

Electric Fence Code Amendment Proposal

17C.13.310(E)

<https://my.spokanecity.org/projects/electric-fence-text-amendment-update/>



May 9, 2018

Municipal Code Amendment – Plan Commission Public Hearing
Presented by Melissa Owen, Assistant Planner

Presentation Overview

- Background
- Current Request & Purpose
- Process Timeline (including outreach conducted)
- Affected Zones
- City Council's 2016 concerns
- Proposed Amendments to 17C.130.310(E)
- Public Comment Received
- Comprehensive Plan Policy
- Next steps

Background

2016 Industrial Fence Code Amendment

Code went from...

Industrial Zones (SMC 17C.130.310D)

No person may maintain a fence or barrier charged with electricity.

To...

Electric Fences (SMC 17C.130.310E) The construction and use of electric fences shall be allowed in the Heavy Industrial (HI) zone only as provided in this section, subject to the following standards...





2018 request:

Permit Electric Fence use in Light Industrial (LI) Zone.

Purpose:

Provide secure locations for businesses to operate and store equipment and merchandise outdoors.

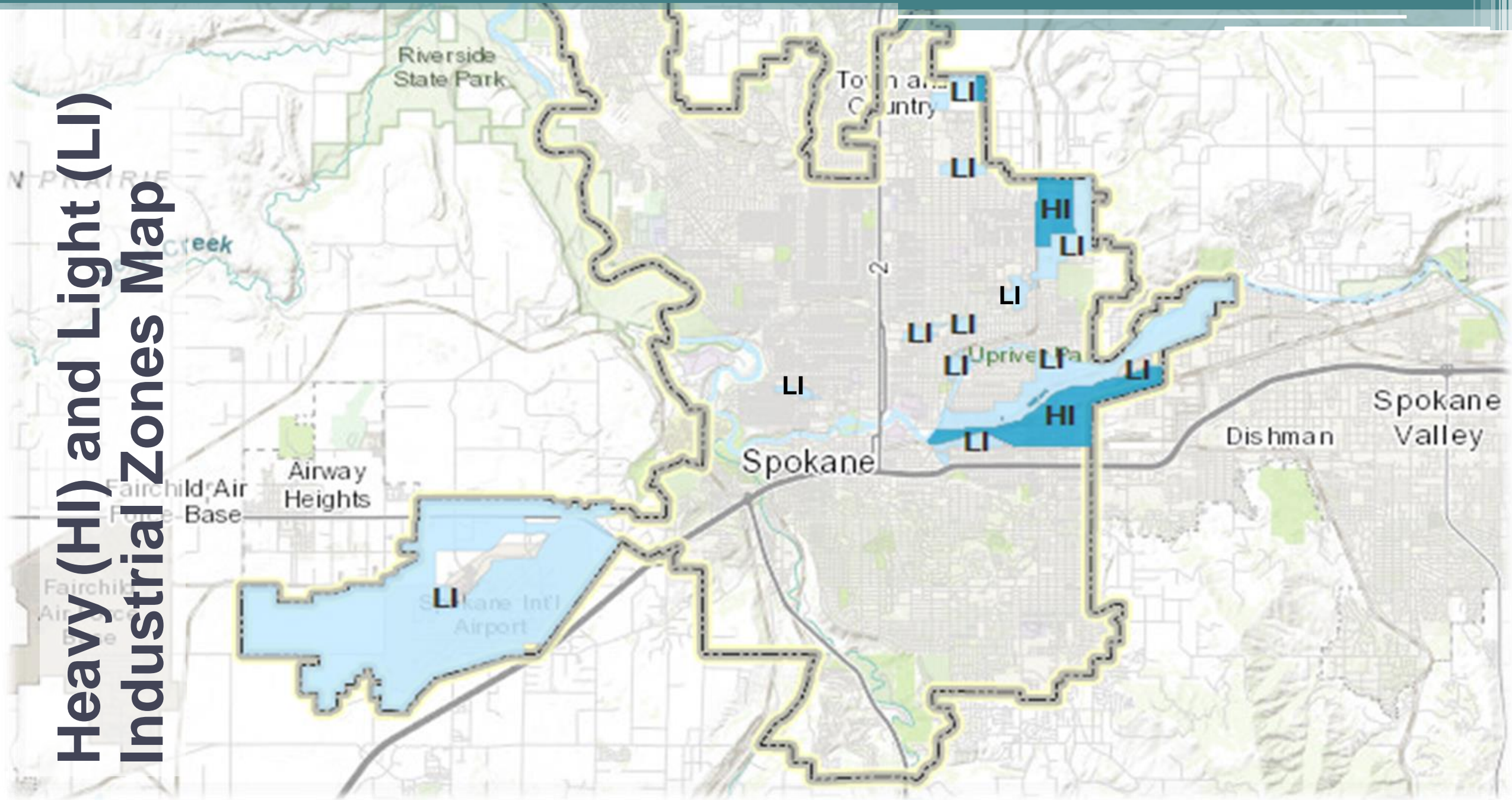
2018 Public Outreach

Feb. 28, 2018	<ul style="list-style-type: none">• Plan Commission Workshop #1• Staff reviewed 2015-2016 code amendment process and reviewed the current code with Commission Members.• Commission Members asked staff to review City Council concerns in 2016 that resulted in electric fence use in HI Zones only.
March 14, 2018	<ul style="list-style-type: none">• Plan Commission Workshop #2• Staff introduced draft code amendments intended to address council concerns from 2016• No changes were suggested by commission members.
March 15, 2018	<ul style="list-style-type: none">• Staff presented to the Community Assembly Land Use Committee.
March 28, 2018	<ul style="list-style-type: none">• Email sent to each Neighborhood Council. Email contained detailed information on the proposed change, links to current and draft code, maps, etc. Email included offer to present at NC meetings.

Outreach Continued

April-May, 2018	<ul style="list-style-type: none">• Social Media Outreach included:<ul style="list-style-type: none">• Neighborhood Friday Update on April 6 and May 4, 2018• Blog post visible on City's website beginning April 17, 2018• City-wide Nextdoor.com post on April 20
May 7, 2018	<ul style="list-style-type: none">• Reminder email regarding PC Hearing sent to Neighborhood Leaders
Procedural Notice	
March 21, 2018	<ul style="list-style-type: none">• A notice of intent to adopt and SEPA review was published in the City of Spokane Gazette
March 27, 2018	<ul style="list-style-type: none">• Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Spokane Municipal Code
March 28, 2018	<ul style="list-style-type: none">• A State Environmental Policy Act (SEPA) non-project DNS (Determination of Non-Significance) and adoption of existing environmental documents was issued
April 28 and May 2, 2018	<ul style="list-style-type: none">• Appropriate notice of the Plan Commission hearing was published in the Spokesman Review.

Heavy (HI) and Light (LI) Industrial Zones Map



2016 Council Concerns:

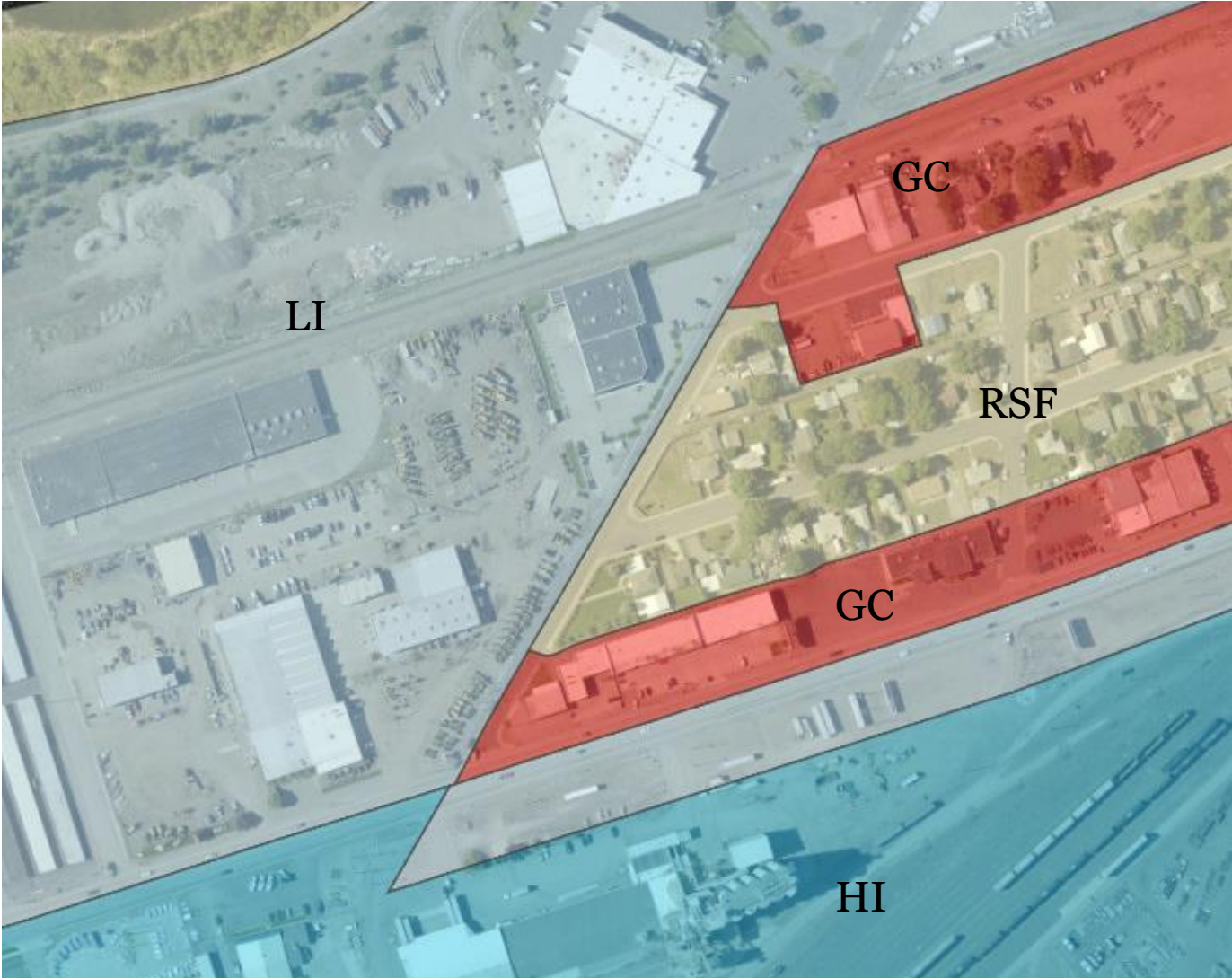
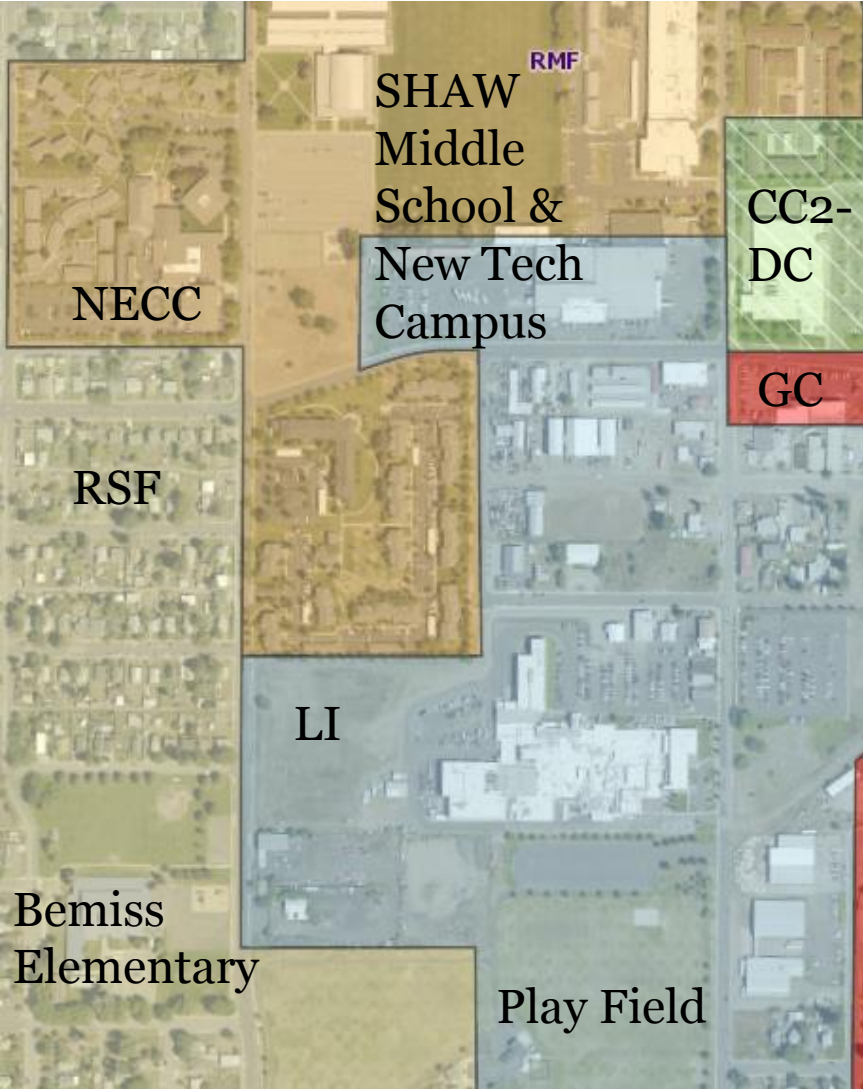
Individual Council Members had concerns associated with electric fence use in the LI zone.

- Number of locations where industrial zones abut other zones where conflicts might occur including, but not limited to:
 - Residential Zones
 - Center and Corridors Zones intended to have a rich pedestrian environment and a mix of uses including housing
- Non-industrial uses (such as housing) located in LI zones
- Schools (and other youth-based uses) within, adjacent, and/or in close proximity to LI zones
- Potential Impact to Northeast Spokane

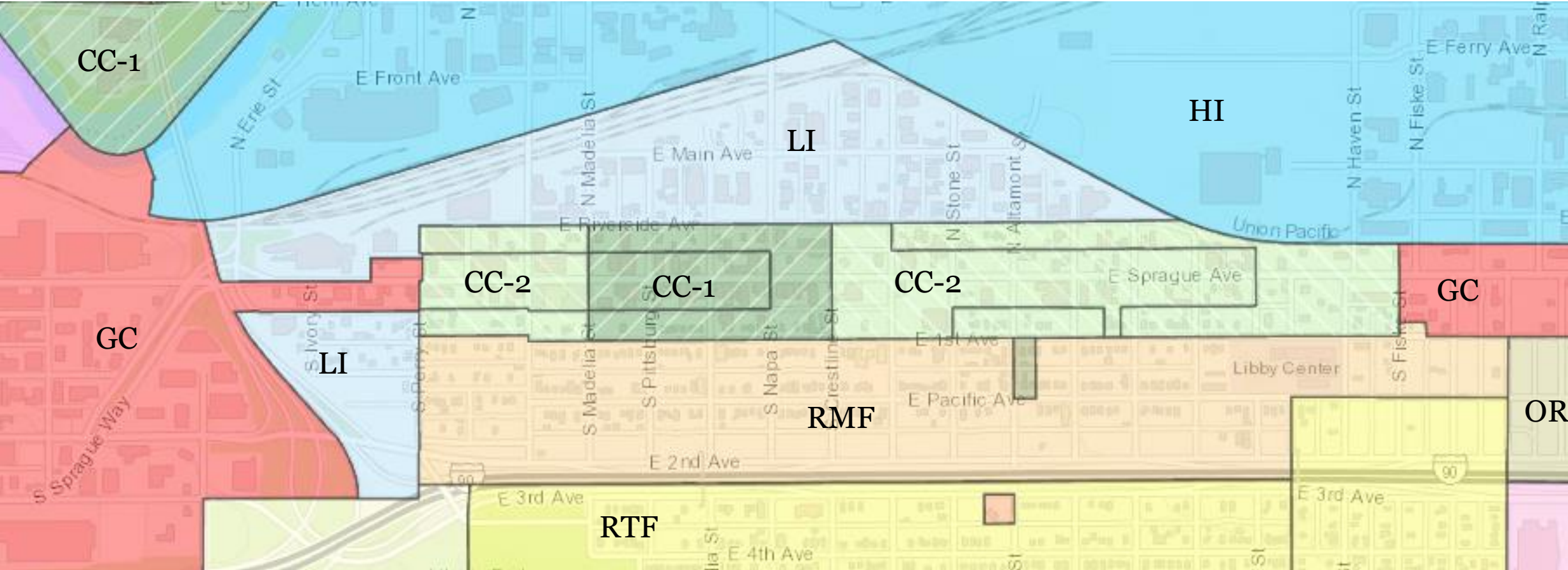
2016 Council Concerns:



2016 Council Concerns:



2016 Council Concerns:





**Proposed Amendments are
intended to address these
concerns.**

2018 request: Permit Electric Fence use in Light Industrial (LI) Zone.

SMC 17C.130.310(E) Fence Standards Require:

1. Permit
2. IEC Standard 60335-2-76
3. Electrification standards
4. Perimeter fence or wall
5. Location limitations
6. Height restrictions
7. Warning signs
8. Burglar Alarm
9. Hours of Activation
10. Key Box system
11. Fire Dept. Registration
12. Indemnification
13. Emergency Access
14. Violations

SMC 17C.130.310(E) Electric Fences:

E. Electric Fences.

The construction and use of electric fences shall be allowed in the Heavy Industrial (HI) and Light Industrial (LI) zones only as provided in this section, subject to the following standards:

SMC 17C.130.310(E) Perimeter Fence or Wall:

4. Perimeter fence or wall.

No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet tall.

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



SMC 17C.130.310(E) Perimeter Fence or Wall:

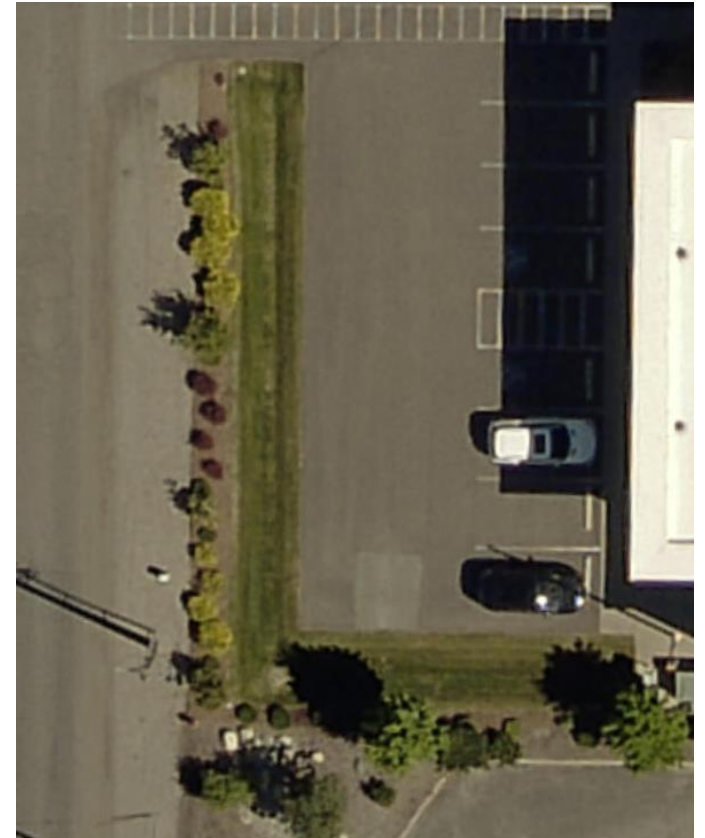
4. Perimeter fence or wall.
 - b. Electric fences shall be subject to the screening requirements of SMC 17C.200.070 **when installed adjacent to, across a street or alley from a non-industrial zone.**



SMC 17C.130.310(E) Perimeter Fence or Wall:

4. Perimeter fence or wall.

c. Electric Fences are subject to Street Frontage requirements prescribed in 17C.200.040 when installed along street frontage that is adjacent to or across the street from a non-industrial zone.



SMC 17C.130.310(E) Location:

5. Location.

- a. Electric fences shall be permitted on any non-residential outdoor storage areas.
- b. Electric fences shall not be installed 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.
- c. **Electric fences shall not be installed 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.**

SMC 17C.130.310(E) Hours of Activation:

9. Hours of activation.

Electric fences must only be energized during hours when the public does not have legal access to the protected property ~~shall not be activated between the hours of 8am and 5pm,~~ except:

a. ~~On days when the business is closed, such as weekends or holidays; or~~

b. When security personnel is available on-site to deactivate the electric fence.

Following an amendment the text would state...

Electric fences must only be energized during hours when the public does not have legal access to the protected property except when security personnel is available on-site to deactivate the electric fence.



Usf Reddaway

Public Comment Received

WARNING!

PROTECTED BY

ELECTRIC GUARD DOG

800-432-6391

Reddaway
**OFFICE AND
WILL CALL**

WARNING! 7,000 V
ALARMED AND MONITORED
¡PELIGRO! Cerca Eléctrica

**CUSTOMER
PARKING**

Comprehensive Plan Policy

Values: The things that are important to Spokane's future include (but are not limited to): Protecting the character of single-family neighborhoods.

LU 1.10 Industry

Provide a variety of industrial locations and site sizes for a variety of light and heavy industrial development and safeguard them from competing land uses.

LU 2.1 Public Realm Features

Encourage features that improve the appearance of development, paying attention to how projects function to encourage social interaction and relate to and enhance the surrounding urban and natural environment.

Comprehensive Plan Policy

LU 5 DEVELOPMENT CHARACTER

Goal: Promote development in a manner that is attractive, complementary, and compatible with other land uses.

LU 5.1 Built and Natural Environment

Ensure that developments are sensitive to the built and natural environment (for example, air and water quality, noise, traffic congestion, and public utilities and services), by providing adequate impact mitigation to maintain and enhance quality of life.

LU 5.2 Environmental Quality Enhancement

Encourage site locations and design features that enhance environmental quality and compatibility with surrounding land uses.

Comprehensive Plan Policy

ED 3.1 Economic Growth

Stimulate economic growth by supporting the formation, retention, expansion, and recruitment of businesses.

ED 7.6 Development Standards and Permitting Process

Periodically evaluate and improve the City of Spokane's development standards and permitting process to ensure that they are equitable, cost-effective, timely, and meet community needs and goals.

ED 8.1 Quality of Life Protection

Protect the natural and built environment as a primary quality of life feature that allows existing businesses to expand and that attracts new businesses, residents, and visitors.

Next Steps

Public Testimony

Close Hearing

Deliberations

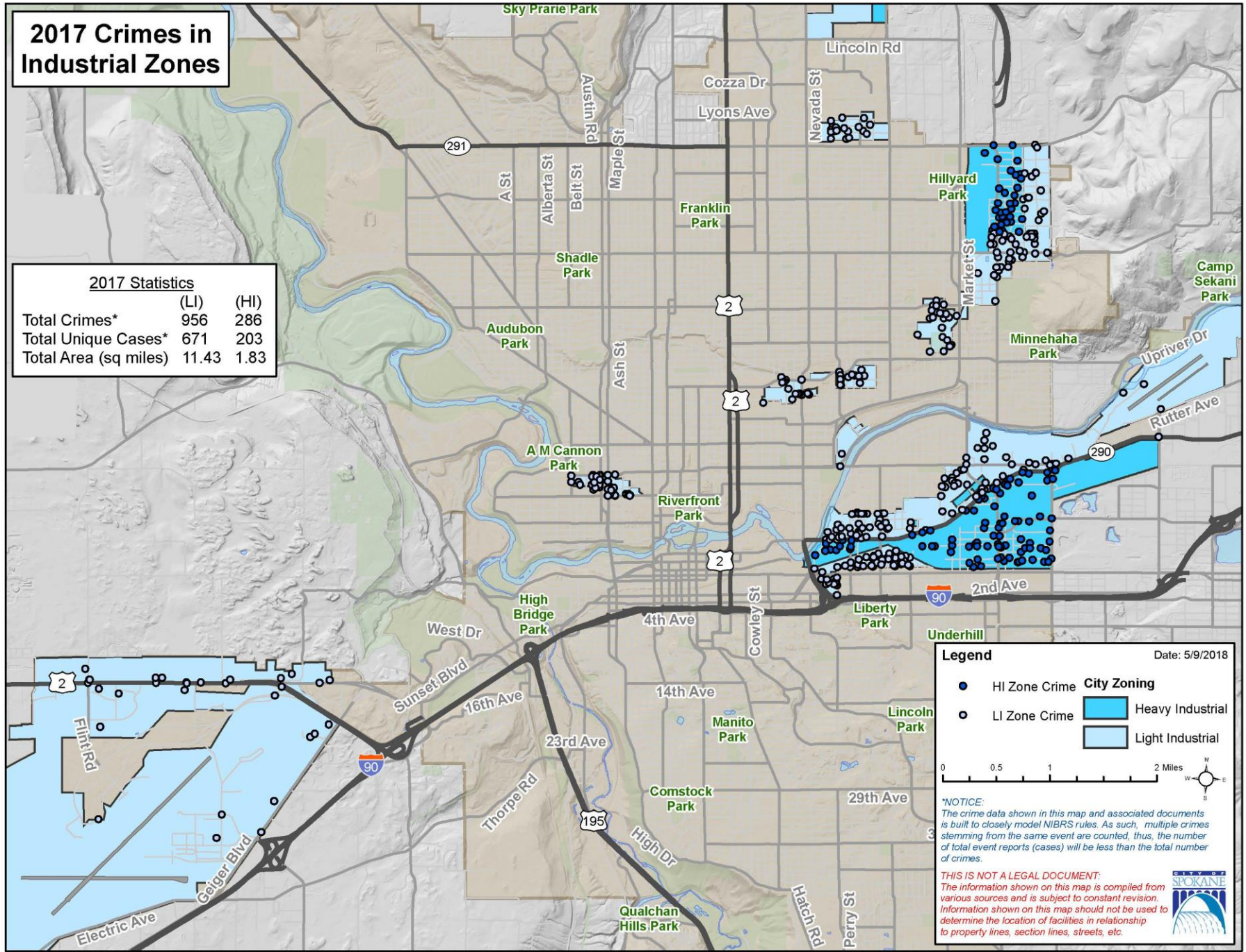
Finding of Fact and the Commission's Recommendation to City Council will be approved no earlier than your May 23, 2018 Commission Meeting.

Thank You

More Information can be found at

<https://my.spokanecity.org/projects/electric-fence-text-amendment-update/>

Crime Map: Crime in LI & HI Zones (2017)



Landscape, Screening, Site Planting Standards

17C.200.070 – Screening and Impact Abatement

17C.200.030 – Landscape Types

17C.200.040 – Site Planting Standards

17C.200.070 Screening and Impact Abatement

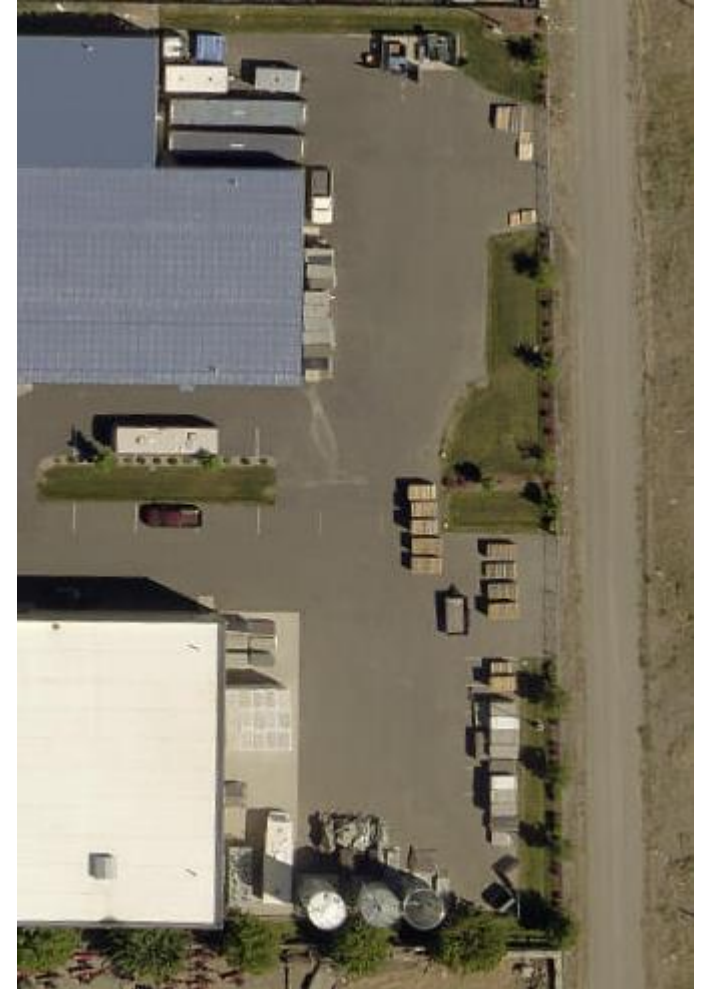
Screening may be accomplished by any one of the following techniques or their equivalent:

1. An [L1 visual screen](#).
2. A six-foot high solid masonry wall or sight-obscuring fence five feet inside the property line with an [L2 see-through buffer](#) between the fence and the property line.
3. A five-foot tall earth berm planted with [L3 open area landscaping](#).
4. Storage areas are not allowed within fifteen feet of a street lot line; and
5. Screening shall comply with the clear view triangle requirements defined in [SMC 17C.130.310\(E\)](#) for Industrial Zones. The director of engineering services may further limit the height of plantings, structures, and other site development features within the clear view triangle or may expand the size of the clear view triangle as conditions warrant.

17C.200.030 Landscape Types

L1 plantings are intended to provide a continuous visual screen between different types of uses.

L2 plantings are intended to provide a continuous three- to four-foot tall screen, while maintaining buffered views into and out of the site



17C.200.030 Landscape Types

L3 plantings include Shrubs and/or groundcover plants that will achieve a maximum approximate height of three feet.

In each cases trees shall be included throughout the planting area.



17C.200.040 Site Planting Standards – Street Frontage:

A. Street Frontages.

1. The type of plantings as specified below shall be provided inside the property lines:
 - a. along all commercial, light industrial, and planned industrial zoned properties except where buildings are built with no setback from the property line: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3.
 - c. in the heavy industrial zone, along a parking lot, outdoor sales, or
 - d. outdoor display area that is across from a residential zone: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3.

Background

In 2015 Electric Guard Dog LLC sought an amendment to the Spokane City Fence Code

2015 Amendment Request:
Allow installation of electric fence security systems within Industrial and Commercial zones.



SMC 17C.120.310

SMC 17C.130.310

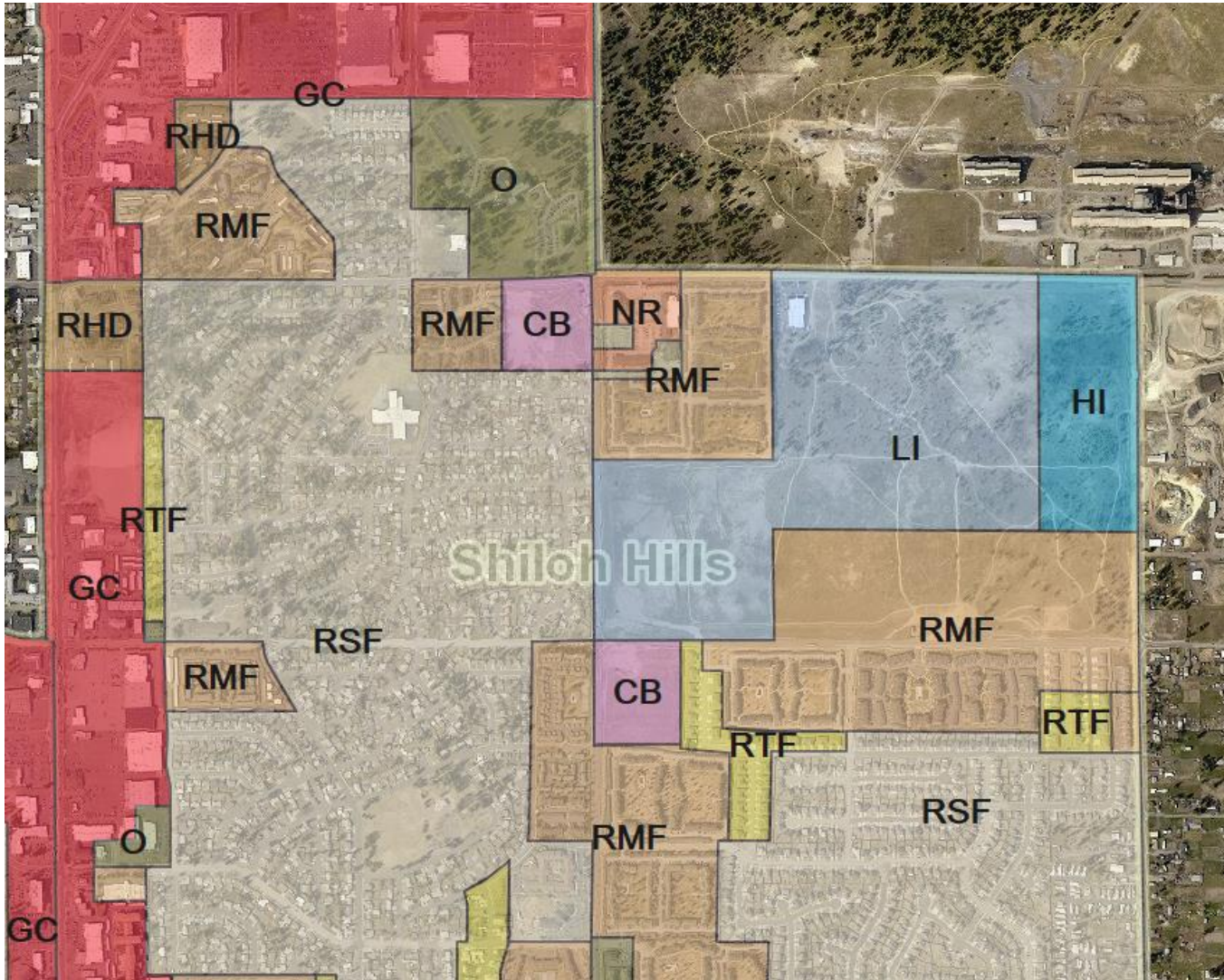
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Industrial Zones - Adjacent Zones Maps

Maps of eight neighborhoods with industrial zoning.

Shiloh Hills



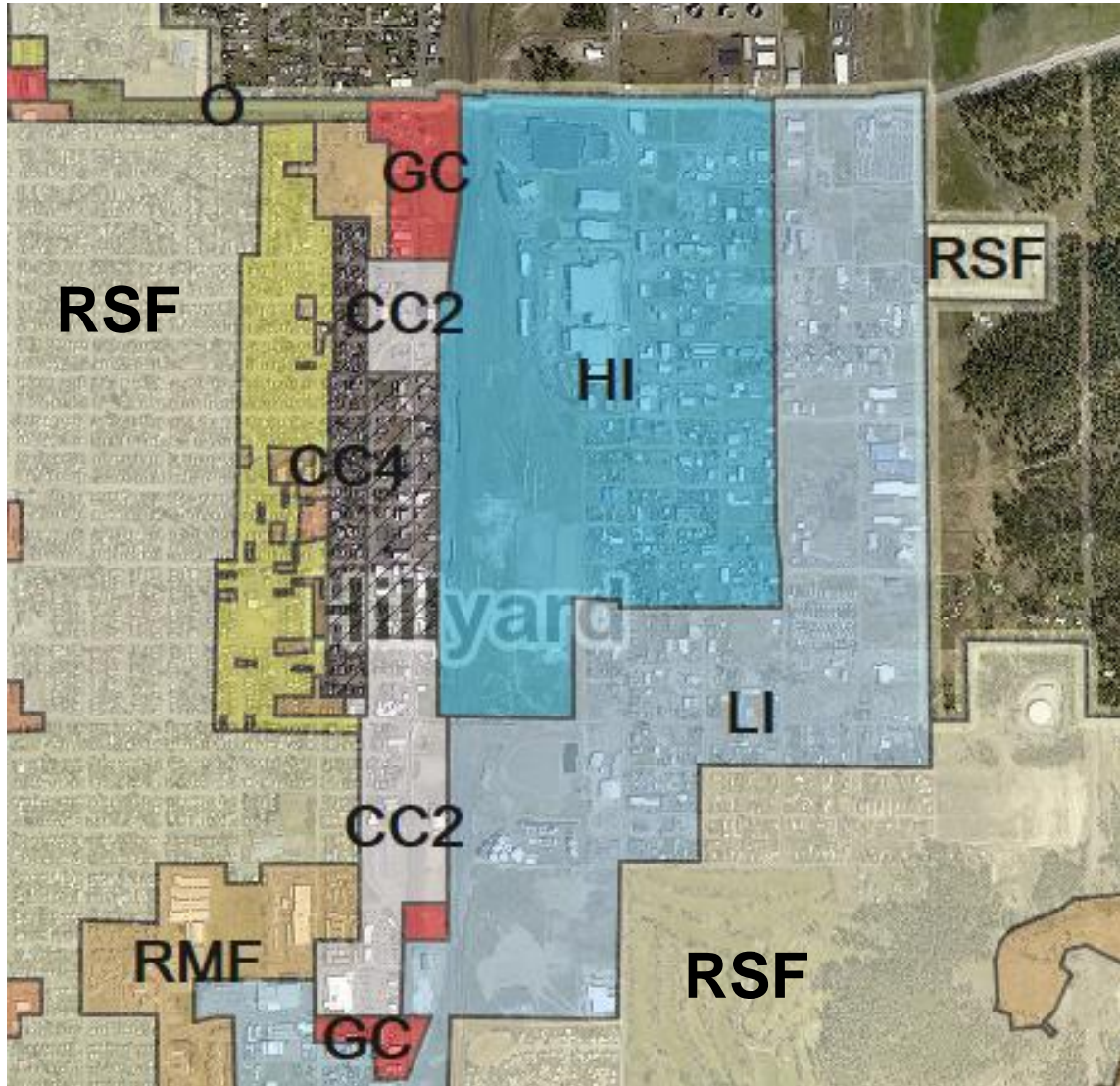
Heavy Industrial (HI) zoned land abuts:

- Residential Multi-family (RMF)

Light Industrial (LI) zoned land abuts:

- Residential Single Family (RSF),
- Residential Two-family (RTF)
- Residential Multi-family (RMF), and
- Community Business (CB)

Hillyard



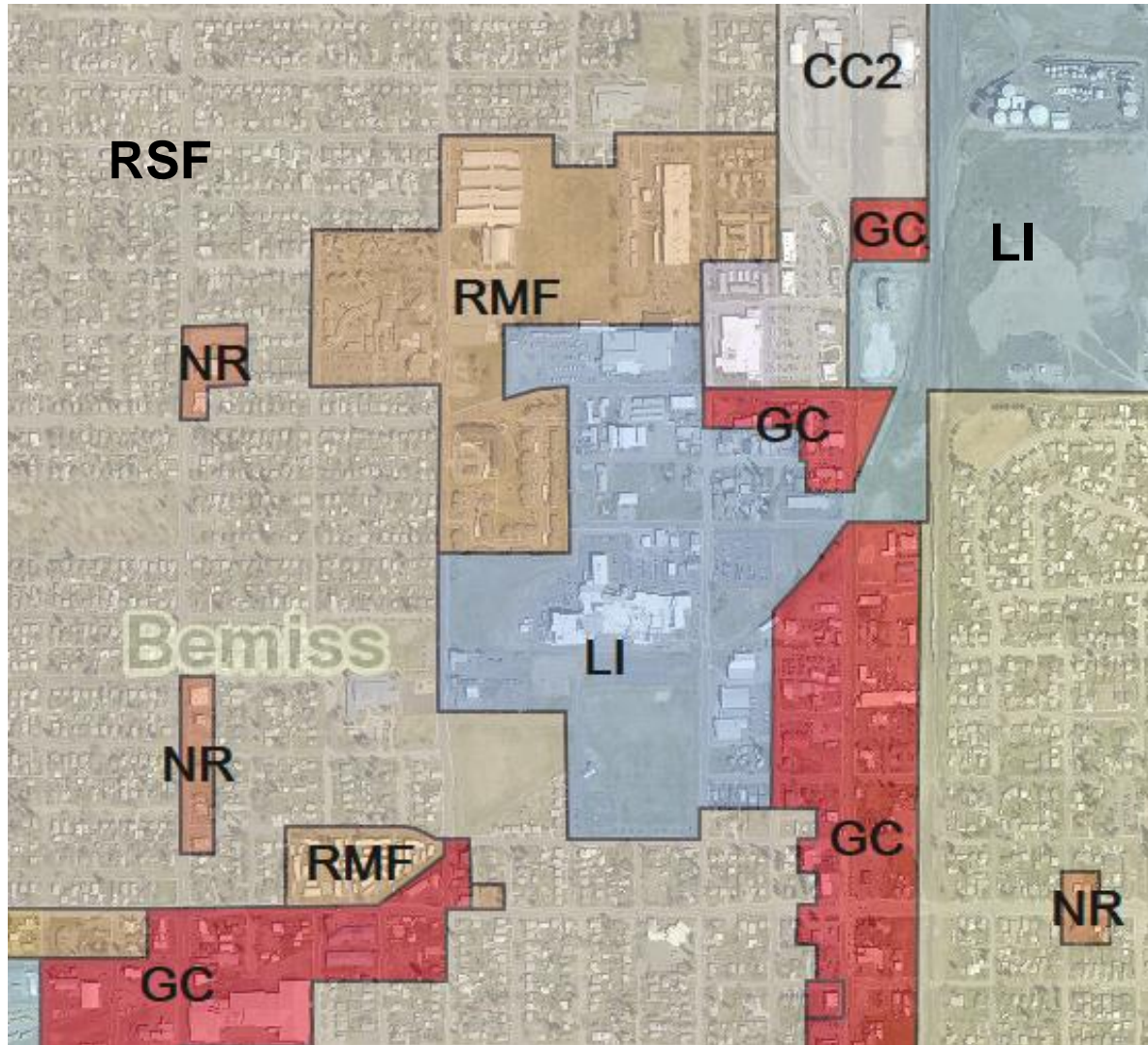
Heavy Industrial (HI) zoned land abuts:

- Light Industrial (LI), and
- is separated from Center & Corridor (CC) Zones by rail lines and NSC (under construction)

Light Industrial (LI) zoned land abuts:

- Residential Single Family (RSF)

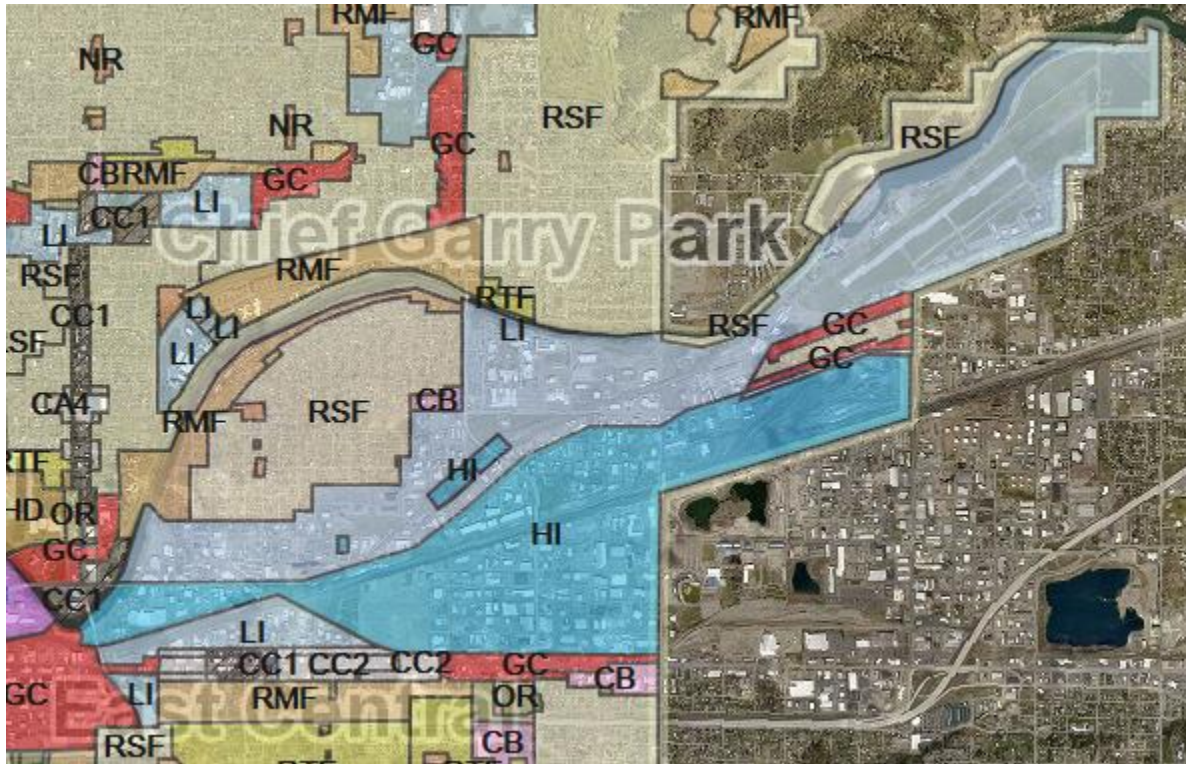
Bemiss



Light Industrial (LI) zoned land abuts:

- Residential Single Family (RSF),
- Residential Multi-family (RMF),
- Centers and Corridors (CC), and
- General Commercial (GC) zones

East Central & Chief Garry Park



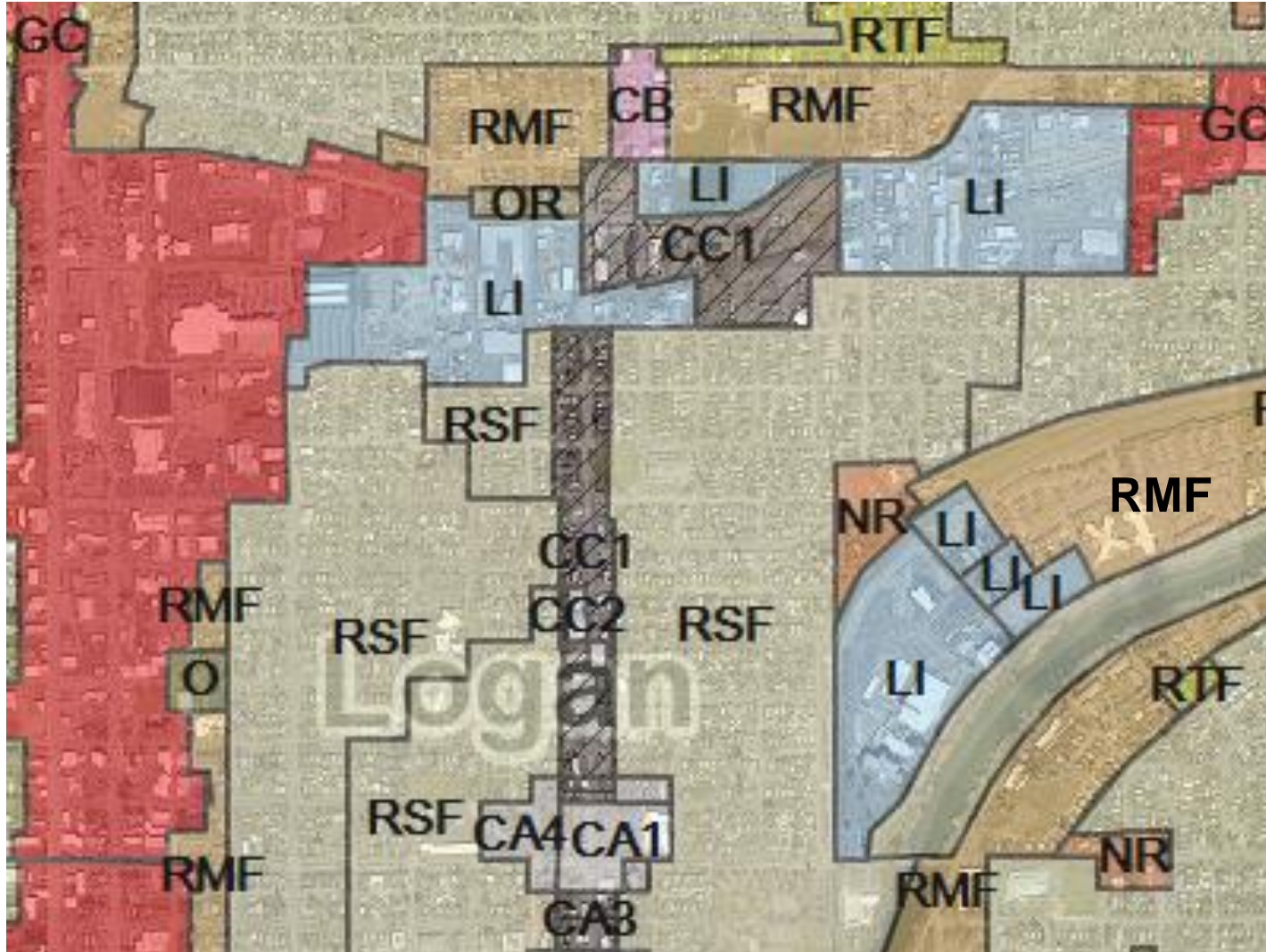
Heavy Industrial (HI) abuts:

- Light Industrial
- General Commercial
- Centers and Corridors zones

Light Industrial (LI) abuts:

- Residential Single Family (RSF),
- Residential two family (RTF)
- Residential Multi-family (RMF),
- Community Business (CB),
- General Commercial (GC), and
- Centers and Corridors (CC) zones

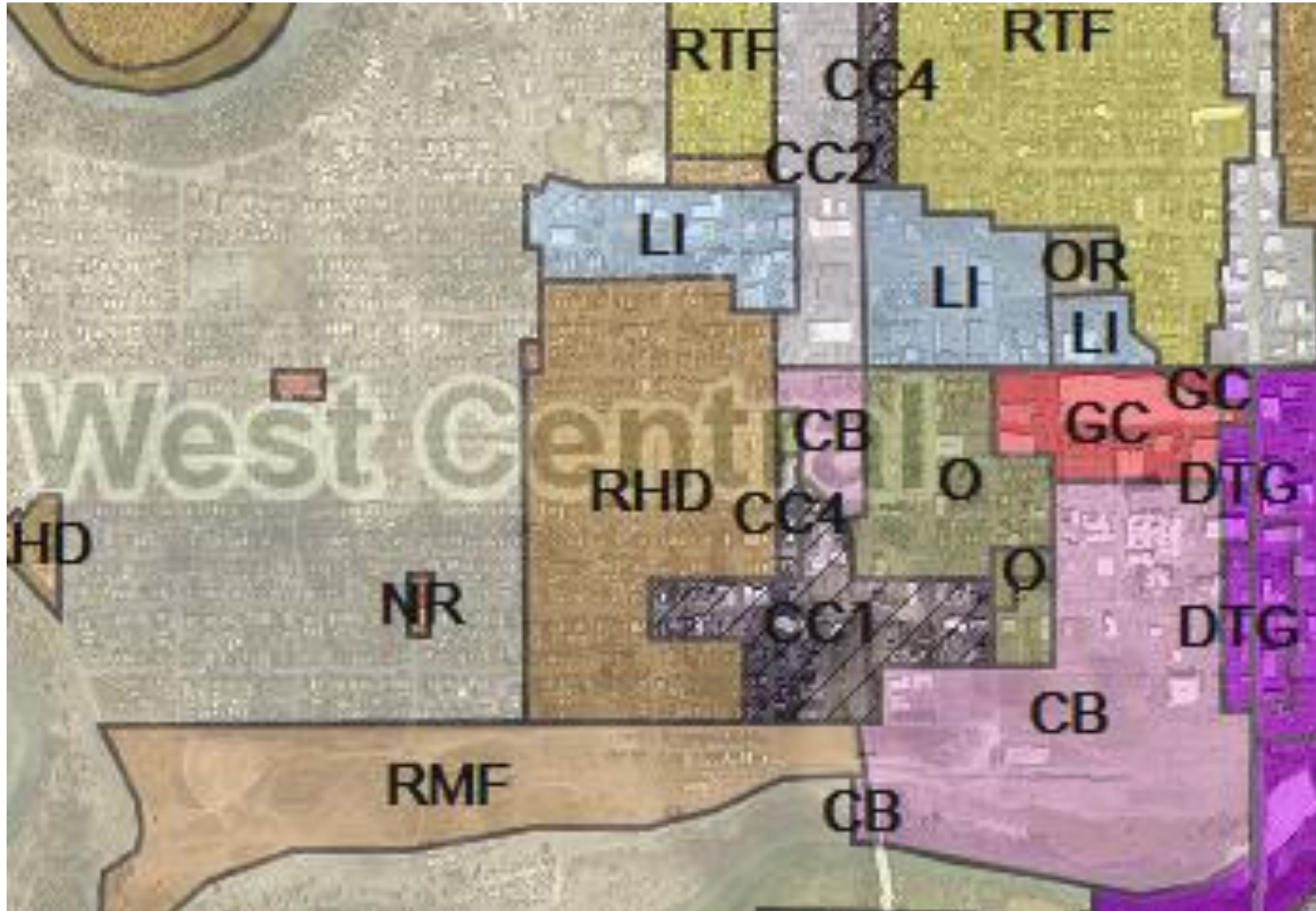
Logan



Light Industrial (LI) zoned land abuts:

- Residential Single Family (RSF),
- Residential Multi-family (RMF),
- Community Business (CB),
- General Commercial (GC),
- Neighborhood Retail (NR), and
- Centers and Corridors (CC) zones

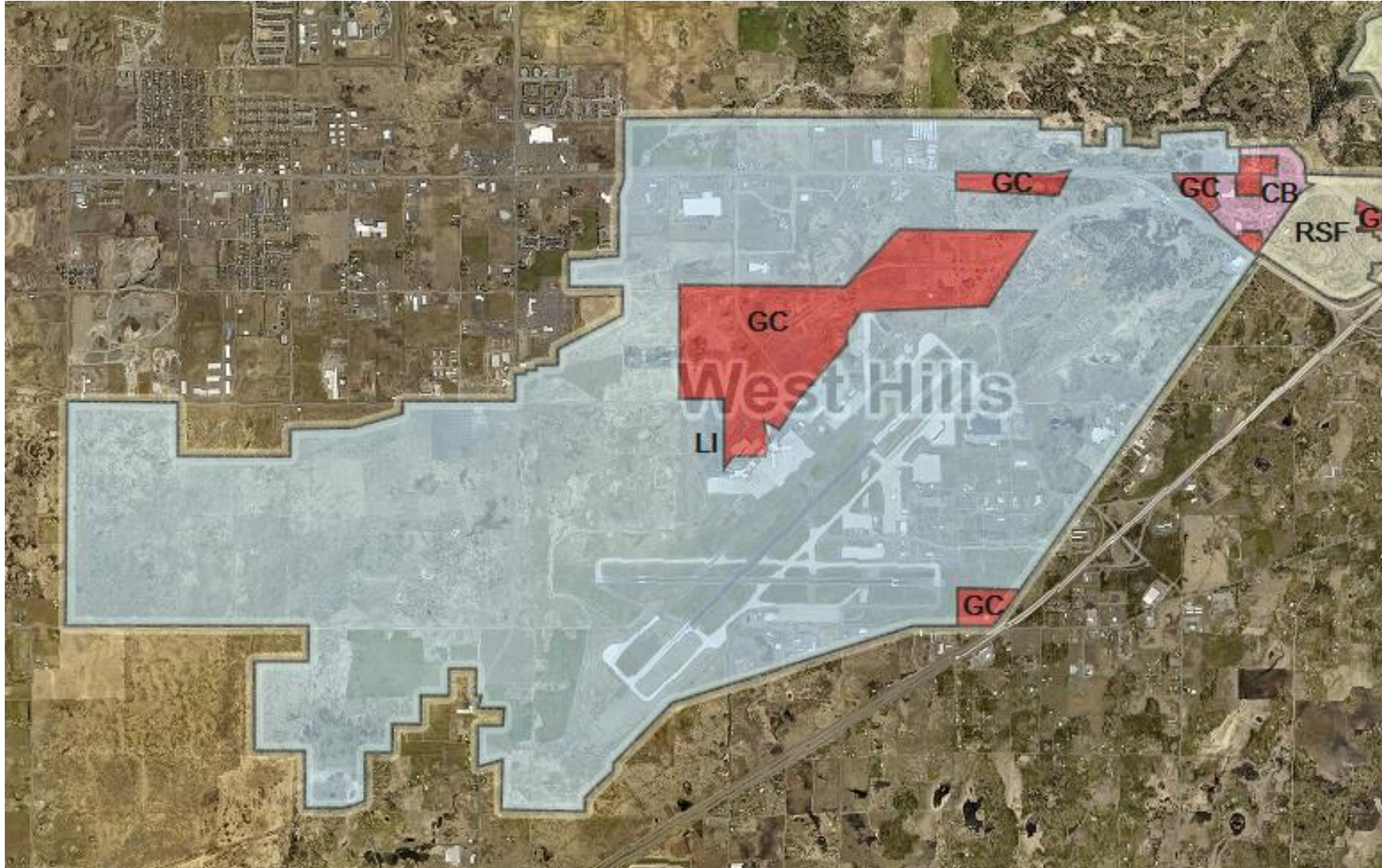
West Central



Light Industrial (LI) abuts:

- Residential Single Family (RSF),
- Residential Two-family (RTF),
- Residential Multi-family (RMF),
- Residential High Density (RHD),
- Office (O)
- Office Retail (OR),
- Community Business (CB),
- General Commercial, &
- Centers and Corridors (CC) zones

West Hills



Light Industrial (LI) zoned land abuts:

- General Commercial (GC),
- Community Business (CB), and
- Centers and Corridors (CC) zones

Mid-2017 Electric Fence request (location map)

