Interim Official Controls
Fence Height Standards

WHEREAS, this Board adopted on October 1, 2013 a policy and regulatory approach for the implementation of Initiative 502 regarding recreational marijuana production, process and sales; and

WHEREAS, the Washington State Liquor Control Board requires the installation of an eight-foot high sight-obscuring fence for production activities conducted outdoors and not otherwise screened from public view; and

WHEREAS, Title 18 of the Douglas County Code specifies a maximum fence height of six feet in most county zoning district; and

WHEREAS, potential licensees for marijuana production have requested that the Board amend the fence height standards to facilitate compliance with state law for outdoor marijuana production; and

WHEREAS, this Board is aware of common agricultural practices that include the installation of crop-protective fencing that is greater than six feet in height; and

WHEREAS, RCW 36.70.795 authorizes the adoption of interim official controls; and

WHEREAS, the Douglas County Department of Transportation and Land Services is conducting a study of this matter in a public process and will return to the Board of Commissioners a report and recommendation; and

WHEREAS, the Board of Commissioners finds that the protection of the public health, safety and general welfare of the citizens of Douglas County can be accomplished through the enactment of interim official controls until such time as the Department of Transportation and Land Services has completed its work; and

WHEREAS, this Board enters the above declarations as findings in support of this resolution.

NOW THEREFORE BE IT RESOLVED that:

1. The interim official controls in the attached Exhibit A are hereby adopted for application to the unincorporated area of Douglas County.
2. The Board directs the Douglas County Department of Transportation and Land Services to continue its examination of this matter and prepare a report and recommendation for consideration by the Board of Commissioners.
3. This interim official control shall be effective immediately.

Dated at Waterville, Washington this 20th day of May 2014.

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

Dale Snyder, Chair

Ken Stanton, Vice Chair

Steven D. Jenkins, Commissioner

ATTEST:

Dayna Prewitt, Clerk of the Board

Vote: 2 to 1
Exhibit A - Interim Controls

18.16.060 Fences.

A. Fence Heights. In any use district outside of an urban growth boundary, except as otherwise provided in that district, or as provided below or in DCC Section 12.28.040, no fence shall exceed the following height standards:

1. Front yard: Forty-eight inches maximum height as measured from the finished grade of the lot within ten feet of the front lot line at which point it may be a maximum of six feet in height as measured from the finished grade of the lot. On corner lots and when located within a clear-view triangle as defined in DCC Section 12.28.040, no fence or other physical obstruction shall be higher than forty-two inches as measured from the established road grade. Governs height standards on corner lots and in clear view triangles.

2. Side yard: A maximum of forty-eight inches in maximum height as measured from the established road grade within ten feet of the front lot line, at which point it may be a maximum of six feet in height as measured from the finished grade of the lot. Side yard fences may be placed on a side property line.

3. Rear yard: Six feet maximum height from the finished grade of the lot. Rear yard fences may be placed on a rear property line.

4. Open wire fences with a solid surface area not greater than ten percent, not including support posts, may be higher than six feet if installed to protect an agricultural activity.

5. Solid fences, sight-obscuring fences, and decorative walls are allowed in the RR-5, RR-20, AC-5, AC-10 and A-D districts, provided that they shall not exceed a height of six feet; except that the height may be increased by one foot for each additional ten feet of setback from a property line, to a maximum height of eight feet. Examples: Six-foot high solid fences may be constructed at ten feet from a front property line and on a side and rear property line.
line; a seven (7) foot high fence or wall can be constructed twenty (20) feet from a front property line and ten (10) feet from a side and/or rear property line; a eight (8) foot high fence or wall can be constructed thirty (30) feet from a front property line and twenty (20) feet from a side and/or rear property line.

6. Fences located within the I-G district shall not exceed a height of eight feet, and may be located in a required front yard provided they are set back a minimum of ten feet and meet DCC Section 12.28.040, Clear view triangle. Fences on properties located in the Baker Flats industrial area shall be located no closer than twenty-five feet from the front lot line adjacent to SR 2/97 Highway.

B. Double Frontage Lots. Double frontage lots located on a collector or arterial road may construct a fence six feet high on the front lot line adjacent to the arterial or collector. The fence height shall be measured from the established road grade. The following criteria shall be met:

1. Vehicular access is prohibited from the arterial or collector roadway for the affected lot;
2. A gate is located for each affected lot and is designed for pedestrian access only;
3. The fence complies with the minimum standards set forth in DCC Section 12.28.040;
4. The fence shall be maintained and kept in good repair; and
5. The owner obtains a permit from the county engineer to perform work on the country road right-of-way.

C. Permit and Design. A building permit must be applied for and issued prior to the installation of a fence greater than six (6) feet in height. A design meeting the requirements of applicable codes including, without limitation, the International Building Code and the International Fire Code, must be prepared by an engineer and submitted with the permit application.