



APPROVED November 2, 2010

**CITY OF ALBANY
PLANNING COMMISSION
City Hall Council Chambers, 333 Broadalbin Street
Monday, June 21, 2010
5:15 p.m.**

MINUTES

Planning Commissioners present: David Faller, Glenda Fleming, Bob Kish, Cordell Post, Dala Rouse, Michael Styler, and Larry Tomlin

Planning Commissioners absent: Paul Davis (excused) and Dave Wood (excused)

Staff present: Community Development Director Greg Byrne, Community Planner Janet Morris, Planning Manager Heather Hansen, and Administrative Assistant I Sheena Dickerman

Others present: 2 others in audience

CALL TO ORDER

Chair Faller called the meeting to order at 5:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

PUBLIC REQUEST

Community Planner Janet Morris explained the process of Development Code (DC) Amendments. Typically staff initiates text amendments to the DC or direction comes from a hearings body but a property owner or a resident can propose a DC amendment too. If a property owner proposes the amendment it must come before the Planning Commission (PC) and receive approval for staff to pursue the DC amendment.

Morris stated this request for the DC amendment was because an electric fence was installed when they are not allowed in Albany. The installer sent a letter to the Community Development Director requesting an interpretation that this particular fence could be used as a burglar alarm and to allow future installations. She commented that the Director sent a letter saying that while the fence may function as burglar alarm it is an electric fence and not allowed. The Director has chosen not to initiate the DC amendment. The applicant has chosen to request a DC amendment and the first step of the process is to ask the PC approval to start the process. She explained that the PC needed make a determination on whether the City should accept an application from a property owner or a resident that would propose to change the City's current regulations to allow electric fences. If the PC agrees to this it means that the proposal has merit to be filed for consideration, only. The amendment process is not subject to the 120 day restrictions. If one is filed, staff proposes that it be added to the next bundle of text amendments, which may be several months.

PUBLIC COMMENT:

Michael Pate, Century Security Systems (CSS) LLC, 7609 Fairfield Rd, Columbia, SC, stated he represented the electric guard dog fence device. CSS had installed the fence and according to their interpretation of the code did not think electric security fences were prohibited. Once CSS found out that the fence was prohibited it was turned off and the process of obtaining a permit was started. CSS pursued a text amendment so that it would be all encompassing and not specific to this company.

Pate explained the electric guard dog fence. In 1939 Underwriters Laboratories (UL) approved the use of electric fences for the containment of cattle and livestock. Many areas that have livestock have wire. CSS has taken the technology and adapted it for security purposes. A two fence system is used, there is a perimeter fence or wall and then the burglar alarm security fence is installed approximately 6 inches behind it. The fence is 20 horizontal wire strands. A 12 volt battery is used to charge the fence and for safety reasons is never hooked up to the infrastructure of a building. The 12 volts is amplified to 7,000 volts in 1.3 seconds, the charge is then distributed down the wire between 1 and 4 ten-thousandths of a second. It is a pulse electric device.

CSS operates under the International Electrotechnical Commission (IEC) standards. UL and OSHA (Occupational Safety and Health Administration) contain databases on the safety of the device. There has never been a serious injury or death with the use of the product. Eighty percent of the effectiveness of the device is that it scares people away.

The device acts like a burglar alarm. If the pulse does not go around the fence in 5 seconds there has been an intrusion and the central alarm company that monitors the device then verifies a burglary and calls the police.

Pate added that another issue for the amendment is the 8 foot height limitation for fences. CSS's electric security fence is 10 feet because it is difficult for a person to go over the top. The fence is never installed in residential areas but in large commercial yards such as UPS, Fed-Ex, trucking companies, and other companies that store high value equipment.

Pate stated that IEC requires that every 60 feet there is a legible sign. The sign used is usually bright yellow, with the international shock symbol, and in English and Spanish.

This device is tested. There is a small group of nationally recognized testing laboratories. CSS uses Wiley Labs out of Huntsville, Alabama, because they are specialist in battery and solo aide devices and have done work for NASA.

Pate said that electric guard dog fence is permitted in several places in Oregon, Portland, Eugene, Madras and Troutdale. The device is permitted in several different ways, either with a low voltage permit, solar permit or burglar permit. The device is intended to be a burglar alarm.

Pate commented that CSS installs a knock box at every gate to allow the fire department easy access.

CSS is requesting consideration from the PC to add it to the bundle the text amendment to allow the use of electric security fences. Pate mentioned that he has a portfolio of ordinances that have been passed to allow electric security fences in other jurisdictions if a model ordinance was needed.

Commissioner Rouse asked how many strands of wire were used. Pate replied that there are 20 strands; 4 inches apart up to 4 feet and then the wires are separated 8 inches apart.

Commissioner Fleming asked if there were other systems on the market that varied considerably from CSS's device. Pate said yes. The IEC allows devices to be plugged in or wired into the infrastructure. He added that most ordinances that have passed in other cities have forbidden the use of devices being plugged in or wired into the infrastructure. Another reason that CSS uses a battery is because if the power is down the fence is still operational.

Fleming asked if there were licensing or certifications for the products and the installers. Pate stated that their employees are licensed according to what that municipality or state requires for the fence to be installed. Some states require their own state licensed electricians others require a construction permit, whatever is needed CSS will do.

Fleming asked if UL and other national testing laboratories have a process to certify the systems. Pate said yes, a stamp is always on the system from a nationally recognized testing laboratory. The company used by CSS is Wiley. Wiley approves to the standard of the NIC and the IEC standards for electric security fences.

Fleming asked for a link to the OSHA and the UL's sites that document the safety of the system. Pate agreed to send it.

Fleming asked if once a system was installed if there was annual testing. Pate replied that CSS does not only provide a product, but also a service. CSS owns the system, installs, maintains and monitors a minimum of three times a year. CSS also trains the people on site on how to maintain the system.

Fleming asked what would happen if someone tripped and landed on the fence. Pate said it is not lethal. There are safe guards in place. If two wires connect it grounds the system out and the alarm is set off. Another reason for having the fences to be close is to protect against an entrapment zone. Fleming asked about the safety of birds. Pate stated that the top wire was a ground wire.

Commissioner Styler stated that 7,000 volts sounded like a lot of voltage. Pate explained that it is not AC but DC current and it pulses. A tazor generates 40 to 50 thousand volts, pulses 19 to 20 times a second, and immobilizes a person. This device is 1.3 seconds. OMS law says that if there is a set energy level it can be moved around but stays the same, as voltage is raised the amps goes down.

Styler asked what would stop it from becoming a residential use. Pate said that it would need to be written in the code with specific language of where the device could be installed. He added that it would be cost prohibited for residents.

Commissioner Kish asked if the device would throw a person back. Pate answered that it has a shock value and is safe. A person will not be able to latch on to it and will not be knocked down by it. Styler asked about children touching it. Pate replied that according to Dr. John Webster, preeminent specialist on pulse electricity, a child is less likely to ground out the system. Kish asked if the device was operational during the day when children are around. Pate replied that most companies do not have it operate during the day unless in industrial zones.

Commissioner Post asked staff to review electric fences and to limit it to commercial, industrial and light industrial type zoning. He would also like barbed wire to be allowed that contained livestock. Chair Faller stressed that he did not want electric fences in the residential zones. Morris explained that the PC and staff will want to consider how to treat abutting residential and industrial zones and fence height. The text amendment will need to be generalized that limits voltage.

MOTION:

Commissioner Tomlin moved that the PC determine that a legislative amendment to the DC to allow some form of electric security fences within the City warrants processing and further moved to direct the Community Development Director to accept an Albany property owners or residents application proposing such an amendment and that it will be processed with the next appropriate group of DC amendments to be reviewed by the City. Kish seconded it.

VOTE:

Motion **passed** unanimously.

LEGISLATIVE PUBLIC HEARING, DC-03-10 Amendments to the Albany Development Code

Chair Faller opened the public hearing at 5:57 p.m.

Staff Report:

Planning Manager Heather Hansen explained that a contractor, Box Alexander, has had several requests from the elderly to retrofit their bathrooms to be ADA (American with Disabilities Act) accessible. Currently the DC allows encroachments into side yard setbacks for porches, chimneys and bay windows. Alexander has requested to have 3 feet instead of the 2 feet allowed. Staff proposes that 3 feet is allowed but there must be 3 feet remaining for a setback. This would benefit properties that are zoned RS-5, in the Hackleman or Monteith districts, or multi-family, or two-story homes. Staff is proposing that this request be an addition to the DC amendment packet that was already recommended by the PC for approval. Staff would like to take it with the bundle to the CC on July 10, 2010.

No public testimony.

Chair Faller closed the public hearing at 6:00 p.m.

MOTION: Rouse moved that the PC recommend to the CC to approve the proposed DC amendments as summarized in the staff report file DC-03-10. Tomlin seconded it.

VOTE: Motion **passed** unanimously.

ACTIVITY UPDATE

Hansen suggested that starting in September to return to the 1st and 3rd Monday's for PC meetings. She mentioned that Morris had requested that the Hearings Board meet instead of the PC on Monday, August 2, 2010. Rouse asked for the Hearings Board hearing to begin at 4:15 p.m. instead of 4:00 p.m.

Hansen reminded them that the retreat would be on July 19, 2010 at noon.

Tomlin asked about Wal-mart. Byrne replied that a notice of tentative decision was mailed on Friday, June 25, 2010. The decision was an interpretation of the code that the changes proposed were minor, non significant and immaterial and did not require a public hearing. Post said that it would go to CC for any appeal. Byrne affirmed.

Morris mentioned that the 13th Avenue subdivision will be the public hearing right after the retreat.

Faller asked if Thornton Lakes Estates was going into a park. Byrne said that there was a CCWS discussing the possibility of the City participating financially in acquiring the Thornton Lake Estates property.

NEXT MEETING DATE:

The next meeting of the Planning Commission is June 28, 2010.

ADJOURNMENT

Hearing no further business, Chair Faller adjourned the meeting at 6:10 p.m.

Submitted by

Reviewed by

Signature on file

Signature on file

Sheena Dickerman
Administrative Assistant I

Heather Hansen
Planning Manager

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