

January 8, 2019

**To: Yachats Planning Commission**

**From: Larry Lewis, City Planner**

**Re: Clear Vision Standards & Fences, Hedges and Wall Regulations**

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This memorandum provides proposed amendments to clear vision standards and fence/hedge/wall regulations as drafted by the Planning Commission.

The draft clear vision standards primarily focus on the need to have clear vision standards at the intersection of a street and a driveway. Currently, the clear vision standards only apply to the intersection of two streets.

Regarding fence/hedge/wall regulations, the City Attorney recommended these regulations be taken out of the 'accessory use' section. This draft amendment removes fence/hedge/wall regulations from Section 9.52.030 General Provisions Regarding Accessory Uses and inserts the regulations into Section 9.64.010 Design Standards (under Street Construction and Design).

This January 8, 2019 memorandum updates the October 30, 2018 memorandum by revising item 'K' at the end of the document as recommended by the city attorney.

#### **Section 9.52.030 General provisions regarding accessory uses.**

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An accessory use shall comply with all requirements for a principal use, except as this title specifically allows to the contrary, and shall comply with the following limitations:

A. An accessory structure not used for human habitation and separated from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided it is not closer than five (5) feet to a property line.

1. The maximum height shall be one story or fifteen (15) feet, whichever is the lesser.
2. Accessory buildings are not permitted in the front yard.

~~B. Fences, hedges and walls may be located within required yards, but shall not exceed three (3) feet in height in any required yard which abuts a street other than an alley. Higher screen may be allowed with proper setbacks for clear vision in accordance with Section 9.64.010. (Ord. 319, 2013; Ord. 267, 2007; Ord. 73E § 3.050, 1992)~~ (First sentence proposed to be moved to Chapter 9.64 – see below.)

### **Chapter 9.64 - Street Construction and Design**

#### **Section 9.64.010 Design standards.**

Any street constructed within and dedicated to the City as a city street, or dedicated to the public for use as a street and constructed after the date of the ordinance codified in this title shall comply with Chapter 7.04. In addition, the following standards shall apply **to all streets, i.e. public streets and private streets:**

- A. Clear-Vision Areas. A clear-vision area shall be maintained on the corners of all property at the intersection of two (2) streets **and at the intersection of a street and a driveway.**
1. A clear-vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other sides.
  2. A clear-vision area shall contain no planting, fence, wall, structure, temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height eight feet above grade.
  3. For clear-vision areas, the minimum distance shall be fifteen (15) feet or, at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.
- B. Fences, hedges and walls may be located within required yards, but shall not exceed three (3) feet in height in any required yard which abuts a street other than an alley.**
- C. Street Intersections. Streets shall intersect one another at an angle as near to a right angle as is practical considering the topography of the area and previous adjacent layout. Intersections shall be designed so that no danger to the travelling public is created as a result of staggered intersections; and in no case shall intersections be offset less than one hundred (100) feet.
- D. Cul-De-Sacs and Turn-Arounds. In general, dead end (cul-de-sac) streets in urban subdivisions (average lot size under one acre) shall not exceed four hundred (400) feet in length and shall terminate in a turn-around with a minimum property line radius of forty-five (45) feet or other type of turn-around approved by the Planning Commission. Turn-arounds approved by the Planning Commission shall be provided on all dead-end streets.
- E. Easements.
1. Where alleys are not provided, easements of not less than five (5) feet in width shall be provided on each side of the rear line or side line for necessary utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots or parcels where necessary for the extension of utility lines, waterways, and walkways, and to provide necessary drainage ways or channels.
  2. A private easement established without full compliance with these regulations may be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep lot or parcel may be provided vehicular access.

- F. **Blocks.** No block shall be longer than one thousand two hundred (1,200) feet between street lines.
- G. **Public Access Ways.** When necessary for public convenience and safety, the Planning Commission may require the land divider to dedicate to the public access ways ten (10) to twenty (20) feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide access to schools, parks, beaches or other public areas, of such design and location as reasonably required to facilitate public use.
- H. **Public Streets.** If topography or other physical conditions make a street of the minimum required width impractical, the Planning Commission may modify this street regulation requirement provided the public and future owner's interests are adequately protected.
- I. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this title.
- J. **Variance.** The standards for street construction may be varied by the ~~City Council~~ **Planning Commission** where topography, soil characteristics, or other factors indicate such variance would be in the best interest of the City. Any request for variance in the above standards must be made in writing and filed with the City Recorder when the application for construction is submitted. (Ord. 175, 1995; Ord. 73E § 8.010, 1992)
- K. Amortization Period. Clear vision areas, fences, hedges, and walls lawfully established prior to April 1, 2019 shall come into compliance with this Section by April 30, 2021. Where application of the amortization period would cause an undue or unnecessary hardship, application may be made for a variance under Chapter 9.80.**