



PLANNING COMMISSION AGENDA

Regular Meeting Date: 05/15/2019

**New meeting location: LAKE STEVENS FIRE DISTRICT CONFERENCE CENTER
1825 S. Lake Stevens Rd**

Planning Commission
Meeting:
First Wednesday of
every Month @ 7:00pm

Planning & Community
Development
Department

1812 Main Street
Lake Stevens, WA
98258 (425) 622-9430

www.lakestevenswa.gov

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

- **CALL TO ORDER: 7:00pm**
Pledge of Allegiance
- **ROLL CALL**
- **GUEST BUSINESS**
- **ACTION ITEMS**
- **DISCUSSION ITEMS**
 1. Fence/Wall Code
 2. Land Use Advisory Update (no materials)
- **COMMISSIONER REPORTS**
- **PLANNING DIRECTOR'S REPORT**
- **ADJOURN**

SPECIAL NEEDS

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact City of Lake Stevens ADA Coordinator, at (425) 622-9419 at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service.



Staff Report
City of Lake Stevens
Planning Commission Briefing
Date: **May 15, 2019**

SUBJECT: LUA2018-0109- City of Lake Stevens Fence and Retaining Wall Code Amendment

CONTACT PERSON/DEPARTMENT: Joshua Machen, *Planning Manager* / Russ Wright, *Community Development Director*

SUMMARY:

Code amendment to revise regulations regarding fences, hedges, and walls city-wide.

ACTION REQUESTED OF PLANNING COMMISSION:

Make preference recommendations on fence and wall heights for residential and commercial properties.

Background:

After an introduction to the fence/walls issues last year and after receiving input from City Council, Master Builders Association and interested citizens, the Planning Commission was briefed again on the subject on May 1, 2019. At that meeting the Planning Commission expressed their preferences on the following regulatory questions, which are now incorporated in to proposed municipal code:

1. What should the maximum allowed height be for residential fences?

• **Planning Commission's Recommendation:**

- *Front setbacks – 42-inches solid fencing / open fences constructed of chain link, wrought iron or similar materials that provide 60% visibility may be 6 feet in height (Note: sample pictures of 60% open or more fences are attached)*
- *Side and rear setbacks – 6 feet*
- *Outside setbacks – 8 feet*
- *Fences step down to 42-inches in front setback*
- *No fences can obscure visibility within sight triangle at street/access points*
- *Minor exceptions for topography will be considered per LSMC 14.16C.120*
- *1 additional foot allowed for open architectural / decorative elements such as trellis top*

2. What should the maximum allowed height be for commercial, industrial and institutional fences?

• **Planning Commission's Recommendation**

- *Commercial – max 10 feet outside front setback*
- *Industrial – max 10 feet*
- *Institutional – max 6 feet (front- open fencing) / max 8 feet (outside front setbacks)*
- *Maximum fence height includes combined height if barbed wire (no razor wire) is used for security*
- *No fences can obscure visibility within sight triangle at street/access points*

3. Should a landscape buffer be included along street side setbacks for corner and through lots?

- **Planning Commission's Recommendation:** *There was not consensus on this provision, staff will need further clarification as it affects Question 1 and 3.*

Options for consideration

- *Street setbacks for corner and through lots – 6 feet with no landscape buffer*
- *6 feet solid fence with 3-foot landscape buffer*
- *6 feet open fences constructed of chain link, wrought iron or similar materials that provide 60% visibility no landscape buffer*
- *No fences can obscure visibility within sight triangle at street/access points*

4. What should be the maximum retaining wall height be in setbacks?

- **Planning Commission's Recommendation:**

- *Front setbacks – 36-inches*
- *Side and rear setbacks – 8 feet before terracing*
- *Street setbacks supporting public improvements – 8 feet before terracing*
- *Outside setbacks – 12 feet before terracing*
- *Exceptions for individual topographic constraints, public improvements or extraordinary screening / aesthetic improvements*
- *No walls can obscure visibility within sight triangle at street/access points*

5. Should a landscape buffer be included along street setbacks for walls?

- **Planning Commission's Recommendation:**

- *Street setback (including front) none for walls under 36 inches / 3 feet for walls higher than 36 inches or more, other screening options may be considered such as cascading plants from the top or implementation of design guidelines for blank walls*
- *Walls supporting public improvements over 8 feet may swap planter strip and sidewalk in the road profile*
- *No walls can obscure visibility within sight triangle at street/access points*

6. If terracing is required, based on wall/fence height, how much space between walls should be required?

- **Planning Commission's Recommendation on terrace width:**

- *3 feet, less if using cascading plants*

7. Should there be a maximum combined fence and retaining wall height

- **Planning Commission's Recommendation:**

- *None – each element will be evaluated separately*

Next steps

A draft code is attached that incorporates these recommendations. With final edits following the meeting, Planning Commission can hold a public hearing on the proposed draft regulations on June 5, 2019 with a public hearing before the City Council in June or July.

ATTACHED: Attachment A – Draft Code LSMC 14.52 / **Attachment B** – Sample pictures of open fencing

Attachment A

Chapter 14.52 FENCES, HEDGES AND WALLS

Sections:

Part I. General Requirements

14.52.010 General Requirements

Part II Fences and Hedges

Purpose

14.52.020 Height/Setbacks

14.52.030 Design

14.52.040 Exceptions

Part III. Walls

14.52.050 Purpose

14.52.060 Height

14.52.070 Critical Areas

14.52.080 Design

14.52.090 Exceptions

Part I. Fences and Hedges

14.52.010 General Requirements.

(a) Permits Required:

(1) Fences: A fence taller than seven feet (7') shall require a building permit.

(2) Retaining Walls: A retaining wall that is four feet (4') or taller, as measured by the vertical distance from the bottom of the footing to the finish grade at the top of the wall (i.e., not measured by exposed retaining wall height), shall require a building permit.

(b) No fence, hedge, structure or other obstruction shall act as a sight hazard to traffic. There shall not be anything constructed or reconstructed, and no obstruction permitted, within the sight distance triangle area as required by city of Lake Stevens Engineering design standards.

(c) Maintenance. All fences, walls and hedges shall be maintained in a condition of repair so as not to be dangerous to human life or a danger to the property.

Part II Fences and Hedges

Purpose. The purpose of this chapter is to provide regulations for fences and hedges that promote privacy, security and screening of certain uses from streets and other uses, while minimizing obstruction of views, light, air, and motorists' and pedestrians' vision, without negatively affecting the community or endangering public or vehicle safety

14.52.020 Height/Setbacks.

(a) Fence height shall be measured as the vertical distance between the finished grade at the base of the fence to the top edge of the fence material.

- (b) Solid fences may be a maximum height of 42 inches within required front yard setbacks. Open fences constructed of chain link, wrought iron, wood fences with wide opening or similar materials that provide at least 60% visibility are allowed up to 6-feet high within the front setback.
- (c) Solid hedges shall be measured from the topmost portion of vegetation to the ground and may be a maximum height of 42 inches within required front yard setbacks, there is no height limit in other areas, if the site triangle is maintained.
- (d) All fences in residential zones are allowed to a maximum height of six feet within required exterior side or rear yard setbacks subject to LSMC 14.52.030.
- (e) If the fence includes a gate or similar feature, a vehicle refuge area shall be provided within the driveway to avoid blocking the street. The vehicle refuge area shall have a length that is sufficient for a waiting vehicle and not block the street.
- (f) No fence or freestanding wall shall be placed closer than three feet to or may obscure the vision of any fire hydrant.

Table 14.52–I Fence Height Regulations

Lot Type	Setback Location		
Residential			
Residential	Front	Side	Rear
Standard Lot	42 inches (solid fencing and hedges) 6-feet (open fencing)	6 feet ^{1, 2}	6 feet ¹
Corner Lot	42 inches (solid fencing and hedges) 6-feet (open fencing)	6 feet ^{1,2}	6 feet ¹
Double-Fronting (Through) Lot	42 inches (solid fencing and hedges) 6-feet (open fencing)	6 feet ^{1,2}	6 feet ¹
Commercial/Industrial / Public			
Commercial	42 inches (solid fencing and hedges)	10 feet ²	10 feet
Industrial	10 feet	10 feet	10 feet
Public/Utility	6-feet (open fencing)	8-feet	8-feet

Notes:

- 1. Height can go to seven feet if the top foot is open fencing or ornamental, per 14.52.030.
- 2. Solid fences located in a side yard setback on the street side are limited to a maximum of 42 inches when the fence area is also within the front yard setback.

14.52.30 Design.

(a) SCREENING OPTIONS FOR ALONG STREETS WITH CONTINUOUS FENCING

Where continuous fencing is allowed due to the length and/or number of side and/or rear lot lines abutting that street, landscaping shall be required between the fence and the property line to mitigate the aesthetic impacts of such fencing.

- (1) No landscape setback between fence and sidewalk;
 - (2) Where a fence is constructed along a public sidewalk or trail, a three-foot landscape buffer shall be required between a solid fence over 42 inches high. The landscape buffer / planter strip shall be a Type C screen per LSMC 14.76.040 comprised of a combination of trees and/or shrubs and groundcover based on available space;
 - (3) Where planter strips are required along local access and collector roads, constructed as part of new subdivisions, the planter strip may be shifted to the outside of the right-of-way; or
 - (4) Where such landscaping is required, the fence may be built along the property line except for offset sections to contain the landscaping.
- (b) Open fences generally include the following types of fencing XXX as illustrated below (Attachment B).
- (c) Allowed ornamental fencing may include XXX
- (d) Barbed Wire and Electric Fences
- (1) Barbed wire is permitted on top of a solid or chain link fence for commercial, industrial, utility and public uses when needed for security as part of the overall fence height, so long as the barbed wire is positioned in such a way that it leans inward towards the enclosed area. Barbed wire use in residential zones to control livestock will be considered with an approved pasture plan. Razor/concertina wire is not allowed.
 - (2) Electric fences are not allowed.

14.52.040 Exceptions

- (a) The director or designee may allow modifications per LSMC 14.16C.120 to fences that do not conform to the regulations of this chapter or in the following situations if the director finds that such fences are needed to protect the public health and safety:
- (1) Outdoor recreation establishments or park and recreation facilities;
 - (2) To prohibit illegal dumping; or
 - (3) Where the finished grade is a different elevation on either side of a fence the height may be measured from the side having the highest elevation.
- (b) As part of approving fences under this section, the director may impose conditions or limitations on fences allowed under this section to ensure that such fences conform with the purpose and intent of this chapter and this title

Part II. Retaining Walls and Rockeries

14.52.050 Purpose.

Walls provide different functions and purposes depending upon need; ranging from landscaping walls that are solely for aesthetic purposes to retaining walls and rockeries that support structural loads and surcharges. Additionally, walls may be needed where fill exists or is proposed versus needing a wall to stabilize a natural slope.

14.52.060 Height.

- (a) The retaining walls and rockeries shall be limited to the following heights within setbacks:

- (1) Front Setback: 36 inches.
- (2) Side and Rear Setback 8-feet.
- (b) The maximum height limit on retaining walls and rockeries located outside of a setback shall be 12 feet of exposed wall height, before terracing is required. See Section 14.52.070 for exceptions.

14.52.070 Critical Areas.

All walls proposed to be located adjacent to critical areas / or buffers shall demonstrate compliance with the provisions of Chapter 14.88 LSMC.

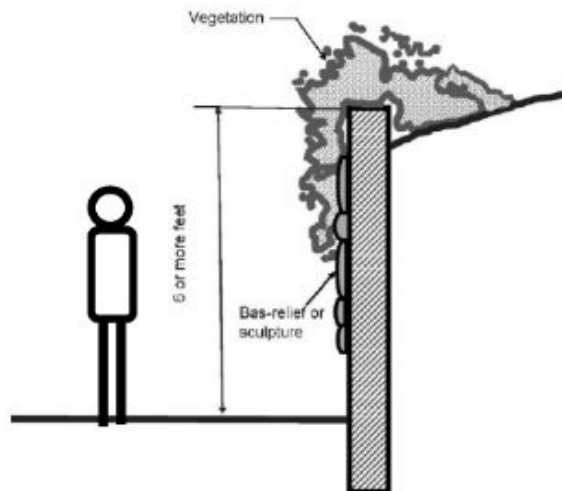
14.52.080 Design.

(a) SCREENING OPTIONS FOR CONTINUOUS WALLS ALONG STREETS

Where continuous walls along abutting a street are necessary landscaping or screening shall be required between the wall and the right-of-way line to mitigate the aesthetic impacts of such walls.

- (1) No landscape setback between fence and sidewalk;
- (2) All walls greater than six feet, shall provide cascading vegetation from the top of the wall, per figure XX;

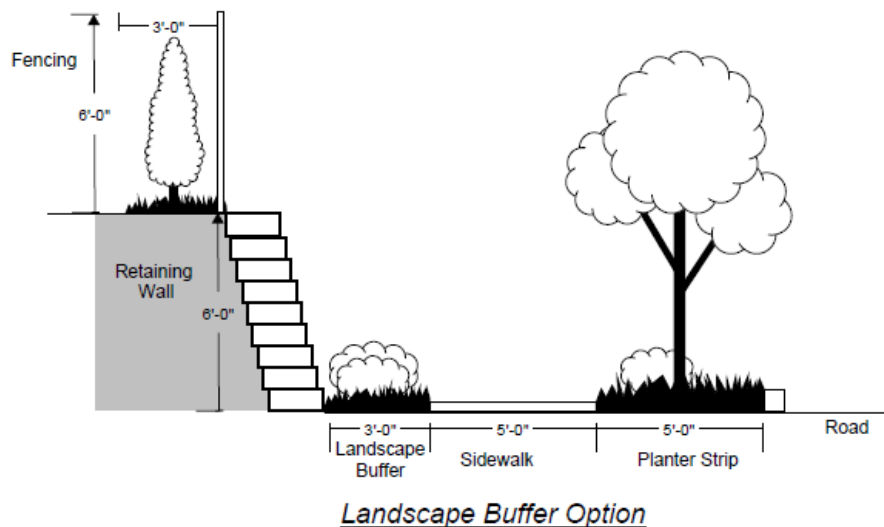
Figure 1



Adapted from Bothell Municipal Code

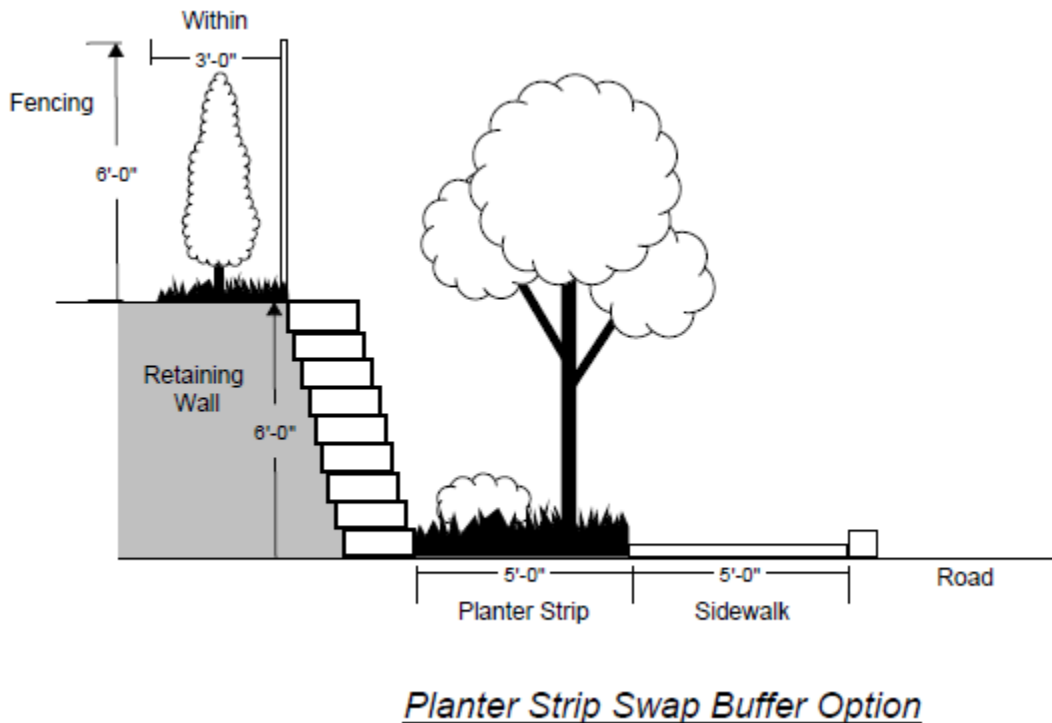
- (3) Where a retaining wall/rockery is constructed along a public sidewalk or trail, a three-foot landscaping buffer shall be required between the retaining wall/rockery over 36 inches high (See Fig 2). The landscape buffer / planter strip shall be a Type C screen per LSMC 14.76.040 comprised of a combination of trees and/or shrubs and groundcover based on available space;

Figure 2



- (4) Where planter strips are required along local access and collector roads, constructed as part of new subdivisions or a public improvement, the planter strip may be shifted to the outside of the right-of-way; or

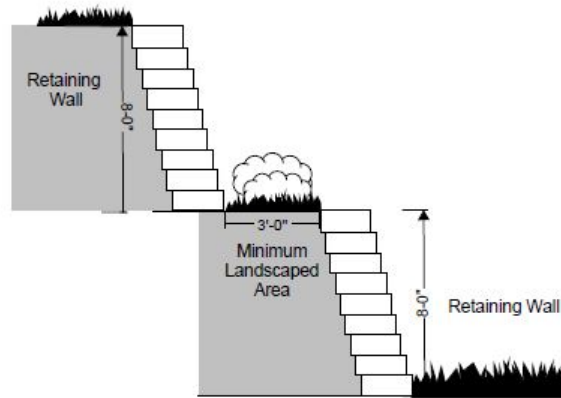
Figure 3



- (5) Retaining walls visible from pedestrian areas shall comply with blank wall treatments in the city's adopted design guidelines.
- (b) Walls and rockeries exceeding eight feet in height within setbacks or twelve feet in height outside of setbacks shall be terraced with landscaping.

- (1) The terraces shall be a minimum of three feet in width from the back of the lower wall to the face of the upper wall and shall be comprised of a combination of shrubs and groundcover; or per Figure 4

Figure 4



Fence On top of Tiered Wall Option

- (2) Alternatively, the terrace width can be reduced to no less than 18-inches and use cascading plants as a visual screen.

14.52.090 Exceptions

The Planning and Community Development Director, in consultation with the public works director, may approve a modification to the retaining wall/rockery height if the modification is necessary because of the size, configuration, existing topography (not topography created as a result of cut/fill/grading activities), or location of the subject property per LSMC 14.16C, when

- (a) the modification will not be materially detrimental to the public welfare or to abutting properties; and
- (b) Reduce potential adverse impacts to a critical area(s) or buffer(s);
- (c) Retain a greater number or diameter inches of significant trees;
- (d) Permit the installation of transportation improvements; or
- (e) The alternative separation, slope gradient, or height is in the public interest.

Attachment B

Open Fencing Samples (more than 60% open)

