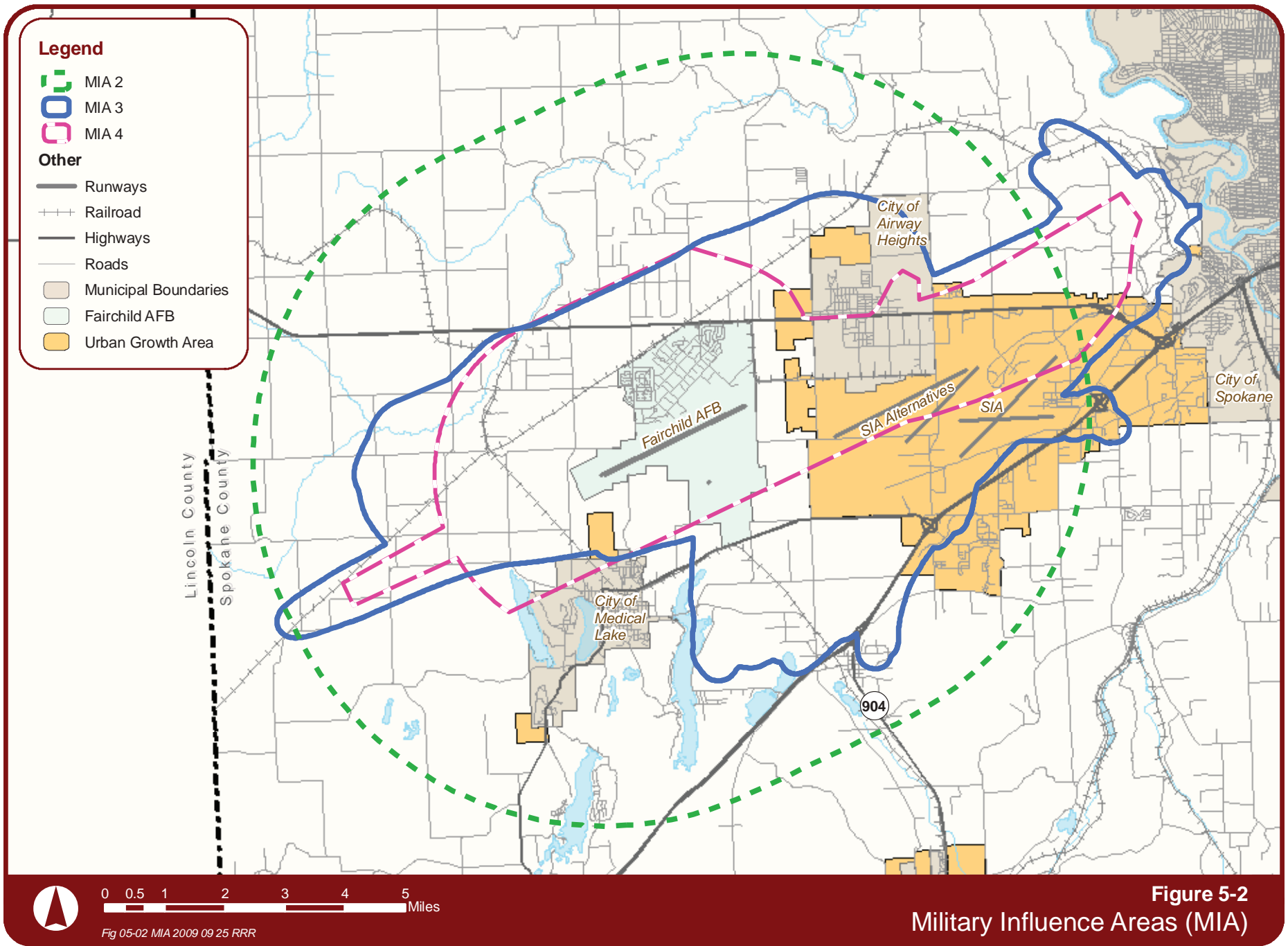
(b) When a county or city intends to amend its development regulations to be consistent with the comprehensive plan elements addressed in (a) of this subsection, notice shall be provided to the commander of the military installation consistent with subsection (4) of this section. The notice shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the amendment to the development regulations. The notice shall provide sixty days for a response from the commander to the requesting government. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed development regulation or amendment will not have any adverse effect on the operation of the installation.

[ 2004 c 28 § 2.]

**NOTES:**

\*Reviser's note: RCW 36.70A.130 was amended by 2020 c 113 § 1, deleting subsection (4).

**Finding—2004 c 28:** "The United States military is a vital component of the Washington state economy. The protection of military installations from incompatible development of land is essential to the health of Washington's economy and quality of life. Incompatible development of land close to a military installation reduces the ability of the military to complete its mission or to undertake new missions, and increases its cost of operating. The department of defense evaluates continued utilization of military installations based upon their operating costs, their ability to carry out missions, and their ability to undertake new missions." [ 2004 c 28 § 1.]



## *Zoning / Subdivision*

### **Zoning**

Zoning is the division of a jurisdiction into districts (zones) within which permissible uses are prescribed and restrictions on building height, bulk, layout, and other requirements are defined.

The primary purpose of zoning is the protection of public health, safety, and welfare. Refining this goal further, zoning provides opportunities for the implementation of regulations supporting land use compatibility, as shown in the following examples.

- Protection against:
  - Physical danger, particularly safety considerations for properties in proximity to military ranges or within military flight areas.
  - Nuisances associated with military operations, such as noise, vibration, air emissions, etc.
  - Heavy traffic flows or truck routes in residential areas.
  - Aesthetic nuisances impacting military installations.
  - Psychological nuisances, such as perceived and actual dangers associated with military operations.
  - Light and glare, air emissions, and loss of privacy.

- Provision of open space and agricultural preservation.
- Zoning and the general plan are inexorably tied to each other. Policies recommended within the general plan should be reflected within the zoning ordinance or development code.
- Zoning ordinances requiring rigid separation of uses or inflexible provisions can make creative solutions to land use compatibility, such as cluster development, difficult or impossible.
- When designating military compatible use districts, the ordinance should recognize that the local community has no regulatory control over development or activities on federal property.

### **Subdivisions**

Land cannot be divided in Washington without local government approval. Dividing land for sale, lease or financing is regulated by local ordinances. The local general plan, zoning, subdivision, and other ordinances govern the design of the subdivision, the size of its lots, and the types of required improvements, such as street construction, sewer lines, and drainage facilities.

Subdivision ordinances set forth the minimum requirements deemed necessary to protect the health, safety, and welfare of the public. More specifically, the subdivision ordinances are designed to accomplish the following initiatives.

- Assure that effective protection is given to the natural resources of the community, especially ground water and surface waters.

*Table 5-17 provides updates to existing zoning ordinance sections in order to enhance compatibility planning.*

- Encourage well-planned subdivisions through the establishment of adequate design standards.
- Facilitate adequate provisions for transportation and other public facilities.
- Secure the rights of the public with respect to public lands and waters.
- Improve land records by the establishment of standards for surveys and plats.
- Safeguard the interests of the public, the homeowner, the subdivider, and units of local government.
- Prevent, where possible, excessive governmental operating and maintenance costs.

For light and glare, local jurisdictions include code that prohibits the production of glare, with Spokane County and Airway Heights Zoning Codes specifically discussing the impact of glare on pilots. Spokane County does include the statement “All lighting shall be positioned and shielded so that the direction of the light is downward and within the property lines” within land use designations. No “dark skies” type ordinances exist in the study area. Darker skies near Fairchild can assist in the conduct of training missions and flight operations.

#### **Current Status**

Both Spokane County and the City of Airway Heights have zoning components dealing with some compatibility issues. Relative to safety zones, please see the discussion on these regulations presented under the AICUZ heading earlier in this section.

For vertical height, Spokane County and Airway Heights both provide adequate protections of airspace from vertical obstructions. For Spokane County, this is covered as part of Chapter 14.702, Airport Overlay (AO) Zone. For Airway Heights, the regulations are under Chapter 17.15, Airport Overlay Zone (AO). The City of Medical Lake does not have guidance on vertical obstruction. For the City of Spokane, the code should be modified to discuss Fairchild AFB specifically.

**Table 5-17. Zoning / Subdivision Strategies**

#	Strategy	MIA 1	MIA 2	MIA 3	MIA 4	Spokane County	Airway Heights	Medical Lake	Spokane (City)	Fairchild AFB	SIA	Native American Tribal Groups	Other Agencies	0-3 Years	> 3 Years	Ongoing
49	<p><b>Land Uses Allowed in MIA 4</b>                      Within MIA 4, land use designations (comprehensive plan or zoning code) in place as of May 2009 should be reviewed using the following criteria prior to any designation change:</p> <ul style="list-style-type: none"> <li>▪ Land currently designated for non-residential use shall not be redesignated to a residential use category. It may be redesignated to another non-residential use category (except for mixed use) as long as conditions of approval restrict the intensity of development allowed (see Strategy 50).</li> <li>▪ Land currently designated for a residential use shall not be modified to another residential designation that allows a higher density of use than allowed in the current designation.</li> <li>▪ Existing approved subdivisions or other residential developments within MIA 4 shall not be amended or otherwise modified to increase the number or intensity of residential units previously approved.</li> <li>▪ All uses in MIA 4 shall be required to do an acoustical study and provide appropriate noise attenuation. (See also Strategy 20)</li> <li>▪ No new residential development shall be approved within the 70 LDN (or higher) noise contours for the potential mission scenario, as updated.</li> </ul> <p>► See also Strategy 50</p>				■	■	■	■	■					■		■
50	<p><b>Intensity Standards for Non-Residential Uses</b>                      Non-residential uses in MIA 4 can have a maximum occupancy of 150 persons per gross acre. Gross acreage is measured based on the site for a given use. In other words, the building or structure and land area associated with that development (parking, storage, etc.).</p>				■	■	■	■	■							■
51	<p><b>Encourage Area Planning Approach</b>                      Encourage the use of specific plans, planned unit developments, or other techniques to help minimize conflicts and enhance compatibility between Fairchild AFB and new land uses.</p>	■				■	■	■	■	○	○	■	○			■

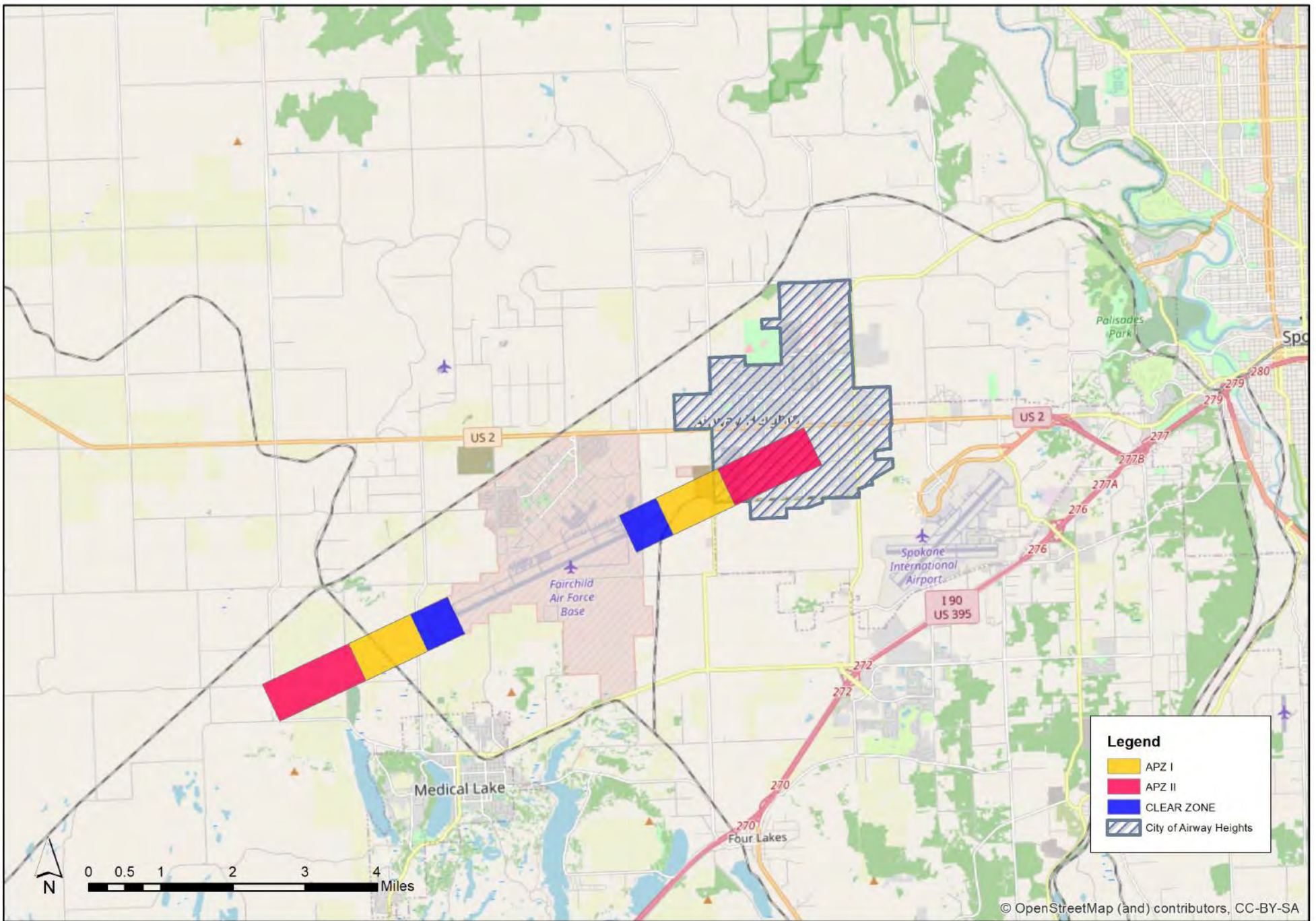
#	Strategy	MIA 1	MIA 2	MIA 3	MIA 4	Spokane County	Airway Heights	Medical Lake	Spokane (City)	Fairchild AFB	SIA	Native American Tribal Groups	Other Agencies	0-3 Years	> 3 Years	Ongoing
52	<b>Residential Zoning Expansion Limits</b> Prevent further urban density residential development close to Fairchild AFB by not permitting additional rezoning lands for urban density residential uses.				■	■	■	■	■	○		■				■
53	<b>Ensure FAA Part 77 Compliance</b> For all structures, ensure compliance with FAA Part 77 requirements when establishing height regulations or restrictions. NOTE: For further information on Part 77, please refer to the discussion under Factor #3, Vertical Obstructions, in Section 3 and Appendix G.  Other Agencies: WSDOT and FAA		■			■	■	■	■			■	○			■
54	<b>Develop or Update Light and Glare Controls</b> Develop or update light and glare controls to protect the operational environment near Fairchild AFB. These controls should be designed to reduce the amount of light that spills into surrounding areas and impacts regional ambient illumination.		■			■	■	■	■	○	■	■			■	
55	<b>Dark Skies Ordinance</b> Adopt a dark skies ordinance to cover the JLUS Study Area.		■			■	■	■	■	○	○				■	
56	<b>Modify Subdivision Regulations, Disclosure</b> Modify subdivision regulations to require appropriate disclosures are recorded as part of a property's deed upon sale of land. Disclosure should notify purchasing party of Fairchild AFB operations and potential compatibility issues.  See also Strategies 11, 12, 13, 42, and 45	■				■	■	■	■	○				■		
<i>Notes:</i>		■ marks the geographic area to which this strategy applies				■ denotes the responsible agency / organization (implements) ○ denotes a partner agency / organization (provides support)						■ when the strategy should be complete				

*Other*

One strategy did not fit specifically under one of the previous strategy types. This strategy, which discusses the future of the base, is shown on Table 5-18.

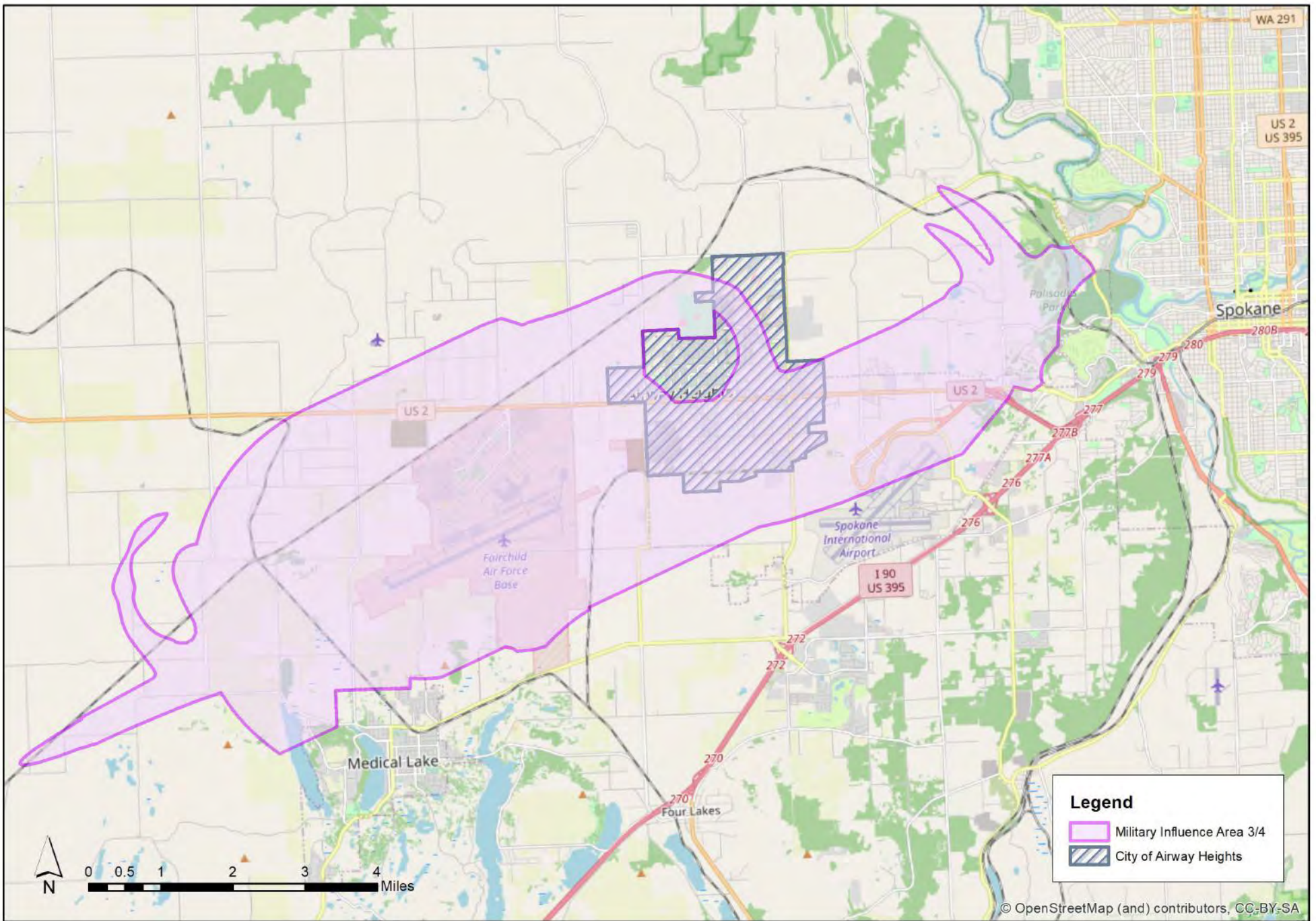
**Table 5-18. Other Strategies**

#	Strategy	MIA 1	MIA 2	MIA 3	MIA 4	Spokane County	Airway Heights	Medical Lake	Spokane (City)	Fairchild AFB	SIA	Native American Tribal Groups	Other Agencies	0-3 Years	> 3 Years	Ongoing	
57	<p><b>Maintain Existing and Pursue Additional Missions at Fairchild AFB</b>                      State and federal legislators will work with interested local jurisdictions, agencies, and organizations to advocate for additional, compatible missions at Fairchild AFB and for the deployment of next generation air refueling aircraft.</p> <p>Other Agencies: WSDOT, State Legislature</p>	■				■	■	■	■	■			■			■	
<i>Notes:</i>		■ marks the geographic area to which this strategy applies				■ denotes the responsible agency / organization (implements) ○ denotes a partner agency / organization (provides support)							■ when the strategy should be complete				

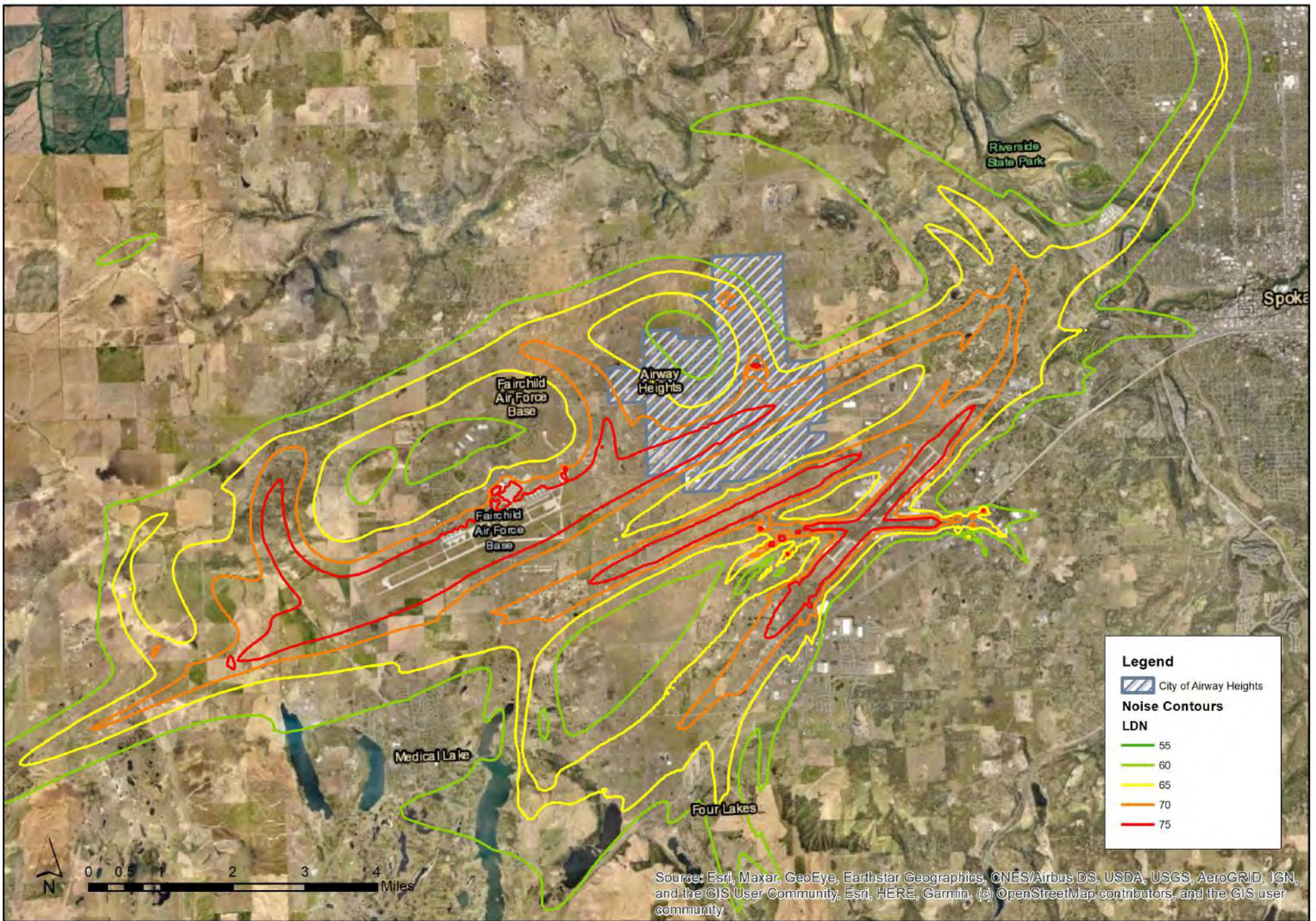


Accident Potential Zones (APZ) (AHMC 17.16, SCMC 14.702A, SCC 17C.182)





Military Influence Area 3/4 (SCMC 14.702A & SMC 17C.182)



2009 JLUS Noise Contours (SCMC 14.702A & SMC 17C.182)

**CITY OF AIRWAY HEIGHTS  
SPOKANE COUNTY, WASHINGTON**

**ORDINANCE C- 771**

**AN ORDINANCE OF THE CITY OF AIRWAY HEIGHTS, WASHINGTON REPEALING CHAPTER 17.16 OF THE AIRWAY HEIGHTS MUNICIPAL CODE ENTITLED "AIR INSTALLATION COMPATIBLE USE ZONE (AICUZ) OVERLAY", AND ADOPTING A NEW CHAPTER 17.16 ENTITLED "JLUS PROTECTIONS FOR FAFB" AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

**WHEREAS**, pursuant to the provisions of RCW Chapter 36.70, the Council has adopted Airway Heights Municipal Code, Title 17, Zoning, which regulate the use of land; and

**WHEREAS**, the City of Airway Heights has reviewed its existing Municipal Code governing land use and determined that modifications to Title 17, Zoning, is warranted; and

**WHEREAS**, it is the intent of the City Council to ensure development of fair and reasonable regulations that promote the public interest and protect private property rights; and

**WHEREAS**, the City land use regulations are intended to make Airway Heights a better place to live, work, and play.

**NOW THEREFORE**, the City of Airway Heights City Council ordains as follows:

**Section 1.** Repeal. There is hereby repealed in its entirety from Airway Heights Municipal Code, Chapter 17.16, entitled "Air Installation Compatible Use Zone AICUZ."

**Section 2.** Added. A new Chapter 17.16, entitled "JLUS Protections for Fairchild Air Force Base", consisting of 13 sections is hereby added to the Airway Heights Municipal Code.

**Section 3.** Added Section. 17.16.010 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.010 Purpose and Intent**

The purpose and intent of this chapter prepared under the 2009 Joint Land-Use Study (JLUS) for Fairchild Air Force Base (FAFB) is to reduce the potential for military aviation hazards, prevent incompatible uses, optimize the potential mission profile, and protect the health and safety of persons within the military influence area. The City Council finds:

- A. Aviation hazards endanger the lives and property of persons in the vicinity of Fairchild Air Force Base (FAFB).
- B. Aviation obstruction hazards reduce the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to impair the viability of a military aviation facility and the related public investment.
- C. The creation or establishment of an aviation hazard, or development considered an incompatible encroachment, is a health and safety issue and detrimental to the region's economy and continued operations of FAFB.

These regulations are necessary to effectively implement RCW 36.70A.530 which encourages compatible land uses in the vicinity of Fairchild AFB.

**Section 4.** Added Section. 17.16.020 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.020 Applicability**

In order to carry out the purpose and intent of JLUS, the following development standards shall apply to the described conical areas, approach areas, accident potential zones (APZs), and noise impact areas indicated on the official Airway Heights Zoning Map. This chapter applies to properties under the influence of FAFB. It provides additional land-use standards or limitations on development than those that are found in the underlying zones and other applicable sections of the Airway Heights Development Code, and specifically AHMC Title 17. The Airport Overlay Zone 17.15 applies to properties located under the influence of Spokane International Airport.

**Section 5.** Added Section. 17.16.030 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.030 Adoption of Spokane County JLUS Regulations, FAFB Overlay Zone, by reference**

Pursuant to RCW 35A.13.180 the City adopts by reference, the Spokane County JLUS Regulations, known as "FAFB Overlay Zone" (FAFBOZ) as adopted by the Spokane County Board of County Commissioners under Resolution 12-0344. A copy of Resolution 12-0344 is attached hereto as Attachment "A" and incorporated by reference. In the event that AHMC 17.16 conflicts with the Spokane County FAFBOZ, then within the municipal boundaries of Airway Heights the applicable standards, requirements and conditions shall be as provided in this chapter. All changes to this chapter or the overlay map entitled "Commercial Zoned Properties Potentially Eligible for CUP MF or MU Development" shall be brought to the JLUS Coordinating Committee for review and comment. **NOTICE:** Attachment "A" is a part of AHMC 17.16 and should be read as part of and in conjunction with AHMC 17.16.

**Section 6.** Added Section. 17.16.040 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.040 Airspace and Land Use Safety Areas**

The following air space and land use safety areas are established.

- A. Primary Surface:** This surface defines the limits of the obstruction clearance requirements in the immediate vicinity of the FAFB runway. The primary surface comprises surfaces of the runway, runway shoulders, and lateral safety zones and extends 200 feet beyond the runway end. The width of the primary surface for the FAFB runway is 2,000 feet, or 1,000 feet on each side of the runway centerline.
- B. Approach-Departure Clearance Surface:** An extension of the primary surface at each end of each runway, for a distance of 50,000 feet, first along an inclined (glide angle) and then along a horizontal plane, both flaring symmetrically about the runway centerline extended. The inclined plane (glide angle) begins in the clear zone 200 feet past the end of the runway, at the same elevation as the end of the runway. It continues upward at a slope of 50:1 (1 foot vertically for each 50 feet horizontally) to an elevation of 500 feet above the established airfield elevation. At that point the plane becomes horizontal, continuing at that same uniform elevation to a point 50,000 feet longitudinally from the beginning of the inclined plane (glide angle) and ending there. The width of the surface at the beginning of the inclined plane (glide angle) is the same as the width of the Primary Surface. It then flares uniformly, reaching the maximum width of 16,000 feet at the end.
- C. Transitional Surfaces:** These surfaces connect the primary surface, clear zone surfaces, and approach-departure clearance surfaces to the outer horizontal surface, conical surface, other horizontal surface, or

other transitional Surfaces. The slope of the transitional surface is 7:1 outward and upward at right angles to the runway centerline. To determine the elevation for the beginning of the transitional surface slope at any point along the lateral boundary of the primary surface, including the clear zone, draw a line from this point to the runway centerline. This line will be at right angles to the runway axis. The elevation at the runway centerline is the elevation for the beginning of the 7:1 slope. This surface extends to a height of 150 feet, 2,050 feet from the runway centerline.

- D. Inner Horizontal Surface:** This surface is a plane oval in shape at a height of 150 feet above the established airfield elevation. The surface begins 2,050 feet beyond the runway centerline and the end of this surface is constructed by scribing an arc with a radius of 7,500 feet above the centerline at the end of the runway and interconnecting these arcs with tangents.
- E. Conical Surface:** This is an inclined surface 150 feet above the established airfield elevation, extending outward and upward from the outer periphery of the inner horizontal surface (7,500 feet from runway centerline) for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation. The slope of the conical surface is 20:1. This slope ends 14,500 feet from runway centerline.
- F. Outer Horizontal Surface:** This surface is a plane located 500 feet above the established airfield elevation. It extends for a horizontal distance of 30,000 feet from the outer periphery of the conical surface. The outermost part of this surface is 44,500 feet from runway centerline.
- G. Clear Zone:** The Clear Zone at each end at of the Fairchild AFB runway is 3,000 feet wide (1,500 feet wide on each side of the runway centerline) by 3,000 feet long. Accident potential on or adjacent to the runway or within the clear zone is so high that the necessary land use restrictions would prohibit reasonable economic use of land. Proposed uses in the Clear Zone shall be in accordance with the Land Use Requirements in 17.16.120, Table 1.
- H. Accident Potential Zone (APZ) I:** APZ I is 3,000 feet wide (1,500 feet wide on each side of the runway centerline) by 5,000 feet long extending to 8,000 feet from the runway threshold. Proposed uses in APZ I shall be in accordance with the Land Use Requirements in 17.16.120, Table 1.
- I. Accident Potential Zone (APZ) II:** APZ II is 3,000 feet wide (1,500 feet wide on each side of the runway centerline) by 7,000 feet long extending to 15,000 feet from the runway threshold. Proposed uses in APZ II shall be in accordance with the Land Use Requirements contained in 17.16.120, Table 1.
- J. "Military Impact Area(s)" (MIA(s))** refer to an area that is impacted by military aviation activities, specifically that area under the operational influence of FAFB. There are three (3) MIAs.
  - 1. "MIA 1" is a non-geometrically defined area covering the entirety of Spokane County.
  - 2. "MIA 2" is a geometrically defined overlay covering all properties within an approximate five-mile radius from the aviation facility's runway. There is a requirement that as part of any land transactions for properties in this overlay, including sales and leases, real-estate notices shall be provided, notifying property users that the properties may be impacted by aviation over-flight activities. Development in this overlay shall be submitted to FAFB for review and comment.
  - 3. "MIA 3/4" is an overlay covering a planning area based on the 1995 FAFB AICUZ sound contours and recommendations from the 2009 JLUS Report. Development in this overlay shall be submitted to FAFB for review and comment.
    - a. The 65 LdN FAFB sound contour, representing the outer bounds of MIA 3/4, is based upon 2009 JLUS Report, Appendix L, Figure 4. Within the municipal boundaries of Airway Heights, the 65 LdN sound contour is based on the 1995 FAFB AICUZ sound contours.
    - b. MIA 3/4 also serves as a noise impact and land-use restriction area. Residential development is discouraged in the 65-69 LdN and generally prohibited in areas exceeding 70 LdN. No new residential zones or expansion of existing zones that allow for residential uses shall be approved within MIA 3/4 after the adoption of this chapter, except as set forth herein. See 17.16.140. The City's adopted 65 LdN sound contour is shown on the most current City of Airway Heights official Zoning Map.
    - c. The 70 LdN or higher sound contour represents the area within MIA 3/4 where residential uses are generally prohibited. See 17.16.140A. To ensure compatibility between non-residential land-uses and FAFB mission activities, uses are restricted or conditional. The City's adopted 70 LdN sound contour is based on the 1995 FAFB AICUZ, and is shown on the most current City of Airway Heights official Zoning Map.

**Section 7.** Added Section. 17.16.050 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.050 General Use Restrictions**

- A. No use shall be made of any land in the Airspace and Land Use Safety Areas defined herein under any of the following circumstances:
  - 1. The use creates or causes interference with the operations of military communications or electronic facilities.
  - 2. The use makes it difficult for pilots to distinguish between airport lights and other lights.
  - 3. The use results in glare which impairs pilot vision.
  - 4. The use impairs pilot visibility in the vicinity of the Fairchild AFB.
  - 5. The use endangers the landing, taking off, or maneuvering of aircraft.
  - 6. The use creates a wildlife attractant that, in the opinion of the Fairchild AFB, could interfere with military operations.
  - 7. The use would create a fire accelerant or secondary explosion resulting from an aircraft crash in an accident potential zone.
  - 8. Permitted uses shall not create large areas of standing water which would be attractive to bird life or other wildlife which would conflict with Base operations.
  - 9. Any use which otherwise endangers incoming or outgoing aircraft or the maneuvering of aircraft in the vicinity of the Base
- B. Stormwater facilities located within MIA 3/4 shall be designed in compliance with the Washington State Department of Transportation Aviation Stormwater Design Manual – Best Management Practices.
- C. New buildings and structures located on vacant parcels created before the effective date of these regulations shall be situated on the side of the parcel farthest from the Fairchild AFB runway centerline and extended runway centerline, provided that the placement is consistent with the setback requirements of the underlying zone.

**Section 8.** Added Section. 17.16.060 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.060 Height Restrictions**

Structures or vegetation may not be constructed, altered, maintained, or allowed to grow in any air space area as described so as to project above the applicable surface, as described in 17.16.040, subsections A-F above. The following items are exempt from this provision.

- A. Any structure or object that would be shielded by existing permanent structures or by natural terrain or topographic features of equal or greater height.
- B. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Federal Aviation Administration, or an appropriate military service at military airports, with a fixed location and height.
- C. Structures necessary and incidental to military aviation operations.
- D. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail. No structure shall be erected so high as to increase the Federal Aviation Administration landing and/or approach and/or departure minimums for aircraft using the runway of FAFB, unless the Installation Commander approves of such action.

**Section 9.** Added Section. 17.16.070 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.070 Administrative Height Exception**

- A. The Planning Director may, as part of a development permit application process, administratively grant height exceptions after a review of the proposal and issuance of written findings that the proposed development meets the following criteria:
  - 1. The applicant has complied with the Federal Aviation Administration Form 7460-1 review process (Notice of Proposed Construction or Alteration) and provided documentation from FAA that this review process is complete and that FAA has no objections to the proposed development.
  - 2. Fairchild Air Force Base has indicated in writing that the improvement will not adversely affect current or future military operations.
- B. Further, the development shall meet at least one of the following criteria:
  - 1. The improvement would be shielded by an adjacent or nearby existing permanent structure or natural terrain feature of equal or greater height compared to the proposed structure.
  - 2. The improvement is an air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Federal Aviation Administration.
  - 3. The proposal is a military service and support improvement, with a fixed location and height which are necessary and incidental to base operations as certified in writing by Fairchild Air Force Base.
- C. The Director may require an applicant to provide such technical documentation and illustrations necessary to demonstrate that the proposed development will not threaten or reduce military aircraft safety.

**Section 10.** Added Section. 17.16.080 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.080 Approach-Departure Clearance Surface Restrictions**

Building permits will not be issued until the final site development plans have been approved. Such approval may include requirements to mitigate impacts of the project and to ensure that the standards of the zone are upheld.

**Section 11.** Added Section. 17.16.090 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.090 JLUS Accident Potential Zone I (APZ-I) Restrictions**

Acceptable land uses include industrial/manufacturing, transportation, communication/utilities, wholesale trade, open space and recreation. However, uses that concentrate people in small areas are not acceptable. Proposed uses in APZ I shall be in accordance with the Land Uses in 17.16.110, Table 1.

**Section 12.** Added Section. 17.16.100 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.100 JLUS Accident Potential Zone II (APZ-II) Restrictions**

Acceptable uses include those of Accident Potential Zone I, and those personal and business services and commercial/retail trade uses of low intensity or scale of operation. High density functions such as multi-story buildings, places of assembly (theaters, churches, schools, restaurants, etc.) and high density office uses are not permitted. The optimum density recommended for residential usage (where it does not conflict with noise criteria) in Accident Potential Zone II is two dwelling units per acre. For most non-residential usage, buildings shall be limited to one story and the lot coverage shall not exceed 20 percent. Proposed uses in APZ II shall be in accordance with the Land Uses in 17.16.110, Table 1.

**Section 13.** Added Section. 17.16.110 of the Airway Heights Municipal Code is hereby added to read as follows:

17.16.110 Clear Zone, APZ-I and APZ-II

Proposed uses in the Accidental Potential Zones shall be in accordance with the Land Uses contained in 17.16.110, Table 1.

17.16.110 Table 1. Land Use Restrictions in APZs

SLUCM NO.	LAND USE NAME	CLEAR ZONE	APZ-I	APZ-II	DENSITY
10, 11	Residential, Household Units				
11.11	Single units: detached	N	N		N
11.12	Single units: semi-detached	N	N		N
11.13	Single units: attached row	N	N		N
11.21	Two units: side-by-side	N	N		N
11.22	Two units: one above the other	N	N		N
11.31	Apartments: walk-up	N	N		N
11.32	Apartment: elevator	N	N		N
12	Group quarters	N	N		N
13	Residential hotels	N	N		N
14	Mobile home parks or courts	N	N		N
15	Transient lodgings	N	N		N
16	Other residential	N	N		N
20	Manufacturing 3				
21	Food and kindred products; manufacturing	N	N	Y	Maximum FAR 0.56 IN APZ II
22	Textile mill products; manufacturing	N	N	Y	Maximum FAR 0.56 IN APZ II
23	Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing	N	N		N
24	Lumber and wood products (except furniture); manufacturing	N	Y	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
25	Furniture and fixtures; manufacturing	N	Y	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
26	Paper and allied products; manufacturing	N	Y	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
27	Printing, publishing, and allied industries	N	Y	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
28	Chemicals and allied products; manufacturing	N		N	N
29	Petroleum refining and related industries	N	N		N
31	Rubber and miscellaneous plastic products; manufacturing	N	N		N
32	Stone, clay, and glass products; manufacturing	N	N	Y	Maximum FAR 0.56 in APZ II
33	Primary metal products;	N	N	Y	Maximum FAR



SLUCM NO.	LAND USE NAME	CLEAR ZONE	APZ-I	APZ-II	DENSITY
	manufacturing				0.56 in APZ II
34	Fabricated metal products; manufacturing	N	N	Y	Maximum FAR of 0.56 in APZ II
35	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks	N		N	N
39	Miscellaneous manufacturing	N	Y	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
40	Transportation, communication, and utilities <sup>3, 4</sup>				
41	Railroad, rapid rail transit, and street railway transportation	N	Y <sub>6</sub>	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
42	Motor vehicle transportation	N	Y <sub>6</sub>	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
43	Aircraft transportation	N	Y <sub>6</sub>	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
44	Marine craft transportation	N	Y <sub>6</sub>	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
45	Highway and street right-of-way	Y <sub>5</sub>	Y <sub>6</sub>	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
46	Automobile parking	N	Y <sub>6</sub>	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
47	Communication	N	Y <sub>6</sub>	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
48	Utilities <sup>7</sup>	N	Y <sub>6</sub>	Y <sub>6</sub>	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
48.5	Solid waste disposal (landfills, incinerators, etc.)	N		N	N
49	Other transportation, communication, and utilities	N	Y <sub>6</sub>	Y	See Note 6 below
50	Trade				
51	Wholesale trade	N	Y	Y	Maximum FAR of 0.28 in APZ I & .56 in APZ II
52	Retail trade – building materials, hardware and farm equipment	N	Y	Y	See Note 8 below
53	Retail trade <sup>9</sup> – including shopping centers, discount clubs, home improvement stores, electronics superstores, etc.	N	N	Y	Maximum FAR of 0.16 in APZ II

54	Retail trade – food	N	N	Y	Maximum FAR of 0.24 in APZ II
<b>SLUCM NO.</b>	<b>LAND USE NAME</b>	<b>CLEAR ZONE</b>	<b>APZ-I</b>	<b>APZ-II</b>	<b>DENSITY</b>
55	Retail trade – automotive, marine craft, aircraft, and accessories	N	Y	Y	Maximum FAR of 0.14 in APZ I & 0.28 in APZ II
56	Retail trade – apparel and accessories	N	N	Y	Maximum FAR of 0.28 in APZ II
57	Retail trade – furniture, home, furnishings and equipment	N	N	Y	Maximum FAR of 0.28 in APZ II
58	Retail trade – eating and drinking establishments	N		N	N
59	Other retail trade	N	N	Y	Maximum FAR of 0.16 in APZ II
60	Services				
61	Finance, insurance and real estate services	N	N	Y	Maximum FAR of 0.22 in APZ II
62	Personal services	N	N	Y	Office uses only. Maximum FAR of 0.22 in APZ II.
62.4	Cemeteries	N	Y <sup>11</sup>	Y <sup>11</sup>	
63	Business services (credit reporting; mail, stenographic, reproduction; advertising)	N	N	Y	Maximum FAR of 0.22 in APZ II
63.7	Warehousing and storage services <sup>12</sup>	N	Y	Y	Maximum FAR of 1.0 in APZ I; 2.0 in APZ II
64	Repair Services	N	Y	Y	Maximum FAR of 0.11 APZ I; 0.22 in APZ II
65	Professional services	N	N	Y	Maximum FAR of 0.22 in APZ II
65.1	Hospitals, nursing homes	N	N	N	
65.1	Other medical facilities	N	N	N	
66	Contract construction services	N	Y	Y	Maximum FAR of 0.11 APZ I; 0.22 in APZ II
67	Government Services	N	N	Y	Maximum FAR of 0.24 in APZ II
68	Educational services	N	N	N	
68.1	Child care services, child development centers, and nurseries	N	N	N	
69	Miscellaneous	N	N	Y	Maximum FAR of 0.22 in APZ II
69.1	Religious activities	N	N		N
70	Cultural, entertainment and recreational				
71	Cultural activities	N	N	N	
71.2	Nature exhibits	N	Y <sup>13</sup>	Y <sup>13</sup>	
72	Public assembly	N	N	N	
72.1	Auditoriums, concert halls	N	N	N	
72.11	Outdoor music shells,	N	N	N	

	amphitheaters				
72.2	Outdoor sports arenas, spectator sports	N	N	N	
<b>SLUCM NO.</b>	<b>LAND USE NAME</b>	<b>CLEAR ZONE</b>	<b>APZ-I</b>	<b>APZ-II</b>	<b>DENSITY</b>
73	Amusements – fairgrounds, miniature golf, driving ranges; amusement parks, etc.	N	N	CUP Occupancy density shall not exceed 180/net acre	
74	Recreational activities (including golf courses, riding stables, water recreation)	N	Y <sub>13</sub>	Y <sub>13</sub>	Maximum FAR of 0.11 in APZ I; 0.22 in APZ II
75	Resorts and group camps	N	N	N	
76	Parks	N	Y <sub>13</sub>	Y <sub>13</sub>	Maximum FAR of 0.11 in APZ I; 0.22 in APZ II
79	Other cultural, entertainment and recreation	N	Y <sub>11</sub>	Y <sub>11</sub>	Maximum FAR of 0.11 in APZ I; 0.22 in APZ II
80	Resource production and extraction				
81	Agriculture (except live stock)	Y <sub>4</sub>	Y <sub>14</sub>	Y <sub>14</sub>	
81.5, 81.7	Livestock farming and breeding	N	Y <sub>14,15</sub>	Y <sub>14,15</sub>	
82	Agriculture related activities	N	Y <sub>14</sub>	Y <sub>14</sub>	Maximum FAR of 0.28 in APZ I; 0.56 in APZ II, no activity which produces smoke, glare, or involves explosives
83	Forestry activities <sup>16</sup>	N	Y	Y	Maximum FAR of 0.28 in APZ I; 0.56 in APZ II, no activity which produces smoke, glare, or involves explosives
84	Fishing activities <sup>17</sup>	N <sup>17</sup>	Y	Y	Maximum FAR of 0.28 in APZ I; 0.56 in APZ II, no activity which produces smoke, glare, or involves explosives
85	Mining activities <sup>18</sup>	N	Y <sub>18</sub>	Y <sub>18</sub>	Maximum FAR of 0.28 in APZ I; 0.56 in APZ II, no activity which produces smoke, glare, or involves explosives

89	Other resource production or extraction	N	Y	Y	Maximum FAR of 0.28 in APZ I; 0.56 in APZ II, no activity which produces smoke, glare, or involves explosives
<b>SLUCM NO.</b>	<b>LAND USE NAME</b>	<b>CLEAR ZONE</b>	<b>APZ-I</b>	<b>APZ-II</b>	<b>DENSITY</b>
90	Other				
91	Undeveloped land	Y	Y	Y	
93	Water areas	N <sub>19</sub>	N <sub>19</sub>	N <sub>19</sub>	

**KEY TO TABLE 1 – LAND USE COMPATIBILITY IN APZS**

SLUCM – Standard Land Use Coding Manual, U.S. Department of Transportation

Y (Yes) – Land uses and related structures are normally compatible without restriction

N (No) – Land use and related structures are not normally compatible and should be prohibited.

Y<sub>x</sub> – Yes with restrictions. The land uses and related structures are generally compatible. However, see notes indicated by the superscript.

N<sub>x</sub> – No with exceptions. The land uses and related structures are generally incompatible. However, see notes indicated by the superscript.

FAR – Floor Area Ratio. A floor area ratio is the ratio between the square feet of floor area of the building and the gross site area. It is customarily used to measure non-residential intensities.

Dw/Ac – Dwelling Units an Acre. This is customarily used to measure residential densities.

**NOTES FOR TABLE 1 – LAND USE COMPATIBILITY IN APZS**

1. A "Yes" or a "No" designation for compatible land use is to be used only for general comparison. Within each, uses exist where further evaluation may be needed in each category as to whether it is clearly compatible, normally compatible, or not compatible due to the variation of densities of people and structures.

2. Intentionally omitted.

3. Other factors to be considered: Labor intensity, structural coverage, explosive characteristics, air-pollution, electronic interference with aircraft, height of structures, and potential glare to pilots.

4. No structures (except airfield lighting and navigational aids necessary for the safe operation of the airfield when there are no other siting options), buildings, or above-ground utility and communications lines should normally be located in Clear Zone areas on or off the air installation. The Clear Zone is subject to the most severe restrictions.

5. Rights-of-way for fenced highways, without sidewalks or bicycle trails, are allowed.

6. No above ground passenger terminals and no above ground power transmission or distribution lines. Prohibited power lines include high-voltage transmission lines and distribution lines that provide power to cities, towns, or regional power for unincorporated areas.

7. Development of renewable energy resources, including solar and geothermal facilities and wind turbines, may impact military operations through hazards to flight or electromagnetic interference. Each new development should be analyzed for compatibility issues on a case-by-case basis that considers both the proposal and potentially affected mission.

8. Within SLUCM Code 52, maximum FARs for lumberyards (SLUCM Code 521) are 0.20 in APZ-I and 0.40 in APZ-II. For hardware, paint, and farm equipment stores, SLUCM Code 525, the maximum FARs are 0.12 in APZ I and 0.24 in APZ II.

9. A shopping center is an integrated group of commercial establishments that is planned, developed, owned, or managed as a unit. Shopping center types include strip, neighborhood, community, regional, and super-regional facilities anchored by small businesses, a supermarket or drug store, discount retailer, department store, or several department stores, respectively. Included in this category are such uses as big box discount clubs, home improvement superstores, office supply superstores, and electronics superstores. The maximum recommended FAR for SLUCM 53 should be applied to the gross leasable area of the shopping center rather than attempting to use other recommended FARs listed in Table 1 under Retail or Trade.

10. Ancillary uses such as meeting places, auditoriums, etc., are not recommended.

11. No chapels or houses of worship are allowed within APZ I or APZ II.

12. Big box home improvement stores are not included as part of this category.

13. Facilities must be low intensity, and provide no playgrounds, etc. Facilities such as club houses, meeting places, auditoriums, large classes, etc., are not recommended.

14. Livestock grazing is a compatible land use, but feedlots and intensive animal husbandry are excluded. Activities that attract concentrations of birds creating a hazard to aircraft operations should be excluded.

15. Feedlots and intensive animal husbandry are included as compatible land uses.
16. Lumber and timber products removed due to establishment, expansion, or maintenance of Clear Zone lands owned in fee will be disposed of in accordance with applicable DoD guidance.
17. Controlled hunting and fishing may be permitted for the purpose of wildlife management.
18. Surface mining operations that could create retention ponds that may attract waterfowl and present bird/wildlife aircraft strike hazards (BASH), or operations that produce dust or light emissions that could affect pilot vision are not compatible.
19. Naturally occurring water features (e.g., rivers, lakes, streams, wetlands) are pre-existing, nonconforming land uses. Naturally occurring water features that attract waterfowl present a potential BASH. Actions to expand naturally occurring water features or construction of new water features should not be encouraged. If construction of new features is necessary for storm water retention, such features should be designed so that they do not attract water fowl.

**Section 14.** Added Section. 17.16.120 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.120 Military Impact Areas**

Proposed uses in the Military Impact Areas zones shall be in accordance with the Land Uses contained in 17.16.120, Table 2.

**17.16.120 Table 2. Land Use Regulations in Noise Zones**

LAND USE		LAND USE COMPATIBILITY				
SLUCM NO.	LAND USE NAME	DNL or CNEL 65-69	DNL or CNEL 70-74	DNL or CNEL 75-79	DNL or CNEL 80-84	DNL or CNEL 85+
10	Residential	N <sub>1</sub>	N	N	N	N
11	Household units	N <sub>1</sub>	N	N	N	N
11.11	Single units: detached	N <sub>1</sub>	N	N	N	N
11.12	Single units: semidetached	N <sub>1</sub>	N	N	N	N
11.13	Single units: attached row	N <sub>1</sub>	N	N	N	N
11.21	Two units: side-by-side	N <sub>1</sub>	N	N	N	N
11.22	Two units: one above the other	N <sub>1</sub>	N	N	N	N
11.31	Apartments: walk-up	N <sub>1</sub>	N	N	N	N
11.32	Apartment: elevator	N <sub>1</sub>	N	N	N	N
12	Group quarters	N <sub>1</sub>	N	N	N	N
13	Residential hotels	N <sub>1</sub>	N	N	N	N
14	Mobile home parks or courts	N	N	N	N	N
15	Transient lodgings	N <sub>1</sub>	N	N	N	N
16	Other residential	N <sub>1</sub>	N	N	N	N
20	Manufacturing					
21	Food and kindred products; manufacturing	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
22	Textile mill products; manufacturing	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
23	Apparel and other finished products; products made from fabrics, leather, and similar materials; manufacturing	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
24	Lumber and wood products (except furniture); manufacturing	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N

25	Furniture and fixtures; manufacturing	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
<b>LAND USE</b>		<b>LAND USE COMPATIBILITY</b>				
<b>SLUCM NO.</b>	<b>LAND USE NAME</b>	<b>DNL or CNEL 65-69</b>	<b>DNL or CNEL 70-74</b>	<b>DNL or CNEL 75-79</b>	<b>DNL or CNEL 80-84</b>	<b>DNL or CNEL 85+</b>
26	Paper and allied products; manufacturing	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
27	Printing, publishing, and allied industries	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
28	Chemicals and allied products; manufacturing	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
29	Petroleum refining and related industries	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
30	Manufacturing (continued)					
31	Rubber and misc. plastic products; manufacturing	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
32	Stone, clay and glass products; manufacturing	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
33	Primary metal products; manufacturing	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
34	Fabricated metal products; manufacturing	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
35	Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks	Y	25	30	N	N
39	Miscellaneous manufacturing	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
40	Transportation, communication and utilities					
41	Railroad, rapid rail transit, and street railway transportation	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
42	Motor vehicle transportation	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
43	Aircraft transportation	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
44	Marine craft transportation	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
45	Highway and street right- of-way	Y	Y	Y	Y	N
46	Automobile parking	Y	Y	Y	Y	N
47	Communication	Y	25 <sub>s</sub>	30 <sub>s</sub>	N	N
48	Utilities	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
49	Other transportation, communication and utilities	Y	25 <sub>s</sub>	30 <sub>s</sub>	N	N
50	Trade					
51	Wholesale trade	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
52	Retail trade – building materials, hardware and farm equipment	Y	25	30	Y <sub>4</sub>	N
53	Retail trade – including shopping centers, discount clubs, home	Y	25	30	N	N

	improvement stores, electronics superstores, etc.					
LAND USE		LAND USE COMPATIBILITY				
SLUCM NO.	LAND USE NAME	DNL or CNEL 65-69	DNL or CNEL 70-74	DNL or CNEL 75-79	DNL or CNEL 80-84	DNL or CNEL 85+
54	Retail trade – food	Y	25	30	N	N
55	Retail trade – automotive, marine craft, aircraft and accessories	Y	25	30	N	N
56	Retail trade – apparel and accessories					
57	Retail trade – furniture, home, furnishings and equipment					
58	Retail trade – eating and drinking establishments	Y	25	30	N	N
59	Other retail trade	Y	25	30	N	N
60	Services					
61	Finance, insurance and real estate services	Y	25	30	N	N
62	Personal services	Y	25	30	N	N
62.4	Cemeteries	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4,11</sub>	Y <sub>6,11</sub>
63	Business services	Y	25	30	N	N
63.7	Warehousing and storage	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
64	Repair services	Y	Y <sub>2</sub>	Y <sub>3</sub>	Y <sub>4</sub>	N
65	Professional services	Y	25	30	N	N
65.1	Hospitals,	CUP	N	N	N	N
65.2	Other medical facilities	25	30	N	N	N
65.16	Nursing homes	CUP	N	N	N	N
66	Contract construction services	Y	25	30	N	N
67	Government services	Y <sub>1</sub>	25	30	N	N
68	Educational services	CUP	N	N	N	N
68.1	Child care services, child development centers, and nurseries	CUP	N	N	N	N
69.1	Religious activities	CUP	CUP	N	N	N
70	Cultural, entertainment and recreational					
71	Cultural activities	CUP	CUP	N	N	N
71.1	Churches	CUP	N	N	N	N
71.2	Nature exhibits	Y <sub>1</sub>	N	N	N	N
72	Public assembly	CUP	N	N	N	N
72.1	Auditoriums, concert halls	CUP	N	N	N	N
72.11	Outdoor music shells, amphitheaters	CUP	N	N	N	N
72.2	Outdoor sports arenas, spectator sports	CUP	CUP	N	N	N
73	Amusements	CUP	CUP	N	N	N
74	Recreational activities (including golf courses, riding stables, water recreation)	Y	25	30	N	N
75	Resorts and group camps	CUP	N	N	N	N
76	Parks	Y	25	N	N	N

LAND USE		LAND USE COMPATIBILITY				
SLUCM NO.	LAND USE NAME	DNL or CNEL 65-69	DNL or CNEL 70-74	DNL or CNEL 75-79	DNL or CNEL 80-84	DNL or CNEL 85+
81	Agriculture (except live stock)	Y <sub>8</sub>	Y <sub>9</sub>	Y <sub>10</sub>	Y <sub>10,11</sub>	Y <sub>10,11</sub>
81.5	Livestock farming	Y <sub>8</sub>	Y <sub>9</sub>	N	N	N
81.7	Animal breeding	Y <sub>8</sub>	Y <sub>9</sub>	N	N	N
82	Agriculture related activities	Y <sub>8</sub>	Y <sub>9</sub>	Y <sub>10</sub>	Y <sub>10,11</sub>	Y <sub>10,11</sub>
83	Forestry activities	Y <sub>8</sub>	Y <sub>9</sub>	Y <sub>10</sub>	Y <sub>10,11</sub>	Y <sub>10,11</sub>
84	Fishing activities	Y	Y	Y	Y	Y
85	Mining activities	Y	Y	Y	Y	Y
89	Other resource production or extraction	Y	Y	Y	Y	Y

KEY TO TABLE 2 – LAND USE COMPATIBILITY IN NOISE ZONES

SLUCM – Standard Land Use Coding Manual, U.S. Department of Transportation

Y (Yes) – Land use and related structures compatible without restrictions.

N (No) – Land use and related structures are not compatible and should be prohibited.

Y<sub>x</sub> – Yes with restrictions. The land use and related structures generally are compatible. However, see note(s) indicated by the superscript.

N<sub>x</sub> – No with exceptions. The land use and related structures are generally incompatible. However, see note(s) indicated by the superscript.

25, 30, or 35 – The numbers refer to noise level reduction (NLR) levels. NLR (outdoor to indoor) is achieved through the incorporation of noise attenuation into the design and construction of a structure. Land use and related structures are generally compatible; however, measures to achieve NLR of 25, 30, or 35 must be incorporated into design and construction of structures. However, measures to achieve an overall noise reduction do not necessarily solve noise difficulties outside the structure and additional evaluation is warranted. Also, see notes indicated by superscripts where they appear with one of these numbers.

DNL – Day-Night Average Sound Level.

CNEL – Community Noise Equivalent Level (normally within a very small decibel difference of DNL)

Ldn – Mathematical symbol for DNL.

NOTES FOR TABLE 2 – LAND USE COMPATIBILITY IN NOISE ZONES

1. General

- a. Although local conditions regarding the need for housing may require residential use in these zones, residential use is discouraged in DNL 65-69 and generally prohibited in DNL 70-74. Existing residential development is considered as pre-existing, non-conforming land uses. Consistent with 17.16.140 (A), an evaluation shall be conducted prior to permit approvals, indicating that a demonstrated community need for residential use would not be met if development were prohibited in these zones, and that there are no viable alternative locations. Along with a demonstration of community need, the applicant shall submit a noise study for the subject property demonstrating that 69 Ldn is not exceeded on a recurring basis. The noise study shall be performed by a sound engineer taking cumulative measurements over a seven (7) day period.
- b. Where non-conforming residential uses are allowed to rebuild or are permitted under the provisions of section 17.16.130 and the community determines that these uses must be allowed, measures to achieve outdoor to indoor NLR of at least 25 decibels (dB) in DNL 65-69 and 30 dB in DNL 70-74 should be incorporated into building codes and be considered in individual approvals; for transient housing, an NLR of at least 35 dB should be incorporated in DNL 75-79.
- c. Normal permanent construction can be expected to provide an NLR of 20 dB, thus the reduction requirements are often stated as 5, 10, or 15 dB over standard construction and normally assume mechanical ventilation, upgraded sound transmission class ratings in windows and doors, and closed windows year round. Additional consideration should be given to modifying NLR levels based on peak noise levels or vibrations.
- d. NLR criteria will not eliminate outdoor noise problems. However, building location, site planning, design, and use of berms and barriers can help mitigate outdoor noise exposure particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures that only protect interior spaces.



2. Measures to achieve NLR of 25 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.
3. Measures to achieve NLR of 30 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.
4. Measures to achieve NLR of 35 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.
5. If project or proposed development is noise sensitive, use indicated NLR; if not, land use is compatible without NLR.
6. Buildings are not permitted.
7. Land use is compatible provided special sound reinforcement systems are installed.
8. Residential buildings require an NLR of 25
9. Residential buildings require an NLR of 30.
10. Residential buildings are not permitted.
11. Land use that involves outdoor activities is not recommended, but if the community allows such activities, hearing protection devices should be worn when noise sources are present. Long-term exposure (multiple hours per day over many years) to high noise levels can cause hearing loss in some unprotected individuals.

**Section 15.** Added Section. 17.16.130 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.130 Use Determinations**

It is recognized that all possible uses and variations of uses cannot be reasonably listed in Table 1 in Section 17.16.110 and Table 2 in Section 17.16.120. Any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in Table 1. If the proposed use resembles uses specified in Table 1 and Table 2, in terms of intensity and character, it shall be considered as a permitted/non-permitted use within the Clear Zone or Accident Potential Zones or applicable sound contours. If such use is deemed to be a permitted use such use shall be subject to the development standards applicable to the use it most nearly resembles. If a use does not resemble other identified allowable uses within a matrix, it may be permitted as determined by an amendment to this chapter.

**Section 16.** Added Section. 17.16.140 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.140 Compatible Uses and Densities**

This Section specifies additional requirements in addition to those listed in 17.16.110, Table 1 and 17.16.120, Table 2, for uses allowed in the Military Influence Areas 3/4. If these requirements conflict with the requirements applicable to the Clear and Accident Potential Zones specified in Sections 17.16.080-17.16.110, or those listed in 17.16.120, Table 1, above, then the more restrictive requirements apply.

The use and activity categories and associated density maximums and limitations are as follows:

**A. Residential Uses.**

New or expanded residential development is generally prohibited in MIA 3/4. Except for property located in Clear Zone, APZ I or II, if prior to the adoption date of this chapter the property was either in a residential zone or subdivided for residential use, such properties may be developed as provided in the underlying zone. Proposed multi-family or mixed-use developments identified as "CUP MF Res Potentially Allowed" properties, on the adopted Appendix B, "Commercial Zoned Properties Potentially Available for CUP MF Residential Development" Map, may be permitted through a conditional use permit, subject to the provisions of the underlying zone. Additional regulations and development standards, as found in the specific chapters of the City of Airway Heights Municipal Code, Title 17, apply to any developments proposed within the JLUS Overlay. Motels, hotels, and boarding houses where occupancy is arranged for longer than 30 days are considered residential uses.

1. Residential densities shall not exceed the density allowed by the underlying zone adopted prior to adoption of this Chapter. For multi-family or mixed-use developments, density shall be between 10 to 20 units per acre.

2. All allowed residences shall comply with all requirements of this chapter to include any sound reduction requirements, as found in the 2005 Department of the Navy "Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations", produced by the Wyle Research Group, April, 2005, notification of aviation activities, and aviation easements. Also, accessory dwelling units (ADUs) may be permitted on non-residentially zoned properties, provided the ADU is secondary to an industrial or commercial use, such as security or custodial quarters, and is necessary to the security or operational safety of the facility. Such uses require a conditional use permit.
3. Any permitted residential units shall be located on the section of the property farthest from the operational flight path or runway centerline alignment.
4. Any permitted residential units shall have appropriate sound mitigation, aviation easement (where appropriate due to overflight), a real-estate notice with a nuisance covenant waiving liability and damages resulting from noise generated by aviation activities. The aviation easement shall grant FAFB the right to occupy airspace above the property to the extent such airspace is located within MIA 3/4. The real estate notice and a nuisance waiver shall be signed by the property owner, its successors, assigns, lessees, occupants, invitees, and all other persons on the property who agree to unconditionally waive the right to make a claim, suit or bring a cause of action against FAFB or the City of Airway Heights for any injury, damage or annoyance caused by aircraft operations.

**B. High-Intensity Non-Residential Uses.**

High-intensity uses are uses that encourage substantial concentrations of people exceeding 180 persons per net acre and are deemed incompatible with Fairchild AFB. These uses are deemed incompatible because of their potential to put a large number of people in harm's way. Hotels and motels in which occupancy is arranged for over 30 days are deemed residential uses. Additional regulations and development standards, as found in the specific chapters of the City of Airway Heights Municipal Code, Title 17, apply to any developments proposed within the JLUS Overlay.

1. New or expanded commercial and industrial uses that result in a net density exceeding 180 persons per net acre are not permitted in the 75 LdN and require a conditional use permit in the remainder of the MIA 3/4.
2. Non-aviation related museums, stadiums, race tracks, amphitheaters and arenas are not permitted in sound contours exceeding 69 LdN. Such uses proposed in 65-69 LdN require a conditional use permit, as provided for in AHMC 17.03.100 and in Section 17.16.140 of this Chapter..
3. Amusement parks, resorts, group camps, public assembly, concert halls, colleges and universities, religious institutions, hotels and motels, entertainment uses and cultural facilities are not permitted within the LdN 75 or higher contours and require a conditional use permit. All other High Intensity Uses are allowed when permitted by the underlying zoning at a net density not exceeding one hundred eighty persons per acre, calculated by dividing the building code occupancy of all structures on the site by the acreage of the subject site, not including property that has been dedicated as right-of-way.
4. In sound contours less than 75 LdN (65 LdN – 74 LdN), an applicant may request to develop a project that exceeds the 180 persons per net acre occupancy provided:
  - a. The proposal is not located in the area shown on the Appendix B, "Commercial Zoned Properties Potentially Available for CUP MF Residential Development" Map as "High-Intensity Non-Residential Uses Prohibited".
  - b. The proposal is sent to FAFB for review and comment, as set forth in 17.16.140(H), and is not located in the Clear Zone and APZs.
  - c. The applicant has applied for and received a conditional use permit (CUP), as provided for in AHMC 17.03.100 and in Section 17.16.140 of this Chapter.
5. For the purpose of this subsection, density shall be calculated by dividing the building code occupancy of all structures on the site by the acreage of the subject site, not including property that has been dedicated as right-of-way.

**C. Low Intensity Non Residential Uses.**

Low intensity non residential uses do not concentrate people or hazardous materials into small areas, are not sensitive to loud noise and do not directly or indirectly inhibit aviation operations. Additional regulations and development standards, as found in the specific chapters of the City of Airway Heights Municipal Code, Title 17, apply to any developments proposed within the JLUS Overlay.

1. Non residential uses where density does not exceed 180 persons per net acre are deemed to be compatible with Fairchild Air Force Base and are permitted in MIA 3/4 subject to the Airway Heights Zoning Map.
2. In sound contours less than 75 LdN (65 LdN – 74 LdN), an applicant may request to develop a project that exceeds the 180 persons per net acre occupancy provided:
  - a. It is sent to FAFB for review and comment
  - b. It has applied for and received a conditional use permit (CUP), as provided for in AHMC 17.03.100 and in Section 17.16.140 of this Chapter
3. For the purpose of this subsection density shall be calculated by dividing the building code occupancy of all structures on the site by the acreage of the subject site not including property that has been dedicated as right-of-way.

**D. Vulnerable Occupant Uses.**

Vulnerable occupant uses are uses in which a majority of occupants are children, elderly or disabled or other people who have reduced mobility or are unable to timely respond to emergencies or avoid harm's way. Examples of vulnerable occupant uses include daycare centers, family daycares, schools (preschool-12), hospitals, adult care and other health care facilities where anesthesia is used or patients remain overnight, correctional facilities, retirement homes, nursing homes, convalescent facilities and assisted living care residences. Additional regulations and development standards, as found in the specific chapters of the City of Airway Heights Municipal Code, Title 17, apply to any developments proposed within the JLUS Overlay.

1. Uses with vulnerable occupants are allowed outside the LdN 75 contour when permitted in the underlying zone at a net density not exceeding 180 persons per net acre calculated by dividing the building code occupancy of all structures on the site. Retirement homes, nursing homes, convalescent facilities, assisted living care residences, hospitals and schools (preschool-12) are not permitted in sound contours exceeding 69 LdN or the approach/departure flight path of FAFB operations. Any such use seeking to locate in sound contours exceeding 64 LdN shall require a conditional use permit, as provided for in AHMC 17.03.100 and in Section 17.16.140 of this Chapter
2. For the purpose of this subsection density shall be calculated by dividing the building code occupancy of all structures on the site by the acreage of the subject site not including property that has been dedicated as right-of-way.

**E. Critical Community Infrastructure**

Critical Community Infrastructure includes facilities whereby damage or destruction of which would cause significant adverse effects to public health and welfare within or beyond the immediate vicinity of the facility. Additional regulations and development standards, as found in the specific chapters of the City of Airway Heights Municipal Code, Title 17, apply to any developments proposed within the JLUS Overlay.

1. Examples of critical community infrastructure include police stations, fire stations, emergency communication facilities, power plants and waste water treatment facilities. Critical community infrastructure is permitted in MIA 3/4 provided that the use is consistent with the underlying zone.
2. For the purpose of this subsection density shall be calculated by dividing the building code occupancy of all structures on the site by the acreage of the subject site not including property that has been dedicated as right-of-way.

**F. Hazardous Uses**

Hazardous Uses are uses that release discharge into the air such as smoke, steam or particulates that impair aircraft pilot visibility, uses that have above ground hazardous materials storage or uses that require the storage of large quantities of hazardous (flammable, explosive, corrosive or toxic) materials that have the potential to exacerbate an aircraft accident, or uses that attract wildlife hazardous to military aircraft. Additional regulations and development standards, as found in the specific chapters of the City of Airway Heights Municipal Code, Title 17, apply to any developments proposed within the JLUS Overlay.

1. Examples of hazardous uses include above ground chemical or fuel storage exceeding household quantities, mining and any uses that have open water that acts as an attraction to birds and thereby creates a bird-aircraft strike hazard.
2. Hazardous Uses may be allowed as a conditional use permit if the Hearing Examiner, after consulting with Fairchild AFB, finds that the proposed use will not create a hazard for military aircraft operations and the underlying zone allows the use. The Hearing Examiner may apply such reasonable conditions to the conditional use to assure that the use is compatible with Fairchild AFB.

3. Helipads that are not designated as, and/or do not serve, a military purpose, are not permitted

**G. Accessory Uses**

Uses which are identified as a prohibited use as a stand-alone use by the underlying zone are not allowed as an accessory use to a permitted use. For example where a daycare use is prohibited it is not allowed as an accessory use to a permitted use such as an office. Additional regulations and development standards, as found in the specific chapters of the City of Airway Heights Municipal Code, Title 17, apply to any developments proposed within the JLUS Overlay.

**H. Non-residential density**

For the purpose of this subsection the calculated density shall be no greater than one hundred eighty persons per individual acre after subtracting public rights-of-way. However, in consultation with Fairchild AFB officials, alternatives to this calculation may be allowed by the Planning Director if it is deemed to be compatible with the mission of Fairchild AFB. For the purpose of this section, the terminology "consultation" shall mean written notification by the director to Fairchild AFB officials of a project proponent's proposed alternative calculations and consideration by the director of any comments received from Fairchild AFB officials within fifteen days of the officials' receipt of notice of a proposed alternative. Fairchild AFB shall notify the Planning Director within 15-calendar days of receipt of the notification that there is a potential concern with the applicant's request. Such notice, received either in writing or via e-mail, will automatically trigger a 30-day review period, for a total review time of 45-calendar days, to provide Fairchild AFB reviewers adequate time to review and comment on the project. If the Planning Director receives no comment from Fairchild Air Force Base within the initial 15-day comment period, then the Planning Department shall presume that the proposal does not create a concern for Fairchild AFB. Also, any such request shall additionally require a conditional use permit as provided for in AHMC 17.03.100 and in Section 17.16.140 of this Chapter.

**Section 16.** Added Section. 17.16.150 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.150 Review of Permitted Uses and Conditional Use Permits locating in MIA 3/4 –Application of Reasonable Conditions**

- A. The Department shall review applications for compliance with the applicable requirements of this Chapter.
- B. The Director may require a detailed site development plan to include but not be limited to a written description and illustration of site development, specific placement of all site improvements, height of improvements and other site alterations for the development. The information shall include sufficient detail to enable the Department or the Hearing Examiner to determine that the proposal is compatible with current and future operations of FAFB and all requirements of this Chapter.
- C. The Director or the Hearing Examiner in regards to a conditional use permit may attach reasonable conditions to the approval of use as necessary to assure consistency with this Chapter and compatibility with Fairchild Air Force Base. Conditions may address but not be limited to the following:
  1. establishment of buffers
  2. site specific building placement and enclosures
  3. vegetation removal and limitations on vegetation heights
  4. location and installation of utilities
  5. post development management and operations
  6. structural design
  7. structural height, location and orientation
  8. light and glare suppression
  9. birdlife suppression
  10. air emissions abatement
  11. limitations on communication equipment
  12. other reasonable conditions or safeguards that will uphold the purpose and intent of this Chapter to protect Fairchild Air Force Base consistent with Comprehensive Plan Goals and Policies.

13. sound attenuation

D. The Director or the Hearing Examiner, whichever applies, will seek comment and recommendations from the Fairchild Air Force Base Installation Commander pursuant to section C(12) above.

**Section 17.** Added Section. 17.16.160 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.160 Exemptions – MIA 3/4**

Necessary military or aviation facilities, air navigation facilities, airport visual approach or aircraft arresting devices, meteorological devices, aviation industry related maintenance, military aviation training and education facilities approved by the Federal Aviation Administration (FAA) or the Department of Defense, for which the location and height is fixed by its functional purpose are exempt from the provisions of the Fairchild Overlay Zone when permitted in the underlying zoning district, provided that the use will not penetrate the UFC 3-260-01 imaginary surfaces, attract wildlife that is hazardous to aviation, adversely impact base operations, or create a safety impact as determined by the Base Commander.

**Section 18.** Added Section. 17.16.170 of the Airway Heights Municipal Code is hereby added to read as follows:

**17.16.170 Conflict with Underlying Zone Requirements**

The “JLUS Protections for Fairchild Air Force Base” serve as an overlay district that applies additional standards and requirements to properties located within the underlying zoning designations. Where a requirement from this chapter overlaps or is in conflict with the underlying zone requirements, the most restrictive requirement applies.

**Section 19.** Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, section, clause or phrase of this ordinance.

**Section 20.** Effective Date. This ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.


**INTRODUCED** the 3<sup>rd</sup> day of December, 2012.

**PASSED** by the City Council of the City of Airway Heights this 17th day of December, 2012.

  
Patrick D. Rushing, Mayor

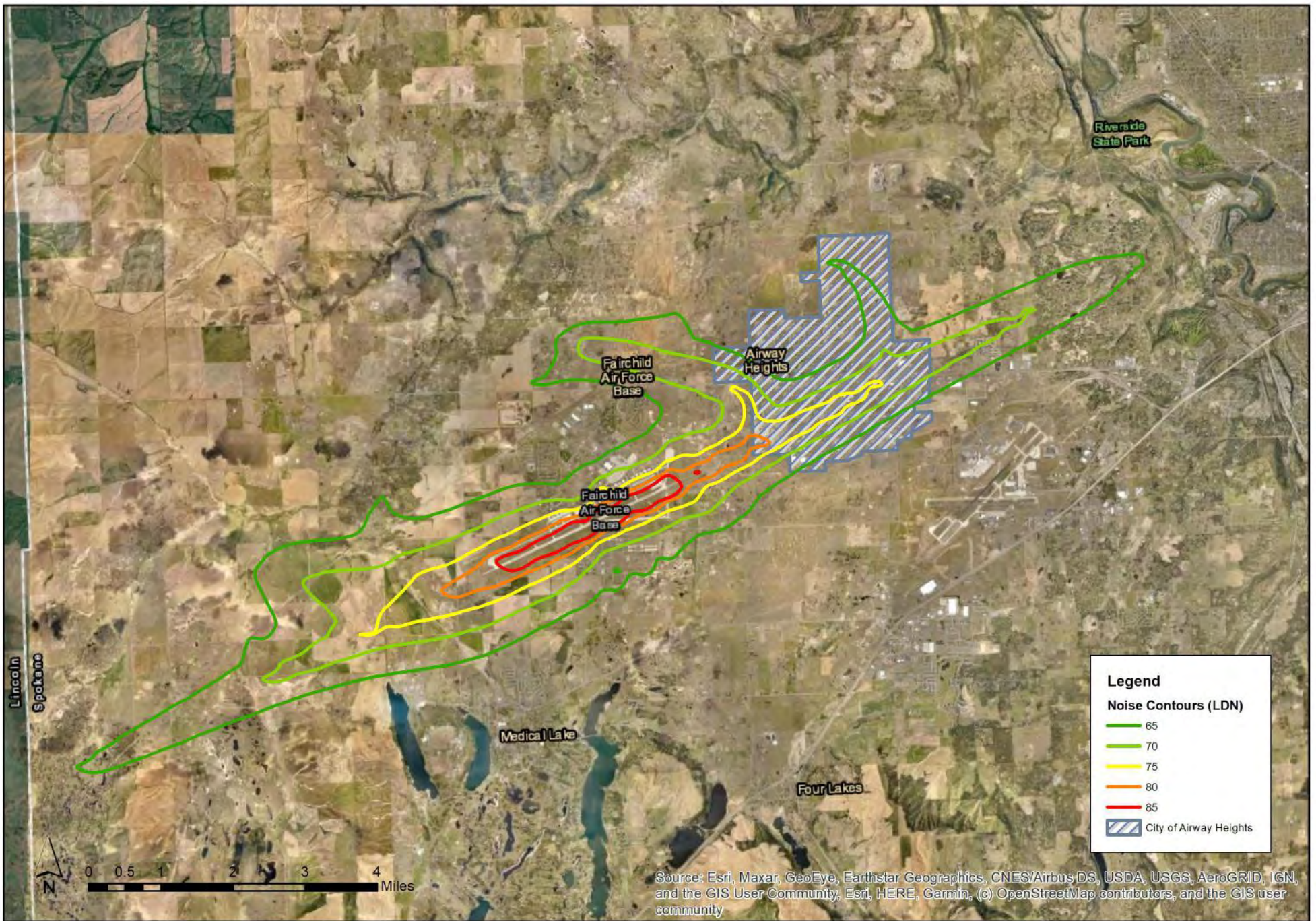
**ATTEST:**

**APPROVED AS TO FORM:**

  
Richard G. Cook, Clerk-Treasurer

  
Stanley M. Schwartz, City Attorney

Date of Publication: December 20, 2012  
Ordinance C-771



1995 AICUZ Noise Contours (AHMC 17.16)