

CITY OF DUNDEE
PLANNING COMMISSION AGENDA
City Council Meeting Chambers
620 SW 5th Street
Dundee, OR 97115
P.O. Box 220

MEETING DATE: October 19, 2016
Meeting Time: 7:00pm

- I. Call Meeting to Order.**
- II. Approval of Minutes**
*June 15, 2016
- III. Public Comment**
- IV. Work Session of Fence Permit Process**
- V. Planning Issues from Commission Members**
- VI. Adjournment**

The City Council chambers are accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Melody Osborne, Planning Secretary at 503-538-3922.

CITY OF DUNDEE

Meeting: Planning Commission Meeting
Location: City Council Meeting Chambers
620 S.W. 5th Street
Dundee, Oregon 97115
Date: June 15, 2016
Time: 7:00 p.m.

I. Meeting called to order.

Chairman Michelle Kropf called the meeting to order. Commissioners present, which consisted of quorum, were Commissioner Isaiah Cox, Commissioner Francisco Stoller, Chairman Michelle Kropf, Commissioner Kevin Swanson, Commissioner Dustin Swenson, and Commissioner Sara Whitfield. Also in attendance was City Planner Jessica Pelz.

II. Approval of Minutes from Previous Meeting(s)

It was moved and seconded to approve the minutes from May 18, 2016. Motion carries unanimously.

III. Public Comment

There were no members of the public in attendance.

IV. PC Training

Planner Pelz passed out a training exercise to the Commissioners asking them to propose a project using the design standards and a lot on 5th Street. After giving them an appropriate amount of time each Commission "team" presented their proposals.

VI. Adjournment

Moved and seconded to adjourn the meeting. Meeting was adjourned.

Michelle Kropf, Chairman

ATTEST:

Melody Osborne, Planning Secretary

Memorandum

TO: Dundee Planning Commission
FROM: Jessica Pelz, AICP, Planner
CC: Rob Daykin, City Administrator
DATE: October 19, 2016
SUBJECT: Review Fence Standards and Process

On September 6, 2016, City Council passed a motion to have the Planning Commission reevaluate the existing fence standards and to weigh in on whether there should be a permit required for fences. See Attachment 1 for the 9/6/16 City Council meeting minutes pertaining to the issue.

Current Process

Dundee City Council adopted a Resolution in 2006 establishing the current fence permit process. The purpose of the fence permitting process was to allow the city to consult with property owners prior to fence construction to ensure the Code standards would be met. The fence permit application costs \$20.00, and is reviewed by Alan Mustain, the Public Works Superintendent, and Melody Osborne, Administrative Assistant, then is issued. Alan typically does a site visit to review the details in the application, and he occasionally does a follow-up inspection, although this is not required.

Other Cities

Most cities in Oregon do not have fence permits for a typical fence meeting the Code requirements. Almost every Code reviewed by staff includes a provision that fences need to get building permits and meet applicable setback rules if they are over 6 feet tall. However, there are a few cities with fence permitting programs, including: Hillsboro, Ashland, and Harrisburg. See Attachment 2 for information from Dundee and these other cities with fence permit programs.

Analysis & Questions

- A difficulty that could arise with fence permits is that it could put the city in the position of essentially approving a property line location, which would otherwise be a civil issue between neighbors. A pro of having a fence permit is that it does give staff the opportunity to educate and identify potential issues before construction.
- A permit process takes staff time to administer and potentially to inspect – we would typically inspect other types of permits, so we should probably officially inspect fence permits as well.
- Should we continue to have a fence permit process? Or should we not have a fence permit process and instead just have a handout with fence regulations?
- If we do keep the current fence permit process, should it be changed in any way?
- Do the existing fence regulations need to be updated in any way? Fence regulations were recently updated with both commercial zones and industrial zones design standards.

Attachments

1. City Council meeting minutes (excerpt), 9/6/16, and Resolution 2006-14
 2. Fence Permit Information: Dundee, Hillsboro, Ashland, Harrisburg
 3. Dundee Municipal Code 17.202.050 Fence Standards
-

Council

9/6/2016

Fence Permit Requirements

C.A. Daykin briefly reviewed the fact that the City adopted a resolution requiring a fence permit back in 2006; a copy of the resolution was provided in the agenda packet. C.A. Daykin advised that he reviewed the City Council minutes relating to the resolution and found only brief information pertaining to the rationale to make sure that when someone places a fence there is a formal opportunity for the City Staff to review and advise applicants of the fence guidelines. He also indicated that most cities do not require fence permits although Ashland, Oregon does have a fence permit requirement in their development code. C.A. Daykin explained that because this requirement was established via a resolution; there is no sanction for noncompliance. If a permit process is desired, C.A. Daykin advised that Staff would recommend that it be incorporated into the development standards by initiating a development code amendment to include that. That would then give the Planning Commission another opportunity to review the fence standards. C. President Adlong pointed out that a fence that is constructed incorrectly can really be noticeable, and she expressed her opinion that the standards be enforced equitably. She would be in favor of an ordinance. C. Svicarovich inquired about Staff availability to perform fence consultations. C.A. Daykin informed that in discussing the issue further with Staff and the City Planner, a simple checklist format would be favored. The information would not be sent to the Planner; the intake person would review the information and make sure that the applicant understands all of the requirements. A simple inspection from Public Works would be done as well. C. Svicarovich inquired about whether a permit would be required for repair of an existing fence which C.A. Daykin informed would not be necessary. C. Svicarovich pointed out her belief that we already have the necessary code in place and that if something comes up and it's not in compliance we can address that issue when it arises. C.A. Daykin pointed out that most of the fence permits that have been issued are for fences associated with new home building; we don't see a lot of requests for fence permits for preexisting homes. C. President Adlong pointed out that City Staff is presently already involved in many of the fencing issues. C.A. Daykin reviewed the fence standards on page 53 of the agenda packet with the Council. C. Nelson agreed with C.A. Daykin that Standard B-3 should be addressed regarding fence height, and noted that the other standards should be reviewed as well. C. Nelson supported the idea of having the Planning Commission review the fence standards and provide input as to whether they believe a fence permit process would be helpful. Discussion ensued regarding a potential fence permit process and what that might look like. **A motion** was made and seconded to have the Planning Commission reevaluate the fence standards that exist now and to weigh-in on their thoughts as to whether or not there should be a permit required for fences. **The motion** passed unanimously.

Resolution No. 2016-22, TGM Code Assistance Grant Application

C.A. Daykin briefly reviewed Resolution No. 2016-22. **A motion** was made and seconded to approve Resolution No. 2016-22, a resolution supporting an application to the transportation and growth management program for a code assistance grant to develop a new Riverside District Zone to implement the Riverside District Master Plan. **The motion** passed unanimously.

New Business

Street Improvements OTIF Loan Amendment

C.A. Daykin reviewed the City took out a loan through the Oregon Transportation Infrastructure Fund (OTIF) in 2013 for local street paving projects. The first two phases were completed. The last phase was intended to be completed in 2015, but with other activities and change of engineers that was not accomplished. C.A. Daykin advised that the bid was put out again this year but prices came back quite a bit higher. The decision was then made to repackage the work and combine it with some other work related to Locust Street. C.A. Daykin informed that, in talking to the administrator for the loan program and in discussing what we are looking to accomplish (including the sidewalks and streetscape projects), one option that could potentially help with

CITY OF DUNDEE

RESOLUTION NO. 06-14

A RESOLUTION REQUIRING A PERMIT TO BUILD A FENCE

WHEREAS, the Dundee Development Code Section 2.209.09 regulates the building of fences, and;

WHEREAS, it is the City's desire to consult with property owners before a fence is erected to assure code requirements are met, and;

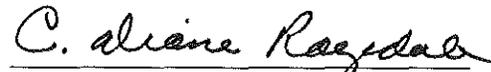
WHEREAS, the City currently has no fence permitting requirements, thus allowing potential code inconsistencies to occur that require remedial action by the City after construction has occurred, and;

WHEREAS, it is the desire to work with property owners prior to their building fences in order to avoid code violations.

Now, therefore, BE IT RESOLVED THAT:

The City Council hereby requires a Fence Permit prior to constructing or erecting a fence in the city limits of Dundee and that the applicant pay an administrative fee of \$20 per permit.

PASSED BY THE COUNCIL AND SIGNED BY THE MAYOR THIS 7TH day of August 2006.


C. Diane Ragsdale, Mayor

Attest: 
Eve Dolan
City Recorder

Permit Fee \$20.00

Receipt Number _____

Date Received _____



CITY of DUNDEE
Oregon

PO Box 220
620 SW 5th Street
Dundee, Oregon 97115
503-538-3922

Fence Permit Application

Location of Fence:

Address: _____

Applicant Information:

Applicant's Name: _____ Phone No. _____

Mailing Address: _____

Do you own the property where the fence is being installed? Yes No – If not, please attach written permission from the property owner allowing the fence installation.

Is the fence going to be used to enclose a swimming pool? Yes No

Is the property a corner lot? Yes No

Please describe the Fence.

New Remodel / Replacement Height _____ Length _____

Materials (wood, chain link, etc.) _____

Using the attached graph paper, please draw a site plan of the property indicating proposed fence location, any existing fences on the property, setbacks, curbs, sidewalks, easements, etc.

The site plan must also show the vision clearance area as described in DMC 17.301.040.

By signing below, applicant acknowledges that they have read, and agrees to perform the described work in accordance with DMC 17.301.040 and DMC 17.202.050 attached to this application.

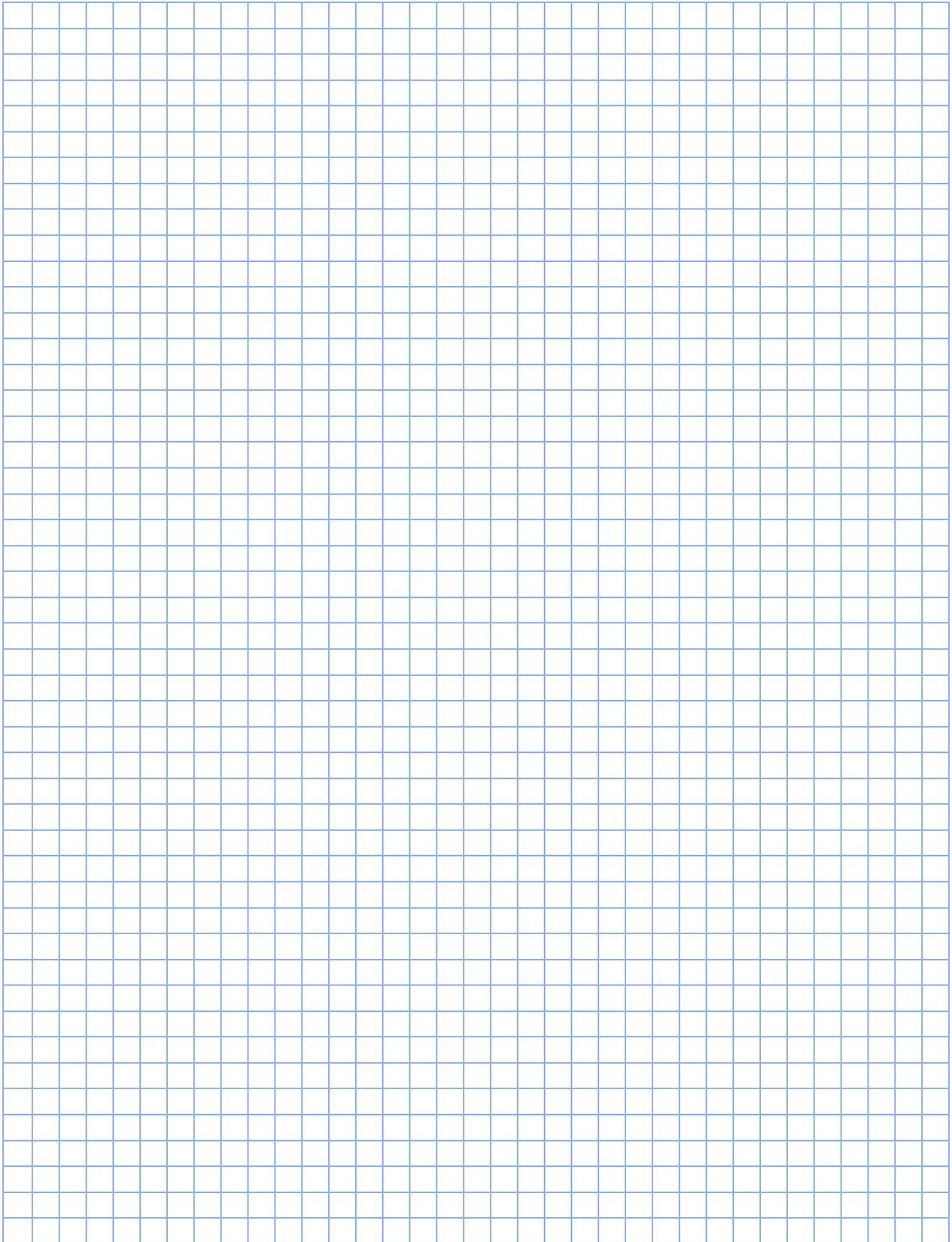
Signed _____ Dated _____

FOR OFFICE USE ONLY:

Public Works Approval _____

Planning Department Approval _____

Permit Issued by _____ Date _____



17.202.050 Fence standards.

A. General Standards.

1. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, electric or any other hazardous or dangerous materials; this includes link fencing with barbed ends at the top or sides; except that fences topped with barbed wire are allowed in industrial, agricultural, and public zones.
2. Electric fences and barbed wire fences in agricultural zones intended to contain or restrict cattle, sheep, horses or other livestock, and lawfully existing prior to annexation to the city, may remain.
3. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, nonuniform height, and uncontrolled growth of vegetation.
4. Fences shall comply with requirements of the clear vision area for streets and driveways.
5. In no instance shall a fence extend beyond the property line.
6. In the C and CBD zones, chain link fencing may not be used between a public street and a maximum setback line, with the following exceptions:
 - a. In the C zone, black fused and bonded vinyl coated chain link fencing may be used, subject to subsection (B) of this section.
 - b. In the CBD zone, black fused and bonded vinyl coated chain link fencing may be used if screened from view from the street by a sight-obscuring hedge of equal height, subject to subsection (B) of this section.

B. Fence Heights in Residential and Commercial Zones.

1. Fences in residential zones shall not exceed four feet in height in the required primary front yard setback, and six feet in height within secondary front, side or rear yard setback.
2. Fences and walls in the C and CBD zones shall not exceed four feet in height between a public street and the maximum front yard setback line (per DMC [17.202.030\(B\)](#)) and six feet in height within a side or rear yard setback.
3. Fences in interior yards more than six feet in height shall meet the setback requirements in Table 17.202.030 for an accessory structure.

4. The fence height limits above include the height of soil berms under the fence or acting as a fence.
5. Vertical structural members such as posts or columns that are not wider than two feet and that are spaced not closer than eight feet (other than when located on either side of a gate or portal) and ornamental features on top of the posts or columns shall not be used in determining height.
6. If a variance has been granted to the fence height restriction, a building permit may be required prior to construction. [Ord. 534-2014 § 1 (Exh. A); Ord. 521-2013 § 3 (Exh. A)].

17.301.040 Vision clearance.

A. Intent and Purpose. This section implements the transportation policies of the city of Dundee. It is intended to provide for transportation safety at street intersections, including driveway approaches.

B. Applicability. This section applies to all uses of real property at all times.

C. Clear Vision Area. Except as provided by subsection (D) of this section, every clear vision area shall be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad, pursuant to subsections (C)(1) through (4) of this section:

1. No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of two feet and eight feet shall be established in the clear vision area.

Measurements shall be made from the top of the curb or, where no curb exists, from grade.

2. Except as provided for single use residential driveways under subsection (C)(3) of this section, a clear vision area shall consist of a triangular area, two sides of which are right-of-way lines or a right-of-way line and access easement line. Where the lot lines have rounded corners, the right-of-way lines are extended in a straight line to a point of intersection and so measured. The third side of the triangle shall be a line connecting the non-intersecting ends of the other two lines.

3. For single use residential driveways, the clear vision area shall consist of a triangular area, two sides of which are the curb line and the edge of the driveway. Where no curbs exist, the future location of the curb, based on future full street improvements, shall be used.

4. The following standards establish the required clear vision areas:

Type of Intersection	Measurement Along Each Lot Line or Drive Edge*
Controlled Intersection (stop sign or signal)	20 feet
Uncontrolled Intersection (60' right-of-way or more)	30 feet
Uncontrolled Intersection (less than 60' right-of-way)	40 feet
Commercial and Industrial District Driveways	20 feet
Residential District Driveways	10 feet
Alley (less than 25 feet wide)	20 feet

*Where there is an intersection of two or more streets of different right-of-way width, distance shall be measured along each respective lot line and shall conform to the minimum distances specified for each type street.

D. Exceptions. The following are allowed to be placed within a clear vision area notwithstanding the standards of subsection (C) of this section, provided they do not conflict with traffic safety or operations:

1. A public utility pole.
2. Telephone switch boxes, provided they are less than 10 inches wide at the widest dimension.
3. A tree trimmed (to the trunk) to a line at least eight feet above the grade of the intersection.
4. Plant species of open growth habit that are not planted in the form of a hedge and which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view.
5. A supporting member or appurtenance to a permanent building lawfully existing.
6. An official traffic control device, including a warning sign or signal.
7. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
8. The post section of a pole sign when there are no more than two posts and any post is less than eight inches in diameter. [Ord. 521-2013 § 3 (Exh. A)].



150 East Main Street, 4th Floor, Hillsboro, OR 97123
 Phone 503-681-6153 | Fax 503-681-6245
 www.hillsboro-oregon.gov

FENCE PERMIT APPLICATION

Note to Applicant: Approval of a Fence Permit is required to construct a fence within the City Limits. A fee is also required. In some cases a Building Permit may be required. Applicants are encouraged to review the attached Approval Criteria, Submittal Requirements and General Regulations prior to submittal of this application. It is the responsibility of the applicant to determine if/where there are underground utility lines. Call before you dig: Oregon Utility Notification Center 1-800-332-2344.

TRACKING INFORMATION (For Office Use Only)

Date Received _____ Permit # _____ Planning Reviewer _____

Decision Date _____ Approved Denied for the following reasons _____

SITE LOCATION & DESCRIPTION

Tax Map #(s) _____ Tax Lot #(s) _____

Site Address _____

Nearest Cross Street _____

Comprehensive Plan Designation _____ Zoning _____

Site Size and Dimensions of Site: _____

DETAILED PROJECT INFORMATION

Cost of Construction _____ Date Work to Begin _____

Type of Proposed Fencing Materials _____

Proposed Height and Dimensions of Fence _____

APPLICANT AND OWNERSHIP INFORMATION

Applicant: Name _____

Business Name _____

Mailing Address _____ City _____ State _____ Zip _____

Phone # _____ Fax # _____ Email Address _____

I certify that the above information is true and accurate to the best of my knowledge. I hereby agree to strictly observe all ordinances and regulations of the City of Hillsboro, pertaining to such work and to fulfill all requirements thereof, and I furthermore agree to assume all liability from accident due to storing materials on the street or sidewalk or from any other cause resulting from the construction or alteration of the fence described in this application, and to defend the City of Hillsboro, its officers or employees in any suit or action instituted against them on account of said construction.

Applicant's Signature _____ Date _____

If the applicant is not the property owner, permission from the owner must be provided on the next page:

CONTINUED ON PAGE 2

FENCE PERMIT (CONTINUED)

Property Owner(s): Name(s) _____

Business Name _____

Mailing Address _____ City _____ State _____ Zip _____

Phone # _____ Fax # _____ Email Address _____

Property Owner(s) Signature(s) _____ Date: _____

TRACKING INFORMATION (For Office Use Only)

Public Utility Lines/Easements:

Engineering: Sanitary Sewer: No Yes (If yes, attach site map) Reviewer: _____ Date: _____

Storm Sewer: No Yes (If yes, attach site map) Reviewer: _____ Date: _____

Water: No Yes (If yes, attach site map) Reviewer: _____ Date: _____

Vision Clearance Review Required: No Yes (if Yes, route to Engineering for review)

Engineering Reviewer: _____ Clearance Requirement Met: No Yes Date: _____

Notes: _____

Building Permit Required? No Yes

Building Permit #: _____

Fees Paid: _____ Receipt No. _____

APPROVAL CRITERIA AND REQUIREMENTS (FENCE PERMIT)

The approval criteria and requirements for a **Fence** Permit are listed in Section 12.80.060 of the Community Development Code as follows:

12.80.060 Fence Permit.

- A. Purpose. The purpose of a Fence Permit is to ensure that fences are installed in accordance with the requirements of this Code, thereby providing certainty to property owners prior to installation of the fence.
- B. Procedure. Fence applications are subject to the Type I procedure as described in Section 12.70.030.
- C. Submittal Requirements. Type I application submittal requirements are set forth in Section 12.70.030 and more specific submittal requirements are provided on application forms and checklists as authorized in Section 12.70.110. At a minimum, a fence permit application shall include the following:
 - 1. An application form signed by the applicant or applicant's representative;
 - 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the date of submittal;
 - 3. A scaled site plan of the property and any abutting public or private streets, showing the location of the proposed fence(s); and
 - 4. A drawing illustrating the height, materials, and general appearance of the fence.
- D. Approval Criteria. In order to approve a fence permit, the Review Authority shall make a determination based on evidence provided that the height and location of the fence are consistent with the provisions Section 12.50.250 Fences, Free-Standing Walls, Hedges and Berms, and Section 12.50.260 Sight Distance / Vision Clearance.
- E. Conditions of Approval. The Review Authority may impose conditions on approval of a fence permit to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 12.70.180.
- G. Expiration of a Decision. Refer to Section 12.70.140.
- H. Extension of a Decision. Refer to Section 12.70.150.

GENERAL REGULATIONS (FENCE PERMIT)

The development standards for fences are set forth in Section 12.50.250 and for vision clearance standards in Section 12.50.260 and 12.65.250 of the Community Development Code as follows:

12.50.250 Fences, Free-Standing Walls, Hedges and Berms.

- A. Purpose. Fences, walls, hedges and berms mark property boundaries and provide privacy and security. Standards for construction and installation of fences, walls, hedges and berms are intended to ensure that these features are attractive from the public view, accomplish their intended purposes, and are reasonably maintained for both private and public benefit.
- B. Applicability. The standards of this section shall apply:
 - 1. To all Type II or III development applications in which fences, hedges, free-standing walls or berms are proposed or required as a condition of approval; and
 - 2. To any fences, hedges, free-standing walls or berms installed outside the land use approval process.
- C. Fence Permit Required; Exception.
 - 1. Except as provided in paragraph 2 below, installation of a new fence or wall, or relocation of a portion of an existing fence or wall, shall require submittal and approval of a fence permit application according to the process specified in Section 12.80.060.
 - 2. When required through a Type II or Type III land use approval, a separate fence permit is not required for installation of a fence, free-standing wall, hedge or berm consistent with that approval.
- D. Residential Fence and Wall Standards.
 - 1. Fences and walls in residential zones shall not exceed 6 feet 2 inches in height except where they abut a commercial, Mixed-Use, urban center, institutional or industrial zone. Adjacent to a commercial, Mixed-Use, urban center, institutional or industrial zone, fences in residential zones may be up to 8 feet 2 inches in height with approval of a building permit. Soundwalls installed in single family zones adjacent to light rail facilities are exempt from these height restrictions.
 - 2. Fences and walls in residential zones shall not exceed 4 feet 2 inches in height within any front yard setback and shall not conflict with vision clearance requirements in Section 12.50.260. One arbor, gate, or similar garden structure not exceeding 8 feet in height and 4 feet in width is allowed within the front yard outside a vision clearance triangle.
 - 3. On corner lots, location of and height of a fence or wall shall be determined by the Planning Director upon submittal of a fence permit application.
 - 4. Use of barbed wire, razor wire, and electric fences shall be consistent with the requirements of the Hillsboro Municipal Code.
 - 5. Chain link fences shall include a top rail for security and maintenance. Chain link fences installed adjacent to landscaped areas, wetlands, or open space areas shall have a black, dark brown, or dark green powder coating.
 - 6. Fencing and Wall Requirements for New Residential Developments.
 - a. Applications for Development Review, preliminary Subdivision plat or Planned Unit Development concept plan approval for new residential development shall submit proposed fencing or wall plans in compliance with the standards in Table 12.50.250-1.
 - b. Perimeter street fences and walls shall be installed by the developer prior to the acceptance of public infrastructure, according to the standards listed in Table 12.50.250-1.

GENERAL REGULATIONS (CONTINUED)

- c. Uniform interior yard fences and walls shall be constructed during or after home construction, according to the fencing plan approved during preliminary review.

**Table 12.50.250-1:
Perimeter Fence and Wall Standards for Residential Developments**

Project Character	Preferred Standard
Arterial or Collector frontage where garages and front doors face the interior street and rear yards face the Arterial or Collector street	<ul style="list-style-type: none"> • 1st: Masonry or brick walls; anti-graffiti sealant • 2nd: Solid wood fence; masonry or brick columns with cap board; anti-graffiti sealant • All fences to be maximum 6 feet high except in vision clearance areas • Construction to include a minimum 3- foot wide landscaped strip between the sidewalk and the fence or wall
Arterial or Collector frontage where front doors face the Arterial or Collector street and garages face the interior street	<ul style="list-style-type: none"> • 1st: Masonry or brick walls • 2nd: Metal fence with masonry or brick columns • 3rd: Solid wood fence with cap board • All fences to be maximum 4 feet high except in vision clearance areas • Individual gates or openings to be provided for single family dwellings; consolidated gates or openings may be provided for multiple dwelling structures and attached two-dwelling structures
Neighborhood route or Local street frontage where garages and front doors face the interior street	Uniform fencing plan to be approved during Type II or Type III application review.
Neighborhood route or Local street frontage where garages and front doors face the neighborhood route street	Uniform fencing plan, to be approved during Type II or Type III application review.
Perimeter fences or walls adjacent to surrounding properties (not street frontage)	Uniform fencing plan, to be approved during Type II or Type III application review

E. Commercial, Industrial, and Institutional Fence and Wall Standards.

1. Fences and walls in commercial, industrial, and institutional zones shall not exceed 6 feet in height unless a building permit for the fence has been approved by the Building Department.
2. Chain link fences shall include a top rail for security and maintenance. Chain link fences installed adjacent to landscaped areas, wetlands, or open space areas shall have a black, dark brown, or dark green powder coating.
3. Use of electric fences and /or fences topped with barbed wire, razor wire, or similar installations shall comply with the requirements of the Hillsboro Municipal Code.

F. Standards for Hedges. In all zones, vegetation hedges may be installed in compliance with the following standards:

1. Hedge plantings shall not include nuisance plants as defined in Section 12.01.500;
2. Hedge heights may exceed the maximum fence height standards in any zone;
3. Hedges may be installed without a fence permit, but must comply with the vision clearance requirements in Section 12.50.260;and
4. Hedges shall not extend into the public right-of-way.

GENERAL REGULATIONS (CONTINUED)

- G. Standards for Berms. As an alternative or in addition to perimeter fences or walls, projects may include perimeter earthen berms. Berms in residential developments shall be a maximum six feet in height, with a maximum 25 percent slope. Berms in commercial, industrial or institutional developments may exceed this height and/or slope if approved through the Development Review process. If approved, berms shall include stabilizing landscaping on all sloped areas; irrigation; and provision for drainage at the toe of all slopes.

12.50.260 Sight Distance / Vision Clearance.

- A. Purpose. Specified areas along intersection approach legs and across their included corners should be clear of obstruction that might block a driver's view of potentially conflicting vehicles, bicycles, or pedestrians. When established and maintained in triangular areas at street intersections or intersections with alleys or driveways, these vision clearance areas (also called clear sight triangles or sight distance areas) ensure that drivers, bicyclists and pedestrians have clearer views of crossing traffic, which improves intersection safety for all parties. Corner lots or lots on curvilinear streets may also have additional setback or site design requirements to ensure proper sight distance.
- B. Applicability.
1. The standards of this section apply to all development applications at the intersections listed in paragraph 2 below; and to any development occurring outside the land use approval process.
 2. The standards of this section apply at the following intersections:
 - d. Intersection of 2 or more streets;
 - e. Intersections of a street and an alley;
 - f. Intersections of a street or alley and common driveway; and
 - g. Intersection of a street and a Mixed-Use, commercial, industrial or institutional use driveway.
 3. The areas subject to these standards are those portions of the vision clearance areas located on private property outside the public right-of-way. Vision clearance requirements in the public right-of-way are specified in the Public Works Design and Construction Standards.
- C. Standards.
1. Projects at intersections listed in Subsection B.2 above must provide intersection sight distance as measured and recommended in accordance with the 2004-2005 AASHTO Policy on Geometric Design of Highways and Streets, unless otherwise approved in writing by the City Engineer or Road Agency Engineer. Sight distances shall be based on the 85th percentile or posted speed of the cross street (whichever is higher) as determined by a traffic engineering study.
 2. Projects at intersections other than those listed in paragraph B.2 above must provide intersection sight distance in compliance with Figure 12.50.360-A.
 3. With the exceptions of intersections in the SCC-DT zone listed in Subsections 4 and 5 below, required sight distance triangles shall contain no plantings, walls, structures, or temporary or permanent obstructions between 30 inches and 10 feet in height, except occasional tree trunks or poles. The vertical distances in this section shall be measured vertically from the top of the curb or, if there is no curb, from the centerline street grade.
 4. Projects within the SCC-DT zone or within a Mixed-Use Town Center or Village Center Core Area established in accordance with Section 12.65.030 must meet the intent of the AASHTO standard in paragraph 1 above, but the sight distance triangle may be occupied by a plaza, provided the location and size of any furniture, planters or landscaping in the plaza do not in the opinion of the City Engineer or the Road Agency Engineer create a sight distance hazard.

GENERAL REGULATIONS (CONTINUED)

5. Projects within the SCC-DT zone or within a Mixed-Use Town Center or Village Center Core Area established in accordance with Section 12.65.030 may also meet the intent of the AASHTO standard in paragraph 1 above but may provide a structural support for upper stories above the sight distance triangle, provided the location and size of such supports do not in the opinion of the City Engineer or the Road Agency Engineer create an unsafe sight distance hazard.
 6. The Review Authority may condition land use approvals for projects on corner lots or lots on curvilinear streets to have additional setbacks in order to meet sight distance requirements.
 7. Sight distance triangle locations and dimensions shall be based on ultimate street and cross street rights-of-way.
- D. Exceptions. Sight distance requirements at intersections may be modified at the discretion of the City Engineer or Road Agency Engineer. Requests for modifications must be hardship driven and submitted in writing prior to or during the land use application review process. Any approval of a sight distance triangle exception shall be made in writing by the City Engineer or Road Agency Engineer, and may be conditioned to meet the intent of this standard.
- E. Enforcement. To enforce this standard following approval of a land use application, the Review Authority may impose conditions on a land use application approval to require plat notes, deed restrictions or provision of sight distance easements. (Ord. 6110 § 7, 2015)

12.65.250 Fences, Free-Standing Walls, Hedges and Berms. Except as noted below, the standards of Section 12.50.250 shall apply in the South Hillsboro Plan District.

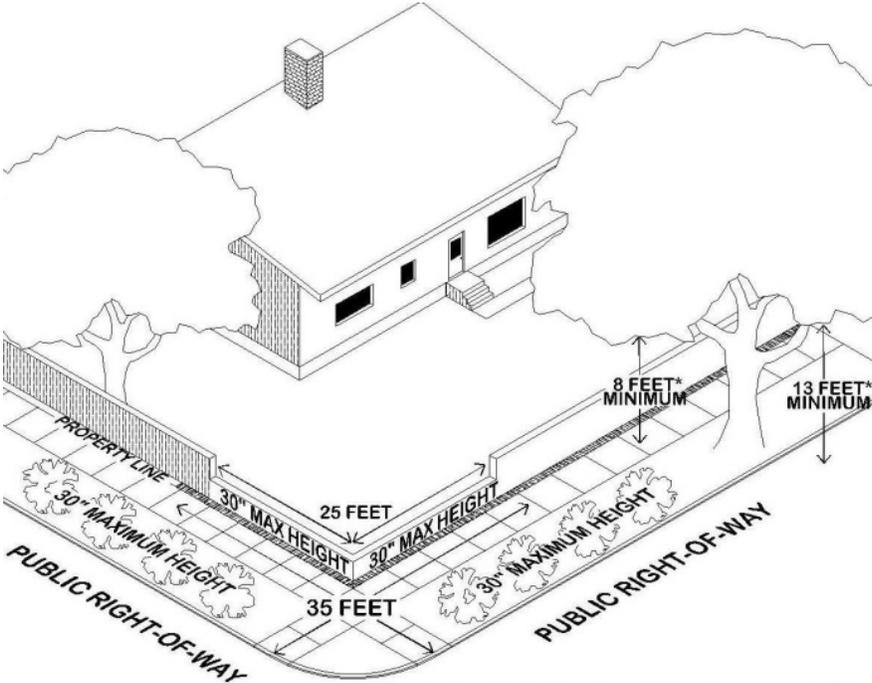
- A. Purpose. Fences, walls, hedges and berms within the South Hillsboro Plan District should balance the need for privacy with the need to provide a consistent, cohesive, visually pleasing and pedestrian friendly environment. Designs should contribute to the overall appearance of the plan district through the use of a uniform approach that includes high quality materials and avoids creating hard edges between adjacent neighborhoods and development projects.
- B. Applicability. The applicability requirements of 12.50.250.B apply in the South Hillsboro Plan District. In addition, within the South Hillsboro Plan District the standards of 12.50.250 and 12.65.250 also apply to development applications in which fences, hedges, free-standing walls or berms are proposed or required as a condition of approval.
- C. Fence Permit Required. The permit requirements of Subsection 12.50.250.C shall apply in the South Hillsboro Plan District. In addition, a uniform fencing plan is required for all Type II or Type III applications.
- D. Standards. The standards in Subsections 12.50.250.D and E shall apply in the South Hillsboro Plan District except as modified by paragraphs 1 and 2, below.
 1. Maximum Height. Fences and free-standing walls in all zones shall not exceed 4 feet in height in the front yard and 6 feet in height in side and rear yards.
 2. Materials.
 - a. Fences and free-standing walls shall be constructed of durable materials compatible with the primary materials used on the associated building façade. Materials may include but are not limited to, the following:

GENERAL REGULATIONS (CONTINUED)

- i. Masonry or brick;
 - ii. Solid wood with masonry or brick columns;
 - iii. Wrought iron with masonry or brick columns; or
 - iv. Alternative material(s) as approved by the Review Authority.
- b. Use of plastic, vinyl, barbed wire, razor wire, and electric fences, industrial materials and unprocessed waste materials are prohibited as fencing or free-standing wall materials.
- c. Except for schools, recreational facilities, water quality facilities and other utility facilities as approved by the Review Authority, the use of chain link is prohibited. Where permitted, chain link fences shall include a top rail for security and maintenance and shall have a black, dark brown, or dark green powder coating.
- d. All fences and free-standing walls shall be treated with anti-graffiti sealant.
3. Design. Fence designs shall contribute to overall appearance of development within the plan district through the use of a uniform approach that includes high quality materials and avoids creating hard edges between adjacent neighborhoods and development projects. (Ord. 6110 § 8, 2015)

12.65.260 Sight Distance / Vision Clearance. The requirements of 12.50.260 shall apply in the South Hillsboro Plan District. (Ord. 6110 § 8, 2015)

Vision Clearance Areas shall meet the requirements set forth in Section 220.3.1 of the Design and Construction Standards. Below is an illustration to be used for informational purposes only, please refer to the mentioned sections as this illustration is not intended to reflect all sites.



Call before you dig: Oregon Utility Notification Center 1-800-332-2344

SUBMITTAL REQUIREMENTS (FENCE PERMIT)

Application submittal requirements are set forth in Section 12.70.110 of the Community Development Code. The following is a check list based on the specific requirements for Fence Permit set forth in Section 12.80.060:

- Completed, Signed Application Form:** The original, completed and signed Home Occupation Permit Application form must include a “wet ink” signature from the property owner or authorized agent. This information must be reproduced so please write clearly using black/dark blue ink or type.

- Site Plans:**
 - Plot Plan:** Provide a plot plan (aerial view) of the subject property illustrating lot dimensions, street frontage, property improvements, vegetation/landscaping, and the proposed location and dimensions of the fence. *Note any public utility lines/easements.

 - Elevation Plan:** Provide an elevation plan (eye-level view) of the fence, the fence materials, height and size. If the fence materials, height, and size vary on the site, provide illustrations of each variation.

- Fee:** The appropriate application fee **payable to the CITY OF HILLSBORO**. Please consult the fee schedule for current fees.

FOR MORE INFORMATION PLEASE CONTACT:

City of Hillsboro Planning Department
150 East Main Street, 4th Floor, Hillsboro, OR 97123
Phone: (503) 681-6153; Fax: (503) 681-6245
E-mail: planning_dept@hillsboro-oregon.gov
Website: www.hillsboro-oregon.gov

18.4.4 – Landscaping, Lighting, and Screening

18.4.4.050 Outdoor Lighting

- A. Purpose.** This section contains regulations requiring adequate levels of outdoor lighting while minimizing light spillover onto adjacent properties
- B. Applicability.** All outdoor lighting is subject to the requirements of this section. Where a proposed development is subject to Type I, Type II, or Type III review, the approval authority may require specific lighting levels or limit lighting as a condition of approval to protect the public health, safety, and welfare.
- C. Standards.** As a guideline, lighting levels shall be no greater than necessary to provide for pedestrian safety, property/business identification, and crime prevention. All outdoor lighting, except streetlights, shall comply with the following standards.
1. Arrange and install artificial lighting so there is no direct illumination onto adjacent residential properties.
 2. Provide light poles no greater than 14 feet in height for pedestrian facilities. (Pedestal- or bollard-style lighting is an alternative method for illuminating walkways located inside a development but not located in a public street right-of-way.)
 3. Where a light standard is placed over a sidewalk or walkway, maintain a minimum vertical clearance of eight feet.
 4. Install light fixtures where they will not obstruct public ways, driveways, or walkways. Where a light standard must be placed within a walkway, maintain an unobstructed pedestrian through zone per Americans with Disabilities Act (ADA) compliance.
 5. Except as permitted for signs, direct outdoor light fixtures downward and have full shielding to minimize excessive light spillover onto adjacent properties.
 6. For streetlight requirements, see subsection [18.4.6.040.D.18](#).
- D. Maintenance.** Outdoor lighting shall be maintained in good condition, or otherwise replaced by the property owner.

18.4.4.060 Fences and Walls

- A. Permitting.** Permits, granted through Ministerial review, are required prior to installing any permanent fence or wall to ensure compliance with City standards. The property owner should obtain a property boundary survey where property boundaries are not otherwise identified. Where a development is subject to land use approval, the City may require installation of screening walls or fences as a condition of approval for development, as provided by other ordinance sections. A building permit may be required for some fences and walls, pursuant to applicable building codes.
- B. Design Standards.** Fences, walls, hedges, and screen planting shall meet the following standards, where height is measured pursuant to subsection 18.4.4.060.B.2, below. See Figure 18.4.4.060.B.1 for illustration of maximum fence heights.
1. Height. Fences, walls, hedges, and screen planting shall not exceed the following heights.
 - a. *Front Yard.* In any required front yard, not more than 3 ½ feet in height.

18.4.4 – Landscaping, Lighting, and Screening

- b. *Rear and Side Yard.* In any rear or side yard, not more than 6 ½ feet in height.
- c. *Street-Side Yard.* In any rear or side yard abutting a public street, except alleys, not more than four feet in height where located within ten feet of said street.

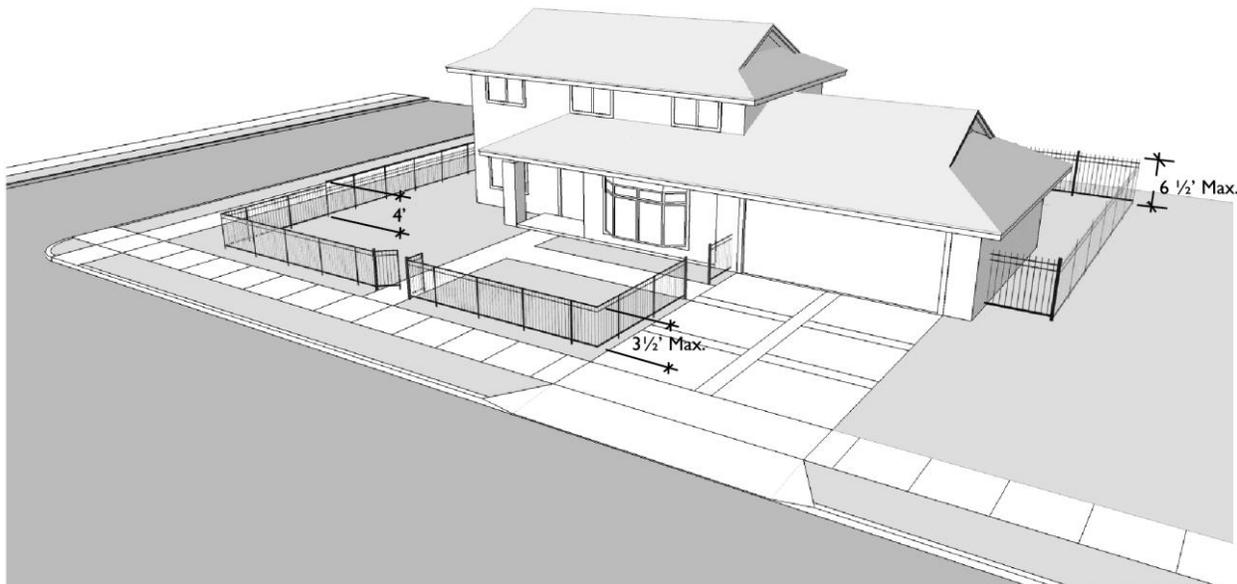
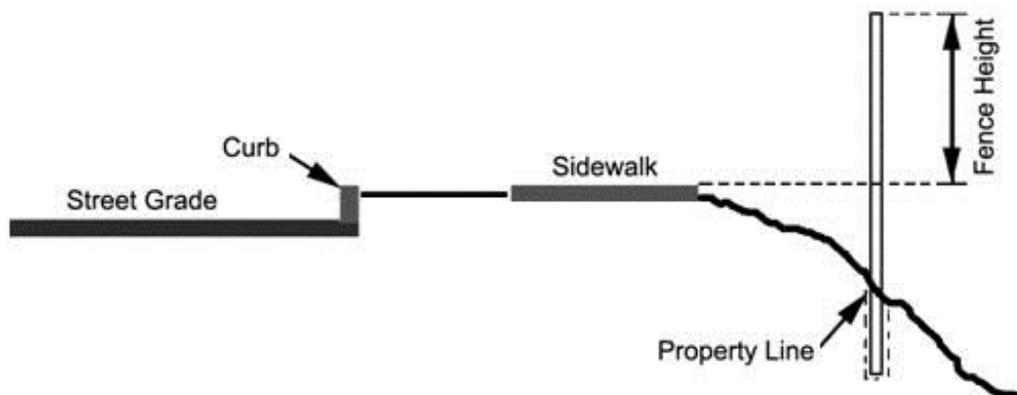


Figure 18.4.4.060.B.1
Fence Heights by Yard

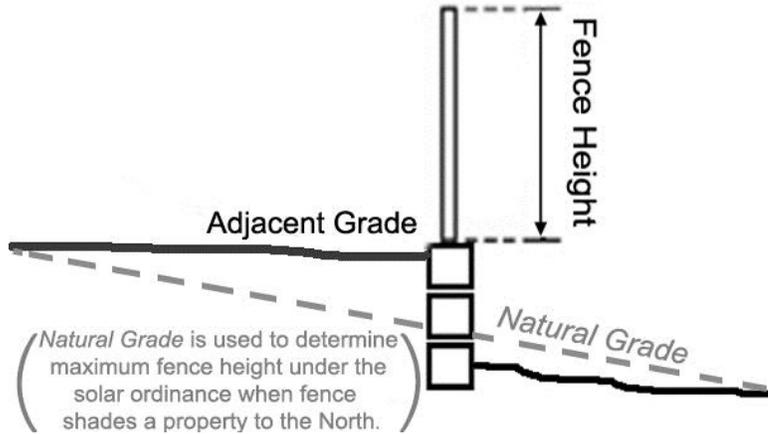
2. Height Measurement. The height of a fence is the vertical distance measured from the natural grade to the highest point of the fence, including the structural supports.
 - a. *Below-Grade Lots.* On lots that are not generally level with the adjacent street, height may be measured from the top of the adjacent sidewalk or curb, or, where curbs are absent, from the crown of the adjacent street plus six inches.



- b. *Retaining Walls and Slopes.* Where fences are built on top of retaining walls, or one lot is markedly higher than an adjacent lot, height shall be measured from the highest adjacent

18.4.4 – Landscaping, Lighting, and Screening

grade, except that the solar access of adjacent properties to the north shall be maintained in accordance with chapter 18.4.8 Solar Access.



3. Location.

- a. *Yard (Setbacks).* Standard yard requirements do not apply to fences and walls meeting the height requirements of this section; however fences and walls exceeding the height requirements of this section shall meet yard requirements. All fences and walls shall comply with the vision clearance area requirements of section 18.2.4.040. Other provisions of this ordinance may limit allowable height of a fence or wall below the height limits of this section.
- b. *Public Rights-of-Way.* The construction of permanent structures is prohibited in the public right-of-way and associated setback areas of a future street or greenway.

4. Framework. The framework for newly constructed fences and walls shall face toward the property of the party who constructs the fence, except where fences are jointly constructed.

5. Restricted Materials. The use of barbed wire, razor wire, electrified wire, and similar security fencing materials shall be restricted as follows.

- a. Such materials shall not be located adjacent to a sidewalk, a public way, or along the adjoining property line of another person.
- b. Such materials shall not be erected or maintained at less than 6 ½ feet above grade.
- c. Such materials may be located in commercial, employment, or industrial lands if not visible from the public right of way, or with approval from the Community Development Director on properties deemed to be hazardous or in need of additional security.

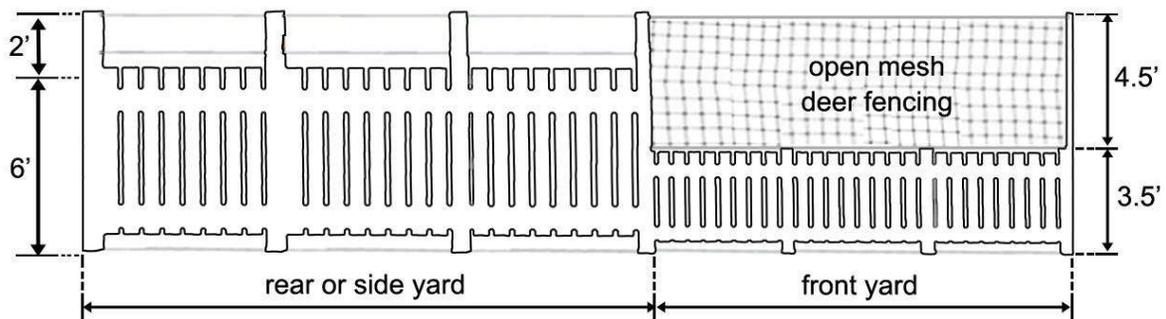
6. Deer Fencing.

- a. Deer fencing may be attached to a permitted front, side, or rear yard fence provided the area in excess of the allowable fence heights per this section is designed and constructed to provide a clear view through the fence.
 - i. Within required front yards, at least 85 percent of the surface shall be unobstructed to

18.4.4 – Landscaping, Lighting, and Screening

both light and air when viewed perpendicular to the plane of the fence.

- ii. Within required side and rear yards, at least 80 percent of the surface shall be unobstructed to both light and air when viewed perpendicular to the plane of the fence.
- b. Deer fencing shall have a minimum height of 6 ½ feet and shall not exceed eight feet above grade.
- c. Permitted deer fencing materials may include, woven wire fencing, field fence, “hog panels”, wire strand, or polypropylene mesh net that is open and visible through the material. Within front yards all mesh material shall have a minimum open diameter of 1 ½ square inches.
- d. Deer fencing shall be supported by structural supports, or tension wires, that run along the top of the fence to prevent sagging.
- e. Chain link fences shall not be considered to be deer fences under this section even if they meet the criteria above.



7. Waterways, Riparian Areas, and Wetlands. Fences in and near waterways, riparian areas, and wetlands are shall conform to the following standards.
 - a. *Waterways.* Fences shall not be constructed across any waterway or stream, or within any designated floodway identified on the official maps adopted pursuant to chapter 18.3.10 Physical and Environmental Constraints Overlay.
 - b. *Riparian Areas and Wetlands.* Fences may be installed in the upland half of the stream bank protection zone, and in the wetland buffer identified on the official map adopted pursuant to chapter 18.3.11 Water Resources Protection Zones Overlay. Temporary tree protection fencing required with development pursuant to chapter 18.4.5 is exempt from this requirement.
 - c. *Materials.* Fences in floodways and water resource protection zones shall be limited to open wire, electric, or similar fencing material that will not collect debris or obstruct flood waters, but not including wire mesh or chain link fencing. Solid wood fencing is prohibited in the Water Resource Protection Zones.

C. Maintenance. Fences and walls shall be maintained in a safe condition. Fences shall not lean more than five percent from the vertical plane.



FENCE PERMIT

A fence permit must be submitted to the City prior to construction. There is no charge for the permit. It allows the City the opportunity to assist you in making sure that the fence design will comply with City standards.

It is the property owner and fence installer's responsibility to:

1. Confirm the location of the property lines, and to make sure the fence is correctly located;
2. Obtain a building permit if any part of the fence is more than seven feet high; and,
3. Contact a free utility locating service by calling 1-800-332-2344 prior to any digging or construction.

Fences must meet these standards:

1. Fences shall not be made of barbed wire or any other material that could cause injury to persons;
2. Electric fences shall not be used except to confine livestock weighing over 200 pounds (reasonable precautions must be taken to prevent injuries to persons);
3. Within 15 feet of the front property line, a fence can be up to 4' high if it blocks 50% or less of a person's view, but only up to 3' high if it blocks more than 50% of a person's view.
4. A fence anywhere on your property must not be more than 2.5' high within a vision clearance area.

A vision clearance area shall allow an approaching motorist, from a distance of 15' before an intersection, to see oncoming vehicular and pedestrian traffic on the intersecting street or sidewalk from at least the following distances:

- | | |
|--|------|
| 1. If intersecting with a sidewalk or pedestrian path: | 15' |
| 2. If intersecting with an alley or bike path: | 30' |
| 3. If intersecting with a street with a speed limit of 25 mph: | 75' |
| 4. If intersecting with a street with a speed limit of 30-45 mph | 100' |
| 5. If intersecting with a street with a speed limit over 45 mph | 125' |

Nonconforming Fences: A nonconforming fence is one that was built outside the City's standards. Many of these in Harrisburg are old fences, built before the current code was adopted. A nonconforming fence can be maintained, including the replacement of up to 50% of the fence for maintenance purposes, if it is not violating any safety requirements.

If you wish to replace 50% or more of a nonconforming fence, then you must obtain a Revocable Permit. Contact the City Administrator/Planner at 541-995-6655, with any questions.

General Questions? Call City Hall at 541-995-6655. You can bring or mail this completed form to City Hall, 120 Smith St., PO Box 378, Harrisburg, OR 97446. You can email it to cscholz@ci.harrisburg.or.us. You can fax it to 541-995-9244.

Property address: _____

Name of Applicant: _____ Date: _____

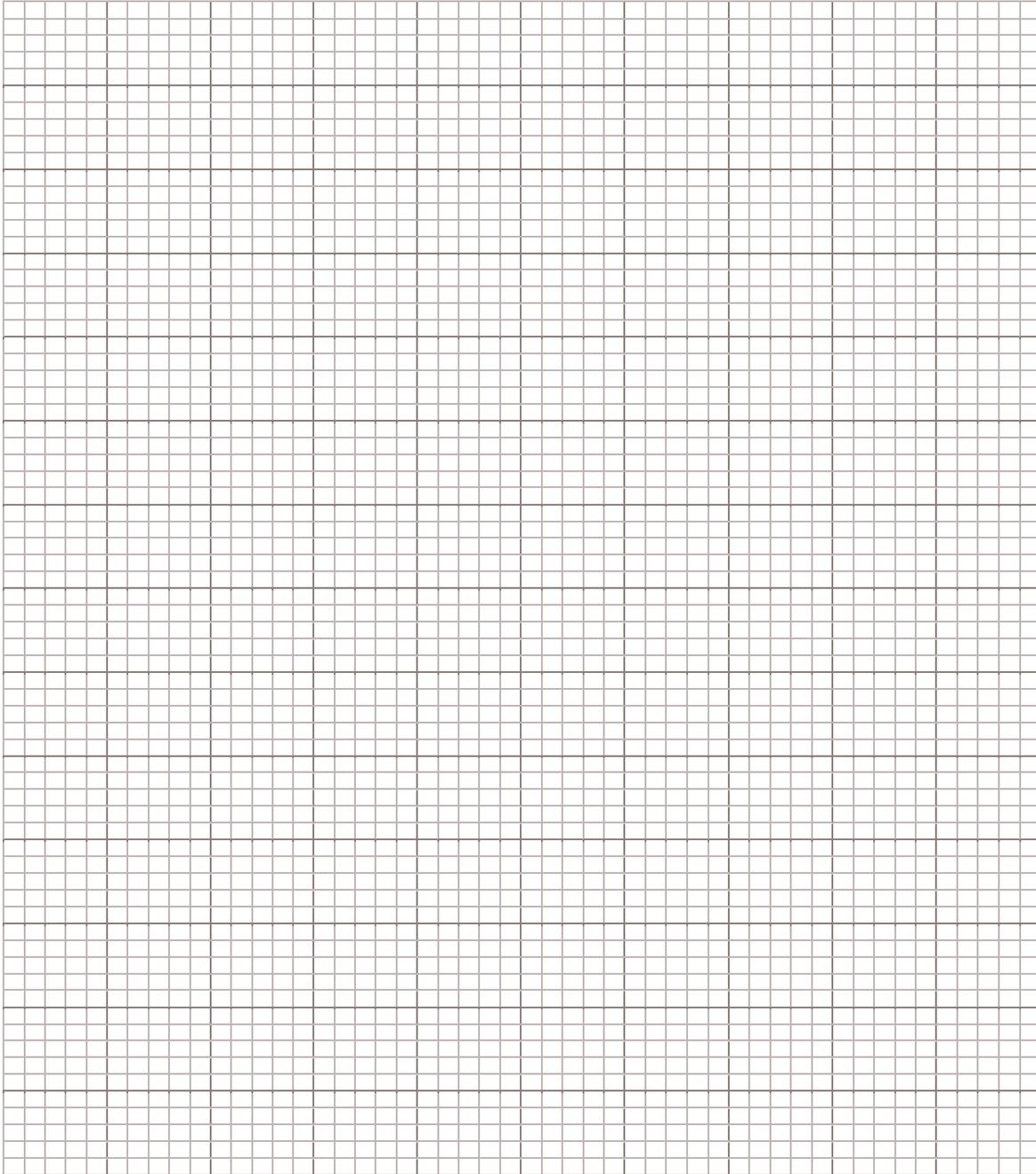
Address: _____ City: _____ Zip: _____

Mailing address (if different): _____

Phone: _____ Fax: _____ E-mail: _____

Provide a scale drawing of the property and fence plans on the back of this application.

Provide a scale drawing of your fence plans. Include property lines, existing buildings, adjacent streets or alleys, and any neighboring driveways within 15 feet of your property.



For office use only:

Approved as noted on the plan by _____ on

[Harrisburg is an Equal Opportunity Provider]

Attachment 3

Dundee Municipal Code Fence Standards

17.202.050 Fence standards.

A. General Standards.

1. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, electric or any other hazardous or dangerous materials; this includes link fencing with barbed ends at the top or sides; except that fences topped with barbed wire are allowed in agricultural and public zones.
2. Electric fences and barbed wire fences in agricultural zones intended to contain or restrict cattle, sheep, horses or other livestock, and lawfully existing prior to annexation to the city, may remain.
3. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, nonuniform height, and uncontrolled growth of vegetation.
4. Fences shall comply with requirements of the clear vision area for streets and driveways.
5. In no instance shall a fence extend beyond the property line.
6. In the C and CBD zones, chain link fencing may not be used between a public street and a maximum setback line, with the following exceptions:
 - a. In the C zone, black fused and bonded vinyl coated chain link fencing may be used, subject to subsection (B) of this section.
 - b. In the CBD zone, black fused and bonded vinyl coated chain link fencing may be used if screened from view from the street by a sight-obscuring hedge of equal height, subject to subsection (B) of this section.
7. In the LI zone, fences taller than six feet in height shall not be chain link. Fences over six feet in height shall be screened by a sight obscuring hedge.

B. Fence Heights.

1. Fences in residential zones shall not exceed four feet in height in the required primary front yard setback, and six feet in height within secondary front, side or rear yard setback.
2. Fences and walls in the C and CBD zones shall not exceed four feet in height between a public street and the maximum front yard setback line (per DMC [17.202.030\(B\)](#)) and six feet in height within a side or rear yard setback.

3. Fences in interior yards more than six feet in height shall meet the setback requirements in Table 17.202.030 for an accessory structure.
4. The fence height limits above include the height of soil berms under the fence or acting as a fence.
5. Vertical structural members such as posts or columns that are not wider than two feet and that are spaced not closer than eight feet (other than when located on either side of a gate or portal) and ornamental features on top of the posts or columns shall not be used in determining height.
6. If a variance has been granted to the fence height restriction, a building permit may be required prior to construction.
7. In the LI zone, fences shall not exceed eight feet tall, except where used for outdoor storage areas that are not adjacent to a public right-of-way

17.301.040 Vision clearance.

- A. Intent and Purpose. This section implements the transportation policies of the city of Dundee. It is intended to provide for transportation safety at street intersections, including driveway approaches.
- B. Applicability. This section applies to all uses of real property at all times.
- C. Clear Vision Area. Except as provided by subsection (D) of this section, every clear vision area shall be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad, pursuant to subsections (C)(1) through (4) of this section:
 1. No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of two feet and eight feet shall be established in the clear vision area. Measurements shall be made from the top of the curb or, where no curb exists, from grade.
 2. Except as provided for single use residential driveways under subsection (C)(3) of this section, a clear vision area shall consist of a triangular area, two sides of which are right-of-way lines or a right-of-way line and access easement line. Where the lot lines have rounded corners, the right-of-way lines are extended in a straight line to a point of intersection and so measured. The third side of the triangle shall be a line connecting the non-intersecting ends of the other two lines.
 3. For single use residential driveways, the clear vision area shall consist of a triangular area, two sides of which are the curb line and the edge of the driveway. Where no curbs exist, the future location of the curb, based on future full street improvements, shall be used.
 4. The following standards establish the required clear vision areas:

Type of Intersection	Measurement Along Each Lot Line or Drive Edge*
Controlled Intersection (stop sign or signal)	20 feet
Uncontrolled Intersection (60' right-of-way or more)	30 feet
Uncontrolled Intersection (less than 60' right-of-way)	40 feet
Commercial and Industrial District Driveways	20 feet
Residential District Driveways	10 feet
Alley (less than 25 feet wide)	20 feet

*Where there is an intersection of two or more streets of different right-of-way width, distance shall be measured along each respective lot line and shall conform to the minimum distances specified for each type street.

D. Exceptions. The following are allowed to be placed within a clear vision area notwithstanding the standards of subsection (C) of this section, provided they do not conflict with traffic safety or operations:

1. A public utility pole.
2. Telephone switch boxes, provided they are less than 10 inches wide at the widest dimension.
3. A tree trimmed (to the trunk) to a line at least eight feet above the grade of the intersection.
4. Plant species of open growth habit that are not planted in the form of a hedge and which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view.
5. A supporting member or appurtenance to a permanent building lawfully existing.
6. An official traffic control device, including a warning sign or signal.
7. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
8. The post section of a pole sign when there are no more than two posts and any post is less than eight inches in diameter.