



APPROVED October 24, 2011

**CITY OF ALBANY
PLANNING COMMISSION
City Hall Council Chambers, 333 Broadalbin Street SE
Monday, February 7, 2011
5:15 p.m.**

MINUTES

Planning Commissioners present: Paul Davis, David Faller, Glenda Fleming, Cordell Post, Dala Rouse, Michael Styler, Larry Tomlin, and Dave Wood

Planning Commissioners absent: Bob Kish

Staff present: Greg Byrne, Community Development Director; Anne Catlin, Planner II; and, Teresa Nix, Administrative Assistant

Others present: Four in the audience

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

LEGISLATIVE PUBLIC HEARING FILE DC-06-10: Legislative Amendments to Articles 3, 4, 5, and 9 of the Albany Development Code related to fence regulations. The applicants are Forslund Construction and the City of Albany Community Development Department.

Chair Faller opened the public hearing at 5:17 p.m.

Declarations:

Commissioner Post said that he previously asked staff to consider changing the regulations regarding barbed wire; he recused himself from this hearing.

Staff Report:

Anne Catlin reviewed the public notice information, and then the staff analysis as detailed in the written staff report. She explained the proposal includes a request to allow electric fences up to 10 feet in industrial areas, clarifying existing standards for fences over 6 feet, and allowing barbed wire fencing for animal containment. Staff recommends approval of the proposed Development Code amendments.

In response to inquiries from the Commission, Catlin reviewed existing fencing at Forslund Construction and other properties. Commissioner Rouse opined that, if electric fences between residential and industrial properties are to be allowed, the requirements should be for 8-foot fences with warning signs posted every 25 feet. Commissioner Fleming agreed; she also thinks the warning signage should be

posted on the perimeter fence. Catlin said staff recommends that fences be between 6 feet and 8 feet tall with the height to be determined through the application process. Brief discussion followed regarding alternative security options.

Testimony in Favor:

Michael Pate, Sentry Security Systems, 7608 Fairfield Road, Columbia, SC, said that he considers the perimeter fence and electric security fence to be a unit; the effectiveness of the product is better when the two fences are close together. A separation of 2 feet could cause someone to get trapped; the goal is not to trap the intruder but to push them away. He said that minimum wage security employees have not been found to be an effective deterrent. It is difficult to get through this system; and, if the fence is penetrated, there is an alarm and a call to the property owner. Cameras are incorporated to allow the property owner to investigate from the safety of their home. He suggested that the standards be revised to refer to the International Electrotechnical Commission (IEC) standards, which are approved and accredited by the American National Standards Institute (ANSI) and the Occupational Safety and Health Association (OSHA). His product uses a 12-volt battery, and it is a pulsed electric device and is not hooked up to the infrastructure. He preferred that warning signs be posted on the security fence to prevent them from being stolen; he is open to direction regarding the number and interval of the warning signs. He reviewed ways to allow for emergency access for the Fire Department including the installation of a red Knox Box with a universal cutoff switch. He said this is a safe, low voltage, pulsing product; a person who touched it would not want to touch it again, but they would not be seriously injured. He thinks that a low voltage permit would be appropriate to this installation. He referred to 9.370(4)(f) *The fence shall be listed by a State of Oregon approved testimony laboratory*; he asked that *listed* be changed to *tested*.

Kami Forslund-Soehl, 3323 Alexander Lane NE, Albany, is one of owners of Forslund Construction. She said the current perimeter fence is 6 feet tall and the barbed wire has been removed. Her company tried monitoring the yard and found it to be ineffective and expensive. Pacific Power had a person monitoring its site who was badly beaten. Cameras cannot cover the entire site, and they are ineffective in the dark. She expressed concern that a solid perimeter fence and then a separation before the security fence would create a place for an intruder to hide and manipulate the security fence. She chose to touch the fence prior to purchasing it; it hurt but it did not make her fall down or convulse. She had a meeting with a representative from the Fire Department who indicated that he was comfortable with the company's plans for emergency access.

Testimony in Opposition: None.

Neutral Testimony: None.

Staff Response:

Catlin said it is important to note that Development Code provisions were written more generally and are not specific to this fence system. The City's Building Official has expressed concern that if the Code referenced IEC standards and if Oregon were to then develop standards for this product, there could be conflicts. The IEC standards were used in drafting the proposed distances between the perimeter fence and security fence. The subject property was in industrial use prior to the neighboring residential uses; applications with new construction would be required to comply with current set back, buffering, and screening requirements. The Building Official was specific in requesting that 9.370(4)(f) state that the fence shall be *listed*; and in discussions with the City's Electrician, the state indicated that it was comfortable with that language. If there was direction to change the language as requested by Mr. Pate, staff would need to find out if that would be supported by the Building Official and the state.

Chair Faller closed the public hearing at 6:37 p.m.

Commission Discussion and Action:

In response to inquiries from the Commission, Catlin said that she will follow up with the Fire Department to ensure that its concerns are satisfied.

Following discussion, Catlin summarized the Commission-directed changes to the proposed language as follows: Use the alternative language for 9.370(4)(d) but delete the first bullet point; change 9.370(4)(e) to state that warning signs will be posted at intervals of not less than 25 feet; and add a provision requires that all electric fences to be a pulsed system rather than a continuous charge system.

In response to further inquiries from the Commission, Community Development Director Greg Byrne agreed with earlier comments by Catlin that direction to change the language in 9.370(4)(f) would need to go back through the City's Building Official. The Commission could direct that staff bring information back for final action or could direct that the language be changed if it is appropriate to do so.

MOTION: Fleming moved that the Planning Commission recommend that the City Council approve as modified (the modifications as summarized by Catlin above and with staff to make a final determination on the use of the wording in 9.370(4)(f) – *listed, tested, or approved*) the proposed Development Code amendments as summarized in the staff report for planning file DC-06-10. This motion is based on findings and conclusions of the staff report and testimony presented at the public hearing. Davis seconded the motion, and it **passed** unanimously with Post abstaining.

The City Council will hold a public hearing on this case on Wednesday, March 9, 2011, at 7:15 p.m.

LEGISLATIVE PUBLIC HEARING FILE DC-01-11: Amendment to the Albany Development Code to permit alternate plans for non-residential site landscaping. The applicant is the City of Albany Community Development Department.

Faller opened the public hearing at 6:58 p.m.

Staff Report:

Byrne reviewed the findings and conclusions as detailed in the written staff report. He explained the proposal is to allow alternate perimeter landscaping on commercial properties developed under previous codes in limited circumstances. Staff recommends approval of the proposed Development Code amendment. Brief discussion followed.

Testimony in Support: None.

Testimony in Opposition: None.

Neutral Testimony: None.

Staff Response: None.

Chair Faller closed the public hearing at 7:09 p.m.

Commission Discussion and Action:

MOTION: Commissioner Post moved that the Planning Commission recommend that the City Council approve the proposed Development Code amendments related to site landscaping in planning file DC-01-11. This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing. Commissioner Wood seconded the motion, and it **passed** unanimously.

The City Council will hold a public hearing on this case on Wednesday, March 9, 2011, at 7:15 p.m.

ACTIVITY UPDATE

There was no report.

NEXT MEETING

The next meeting of the Planning Commission is scheduled for March 7, 2011, at 5:15 p.m.

ADJOURNMENT

Hearing no further business, Chair Faller adjourned the meeting at 7:10 p.m.

Submitted by

Signature on file

Teresa Nix
Administrative Assistant

Reviewed by

Signature on file

Anne Catlin
Planner II