

**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 There is hereby repealed in its entirety from Airway Heights Municipal Code, Chapter 17.16, entitled "Air Installation Compatible Use Zone AICUZ."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 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 ^{3, 4}				
41	Railroad, rapid rail transit, and street railway transportation	N	Y ₆	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
42	Motor vehicle transportation	N	Y ₆	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
43	Aircraft transportation	N	Y ₆	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
44	Marine craft transportation	N	Y ₆	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
45	Highway and street right-of-way	Y ₅	Y ₆	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
46	Automobile parking	N	Y ₆	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
47	Communication	N	Y ₆	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
48	Utilities ⁷	N	Y ₆	Y ₆	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 ₆	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 ⁹ – 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
SLUCM NO.	LAND USE NAME	CLEAR ZONE	APZ-I	APZ-II	DENSITY
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 ₁₁	Y ₁₁	
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 ¹²	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 ₁₃	Y ₁₃	
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	
SLUCM NO.	LAND USE NAME	CLEAR ZONE	APZ-I	APZ-II	DENSITY
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 ₁₃	Y ₁₃	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 ₁₃	Y ₁₃	Maximum FAR of 0.11 in APZ I; 0.22 in APZ II
79	Other cultural, entertainment and recreation	N	Y ₁₁	Y ₁₁	Maximum FAR of 0.11 in APZ I; 0.22 in APZ II
80	Resource production and extraction				
81	Agriculture (except live stock)	Y ₄	Y ₁₄	Y ₁₄	
81.5, 81.7	Livestock farming and breeding	N	Y _{14,15}	Y _{14,15}	
82	Agriculture related activities	N	Y ₁₄	Y ₁₄	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 ¹⁶	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 ¹⁷	N ₁₇	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 ¹⁸	N	Y ₁₈	Y ₁₈	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
SLUCM NO.	LAND USE NAME	CLEAR ZONE	APZ-I	APZ-II	DENSITY
90	Other				
91	Undeveloped land	Y	Y		Y
93	Water areas	N ¹⁹	N ¹⁹		N ¹⁹

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.

Yx – Yes with restrictions. The land uses and related structures are generally compatible. However, see notes indicated by the superscript.

Nx – 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.

Du/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 to 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 ₁	N	N	N	N
11	Household units	N ₁	N	N	N	N
11.11	Single units: detached	N ₁	N	N	N	N
11.12	Single units: semidetached	N ₁	N	N	N	N
11.13	Single units: attached row	N ₁	N	N	N	N
11.21	Two units: side-by-side	N ₁	N	N	N	N
11.22	Two units: one above the other	N ₁	N	N	N	N
11.31	Apartments: walk-up	N ₁	N	N	N	N
11.32	Apartment: elevator	N ₁	N	N	N	N
12	Group quarters	N ₁	N	N	N	N
13	Residential hotels	N ₁	N	N	N	N
14	Mobile home parks or courts	N	N	N	N	N
15	Transient lodgings	N ₁	N	N	N	N
16	Other residential	N ₁	N	N	N	N
20	Manufacturing					
21	Food and kindred products; manufacturing	Y	Y ₂	Y ₃	Y ₄	N
22	Textile mill products; manufacturing	Y	Y ₂	Y ₃	Y ₄	N
23	Apparel and other finished products; products made from fabrics, leather, and similar materials; manufacturing	Y	Y ₂	Y ₃	Y ₄	N
24	Lumber and wood products (except furniture); manufacturing	Y	Y ₂	Y ₃	Y ₄	N

25	Furniture and fixtures; manufacturing	Y	Y ₂	Y ₃	Y ₄	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+
26	Paper and allied products; manufacturing	Y	Y ₂	Y ₃	Y ₄	N
27	Printing, publishing, and allied industries	Y	Y ₂	Y ₃	Y ₄	N
28	Chemicals and allied products; manufacturing	Y	Y ₂	Y ₃	Y ₄	N
29	Petroleum refining and related industries	Y	Y ₂	Y ₃	Y ₄	N
30	Manufacturing (continued)					
31	Rubber and misc. plastic products; manufacturing	Y	Y ₂	Y ₃	Y ₄	N
32	Stone, clay and glass products; manufacturing	Y	Y ₂	Y ₃	Y ₄	N
33	Primary metal products; manufacturing	Y	Y ₂	Y ₃	Y ₄	N
34	Fabricated metal products; manufacturing	Y	Y ₂	Y ₃	Y ₄	N
35	Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks	Y	25	30	N	N
39	Miscellaneous manufacturing	Y	Y ₂	Y ₃	Y ₄	N
40	Transportation, communication and utilities					
41	Railroad, rapid rail transit, and street railway transportation	Y	Y ₂	Y ₃	Y ₄	N
42	Motor vehicle transportation	Y	Y ₂	Y ₃	Y ₄	N
43	Aircraft transportation	Y	Y ₂	Y ₃	Y ₄	N
44	Marine craft transportation	Y	Y ₂	Y ₃	Y ₄	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 _s	30 _s	N	N
48	Utilities	Y	Y ₂	Y ₃	Y ₄	N
49	Other transportation, communication and utilities	Y	25 _s	30 _s	N	N
50	Trade					
51	Wholesale trade	Y	Y ₂	Y ₃	Y ₄	N
52	Retail trade – building materials, hardware and farm equipment	Y	25	30	Y ₄	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 ₂	Y ₃	Y _{4,11}	Y _{6,11}
63	Business services	Y	25	30	N	N
63.7	Warehousing and storage	Y	Y ₂	Y ₃	Y ₄	N
64	Repair services	Y	Y ₂	Y ₃	Y ₄	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 ₁	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 ₁	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 ₈	Y ₉	Y ₁₀	Y _{10,11}	Y _{10,11}
81.5	Livestock farming	Y ₈	Y ₉	N	N	N
81.7	Animal breeding	Y ₈	Y ₉	N	N	N
82	Agriculture related activities	Y ₈	Y ₉	Y ₁₀	Y _{10,11}	Y _{10,11}
83	Forestry activities	Y ₈	Y ₉	Y ₁₀	Y _{10,11}	Y _{10,11}
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_x – Yes with restrictions. The land use and related structures generally are compatible. However, see note(s) indicated by the superscript.

N_x – 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 avigation 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, avigation 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 avigation 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, amphitheatres 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 or 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 3rd 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