

AIRWAY HEIGHTS PLANNING COMMISSION MEETING

AGENDA

April 13, 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

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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
- XI. Workshops
 - A. 2022 Comprehensive Plan- Housing Densities & Types
- XII. Commissioner Reports
- XIII. Staff Report
 - A. Next Meeting: Wednesday, May 11, 2022
- XIV. Adjournment: _____p.m



**PLANNING COMMISSION
MEETING MINUTES**

Wednesday, March 9, 2022
Location: Digital Zoom Meeting

I. INVOCATION:

None.

II. CALL TO ORDER:

6:00 pm

III. ROLL CALL:

Chair	Kal Patel, Chair	Present
	Mark Collins, Vice Chair	Present
	Angelena Campobasso	Present (Joined at 6:11pm)
	Hank Bynaker	Present
	Stephanie Lamb	Present
Staff Present:	Zachary Becker, Associate Planner	
	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 Lamb moved to approve the minutes for February 9, 2022, motion was seconded by Commissioner Collins, motion passed unanimously.

VII. PUBLIC COMMENT: None.

VIII. PRESENTATION: None.

IX. PUBLIC HEARINGS:

- a. **Electric Fence Ordinance** Due to some late questions from the applicant regarding the draft language, the public hearing was opened and continued to

next month's Planning Commission Meeting. A motion was made by **Commissioner Collins** to continue the Hearing. The motion was seconded by **Commissioner Lamb**. Motion passed unanimously.

X. ACTION ITEMS:

- a. **Selection of City Branding RFP Committee Representative** Associate Planner Zachary Becker briefed the Council on a request for proposals for a rebranding project for the City that would include the creation of a new City logo, as well as, a new City website. Staff is forming a review committee to review potential vendors. **Chair Patel** volunteered to represent the Planning Commission on this committee.

XI. WORKSHOP:

- a. **JLUS Review** Principal Planner Heather Trautman led the Planning Commission members through a review of the Joint Land Use Study (JLUS) adoption process, and more recent City Council review of the current City adopted protections for Fairchild Airforce Base.
- b. **2022 Comprehensive Plan- Final Land Use Alternative** Principal Planner Heather Trautman led the Planning Commission members a discussion on the modifications of the final land use alternative made by the City Council to their previous recommendations to the land use alternative for the 2022 Comprehensive Plan.

XII. COMMISSIONER REPORTS: None.

XIII. STAFF REPORTS: Associate Planner Zachary Becker briefly presented on current planning projects and the current state of the Arts Commission. Principal Planner Heather Trautman reported on the process of obtaining new water rights for the City in the Spokane Valley Rathdrum Prairie Aquifer, and provided updates on Bike/ Pedestrian infrastructure going in along SR 2.

A. Next meeting: April 13, 2022

XIV. ADJOURNMENT:


Chair Patel adjourned the meeting at 6:55 pm

APPROVED:

Kal Patel, Chair

ATTEST:

Heather Trautman, Principal Planner

	CITY OF AIRWAY HEIGHTS PLANNING DEPARTMENT STAFF REPORT	City of Airway Heights Planning Department 13414 W. Sunset Hwy. Airway Heights, WA 99001
Project Name:	Staff Report and Recommended findings for the amendments to AHMC 17.20 Fences and Walls	
To:	Airway Heights Planning Commission	
From:	Zachary Becker, Associate Planner	
Date:	March 9, 2022	
Meeting Date:	April 13, 2022	

PROJECT BACKGROUND

The City of Airway Heights (AWH) is responsible for adopting development standards consistent with the Growth Management Act. This proposal amends Chapter 17.20 Fences and Walls, providing for expanded use of electrified fences and increased fence height for electric fences in non-residential areas in the City.

PROJECT DESCRIPTION

This proposal amends Chapter 17.20 Fences and Walls, providing for expanded use of electrified fences and increased fence height for electric fences in non-residential areas in the City. The proposed criteria are:

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 B.~~ 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 C.~~ 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 D.~~ 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 E.~~ 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)

PUBLIC PARTICIPATION PROCESS

The City of Airway Heights provided public participation consistent with the requirements of AHMC 14.04. Public notice of the Planning Commission Public Hearing was provided on February 17, 2022. The draft of AHMC 17.20 with amendments was circulated to State and Local Agencies on December 30, 2021 and to the Department of Commerce for a 60-day mandatory review. The Determination of Non-significance was issued on February 17, 2022, under the State Environmental Policy Act (SEPA). The City Council public hearing will likely be in May of 2022.

CITY COUNCIL REVIEW PROCESS

Per the Airway Heights Municipal Code 14.02.030 (C), City Council is required to review and act on all Comprehensive Plan, development code, or map changes. After a public hearing conducted by the Planning Commission, Per AHMC 14.05.040, the City Council, following a recommendation from the Planning Commission, shall decide on projects by motion, resolution, or ordinance as appropriate.

PLANNING ANALYSIS

AHMC 14.05.03(D) D. Required Findings. The Planning Commission shall not approve or recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The development is consistent with the Comprehensive Plan and meets the requirements and intent of the development code.

Staff Analysis: The proposed amendments to AHMC 17.20 Fences and Walls providing for expanded use of electrified fences and increased fence height for electric fences in non-residential areas in the City are consistent with the City's Comprehensive Plan (the Plan). The proposed amendments are consistent with the following goals and policies:

G.01 *Grow and sustain a balanced, resilient economy for Airway Heights, providing jobs, community prosperity and fiscal health.*

P.02 *Apply or revise zoning designations with careful consideration of factors including:*

Future land use mapping;

Compatibility with surrounding land uses;

Restrictions in FAFB and airport overlay areas;

Infrastructure and service plans;

Existing and future traffic patterns;

Goals and policies of the comprehensive plan, related master plan and/or facility plans.

P.39 *Maintain police protection in accordance with the Level of Service (LOS) adopted in the City's Capital Improvement Plan (CIP).*

The proposed amendments are consistent with the intent of the development code.

2. The development makes adequate provisions for open space, drainage ways, streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds, and other public utilities.

Staff Analysis: The proposed amendments will not directly result in the creation of open space, drainage, public streets, parks and the extension of water and sewer. This proposal is for a text amendment. Subsequent development would be reviewed for necessary improvements such as streets, drainage, water and sewer as part of the permitting process.

3. The development adequately mitigates adverse environmental impacts identified during environmental review under Chapter [18.01](#) AHMC.

Staff Analysis: A Determination of Non-significance was issued on February 17, 2022, under the State Environmental Policy Act (SEPA) for this proposal.

4. The development is not harmful to the public health, safety and welfare and is in the public interest.

Staff Analysis: This proposal is for a text amendment providing for expanded use of electrified fences and increased fence height for electric fences in non-residential areas in the City. There is no direct development being proposed. This proposal does not include voltages capable of inflicting bodily harm, and will not have a negative impact on public health, safety and welfare of the people of Airway Heights.

5. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the Comprehensive Plan. If the development results in a level of service lower than those set forth in the Comprehensive Plan, the development may be approved if improvements or strategies to raise the level of service above the minimum standard are made concurrent with the development. For the purpose of transportation improvements, “concurrent with the development” is defined as the required improvements or strategies in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six years of approval of the development.

Staff Analysis: This proposal does not include any new development, and will not have a direct impact of the level of service for either transportation or neighborhood park facilities.

6. The area, location, and features of land proposed for dedication as a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development.

Staff Analysis: This proposal does not include any new development, and will not require any dedication of land.

The draft language was provided to the applicant on February 8, 2022, and on March 9, 2022, the applicant, Michael Pate of AMARAK LLC, provided the following questions and comments regarding the draft changes to the fence regulations:

- Regarding AHMC 17.20.010 (H): Section H limits the installation to industrial zones only and prohibits from commercial zones. We already have several businesses in commercial zones that have requested installation of battery powered alarm systems. We would like a permitting protocol that will allow these businesses to protect themselves. Allowing in commercial zones is the path of least resistance.

Staff Analysis: After reviewing allowed uses within the C-1, C-1A, and C-2 zones, staff determined that the current allowed uses within the C-1 and C1-A did not appear to be appropriate for the requested fencing type. The purpose of these zones is to provide for a downtown and downtown transition area with an emphasis on pedestrian scale, non-auto oriented businesses such as office, retail, and civic uses with design standards intended to increase the relationship between buildings and the public right of way. After reviewing allowed uses in the C-2 zone, a zone that is intended for auto oriented and larger destination business and facilities, it appears that the current uses that are identified as conditionally allowed (conditional use permit required (CUP)), may be appropriate for this fence type. The uses include: structured parking if appurtenant to other permitted use; public parking lot; limited industrial; self-storage or warehouse; archery, rifle, pistol, range or club (indoor only); automobile (truck) equipment sales, repair and maintenance; recreational vehicle sales or storage lot/processing; lumberyard, retail; solid waste hauler; and tank storage of critical material (below ground). Staff recommends that the Planning Commission consider amending the draft language to include the ability to apply for a CUP for electric fencing for the uses listed in this section within the C-2 zone.

Additionally, during a follow-up meeting with the applicant regarding this request, the applicant suggested that consistency between the City of Spokane's electric fence regulations and the City of Airway Heights regulations in commercial zones could be achieved by including Commercial Zones (including downtown areas) to the list of areas in which electric fencing was permitted in Airway Heights. After reviewing the City of Spokane's Municipal Code, specifically, SMC 17C.120.310 and SMC 17C.124.310, it appears that fences charged with electricity are not permitted within their Commercial, Centers and Corridors, or Downtown zones.

Also, regarding electrical fence regulation, there are many similarities between the City of Airway Heights proposed regulations and the City of Spokane's current regulations, which can be found under SMC 17C.130.310 (E) Industrial Zone fencing standards, including a requirement for a perimeter fence, fence height of 6 feet for the perimeter fence, a height range for electric fences from 6-10 feet (Airway Heights proposes 8 feet), a screening requirement when adjacent or across the street from a non-residential zone, and further requires compliance with street frontage requirements when across the street or adjacent to a nonresidential zone.

Lastly, there are several additional restrictions found within the City of Spokane's current regulations under SMC 17C.130.310 (E) that are not found within the proposed regulations for the City of Airway Heights, including the limitation for use only for outdoor storage (non-residential), limitations on installation within one hundred fifty (150) feet of a property line for a residence, or from a school, or day care facility, unless the exterior perimeter non-electrified fence is covered with a solid covering (e.g. solid mesh, slats, etc.) to further prevent contact with the electric fence, and limitations on installation within five (5) feet of a sidewalk, trail or other

pedestrian connection unless the exterior perimeter non-electrified fence is covered with a solid covering. Although these regulations are not currently being considered, the Planning Commission may consider amending the draft language to include some or all of these regulations, if deemed appropriate.

- Regarding AHMC 17.20.010 (H)(1)(B)(5): Requiring AHMC 17.22.070 compliance will be extremely difficult and most likely unnecessary. These requirements are for new installation of perimeter fences. Battery powered alarmed fences are installed behind an existing PERMITTED perimeter fence that has already met the requirements of AHMC. Battery Powered alarmed fences are permitted as alarms and should be treated as such per the draft.

Staff Analysis: The proposed language (AHMC 17.20.010 (H)(1)(B)(5)) states “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.” AHMC 17.22.070 Location of required landscaping, provides information on the location and requirement of landscape screening for properties that abut separate zones. The proposed language cross references a requirement that already exists within the code for perimeter landscaping, but may impact placement of new fencing.

- Regarding AHMC 17.20.010 (H)(1)(B)(6): Height limitations are a huge issue and render the devices impotent if restrictions are in place. In order to properly deter crime the height must be 10 feet or two feet taller than the perimeter fence at a minimum.

Staff Analysis: The proposed language (AHMC 17.20.010 (H)(1)(B)(6)) states “Electric fences shall have a maximum height of eight feet and a minimum height of six feet.” Currently, the maximum height allowed for non-residential fences within the City is 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. Allowing for eight feet is consistent with the applicants request of an additional two feet taller than the allowed maximum height.

Currently, barbed wire fencing is allowed in industrial zones under AHMC 17.20.010 (E). This section limits the use of barbed wire fencing to “...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.” Staff recommends that the Planning Commission consider amending the language to allow for either the placement of the proposed electric fence or barbed wire, but not both. This would create and either or scenario and would address any concerns regarding the potential for a perimeter fence to be taller or as tall as the proposed electric fence.

Additional comments on the draft language were provided by the City of Airway Heights Building Department and are included within the report as Attachment B. These comments include additional recommendations for the draft language, including the removal of wire mesh as an allowed fence within a commercial zone, exempting construction site fences from the temporary fence language, adjusting the fee regulation to be consistent with the most recently adopted fee schedule, as well as, additional minor technical adjustments to provide consistency.

Staff Analysis: The proposed changes to the draft language are mostly aimed at providing consistency within the code, and make minor adjustments to allowed fences within the City. None of the changes will impact the intent of the application, which is to provide for expanded use of electrified fences and increased fence height for electric fences in non-residential areas in the City.

PLANNING STAFF RECOMMENDATION

Staff recommends the following motion, “The Planning Commission recommends approval of amendments to AHMC 17.20 and forwarding the documents to City Council.”

SUGGESTED MOTION

Move to approve and adopt Resolution PC 2022-005 adopting the proposed recommended findings for amendments to City of Airway Heights Code 17.20 Fences and Walls.

Attachments:

- A. Planning Commission Resolution PC 2022-005
- B. Building Department Amendments

CITY OF AIRWAY HEIGHTS
PLANNING COMMISSION

RESOLUTION # PC 2022-005

**A RESOLUTION OF THE AIRWAY HEIGHTS PLANNING COMMISSION RECOMMENDING
TO THE CITY COUNCIL OF AIRWAY HEIGHTS THE ADOPTION OF THE FOLLOWING
FINDINGS TO SUPPORT AMENDMENTS TO CHAPTER 17.20 FENCES AND WALLS AND
OTHER MATTERS RELATED THERE TO**

WHEREAS, the City of Airway Heights has adopted a comprehensive plan under RCW 36.70A.040 and that plan is consistent with the requirements of the Washington State Growth Management Act (RCW 36.70A); and

WHEREAS, the proposed amendments to Airway Heights Municipal Code 17.20 Fences and Walls are consistent with the City’s Comprehensive Plan; and

WHEREAS, the proposed amendment provides for expanded use of electrified fences and increased fence height for electric fences in non-residential areas in the City; and

WHEREAS, 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; and

WHEREAS, the adoption is deemed necessary by the Planning Commission; and

WHEREAS, public notice was provided in accordance with the public notification requirements of AHMC 14.04 including providing public notice of the Planning Commission Public Hearing on February 17, 2022, circulation to State and Local Agencies on December 30, 2021, and to the Department of Commerce for a 60-day mandatory review; and

WHEREAS, a Determination of Non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on February 17, 2022; and

WHEREAS, the Airway Heights Planning Commission has jurisdiction to review and act on all Comprehensive Plan, development code, or map changes; and

WHEREAS, on March 9, 2022 the City of Airway Heights Planning Commission held a public hearing as required by the Airway Heights Municipal Code.

NOW, THEREFORE, BE IT RESOLVED, that the Airway Heights Planning Commission hereby recommends to the City Council of Airway Heights that it approve the proposed recommended findings for amending the City of Airway Heights Municipal Code 17.20 Fences and Walls providing for expanded use of electrified fences and increased fence height for electric fences in non-residential areas in the City.

PASSED AND ADOPTED this 13th day of April 2022, with a vote of X ayes and X nays.

ATTEST:

**CITY OF AIRWAY HEIGHTS PLANNING
COMMISSION**

RE: Notice of SEPA Application Electric Fence Text Amendment

Cindy Reddekopp

Wed 1/19/2022 1:22 PM

To: Zachary Becker <zbecker@cawh.org>;

Zach,

I had a couple of comments but missed the deadline....I included them from prior model ordinance submitted many moons ago which is different from the one submitted with this SEPA.

- Fence signage minimum of 12" x 12"
- Fire Department access device; device that acts as a disconnect such that entry to the premises removes risk of shock occurrence.

If the submittal is too late, they can be addressed as conditions on fence permits. Thanks,

Cindy Reddekopp
Building Official
City of Airway Heights
Ofc: (509) 244-5514
Cell: (509) 990-9703

From: Zachary Becker

Sent: Thursday, December 30, 2021 8:51 AM

To: Abraham, Randy <randya@spokanetribe.com>; Anderson, Cindy <cindy.anderson@ecy.wa.gov>; Austin, Suzanne <suzanne.austin.ctr@us.af.mil>; Black, Tirrel <tblack@spokanecity.org>; Connie N. <connien@inlandpower.com>; Figg, Greg <figgg@wsdot.wa.gov>; Flores, Hugo <hugo.flores@dnr.wa.gov>; Goede, Robert <robert.goede@centrylink.com>; Grainger, Eric <eric.grainger@avistacorp.com>; Greene, Brad <bgreen@spokanecounty.org>; Harris, P. <pharris@cheneydsd.org>; Istrate, Dave <DCISTRATE@spokanecounty.org>; Jeffery R. Johnson (jeffery.johnson.64@us.af.mil) <jeffery.johnson.64@us.af.mil>; Johnson, Ken <kjohnson@scfd10.org>; Karl Otterstrom (kotterstrom@spokanetransit.com) <kotterstrom@spokanetransit.com>; Kathleen Weinand (kweinand@spokanetransit.com) <kweinand@spokanetransit.com>; Kay, Charlene <kayc@wsdot.wa.gov>; Key, Stan <skey@greaterspokane.org>; Krauter, Larry <lkrauter@spokaneairports.net>; Limon, Tara <tlimon@spokanetransit.com>; Meuler, Louis <lmeuler@spokanecity.org>; Note, Inga <inote@spokanecity.org>; Palmquist, Tami <tpalmquist@spokanecity.org>; sjones@ktea.com; Stewart, Ryan <rstewart@src.org>; tedesco@SpokaneTribe.com; jamakaze@gmail.com; 92CES.CEN.CommunityProjCoord@us.af.mil; Nick Henry <NHenry@cawh.org>; Bill White <bwhite@to-engineers.com>; Mark Bergam <mbergam@cawh.org>; Cindy Reddekopp <Creddekopp@cawh.org>; Caleb Poe <cpoe@cawh.org>; kemiller@spokanecity.org; mdavis@spokanecity.org; Heather Trautman <HTrautman@cawh.org>; Mitch Metzger <mmetzger@cawh.org>; Bradley Richmond <BRichmond@cawh.org>; J.C. Kennedy <jkennedy@cawh.org>; KOWALSKI, JAMIE K GS-12 USAF AMC 92 CES/CENP <jamie.kowalski@us.af.mil>; Albert Tripp <atripp@cawh.org>; TMJones@spokanecounty.org

Cc: Heather Trautman <HTrautman@cawh.org>

Subject: Notice of SEPA Application Electric Fence Text Amendment

Good morning,

Please find attached a request for comments for a SEPA review on a proposed zoning text amendment. This amendment would allow for increased fence heights and the expanded use of electrified fences in non-residential outdoor storage areas within the City of Airway Heights. Comments are due January 13, 2022 by 4:30 pm. If you have any questions, please let us know.

Thank You

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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

Amendments to AHMC 17.20 Fences and Walls

City of Airway Heights Planning Commission Meeting

April 13, 2022

Background

- This proposal amends Chapter 17.20 Fences and Walls, providing for expanded use of electrified fences and increased fence height for electric fences in non-residential areas in the City.
- Full text is available within staff report
- Proposed changes, in general, include:
 - The expanded ability to place electric fences within nonresidential sites in the industrial zones
 - The type of electric fence that will be allowed is specified within the amendment
 - Electric fences are proposed to have a maximum height of eight feet, which is two feet taller than the maximum allowed eight of six feet
 - Additional minor changes throughout AHMC 17.20 to provide consistency with this new amendment

Procedural Steps

This amendments has completed all of the required procedural steps required by the State of Washington and the Airway Heights Municipal Code, including:

- Public Participation Process per AHMC 14.04
- SEPA Review (DNS issued)
- Department of Commerce 60-Day Review process
- Planning Analysis (See Staff Repot)

Applicant Comments

- Proposed language limits the installation to industrial zones only and prohibits from commercial zones. We already have several businesses in commercial zones that have requested installation of battery powered alarm systems. We would like a permitting protocol that will allow these businesses to protect themselves. Allowing in commercial zones is the path of least resistance.
- Staff Analysis
 - Electric fences not appropriate in C-1 and C-1A zones
 - Majority of allowed uses in C-2 zones do not appear appropriate
 - C-2 uses that require a CUP may be appropriate
 - City of Spokane has several additional requirements outlined within the Staff Report that are not currently being considered that the Commission may want to consider

Applicant Comments

- “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”(Proposed Language)
- Requiring compliance will be extremely difficult and most likely unnecessary. These requirements are for new installation of perimeter fences. Battery powered alarmed fences are installed behind an existing PERMITTED perimeter fence that has already met the requirements of AHMC. Battery Powered alarmed fences are permitted as alarms and should be treated as such per the draft.
- Staff Analysis
 - The proposed language cross references a requirement that already exists within the code for perimeter landscaping, but may impact placement of new fencing.

Applicant Comments

- “Electric fences shall have a maximum height of eight feet and a minimum height of six feet.” (Proposed Language)
- Height limitations are a huge issue and render the devices impotent if restrictions are in place. In order to properly deter crime the height must be 10 feet or two feet taller than the perimeter fence at a minimum.
- Staff Analysis
 - Currently, the maximum height allowed for non-residential fences within the City is 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. Allowing for eight feet is consistent with the applicants request of an additional two feet taller than the allowed maximum height.
 - Consistency with the barbed wire requirements

Considerations

Throughout the Staff Report several items have been identified that the Commission should consider. These items include:

- Allowing for limited use of electric fences in the C-2 Zone through the Conditional Use Permitting process
- Including additional language used by the City of Spokane to provide for regional consistency for the permitting of electric fences
- Including additional language that provides for a more clear either/or scenario when both barbed wire and electric fences are being considered

Thank You

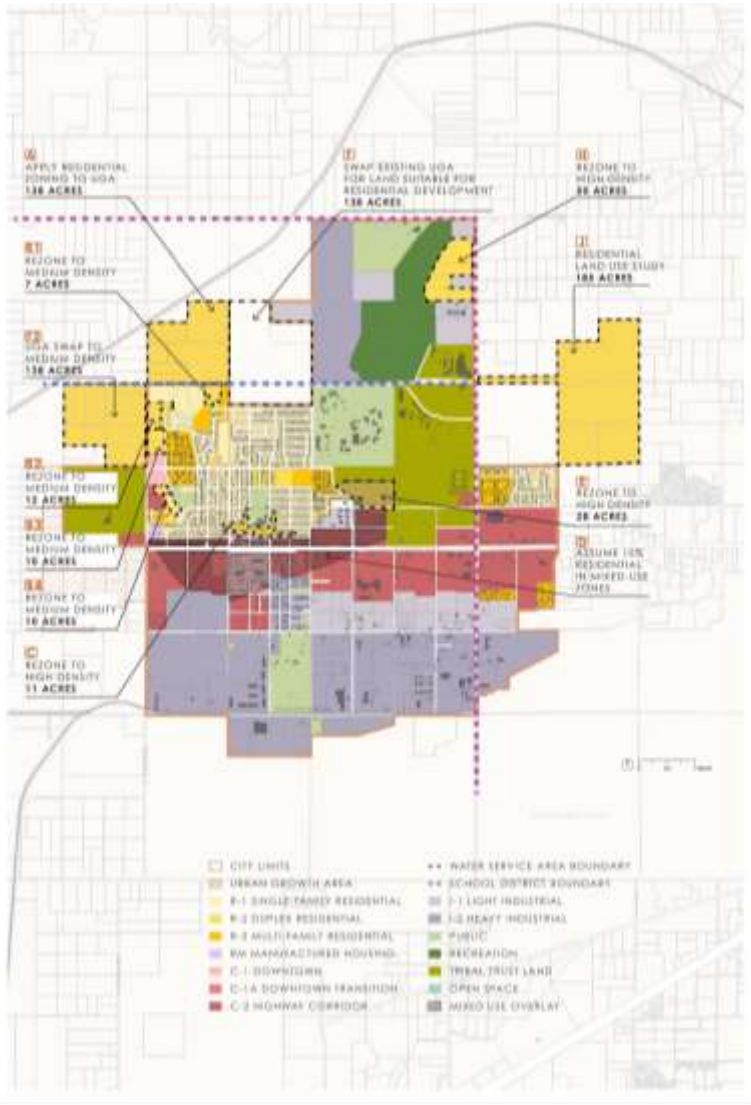


framework

Comprehensive Plan Update

Housing and Zoning Strategy | April 5, 2022

Preferred Land Use Alternative



Issaquah Highlands – Street View

- Variety of Housing Types
- Traditional Neighborhood Design
- Mature Landscape
- Walkable

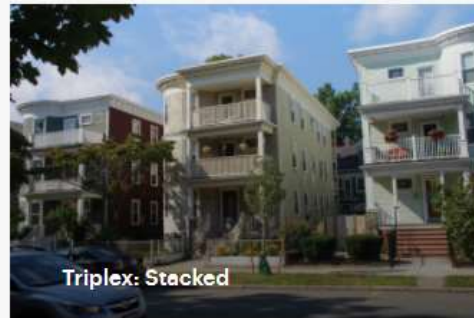


Existing Residential Zoning

- 3 residential use categories
- Missing middle housing not reflected in current zoning
- 20 units per acre does not require large scale apartments

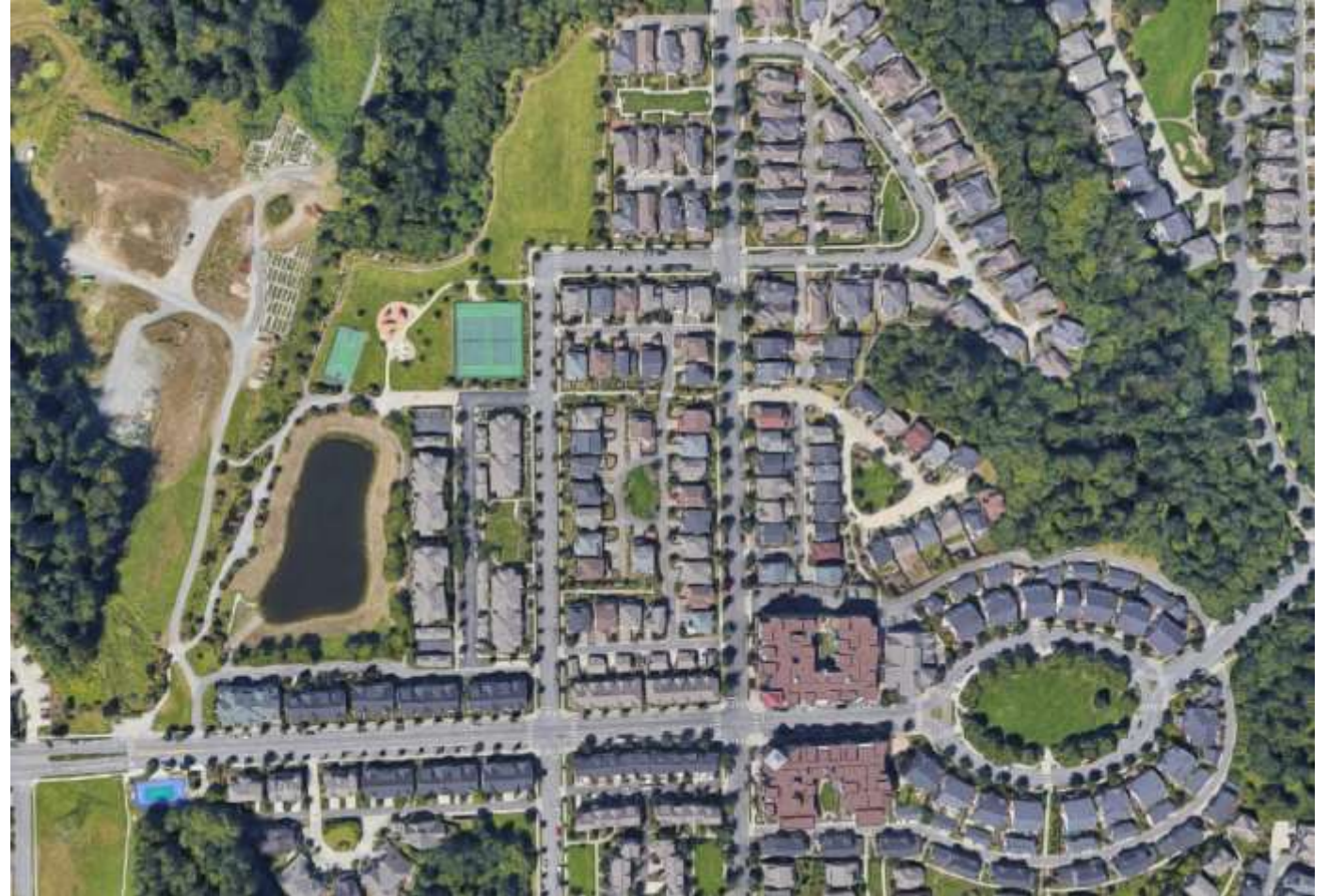
Zoning District	Lot area per Unit	Units per Acre	Base Density per Zone
R-1			
Single-Family	7200	6.1	5
R-2			
Single-Family	6000	7.3	5 to 10
Duplex	3000	14.5	5 to 10
R-3			
Single-Family	6000	7.3	10 to 20
Duplex	3000	14.5	10 to 20
Multi-Family	2178	20.0	10 to 20

Missing Middle Housing Types



Mixed Housing – Issaquah Highlands

- Connected and walkable street grid
- Variety of housing types
- On-street and off-street parking
 - No large parking lots
- Integrated open space and stormwater



Mixed Housing – Issaquah Highlands

- Ground-related multi-Family + single-family on same block
- Street trees and landscaping
- On-street parking
- Alley access



Cottage Court

- Single-family
- Alley access
- Frontage on open space
- Mature landscape
- Integrated parking



Residential Zoning Strategy Options

- Update land use policies to support zoning changes
- Modify R-3 uses to include missing middle housing types:
 - Focus on ground-related housing
 - Tri and Four-Plex
 - Townhouses
 - Cottage Housing
 - Cottage Court
 - Senior Housing
 - Expand Opportunities for Accessory Dwelling Units
 - Eliminate Multi-Family Category
- Combine R-1 and R-2 into a medium density zone and expand missing middle housing
 - Single-Family and Duplex
 - Triplex
 - Four-Plex
 - Townhouses
 - Cottage Housing
 - Accessory Dwelling Units

Existing Policies

- P.07 Encourage “traditional” residential development patterns, typically featuring:
 - ❑ Housing that faces the street edge;
 - ❑ Utilization of alleys for parking and service access;
 - ❑ An interconnected grid or small-block streets network;
 - ❑ Street sections designed for safety, traffic calming and aesthetic appeal, including narrower lanes, sidewalks, bike facilities, landscaping and lighting.
- P.18 Consider location of multi-family development in areas that:
 - ❑ Have access to arterial and collector streets;
 - ❑ Help buffer higher and lower-intensity development patterns;
 - ❑ Abut compatible existing uses;
 - ❑ Are part of projects involving mixed use or master planned areas.