



**To:** Planning Commission  
**From:** Jana Magoon, Land Use Manager, Planning and Development Services  
**Subject:** **2023 Amendment – Assessment of “Electric Fences” Application**  
**Memo Date:** August 10, 2022  
**Meeting Date:** August 17, 2022

**Action Requested:**  
Assessment and Determination.

**Discussion:**

At the next meeting on August 17, 2022, the Planning Commission will conduct an assessment of “Electric Fences”, one of the applications for the 2023 Annual Amendment to the [One Tacoma Comprehensive Plan](#) and [Land Use Regulatory Code](#) (“2023 Amendment”).

This application is a request by the City Council to evaluate code changes which would facilitate construction of electric fences in districts other than Industrial Districts. Attached is an assessment report prepared in accordance with the [Tacoma Municipal Code](#) (TMC), Section 13.02.070.E. Upon completing the assessment, the Commission will be asked to consider making a determination to move the application forward for technical analysis during the 2023 Amendment cycle.

**Project Summary:**

The Comprehensive Plan and its elements, as well as development regulations and regulatory procedures that implement the Comprehensive Plan, shall be adopted and amended by ordinance of the City Council following the procedures identified in TMC 13.02.070. Proposed amendments may be considered annually, for which the amendment process shall begin in July of any given year and be completed, with appropriate actions taken by the City Council by the end of June of the following year. The process for the [2023 Amendment](#) began with accepting applications during January-March 2022 and is slated for completion in June 2023.

**Prior Action:**

- 01/19/22 – Reviewed the City Council’s initial request of “Electric Fences”

**Staff Contact:**

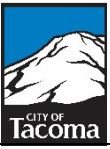
- Jana Magoon, [jmagoon@cityoftacoma.org](mailto:jmagoon@cityoftacoma.org)

**Attachments:**

1. Assessment Report – “Electric Fences”
  - a. Substitute Resolution No. 40955, May 10, 2022
  - b. Resolution No. 40881, November 30, 2021

- c. Peter Huffman, Director





**2023 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

## Application: Electric Fences

**Assessment Report  
August 17, 2022**

This application is proposed to be a part of the 2023 Annual Amendment to the One Tacoma Comprehensive Plan and the Land Use Regulatory Code (“2023 Amendment”). The application seeks to amend appropriate sections of the Tacoma municipal Code (TMC) to allow electric fences in multiple zoning districts, subject to certain standards. (see Project Summary below)

This assessment report facilitates the Planning Commission’s initial review of the application, and determine, in accordance with TMC 13.02.070.E.3, whether the application will be considered in the 2023 Amendment cycle and if so whether its scope of work needs to be modified.

Project Summary	
Application ID:	Electric Fences
Applicant:	City of Tacoma
Staff Contact:	Jana Magoon, Manager, <a href="mailto:jmagoon@cityoftacoma.org">jmagoon@cityoftacoma.org</a>
Location and Size of Area:	City Wide
Current Land Use and Zoning:	Commercial Areas
Neighborhood Council Area:	City Wide
Project Proposal:	Electric fences are currently only allowed in Industrial Districts. Pursuant to Resolution No. 40881 (November 30, 2011) and Substitute Resolution No. 40955 (May 10, 2022), the City Council has requested the Planning Commission to evaluate code changes which would facilitate construction of electric fences in districts other than Industrial Districts.



# Section A. Proposed Scope of Work

## 1. Area of Applicability

City wide in Commercial Districts and some Mixed-Use Districts

## 2. Background

The City has seen a spike in applications for electric fences throughout the City of Tacoma. This is due to the rise in theft and other safety issues that has added expense to the local businesses. However, electric fences are only allowed in Industrial Districts. Multiple business owners have contacted City Councilmembers seeking alternative ways to reduce further losses. On November 30, 2021, the City Council passed Resolution No. 40881, requesting that the Planning Commission explore development standards that could facilitate the construction of electric fences in commercial areas of the City of Tacoma. On May 10, 2022, the City Council passed Substitute Resolution No. 40955, adjusting the timeline for the study from 2022 Amendment cycle to 2023 Amendment cycle and providing the following additional suggestions for the Commission's consideration:

- (a) Businesses have raised concerns of increased theft and safety issues that have added severe expenses, hence the sense of urgency in the community for the regulatory review of this issue;
- (b) There are great concerns about equity, health, and safety regarding expansion of electric fences into areas outside the industrial zones that must be properly addressed; and
- (c) the Commission's review should include, but not be limited to, compatibility of the design and installation of electric fences with the surrounding environment, costs to businesses of permitting and installation of electric fences, site-by-site decisions or district-wide permissions, the applicability of conditional use permits, and the applicability of areas where commercial uses are present or allowed.

## 3. Policy Framework

<i>One Tacoma Plan Chapter</i>	<b>Goals and Policies Relevant to the Application</b>
<b>URBAN FORM Element</b>	Policy UF-10.6 Encourage public street and sidewalk improvements along Avenues to support the vitality of business districts, create distinctive places, provide a safe and attractive pedestrian environment, and contribute to creating quality living environments for residents.
	Policy UF-13.10 - Maintain and enhance the existing commercial areas while preserving the unique features of these neighborhoods.
	Policy UF-13.38 Support the development of Pacific Avenue as a growing business and employment center and enhance streetscapes to improve pedestrian safety and promote the corridor as a civic footprint.
<b>DESIGN AND DEVELOPMENT Element</b>	GOAL DD-8 Promote development practices that contribute to a sense of safety and reduction in opportunities for crime.
	GOAL DD-1.1 Encourage excellence in architecture, site design, and infrastructure and durability in building materials to enrich the appearance of a development's surroundings.
	Policy DD-1.12 Encourage building and site design approaches that help prevent crime.
	Policy DD-5.3 Promote building and site designs that enhance the pedestrian experience in centers and corridors, with windows, entrances, pathways, and other features that provide connections to the street environment.
	Policy DD-8.3 Promote an understanding of the benefits of CPTED among design, development, and investment interests.
	Policy DD-8.4 Promote natural sightlines and visibility through the design and placement of features on sites in ways to provide opportunities for people to observe the space, uses, activities, and people around them.

## 4. Objectives

- Address inconsistencies or errors in the Comprehensive Plan or development regulations;

**Staff Response:** This requested code change does not address inconsistencies or errors in the Comprehensive Plan or development regulations.

- Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services;

**Staff Response:** The City has seen a spike in applications for electric fences throughout the City of Tacoma. This is due to the rise in theft and other safety issues that has added expense to the local businesses.

- Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or

**Staff Response:** Historically, electric fences have been considered unsightly and dangerous. In addition, over the years, the Land Use Code has been modified to limit type and location of fences in commercial and mixed-use districts. Appropriate development standards are critical if electric fences are allowed in commercial districts.

- Enhance the quality of the neighborhood.

**Staff Response:** The purpose of this change is not to enhance the quality of the neighborhood. Implementation of electric fence standards will reduce vandalism and theft of certain properties, which can be construed as an enhancement to the neighborhood. However, appropriate development standards will be an important element of this proposal if quality of neighborhood will be protected.

## 5. Impacts Assessment

As part of the annual amendment cycle, staff conducts an environmental review, including a non-project action SEPA checklist, to consider the potential environmental impacts of the proposals. In addition, the City Council has adopted a policy to consider equity in all Council actions. As a result, potential impacts need to be assessed through an equity lens utilizing the Tacoma Equity Index and other tools, including the historical context of planning in the area.

Historically, electric fences have been considered unsightly and dangerous. In addition, over the years, the Land Use Code has been modified to limit type and location of fences in commercial and mixed-use districts. Limiting fence height and type is a CPTED practice that allows natural sightlines and visibility. This practice also facilitates pedestrian scale development at the public right of way.

However, theft and vandalism has become a greater concern in recent years. Staff note that small, locally owned businesses are less able to absorb the cost of property theft and other crime on their property. The recent increase in property crime, vandalism, and thefts targeting businesses threaten our local economy.

## 6. Proposed Outreach

This application will follow the public process for evaluating and adopting code changes. Appropriate community engagement will be conducted, focusing on the affected business community and the neighborhoods surrounding the subject areas.



## Section B. Assessment

Per TMC 13.02.070.E.2, the application was reviewed against the following assessment criteria:

- If the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review.

**Staff Response:** The application request is a legislative change that would impact development throughout the City. The request is appropriately before the Planning Commission.

- If there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into.

**Staff Response:** There has not been any recent study of this issue that would be cause for the Commission to decline further review.

- If the amount of analysis necessary is reasonably manageable given the workloads and resources of the Department and the Commission, or if a large-scale study is required, the amendment request may be scaled down, studied in phases, delayed until a future amendment cycle, or declined.

**Staff Response:** The scope should be limited to Commercial Districts, Industrial, and some Mixed-Use Districts. Robust development standards should be considered, including Industrial Districts, which already allow electric fences. The Staff have capacity to evaluate this code change with the 2023 Amendments.

## Section C. Recommendation

Per TMC 13.02.070.E.3, the Planning Commission will review this assessment and make its decision as to:

- Whether or not additional information is needed;
- Whether or not the scope should be modified, and if so, what alternatives should be considered; and
- Whether or not the Planning Commission will consider this topic.

### **Staff Recommendation:**

- Staff concludes that the application is complete.
- The scope should be limited to Commercial Districts, Industrial, and some Mixed-Use Districts. The City Council's suggestions in Substitute Resolution No. 40955 will be incorporated. Robust development standards should be considered, including Industrial Districts, which already allow electric fences. This will involve minor changes to other code sections related to fencing.
- Based on the review of the proposal against the assessment criteria, staff concludes that this application is ready for technical analysis. Staff recommends that the Planning Commission accept the application as part of the 2023 Annual Amendment docket.

## Attachments:

- A. City Council Substitute Resolution No. 40955, May 10, 2022
- B. City Council Resolution No. 40881, November 30, 2021



## SUBSTITUTE RESOLUTION NO. 40955

1 BY REQUEST OF DEPUTY MAYOR USHKA, AND COUNCIL MEMBERS  
2 HINES, MCCARTHY, AND WALKER

3 A RESOLUTION relating to the Land Use Regulatory Code; modifying the  
4 timelines for the proposed land use code amendments pertaining to the  
5 use of shipping containers for storage, and expanded allowances for the  
6 use of electric fences, as previously directed by Resolution No. 40794  
7 and Resolution No. 40881, to be considered as part of the Planning  
8 Commission's 2023 Comprehensive Plan and Land Use Regulatory  
9 Code Amendment docket, and providing additional guidance for  
10 Planning Commission consideration.

11 WHEREAS the City Council adopted Resolution No. 40794 on June 8, 2021,  
12 and Resolution No. 40881 on November 30, 2021, directing the Planning  
13 Commission ("Commission") to review and recommend potential amendments to  
14 the Land Use Regulatory Code ("Code") pertaining to the respective issues of  
15 shipping containers for storage and electric fences as part of the 2022  
16 Comprehensive Plan and Code Amendment process, and

17 WHEREAS shipping containers are, per the Zoning Code, generally  
18 allowed only in industrial districts or as temporary uses in other areas, and electric  
19 fences are only currently allowed outright in industrial districts and through a  
20 variance in other districts, and

21 WHEREAS at its meeting on January 19, 2022, the Commission reviewed  
22 the City Council's requests and considered adding either or both issues to the 2022  
23 Amendment process, and

24 WHEREAS upon discussion, the Commission concluded that due to the  
25 complexity and significant impacts of both issues, as well as the extensive  
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community engagement that would be needed, it would be difficult to incorporate them into the 2022 Amendment process, which was already under way, and

WHEREAS the Commission felt it more feasible for these issues to be addressed through the 2023 Amendment process, which has begun and is slated for completion in June 2023, and

WHEREAS the Infrastructure, Planning, and Sustainability ("IPS") Committee received a briefing from the Chair and Vice-Chair of the Commission on February 23, 2022, of the Commission's initial assessment of the issues, and, upon deliberation, concurred with the Commission's suggestions that the issues relating to electric fences and shipping containers be included in the docket for review through the 2023 Amendment process, and that evaluating shipping containers as innovative housing options be considered in coordination with Home in Tacoma Project Phase II, and

WHEREAS the IPS Committee provided additional clarifications and suggestions concerning the scope of work for shipping containers: (1) the Commission should focus more on issues relating to using shipping containers as innovative housing solutions, and also shipping containers for storage and other uses specifically in commercial districts, and (2) the Commission's review of development standards should ensure that shipping containers for residential use provide value-added accommodations and are safe to live in, and

WHEREAS the IPS Committee also provided additional clarification and suggestions concerning electric fences: (1) businesses have raised concerns of increased theft and safety issues that have added severe expenses, hence the





sense of urgency in the community for the regulatory review of this issue, (2) there are great concerns about equity, health, and safety regarding expansion of electric fences into areas outside the industrial zones that must be properly addressed, and (3) the Commission's review should include, but not be limited to, compatibility of the design and installation of electric fences with the surrounding environment, costs to businesses of permitting and installation of electric fences, site-by-site decisions or district-wide permissions, the applicability of conditional use permits, and the applicability of areas where commercial uses are present or allowed, and

WHEREAS the Long-Range Planning Work Program is developed in concert with the Planning Commission and City Council, through the Infrastructure, Planning, and Sustainability Committee, based on project prioritization, public input and available resources, and while the next annual work program update is scheduled to occur in August 2022 the Committee has expressed an interest in also receiving a semi-annual work program update each year in the spring, and reviewing the capacity and process of review such that requests might be considered on a more timely basis in quickly changing environments, and

WHEREAS the IPS Committee's recommendations concerning the Commission's scopes for review and timelines for the shipping container and electric fence issues require a resolution to amend Resolution No. 40794 and Resolution No. 40881; Now, Therefore,



1 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

2 That the proper officers of the City are hereby authorized to modify the  
3 timelines for the proposed land use code amendments pertaining to the use of  
4 shipping containers for storage and other uses, and expanded allowances for the  
5 use of electric fences, as previously directed by Resolution No. 40794 and  
6 Resolution No. 40881, to be considered as part of the Planning Commission's  
7 2023 Comprehensive Plan and Land Use Regulatory Code Amendment docket,  
8 and providing additional guidance for Planning Commission consideration.  
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11 Adopted May 10, 2022

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13 *M. Woodard*  
14 Mayor

15 Attest:

16 *Doris Soum*  
17 City Clerk

18 Approved as to form:

19 *Steve Vider*  
20 Deputy City Attorney  
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**TO:** Elizabeth Pauli, City Manager  
**FROM:** Jana Magoon, Division Manager, Planning and Development Services  
Brian Boudet, Division Manager, Planning and Development Services  
Peter Huffman, Director, Planning and Development Services  
**COPY:** City Council and City Clerk  
**SUBJECT:** Resolution – Scope and Timeline for Shipping Containers and Electric Fences – April 26, 2022  
**DATE:** April 13, 2022

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**SUMMARY AND PURPOSE:**

A resolution modifying the timelines for the proposed land use code amendments pertaining to the use of shipping containers for storage, and expanded allowances for the use of electric fences, as previously directed by Resolutions No. 40794 and No. 40881, to be considered as part of the Planning Commission's 2023 Comprehensive Plan and Land Use Regulatory Code Amendment docket; and providing additional guidance for Planning Commission consideration.

**COUNCIL SPONSORS:**

Council Member Kristina Walker, Council Member John Hines, Deputy Mayor Catherine Ushka, and Council Member Conor McCarthy.

**BACKGROUND:**

The City Council adopted Resolution No. 40794 on June 8, 2021, and Resolution No. 40881 on November 30, 2021, directing the Planning Commission to review and recommend potential amendments to the Land Use Regulatory Code pertaining to the respective issues of shipping containers for storage and electric fences as part of the 2022 Comprehensive Plan and Land Use Regulatory Code Amendment process.

At its meeting on January 19, 2022, the Planning Commission reviewed the City Council's requests and considered adding either or both issues to the 2022 Amendment process. Upon discussion, the Commission concluded that due to the complexity and significant impacts of both issues, as well as the extensive community engagement that would be needed, it would be difficult to incorporate them into the 2022 Amendment process, which was already well under way. The Commission felt it more feasible for these issues be addressed through the 2023 Amendment process, which has begun and is slated for completion in June 2023.

The Infrastructure, Planning, and Sustainability (IPS) Committee received a briefing from the Chair and Vice-Chair of the Planning Commission on February 23, 2022 of the Commission's initial assessments of the issues and, upon deliberations, concurred with the Commission's suggestions that the issues relating to electric fences and shipping containers' use for storage be included in the docket for review through the 2023 Amendment process, and that evaluating shipping containers as innovative housing options be considered in coordination with Home in Tacoma Phase II.





In addition, concerning the scope of work for shipping containers, the IPS Committee provided these additional clarifications and suggestions: (1) the Commission should focus more on issues relating to using shipping containers as innovative housing solutions and also allowing shipping containers for storage specifically in commercial districts; and (2) the Commission's review of development standards should ensure that shipping containers for residential use provide value-added accommodations and are safe to live in.

Concerning electric fences, the IPS Committee provided these additional clarifications and suggestions: (1) businesses have raised concerns of increased theft and safety issues that have added severe expenses, hence the sense of urgency in the community for the regulatory review of this issue; (2) there are great concerns about equity, health, and safety regarding expansion of electric fences into areas outside of industrial zones that must be properly addressed; (3) the Commission's review should include, but not be limited to: compatibility of the design and installation of electric fences with the surrounding environment, costs to businesses of permitting and installation of electric fences, site-by-site decisions or district-wide permissions, the applicability of conditional use permits, and the applicability of areas where commercial uses are present or allowed.

The IPS Committee's recommendations concerning the Planning Commission's scopes of review and timelines for the shipping container and electric fence issues as enunciated above require a resolution to amend Resolutions No. 40794 and No. 40881.

#### **COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

This resolution would amend the scopes of work and timelines as previously specified in Resolutions No. 40794 and No. 40881. As the Planning Commission proceeds with the requested code review, public comment and stakeholder input will be taken on any proposed changes. It is noted that, concerning code changes to allow for electric fences, the City Council have been contacted by Tacoma business owners who have already faced losses due to theft and are seeking alternative ways to reduce further losses that threaten their business.

#### **2025 STRATEGIC PRIORITIES:**

##### **Equity and Accessibility:**

This is a modification to the initial requests for the Planning Commission's review of issues relating to shipping containers and electric fences. Considerations of any policy change should include a review of impacts on racial and other inequities, disparities, or discrimination to under-represented communities.

##### **Economy/Workforce: *Equity Index Score:* Moderate Opportunity**

Increase the number of Tacoma households that have livable wage jobs within proximity to the city.

Decrease the number of vacant properties downtown and in the neighborhood business districts.

##### **Livability: *Equity Index Score:* Moderate Opportunity**

Increase positive public perception of safety and overall quality of life.

##### **Livability: *Equity Index Score:* Moderate Opportunity**

Increase positive public perception of safety and overall quality of life.

##### **Explain how your legislation will affect the selected indicator(s).**

Concerning the issue of shipping containers, reuse of the containers in an aesthetically acceptable way could





provide a sustainable, affordable solution to accessory building, storage, and/or housing needs. While this request does not specify any policy outcome, the review will consider how limited exceptions to the shipping container prohibition might impact public perception of overall quality of life.

Concerning the issue of electric fences, City Council Members have heard from local businesses that have been victims of theft and other crime that threaten their ability to maintain their businesses in the City. Expanding options for these business owners to secure resources their businesses rely on will increase the perception of safety and quality of life, and also will reduce the likelihood the businesses will shut down or leave the City. Small, locally owned businesses are less able to absorb the cost of property theft and other crime on their property. The recent increases in property crime, vandalism, and thefts targeting businesses threaten our local economy.

**ALTERNATIVES:**

Alternative(s)	Positive Impact(s)	Negative Impact(s)
Take no action (i.e., no amendment to Resolutions No. 40794 or No. 40881)	The Planning Commission will fulfill the City Council's requests per the original resolutions, providing a recommendation in 2022.	The Planning Commission is currently considering four applications as part of the 2022 amendment process, three of which are private applications, including the NewCold Land Use Designation Request, South Sound Christian Land Use Designation Request, and the South Tacoma Groundwater Protection District Work Plan. As the public hearing and comment period have already been conducted for these applications, this alternative, incorporating the two topics, shipping containers and electric fences, would necessitate a significant delay in the consideration of these other applications and a need to conduct a new SEPA analysis and public comment process.

**EVALUATION AND FOLLOW UP:**

If this resolution is approved, the Planning Commission will proceed with the review of shipping containers and electric fences in accordance with the scope of work and timelines as specified.

**STAFF/SPONSOR RECOMMENDATION:**

The sponsors recommend approval of this resolution.



**FISCAL IMPACT:**

Adoption of the resolution would not result in a fiscal impact or any additional expenses. The Comprehensive Plan and Land Use Regulatory Code Amendment process is conducted annually for the purpose of considering these types of requests.

**Are the expenditures and revenues planned and budgeted in this biennium's current budget?**

**YES**

The resolution simply requests consideration of land use regulatory code amendments as part of the annual amendment process. This process is already planned and budgeted and this specific request does not result in any additional fiscal impacts.

**Are there financial costs or other impacts of not implementing the legislation?**

**YES**

**Will the legislation have an ongoing/recurring fiscal impact?**

**No**

**Will the legislation change the City's FTE/personnel counts?**

**No**

Resolution No. 40955 Substitute

Adopted: MAY 10 2022

Maker of Motion: Ushka

Seconded: Blocker

Voice Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
CM Blocker	X			
CM Bushnell	X			
CM Daniels	X			
CM Hines	X			
CM McCarthy	X			
CM Rumbaugh	X			
CM Ushka	X			
CM Walker	X			
Mayor Woodards	X			

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
CM Blocker				
CM Bushnell				
CM Daniels				
CM Hines				
CM McCarthy				
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CM Walker				
Mayor Woodards				

**EVERYTHING BEHIND THIS  
PAGE IS BACKUP INFORMATION**





## RESOLUTION NO. 40955

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2 HINES, McCARTHY, AND WALKER

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7 and Resolution No. 40881, to be considered as part of the Planning  
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14 the Land Use Regulatory Code ("Code") pertaining to the respective issues of  
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16 Comprehensive Plan and Code Amendment process, and

17 WHEREAS at its meeting on January 19, 2022, the Commission reviewed  
18 the City Council's requests and considered adding either or both issues to the 2022  
19 Amendment process, and

20 WHEREAS upon discussion, the Commission concluded that due to the  
21 complexity and significant impacts of both issues, as well as the extensive  
22 community engagement that would be needed, it would be difficult to incorporate  
23 them into the 2022 Amendment process, which was already under way, and

24 WHEREAS the Commission felt it more feasible for these issues to be  
25 addressed through the 2023 Amendment process, which has begun and is slated  
26 for completion in June 2023, and



1 WHEREAS the Infrastructure, Planning, and Sustainability ("IPS")  
2 Committee received a briefing from the Chair and Vice-Chair of the Commission  
3 on February 23, 2022, of the Commission's initial assessment of the issues, and,  
4 upon deliberation, concurred with the Commission's suggestions that the issues  
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7 evaluating shipping containers as innovative housing options be considered in  
8 coordination with Home in Tacoma Project Phase II, and  
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Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



**SUBSTITUTE**  
**RESOLUTION NO. 40955**

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WHEREAS the Commission felt it more feasible for these issues to be addressed through the 2023 Amendment process, which has begun and is slated for completion in June 2023, and

WHEREAS the Infrastructure, Planning, and Sustainability ("IPS") Committee received a briefing from the Chair and Vice-Chair of the Commission on February 23, 2022, of the Commission's initial assessment of the issues, and, upon deliberation, concurred with the Commission's suggestions that the issues relating to ~~the~~ electric fences and shipping containers' ~~use for storage~~ be included in the docket for review through the 2023 Amendment process, and that evaluating shipping containers as innovative housing options be considered in coordination with Home in Tacoma Project Phase II, and

WHEREAS the IPS Committee provided additional clarifications and suggestions concerning the scope of work for shipping containers: (1) the Commission should focus more on issues relating to using shipping containers as innovative housing solutions, and also ~~allow~~ shipping containers for storage ~~and other uses~~ specifically in commercial districts, and (2) the Commission's review of development standards should ensure that shipping containers for residential use provide value-added accommodations and are safe to live in, and

WHEREAS the IPS Committee also provided additional clarification and suggestions concerning electric fences: (1) businesses have raised concerns of increased theft and safety issues that have added severe expenses, hence the





sense of urgency in the community for the regulatory review of this issue, (2) there are great concerns about equity, health, and safety regarding expansion of electric fences into areas outside the industrial zones that must be properly addressed, and (3) the Commission's review should include, but not be limited to, compatibility of the design and installation of electric fences with the surrounding environment, costs to businesses of permitting and installation of electric fences, site-by-site decisions or district-wide permissions, the applicability of conditional use permits, and the applicability of areas where commercial uses are present or allowed, and

WHEREAS the Long-Range Planning Work Program is developed in concert with the Planning Commission and City Council, through the Infrastructure, Planning, and Sustainability Committee, based on project prioritization, public input and available resources, and while the next annual work program update is scheduled to occur in August 2022 the Committee has expressed an interest in also receiving a semi-annual work program update each year in the spring, and reviewing the capacity and process of review such that requests might be considered on a more timely basis in quickly changing environments, and

WHEREAS the IPS Committee's recommendations concerning the Commission's scopes for review and timelines for the shipping container and electric fence issues require a resolution to amend Resolution No. 40794 and Resolution No. 40881; Now, Therefore,



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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to modify the timelines for the proposed land use code amendments pertaining to the use of shipping containers for storage and other uses, and expanded allowances for the use of electric fences, as previously directed by Resolution No. 40794 and Resolution No. 40881, to be considered as part of the Planning Commission's 2023 Comprehensive Plan and Land Use Regulatory Code Amendment docket, and providing additional guidance for Planning Commission consideration.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## RESOLUTION NO. 40881

1 BY REQUEST OF COUNCIL MEMBERS HUNTER, McCARTHY, AND THOMS

2 A RESOLUTION relating to the Land Use Regulatory Code; adding consideration  
3 of expanding the districts in which electric fences are allowed to the 2022  
4 Land Use Regulatory Code Amendment work plan and process, and for  
review and recommendation by the Planning Commission.

5 WHEREAS, throughout the City, businesses have raised concerns of  
6 increased theft and safety issues that have added severe expenses, and  
7

8 WHEREAS, at the Study Session of November 23, 2021, Council  
9 Member Thoms presented a Council Consideration Request to propose an  
10 amendment to Title 13 of the Tacoma Municipal Code ("TMC"), the Land Use  
11 Regulatory Code, which would allow the use of electric fences as a secondary  
12 security method to protect assets such as parking lots, and  
13

14 WHEREAS the fencing would be installed on the inside of a traditional fence  
15 and would work as a secondary deterrent for theft, and

16 WHEREAS, currently, electric fences are prohibited in all zoning districts  
17 except for industrial; the proposed TMC amendments would be limited to zoning in  
18 downtown, commercial, and mixed use districts, and would not include residential  
19 zoning, and  
20

21 WHEREAS sample language and development standards for consideration  
22 can be found in the attached Exhibit "A," and

23 WHEREAS the proposed amendment will require a change to  
24 TMC 13.06.090.K.3, which requires review by the Planning Commission, and  
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WHEREAS the project cycle of the 2022 Annual Amendment to the One Tacoma Comprehensive Plan and/or the Land Use Regulatory Code runs from January 2021 through June 2022, and

WHEREAS the Planning Commission will make recommendations to the City Council for final review and approval in 2022, and it is necessary to include the proposed application to the Land Use Regulatory Code Amendment in the 2022 process in order to expedite considerations of solutions for local businesses impacted by theft and other public safety concerns; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the City Council hereby adds consideration of expanding the districts in which electric fences are allowed to the 2022 Land Use Regulatory Code Amendment work plan and process, and for further review and recommendation by the Planning Commission.

Adopted November 30, 2021

  
Mayor

Attest:

  
City Clerk

Approved as to form:

  
Deputy City Attorney





## EXHIBIT "A"

### MODEL ELECTRIC FENCE ORDINANCE

A. The construction and use of electric fences shall be allowed in the City only as provided in this section, subject to the following standards:

1. IEC Standard 60335-2-76: Unless otherwise specified herein, electric fences shall be constructed or installed in conformance with the specifications set forth in International Electro technical Commission (IEC) Standard No. 60335-2-76.

2. Electrification:

a. The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However the solar panel may be augmented by a commercial trickle charger.

b. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

3. Perimeter fence or wall:

a. 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 five feet.

4. Location: Electric fences shall be permitted on any non-residential outdoor storage areas.

5. Height: Electric fences shall have a height of 10 feet (or 2 feet higher than the perimeter fence whichever is higher).

6. Warning signs: Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than sixty feet.

7. Electric fences shall be governed and regulated under burglar alarm regulations and permitted as such.



**TO:** Elizabeth Pauli, City Manager  
**FROM:** Council Member Robert Thoms  
**COPY:** City Council and City Clerk  
**SUBJECT:** Resolution – Adding an application to the 2022 Land Use Regulatory Code Amendment process to consider increasing districts where electric fences are allowed – November 30, 2021  
**DATE:** 11/23/2021

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**SUMMARY & PURPOSE:**

A Resolution to add an application to increase districts where electric fences are allowed to the 2022 Land Use Regulatory Code Amendment process for consideration and technical analysis.  
[Council Member Thoms]

**COUNCIL SPONSORS:**

Council Members Hunter, McCarthy, and Thoms

**BACKGROUND:**

**This Council Member's Recommendation is Based On:**

This resolution directs the City Manager to have staff and the Tacoma Planning Commission evaluate a code change to increase the number of districts where electric fences are allowed through the 2022 Land Use Regulatory Code Amendment process.

Throughout the City, businesses have raised concerns of increased theft and safety issues that have added severe expenses. The intention of this resolution is to propose code that would allow the use of electric fences as a secondary security method to protect assets like parking lots. The fencing would be installed on the inside of a traditional fence, and would work as a secondary deterrent for theft. Currently, electric fences are prohibited in all zoning districts except for industrial. Consideration of code changes should be limited to zoning in downtown, commercial, and mixed use districts. It does not include residential zoning. Sample language and development standards for consideration can be found in Exhibit A attached to the resolution.

The proposal to change where electric fences will require a change to TMC 13.06.090.K.3, which requires review by the Tacoma Planning Commission. The project cycle of the 2022 Annual Amendment to the One Tacoma Comprehensive Plan and/or the Land Use Regulatory Code ("2022 amendment") runs from January 2021 through June 2022. The *One Tacoma Plan* is the blueprint for achieving the community's vision for future growth and the Land Use Regulatory Code (Title 13 of the Tacoma Municipal Code) is a key tool to implementing the goals and policies of the Plan. These documents are reviewed and amended, generally, on an annual basis in accordance with the State Growth Management Act in order to maintain their effectiveness. The Planning Commission will make recommendations to the City Council for final review and approval in 2022.

**COMMUNITY ENGAGEMENT/ (CUSTOMER RESEARCH):**

Tacoma business owners have contacted City Council members requesting code be changed to allow for electric fences. These business owners have already faced losses due to theft and are seeking alternative ways to reduce further losses that threaten their business.



**2025 STRATEGIC PRIORITIES:**

**Equity and Accessibility:**

Small, locally owned businesses are less able to absorb the cost of property theft and other crime on their property. The recent increases in property crime, vandalism, and thefts targeting businesses threaten our local economy.

**Economy/Workforce:** *Equity Index Score:* Select Index Score.

Increase the number of Tacoma households that have livable wage jobs within proximity to the city.  
Decrease the number of vacant properties downtown and in the neighborhood business districts.

**Livability:** *Equity Index Score:* Select Index Score.

Increase positive public perception of safety and overall quality of life.

Council Members have heard from local businesses that have been victims of theft and other crime that threaten their ability to maintain their businesses in the City. Expanding options for these business owners to secure resources their businesses rely on will increase the perception of safety and quality of life, and also will reduce the likelihood the businesses will shut down or leave the City.

**ALTERNATIVES:**

Alternative	Positive Impacts	Negative Impacts
1. Take no action	Provide more time for other priorities.	Does not address immediate public safety concerns of business community.
2. Wait for future amendment cycle	Provide more time in immediate future for other priorities, more time to analyze proposal.	Does not address immediate public safety concerns of business community.

**EVALUATIONS AND FOLLOW UP:**

The 2022 amendment cycle runs from January 2021 through June 2022, with final recommendations being brought to the City Council for approval.

**COUNCIL MEMBER RECOMMENDATION:**

The recommendation is to include this application to the Land Use Regulatory Code Amendment in the 2022 process in order to expedite considering solutions for local businesses impacted by theft and other public safety concerns.

**FISCAL IMPACT:**

No fiscal impact





**CITY OF TACOMA, WASHINGTON  
OFFICE OF THE CITY COUNCIL  
COUNCIL CONSIDERATION REQUEST**

**TO:** Mayor & City Council  
**FROM:** Council Member Thoms and Council Assistant Lynda Foster  
**COPIES TO:** Elizabeth Pauli, City Manager; Tadd Wille, Deputy City Manager; Bill Fosbre, City Attorney  
**SUBJECT:** Adding an application to the 2022 Land Use Regulatory Code Amendment process to consider increasing districts where electric fences are allowed  
**DATE:** November 17, 2021

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**I ask for your support for a Resolution to add an application to increase districts where electric fences are allowed to the 2022 Land Use Regulatory Code Amendment process for consideration and technical analysis.**

**LEGISLATIVE INTENT:**

This resolution directs the City Manager to have staff and the Tacoma Planning Commission evaluate a code change to increase the number of districts where electric fences are allowed through the 2022 Land Use Regulatory Code Amendment process.

Throughout the City, businesses have raised concerns of increased theft and safety issues that have added severe expenses. The intention of this resolution is to propose code that would allow the use of electric fences as a secondary security method to protect assets like parking lots. The fencing would be installed on the inside of a traditional fence, and would work as a secondary deterrent for theft. Currently, electric fences are prohibited in all zoning districts except for industrial. Consideration of code changes should be limited to zoning in downtown, commercial, and mixed use districts. It does not include residential zoning. Sample language and development standards for consideration can be found in the attached document, "Model Electric Fence ordinance".

The proposal to change where electric fences will require a change to TMC 13.06.090.K.3, which requires review by the Tacoma Planning Commission. The project cycle of the 2022 Annual Amendment to the One Tacoma Comprehensive Plan and/or the Land Use Regulatory Code ("2022 amendment") runs from January 2021 through June 2022. The *One Tacoma Plan* is the blueprint for achieving the community's vision for future growth and the Land Use Regulatory Code (Title 13 of the Tacoma Municipal Code) is a key tool to implementing the goals and policies of the plan. These documents are reviewed and amended, generally, on an annual basis in accordance with the State Growth Management Act in order to maintain their effectiveness. The Planning Commission will make recommendations to the City Council for final review and approval in 2022.

**ALIGNMENT WITH TACOMA 2025 KEY FOCUS AREAS:**

This program, project, or event is best aligned with the following:

**Economy/Workforce:** *Equity Index Score:* Select Index Score.

Increase the number of Tacoma households that have livable wage jobs within proximity to the city.

Decrease the number of vacant properties downtown and in the neighborhood business districts.

**Livability: Equity Index Score:** Moderate Opportunity

Increase positive public perception of safety and overall quality of life.


If you have a question related to the Council Contingency Fund Request, please contact Lynda Foster at 253.591.5166 or [Lynda.Foster@CityofTacoma.org](mailto:Lynda.Foster@CityofTacoma.org).

SUBMITTED FOR COUNCIL CONSIDERATION BY: \_\_\_\_\_

  
Council Member Thoms

**SUPPORTING COUNCIL MEMBERS SIGNATURES (2 SIGNATURES ONLY)**

*(Signatures demonstrate support to initiate discussion and consideration of the subject matter by City Council for potential policy development and staff guidance/direction.)*

1.  POS# 6

2.  POS# 7

Mayor's initials 

Resolution No. 40881

Adopted: NOV 30 2021

Maker of Motion: Blocker

Seconded: Thoms

Voice Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Beale				X
Mr. Blocker	X			
Mr. Hines	X			
Ms. Hunter	X			
Mr. McCarthy	X			
Mr. Thoms	X			
Ms. Ushka	X			
Ms. Walker	X			
Mayor Woodards	X			

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Beale				
Mr. Blocker				
Mr. Hines				
Ms. Hunter				
Mr. McCarthy				
Mr. Thoms				
Ms. Ushka				
Ms. Walker				
Mayor Woodards				