



City Council

Approval of an Ordinance Amending Olympia Municipal Code Regarding Regulations of Fencing

Agenda Date: 1/31/2023
Agenda Item Number: 4.M
File Number: 23-0036

Type: ordinance **Version:** 2 **Status:** Passed

Title

Approval of an Ordinance Amending Olympia Municipal Code Regarding Regulations of Fencing

Recommended Action

Committee Recommendation:

The Olympia Planning Commission recommends approval of the proposed amendments as modified.

City Manager Recommendation:

Move to approve an Ordinance adopting amendments to Chapter 18.40 of the Olympia Municipal Code to allow the use of electric security fencing around storage yards within commercial and industrial zone districts.

Report Issue:

Whether to approve an Ordinance adopting amendments to Chapter 18.40 of the Olympia Municipal Code to allow the use of electric security fencing around storage yards within commercial and industrial zones.

Staff Contact:

Cari Hornbein, Senior Planner, Community Planning and Development, 360.753.8048

Presenter(s):

Cari Hornbein, Senior Planner, Community Planning and Development

Background and Analysis:

Background and Analysis changed from first reading to second reading.

A change to the Ordinance from first reading to second reading is on page 6, in section J as shown below:

Gates, bollards, or other features of an electric security fence must comply with the provisions in OMC ~~18.38.40.060.C.3~~ 18.40.060.C.3 and provide emergency access in a manner acceptable to the Fire Marshal.

The City received an application from Amarok LLC to amend OMC 18.40 to allow the use of electric

security fences. Currently, only low-voltage electric fences are permitted to protect farms or agricultural animals.

The original application materials are attached and include justification statements, proposed code language, and photos. Key provisions of the original proposal include:

- Allow use of security fences within commercial and industrial districts up to 10 feet in height.
- Surround the electric security fence with a non-electric perimeter fence or wall to discourage intruders and prevent accidental contact by passers-by.
- Use a 12-volt DC powered storage battery to energize the fence and use International Electrotechnical Commission (IEC) standards for electrical charge levels. The storage battery would be charged primarily by a solar panel.
- Provide warning signs.

After evaluating the proposal and considering input during their briefings and public hearing, the Planning Commission voted to recommend approval with modifications that are reflected in the attached ordinance and summarized below:

- Allow electric security fences outright in the Auto Services, Industrial, and Light Industrial zone districts, where outdoor storage yards are typically located.
- In the General Commercial, Downtown Businesses, and High-Density Corridor (1 - 4) zone districts, allow electric security fences on a case-by-case basis. Decision making authority would be with the Director, or their designee, where increased theft and vandalism is an issue.
- Limit the height of electric security fences to 8 feet. This is consistent with an electric fence that was approved last year at the Auto Mall. It was approved on the basis that it was similar in height to a 6-foot chain link fence topped with barbwire (allowed per city code) and that it would not be charged until such time that the code was amended.
- Define 'outdoor storage yard' and permit use of electric security fencing when the storage area was established in conformance with city code.
- Allow flexibility in locating new fences to avoid having to move existing perimeter fences and to account for existing site improvements and landscaping.
- Require compliance with design and landscape/screening standards.
- Obtain necessary permits and approvals such as building permits, emergency access, and planning review.

Climate Analysis:

Electric security fences would be powered by a storage battery that is charged by a solar panel. Depending on the type of equipment used, there may be temporary impacts during installation (e.g., use of equipment powered by gas or diesel). After installation, staff does not anticipate impacts to greenhouse gas emissions.

Equity Analysis:

The proposed action would benefit business owners that have outdoor storage areas where theft and property damage have been an issue. Chain link fencing is widely used in Olympia to protect commercial and industrial property but can be cut with the right tools. Electric fencing would give this group another option for securing property.

The use of electric security fences around vehicle storage yards would benefit customers who leave their vehicles in the care of dealers or service providers for repairs and maintenance. The proposed action would also benefit the applicant, Amarok LLC, which sells electric security fences. It may also reduce the number of calls for law enforcement.

The presence of electric security fences would make it more difficult for theft and damage to occur but may burden those that steal and sell property as a means to meet basic needs such as food, shelter, and transportation.

Neighborhood/Community Interests (if known):

Staff received comments in support and opposed to the proposed amendments.

Options:

1. Move to approve an Ordinance adopting amendments to Chapter 18.40 of the Olympia Municipal Code to allow the use of electric security fencing around storage yards within commercial and industrial zone districts.
2. Move to approve an Ordinance adopting amendments to Chapter 18.40 of the Olympia Municipal Code to allow the use of electric security fencing around storage yards within commercial and industrial zone districts with specific modifications.
3. Do not approve an Ordinance adopting amendments to Chapter 18.40 of the Olympia Municipal Code to allow the use of electric security fencing around storage yards within commercial and industrial zone districts.

Financial Impact:

None. Resources associated with processing this application are covered by the application fee and Community Planning and Development Department's base budget.

Attachments:

Ordinance - Second Reading
Ordinance - First Reading
Application Materials
Public Comment