

MEMORANDUM

TO: Yachats City Planning Commissioners
Katherine Guenther, City Planner

FROM: John Theilacker, Vice-Chair
Yachats City Planning Commission

DATE: September 13, 2022

SUBJECT: Proposed Amendments to YMC:
Fence, Hedge, and Wall Height

Good afternoon. Although I was not a member of the Planning Commission during its formation of the proposed Yachats Municipal Code amendments for fences, hedges, and walls, I'm offering the following edits for Commission and City Staff consideration. These are largely grammatical, but some are intended to improve the interpretation of Code provisions.

Section 5.08.060 Maintenance of Property – Nuisances.

C.1. For the sentence starting with "Every fence shall be...", add the word "to" between "allowed" and "become".

Section 5.08.090 Fences.

A. For the sentence starting with "Every fence shall be...", add the word "to" between "allowed" and "become". For the second sentence starting with "Residential fences must...", suggest replacing the word "must" with "shall", and ending the sentence after the words "...fencing purposes". Strike the words "except they cannot contain", and replace with "Use of...", and add the words "...is prohibited" after the words "dangerous materials."

The second and third sentences of this Section would now read as:

"Residential fences shall be constructed of material specifically designed and manufactured for fencing purposes. Use of any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass,

spikes, or any other hazardous or dangerous materials shall be prohibited. (refer to Section 9.04.030 of YMC for definition of “selvage”.)

Section 9.04.030 Definitions.

- As we noted in our code work sessions, each definition should start with the word “Means...” to be consistent with existing definitions, and use of the word “section” when referring to part of the Code should be capitalized.
- For the definition of “Hedge”, I suggest the word “barrier” following “Sight-Obscuring” be replaced with “Fence”. “Sight-Obscuring Fence” is a defined term, whereas “Sight-Obscuring barrier” is not.
- I suggest replacing the proposed definition for “Selvage” with the following definition, which is non-regulatory:

“Means the finished top edge of a chain-link fence, consisting of either knuckle or twist (barb). Knuckle selvage is rounded and safer because it has no sharp points to catch on clothing or people, and is appropriate for residential chain link systems. Twisted or barbed selvage has sharp ends for high security purposes and is appropriate for commercial or high-security fence systems.”

- I suggest replacing the proposed text for subsection B7 of Sections 9.12.040, 9.16.040, 9.20.040, and 9.24.040, as follows:

“Where a residential use abuts another residential use, or a non-residential use, or a residentially- or non-residentially zoned lot, a fence, wall, or Sight-Obscuring Fence may be established and maintained immediately adjacent to the abutting property line provided it is no more than six (6) feet in height (except where the Clear Vision Area would be impaired as defined in YMC Section 9.64.010), or no more than eight (8) feet in height when permitted by Conditional Use in accordance with Chapter 9.80 of the YMC. When such a fence, wall, or Sight-Obscuring Fence is placed above a retaining wall immediately adjacent to a property line, the combined height of the wall and fence shall not exceed eight (8) feet.”

Section 9.64.010 Design standards.

A.2. I suggest striking the text "...and eight (8) feet..." from the first sentence and capitalizing "Clear-Vision Areas".

Chapter 9.68 – Manufactured Dwellings, Manufactured Dwelling Parks and Recreational Vehicles.

Section 9.68.030

C.15 I suggest adding the words "be screened with a.." between the word "shall" and the words "Screening Buffer" to form a complete sentence.