

## Justin Peterson

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**From:** Jacqueline Danos <jac.danos@gmail.com>  
**Sent:** Tuesday, January 19, 2021 3:20 PM  
**To:** Justin Peterson  
**Subject:** Fwd: Application under YMC 9.84.010 to Amend Title 9

----- Forwarded message -----

**From:** Douglas Conner <[lemoco@me.com](mailto:lemoco@me.com)>  
**Date:** Thu, Jan 14, 2021 at 6:02 PM  
**Subject:** Application under YMC 9.84.010 to Amend Title 9  
**To:** Helen Anderson <[Happydogs27@gmail.com](mailto:Happydogs27@gmail.com)>  
**Cc:** Jacqueline Danos <[jac.danos@gmail.com](mailto:jac.danos@gmail.com)>, Loren Dickinson <[lorendickinson@gmail.com](mailto:lorendickinson@gmail.com)>, Lance Bloch <[lancebloch1@gmail.com](mailto:lancebloch1@gmail.com)>, Arianna Carlson <[office@yachatsyardscapes.com](mailto:office@yachatsyardscapes.com)>, Christine <[corchard@peak.org](mailto:corchard@peak.org)>

Dear Planning Commissioners,

I hope you are all safe and well.

I am writing today in the hope that I might convince the Commission to take up an issue that is already waiting on your docket. I hope to convince you to make the establishment of residential fence standards a Commission priority this year. I have reached out to Mayor Vaaler, and the Council, and have requested that they direct the Planning Commission to take up this issue, and I hope they will. However, I've been informed that the Chair of the Planning Commission has broad discretion to set the Commission's agenda. It is in deference and respect for the Chair's discretion that I make this request.

When people call the City Planner and ask, "How tall can my fence be?", they will be told, six (6') feet without a permit, and eight (8') feet with a permit. The City has been offering this, one-size-fits-all, standard for, at least, the past 25 years. I've only lived in Yachats for the past five years, but I have heard this standard repeated by a city manager, two city planners, a code enforcer and a Chair of the Planning Commission. The problem with the standard is this: It doesn't exist. It's not in the Yachats municipal code, nor is it land use policy. But it is obviously, an institutional falsehood that is widespread and persistent.

When requesting guidance from the city planner, code enforcer, or the planning commission, the public deserves information that is based on city ordinance and policy, rather than legacy responses that are incongruent with our current land use policies and procedures. Our planner and code enforcer should be given the tools required to answer the rudimentary land use questions that people are going to ask - answers that are true, demonstrable, and enforceable. But equally important, people in our community have a lawful voice in all phases of land use planning, and this, the practice of trafficking in arbitrary fence standards, circumvents that voice. Let me be clear: There have been no public hearings or public involvement in planning this legacy 6'/8' fence standard. It is, I believe, an arbitrary standard that city officials have routinely offered as black-letter law.

YMC 9.04.30, YMC 9.28.30, and YMC 9.04.30 - define 8' fences, hedges and walls as view obstructions - sight-obscuring fences. Sight-obscuring fences are intended to protect residential views from non-residential blight - like loading docks and parking lots. But by continuing to articulate the 6'/8' fence height standard, the city is actually encouraging people to place 8' sight-obscuring fences, hedges, and walls between residential uses. I can tell you from experience that a complaint about an 8' fence obstructing an adjacent residential property's ocean, river, or estuary view will be summarily dismissed because there is no code prohibiting 8' fences. But it is equally true that there is no code allowing 8' fences in residential neighborhoods either. Bottom line - there is no code.

In contrast, our Comprehensive Land Use Plan calls the scenic environment of Yachats our most valuable natural resource. The Comprehensive Plan Inventory explicitly states that taking advantage of river, estuary, and ocean shoreline views is the predominate land use on the west side of Hwy. 101. Goal A of the Comprehensive Land Use Plan, places particular emphasis on protecting scenic views. And in support of view protection, the Comprehensive Land Use Plan provides public survey results that place view protection in the top quartile of citizens concern. But far from protecting river, estuary and ocean shoreline views, the City, by trafficking in arbitrary fence standards, is actually loading up westside neighborhoods with view obstructions.

While I acknowledge it is the Chair's discretion to place this issue on the agenda, YMC 9.84.10 specifically states that amendments to Title 9 may be initiated by application of a property owner in the affected area. I've asked the City Manager for an application form, as required by YMC 9.88.040, but she wasn't able to locate one. So as an affected westside property owner, whose shoreline view is obscured by an 8' tall sight-obscuring fence, please accept this letter, as my application, under YMC 9.84.10, to amend Title 9, following the procedures outlined in YMC 9.84.020, to establish objective, transparent, and legally enforceable residential fence standards that align with the needs, desires, and aspirations of the community and our land use policies.

If I can provide more information about this issue, please don't hesitate to contact me.

Thank You  
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