

TO: Lance Bloch
FROM: John T.
DATE: November 9, 2022
SUBJECT: Fences, Walls, and Hedges Code Amendment

Lance, I've been reviewing the proposed fences, walls, and hedges code amendment that Council remanded to the Planning Commission and have the following thoughts:

1) Regarding the definitions proposed for Section 9.04.030:

I'm fine with striking the words "grown as" from "Hedge" as suggested by Mayor Valeer;

I'm fine with deleting the second sentence starting with "The size of..." from "Required Yard" as suggested by one of the Councilors;

I'm not fine with deleting the second and third sentences starting with "Knuckle selvage is..." from "Selvage" as suggested by Mayor Valeer; and

I'm fine with keeping the words "the particular use from view" from "Sight-Obscuring Fence" as questioned by Councilor O'Shaughnessey.

I don't think the Mayor or Council got beyond Section 9.04.030 with their comments.

2) I'd like to ask you three additional questions not raised by Council.

"Hedge", as defined, means an evergreen planting which is ~~grown as~~ a Sight-Obscuring Fence between two properties."

"Sight-Obscuring Fence" is to be defined as "a continuous fence, wall, evergreen planting, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view."

"Screening Buffer" is to be defined as "a fence, hedge, or wall that blocks at least 70 percent of the view between uses. The buffer shall not...."

Since a hedge is defined as a sight-obscuring fence, and a sight-obscuring fence is to be continuous, how can a hedge which needs to block at least 70 percent of the view, be considered continuous?

As a remedy, what if we defined hedge without using the words "sight-obscuring fence"? The City of Philomath defines a "hedge" as follows:

“Hedge – typically vegetation planted for the purpose of serving as a boundary, buffer, or divider between areas, or for landscaping or privacy.”

Also, for Sections 9.12.040, 9.16.040, 9.20.040, and 9.24.040, what if we deleted “Where a residential use abuts another residential use, or a non-residential use, or a residentially- or non-residentially zoned lot,.....” from the first part of that standard (since it really doesn’t matter what use exists or is planned on an abutting property), and simply worded it as:

“A fence, wall, hedge, or sight-obscuring fence may be established and maintained immediately adjacent to an 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 herein), or no more than eight (8) feet in height when permitted by Conditional Use in accordance with Chapter 9.80 of YMC. When such a fence, wall, hedge, 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.”

Finally, Section 9.64.010(B): Fences, Hedges and Walls reads as follows:

“Fences, Hedges, and Walls may be located within required yards, but shall not exceed three (3) feet in height within the Clear-Vision Area diagram below. Hedges that front.....”

Can we revise this to read as:

“Fences, hedges, and walls may be located within required yards as permitted by zoning, but shall not exceed three (3) feet in height within the Clear-Vision Area as illustrated in the diagram below. Hedges that front.....”

There just seemed to be some wording missing.