

Planning Commission

August 17, 2022



Information Packet

ITEMS

File ID 22-519

Consideration of Text Amendment Application No. P21-05809 and related Environmental Finding for Environmental Assessment No. P21-05809, amending Section 15-2010 of the Fresno Municipal Code, relating to the Zone Districts where Electrified Fences are permitted. (Referred back to Planning Commission by City Council in accordance with Fresno Municipal Code Section 15-5810(b).)

Contents of Supplement:

Exhibit H – Presentation

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the Commission after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the Planning Commission meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

Exhibit H

CONSIDERATION OF
Text Amendment
No. P21-05809
AND
RELATED ENVIRONMENTAL FINDING FOR
ENVIRONMENTAL ASSESSMENT
No. P21-05809



PRESENTATION BY: DREW WILSON, SUPERVISING PLANNER

ID 22-1320

PLANNING COMMISSION | AUGUST 17, 2022

BACKGROUND

- Two prior text amendments for Electric Fences have been considered by the Planning Commission and City Council:
 - A Text Amendment Application was initiated by City Council on June 22, 2017 to reduce the requirements and risk for property and business owners to have a Security or electric fences installed.
 - In 2018, staff initiated a text amendment to the Development Code to clarify the locations electric fences were permitted as part of a group of minor changes to the Development Code in order to improve functionality, clarity, and internal consistency.
- Precision Civil Engineering, Inc. submitted a proposed Text Amendment on behalf of Amarok, LLC (formerly known as Electric Guard Dog) to amend Section 15-2010 of the Fresno Municipal Code to:
 - The proposed changes related to the Zone Districts where electrified fences are permitted

BACKGROUND

- The Planning Commission recommended approval with modifications on **June 15, 2022**:
 - An 18-inch separation is required between the perimeter fence and the electrified fence.
 - All Mixed-Use Districts and the Public and Institutional Districts shall be removed from permitted locations.
 - Electric Fences shall not be permitted within 500 feet of sensitive uses, such as schools and childcare facilities.
- Staff proposed further modifications to fully implement Planning Commission's intent:
 - Commercial Main Street District should be removed from permitted locations (this district allows residential uses)
 - Regional Commercial District should be removed from permitted locations (this district allows residential uses)
 - Downtown Districts should be removed from permitted locations except in locations east of State Route 41 (these districts allow residential uses)
 - Permitted in Public and Institutional District when the uses fall under the Transportation, Communication, and Utilities Use Classifications

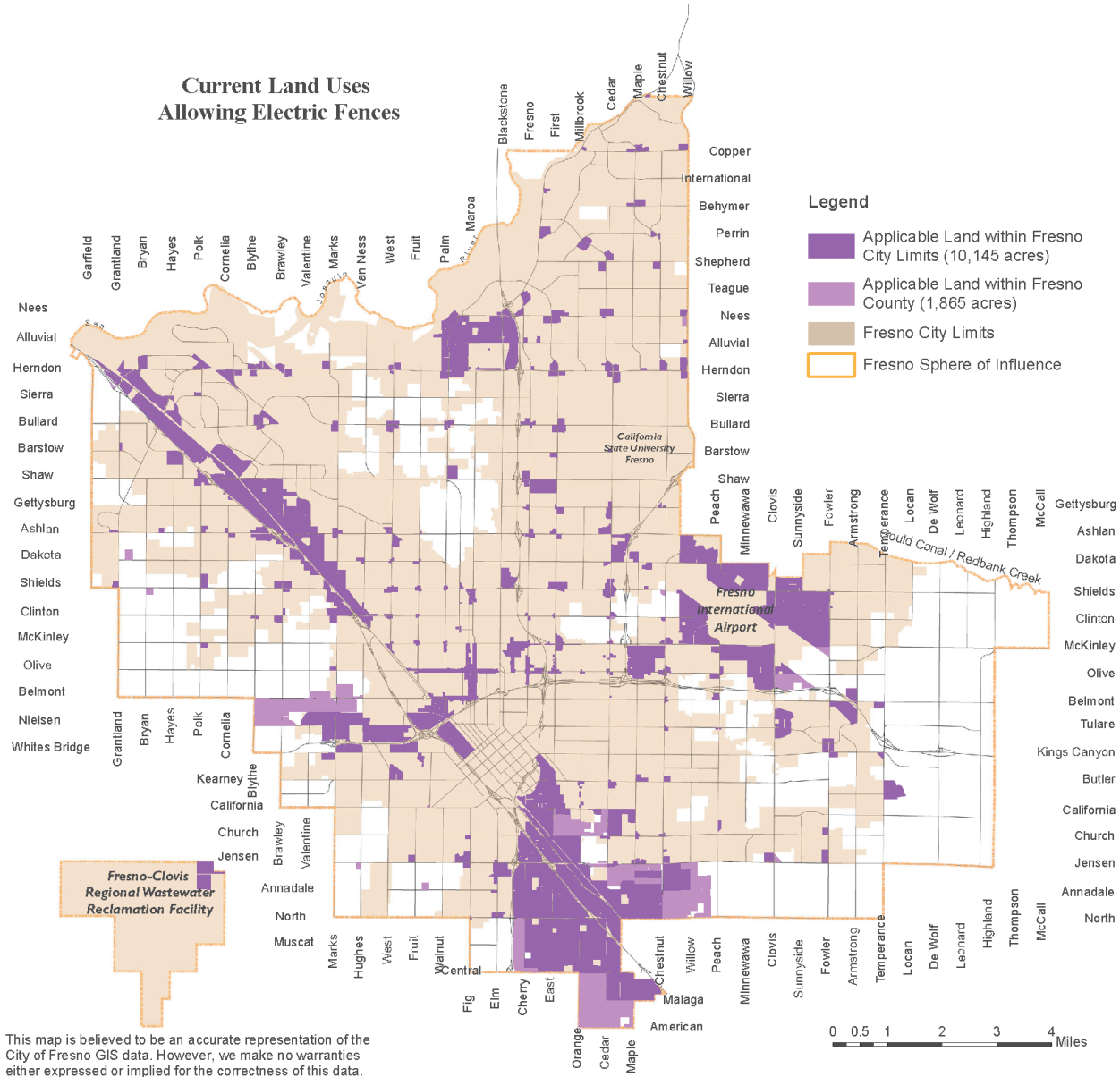
BACKGROUND

- On **July 21, 2022**, the City Council voted to refer a new alternative modification of the Text Amendment submitted by the applicant back to Planning Commission.
- The City Council requested that all electric fence applications be reviewed by the appropriate Council District Project Review Committees.
- The proposed modifications are:
 - The Mixed-Use Districts and Public and Intuitional Districts would not be removed, but limitations would be placed on the Use Classification where electrified fences can be installed
 - Would allow existing legal non-conforming uses in Mixed-Use Districts to install electrified fences if the existing use is permitted in Employment Districts (Office, Business Park, Regional Business Park, Light Industrial, and Heavy Industrial Districts).
 - Electrified Fences would be processed as a Development Permit to ensure that all permits go to the appropriate Council District Project Review Committees and within 3 days of the Director's decision, a notice would be sent from the Director or designee via e-mail to the Councilmember whose district the approved electrified fence is located

MUNICIPAL CODE FINDINGS

- Staff's analysis of findings have not changed for this latest July 2022 recommendation from the City Council; staff finds the recommendation to be inconsistent with the General Plan and the Development Code
- Planning Commission utilized the findings provided by the applicant to support the text amendment as originally modified

Current Land Uses Allowing Electric Fences



Proposed Land Uses to Allow Electric Fences

Legend

- Fresno Sphere of Influence
- Applicable Land within Fresno City Limits (29,965 acres)
- Applicable Land within Fresno County (11,438 acres)
- Fresno City Limits

Map Labels:

Top Left: Garfield, Grantland, Bryan, Hayes, Polk, Cornelia, Blythe, Brawley, Valentine, Marks, Van Ness, West, Fruit, Palm, Maroa, Blackstone, Fresno, First, Millbrook, Cedar, Maple, Chestnut, Willow.

Top Right: Copper, International, Behymer, Perrin, Shepherd, Teague, Nees, Alluvial, Herndon, Sierra, Bullard, Barstow, Shaw, Peach, Clovis, Sunnyside, Fowler, Armstrong, Temperance, Locan, De Wolf, Leonard, Highland, Thompson, McCall.

Center: California State University Fresno, Fresno International Airport, Fresno-Clovis Regional Wastewater Reclamation Facility.

Bottom Left: Nees, Alluvial, Herndon, Sierra, Bullard, Barstow, Shaw, Gettysburg, Ashlan, Dakota, Shields, Clinton, McKinley, Olive, Belmont, Nielsen, Whites Bridge, Grantland, Bryan, Hayes, Polk, Cornelia, Kearney, Blythe, California, Church, Jensen, Annadale, North, Muscat, Marks, Hughes, West, Fruit, Walnut, Central, Fig, Elm, Cherry, East, Orange, Cedar, Maple, American.

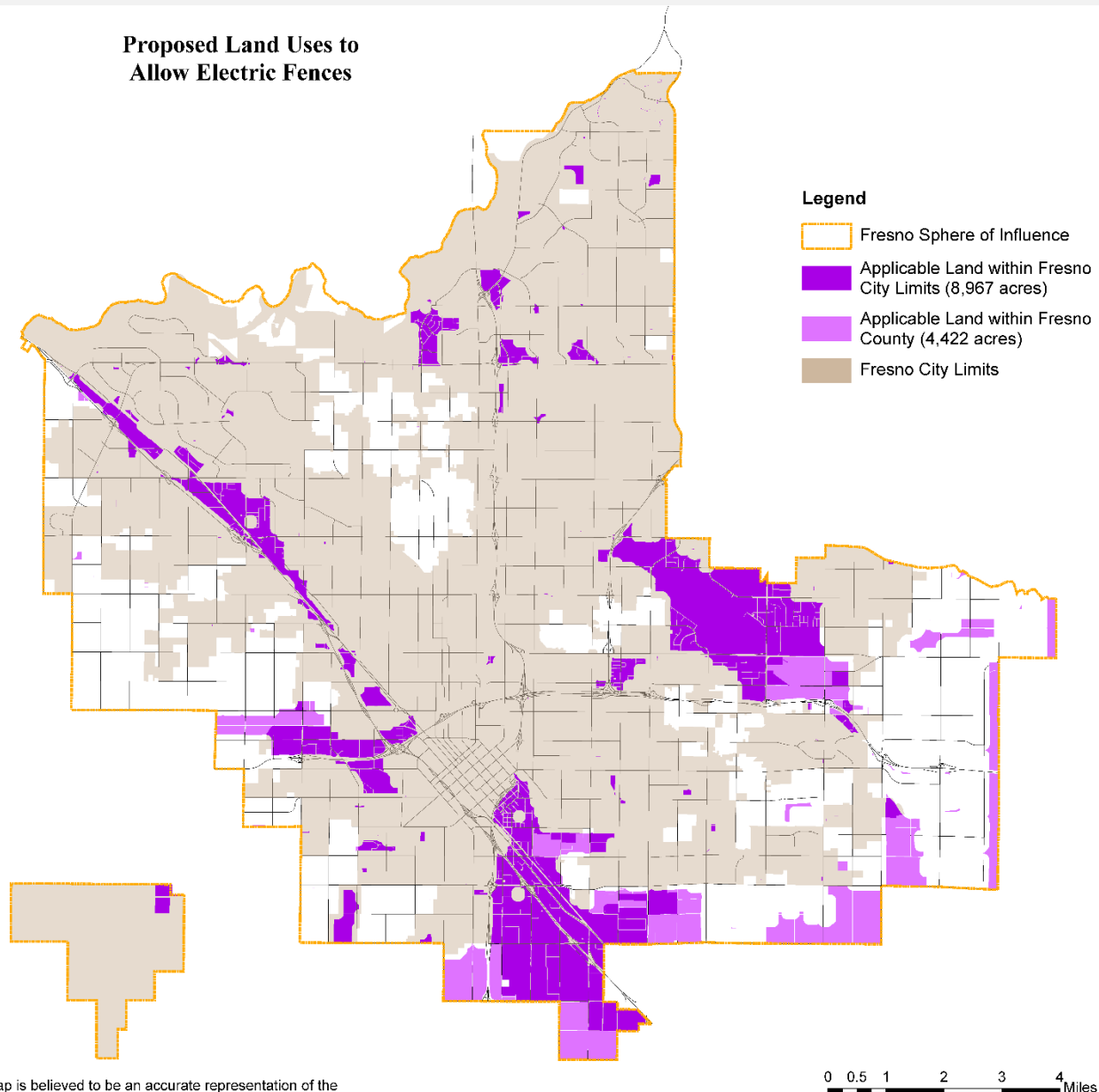
Bottom Right: Gettysburg, Ashlan, Dakota, Shields, Clinton, McKinley, Olive, Belmont, Tulare, Kings Canyon, Butler, California, Church, Jensen, Annadale, North, Thompson, McCall, Highland, Leonard, De Wolf, Locan, Temperance, Armstrong, Fowler, Sunnyside, Clovis, Minniewawa, Peach, Willow, Chestnut, Malaga.

Scale: 0 0.5 1 2 3 4 Miles

Disclaimer: This map is believed to be an accurate representation of the City of Fresno GIS data. However, we make no warranties

0 0.5 1 2 3 4 Miles

Proposed Land Uses to Allow Electric Fences



This map is believed to be an accurate representation of the City of Fresno GIS data. However, we make no warranties either expressed or implied for the correctness of this data.

Date: 7/21/2022

PLANNING COMMISSIONS RECOMENDATIONS

The Planning Commission recommended approval with modifications:

- An 18-inch gap is required between the perimeter fence and the electrified fence.
- The removal of the Mixed-Use Districts and the Public and Institution Districts from permitted locations.
- Electric Fences are not permitted within 500 feet of sensitive use, such as Schools and Childcare Facilities.

STAFF RECOMMENDATIONS

- Planning Commissions modifications
- Additional modifications:
 - Commercial Main Street District should be removed from permitted locations (this district allows residential uses).
 - Regional Commercial District should be removed from permitted locations (this district allows residential uses).
 - Downtown Districts from should be removed from permitted locations except in locations east of State Route 41 (these districts allow residential uses).
 - Permitted in Public and Institutional District when the uses fall under the Transportation, Communication, and Utilities Use Classifications.