

# JUNCTION CITY COUNCIL AGENDA ITEM SUMMARY



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## Public Hearing: Zoning Code Text Amendment Residential Fence Height in Corner Lot Side Yards (File # AMD-23-34)

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Meeting Date: October 17, 2023  
Department: Planning  
[www.junctioncityoregon.gov](http://www.junctioncityoregon.gov)

Agenda Item Number: 6  
Staff Contact: Chloe Trifilio  
Contact Telephone Number: 541.682.4247

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### **ISSUE STATEMENT**

The applicant is seeking to modify the Supplementary Provisions of Title 17 of the JCMC to allow a fence of up to seven feet in height in the side yard of residentially zoned properties and uses on corner lots.

### **BACKGROUND**

The proposed code amendment would allow a fence of up to seven feet in height to be built in a "side yard" that abuts a public street. Currently, if a side yard of a residential use abuts a public street the fence may only be three and a half feet tall in the side yard and on the side lot lines. This does not include a duplex residential use on a corner lot where primary vehicular access is taken off of two streets, in which case both yards abutting the street shall be considered front yard (JCMC 17.15.040 & JCMC 17.20.050). Vision clearance requirements of JCMC 17.95.090 will also still apply.

The proposed amendment, if approved, would apply to all residentially zoned properties and for residential uses within city limits.

### **RELATED CITY POLICIES**

- Junction City Municipal Code 17.145 –Amendments
- Junction City Comprehensive Plan, Chapters 3 (Land use Element).
- Statewide Planning Goals: Goal 2 (Land Use Planning)

### **LEGAL REVIEW**

The item was reviewed as part of the packet.

### **SUGGESTED MOTION**

"I make a motion to recommend to City Council [approval/denial] [as amended] of the proposed text amendment, File # AMD-23-34, to allow fences up to 7 feet tall in rear and side yards on corner lots of residential zoned properties based on the findings as stated [amended] in the final order."

## **ATTACHMENTS**

1. Staff Report Dated October 10, 2023
  - Attachment A.1 – Application Materials
  - Attachment A.2 – Referral and Comments Received
2. Proposed Final Order

## **FOR MORE INFORMATION**

Staff Contact: Chloe Trifilio  
Telephone: 541-682-4247  
Staff E-Mail: [jcplanning@ci.junction-city.or.us](mailto:jcplanning@ci.junction-city.or.us)



## ATTACHMENT 1

JUNCTION CITY PUBLIC WORKS DEPARTMENT  
Planning Office  
1171 Elm Street / P.O. Box 250  
Junction City, OR 97448  
Phone: 541.998.3125  
jcplanning@ci.junction-city.or.us  
www.junctioncityoregon.com

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### **JUNCTION CITY PLANNING FINDINGS FOR A TYPE-IV ZONE TEXT AMENDMENT**

**File Number:** AMD-23-34

**Summary of Findings:** The applicants are proposing to amend the zoning requirements of Junction City Municipal Code (JCMC) 17.95.020(A) which governs “Fence Height in Residential Zones and for Residential Uses”. Specifically, it would apply to residential uses on corner lots abutting two public roads. Currently, fences and walls shall not intrude into the required side yard adjacent to a street if they are over three and a half feet in height. The amendment would allow fences of up to seven feet in height within side yards or on the side lot line, with the exceptions of the visual clearance zone and of duplexes where access is taken from both abutting roads.

The application also includes an update to Diagram 3 in Appendix A of JCMC Title 17 to reflect the proposed change in fence height.

**Applicant:** Lennar Northwest Inc., Chad E. Davis Construction, LLC, West Linn Corporate Park, LLC, Pacific National Development, Inc.

**Applicant’s Representative:** Jed Truett, Metro Planning and Consulting, Inc., 846 A Street, Springfield, OR 97477

**Staff Contact:** Dawn Northey, Planning Technician, 1171 Elm St., Junction City OR 97448, [jcplanning@ci.junction-city.or.us](mailto:jcplanning@ci.junction-city.or.us), 541-998-3125; Chloe Trifilio, Assistant Planner, Lane Council of Governments, [ctrifilio@lcog.org](mailto:ctrifilio@lcog.org), 541-682-4247.

**Subject Property/Zoning/Location:** The proposed zone text amendment would affect residentially zoned properties and uses within City limits.

**Relevant Dates:** The application was submitted on July 18, 2023 for an amendment to Title 17 of the JCMC. A letter of completeness was issued on August 17, 2023. A

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#### **Request**

The applicant is seeking to modify the Supplementary Provisions of Title 17 of the JCMC to allow a fence of up to seven feet in height in the side yard of residentially zoned properties and uses on corner lots.

#### **Public Notice and Referrals**

Notice to DLCD was sent on September 1, 2023. No response has been received. Notice of the public hearing was sent to all property owners in all residential zones, owners of property within 300 feet of a residential zone and owners of structures assessed as residential on September 11, 2023, and notice was published in the Register Guard on September 19, 2023. Notice was posted in four locations within the city on September 19, 2023.

Referral comments on the application were requested from various affected service providers and City departments on September 1, 2023. No substantive referral comments were received although several City departments replied that they had no comment.

## AMENDING TITLE 17 OF THE JCMC

### ***Section 17.145.010 Authorization to initiate amendments***

This section allows the text of Title 17 of the JCMC to be made by the city council, the planning commission or a property owner or their authorized agent. In the present case, the proposed amendments were made by several property owners: Lennar Northwest Inc., Chad E. Davis Construction, LLC, West Linn Corporate Park, LLC, Pacific National Development, Inc. and the application was prepared and submitted by Jed Truett at Metro Planning & Consulting, Inc. as an agent for the property owners. The proposed changes to Title 17 do not require an amendment to the Junction City Comprehensive Plan.

### ***17.145.020 Application and fee***

An application was submitted and was accompanied by the required \$950 application fee.

### ***17.145.030 Public hearing on amendment***

A public hearing before the Junction City Planning Commission has been scheduled for October 17, 2023. Notice was sent to all property owners of property zoned R1, R2, R3, R4, CR, all owners of property within 300 feet of one of the residential zones and owners of an assessed residence on September 11, 2023, and notice was published in the Register Guard on September 19, 2023. After the Planning Commission's hearing and recommendation, a hearing will be scheduled before the Junction City City Council. Notice of the Council hearing will be sent not less than five days but not more than 20 days prior to the hearing.

## PROPOSED CHANGES TO TITLE 17 OF THE JCMC

Language proposed to be added is underlined in red and language proposed to be removed is ~~stricken through~~.

### **Section 17.95.020(A) of the JCMC – General provisions regarding accessory uses**

A. Fence Height in Residential Zones and for Residential Uses. Fences ~~and walls, which~~ may be located within yards and setback areas. ~~shall not exceed three and one-half feet from the grade of the street centerline in the front yard and on corner lots shall not conflict with requirements of a vision clearance area. Fences or walls around rear and side yard property lines shall not exceed seven feet in height (including lattice or other extensions), shall not interfere with vision clearance requirements, and shall not intrude into the required front yard and, in the case of corner lots, shall not intrude into the required side yard adjacent to a street (see Appendix A, Diagram 3).~~

1. Front Yards: Fences or walls on front yard property lines, or within the front yard area, shall not exceed three and one-half feet from the grade of the street centerline in the front yard, and fences in front yards on corner lots shall not conflict with requirements of a vision clearance area.
2. Rear and Side Yards: Fences or walls on rear and side yard property lines, or within the rear or side yard area, shall not exceed seven feet in height (including lattice or other extensions).
3. Fences in or abutting residential zones shall be constructed using materials suitable for residential-style fencing, including, but not limited to, wood, block, brick, chain link, or other suitable material. Field wire fences (also referred to as chicken, rabbit, or hog wire) shall not be used as perimeter fencing in residential zones. Barbed wire fences shall not be

permitted in residential zones. Where a nonresidential zone abuts a residential zone, barbed wire may be used only above six feet.

It currently reads as follows:

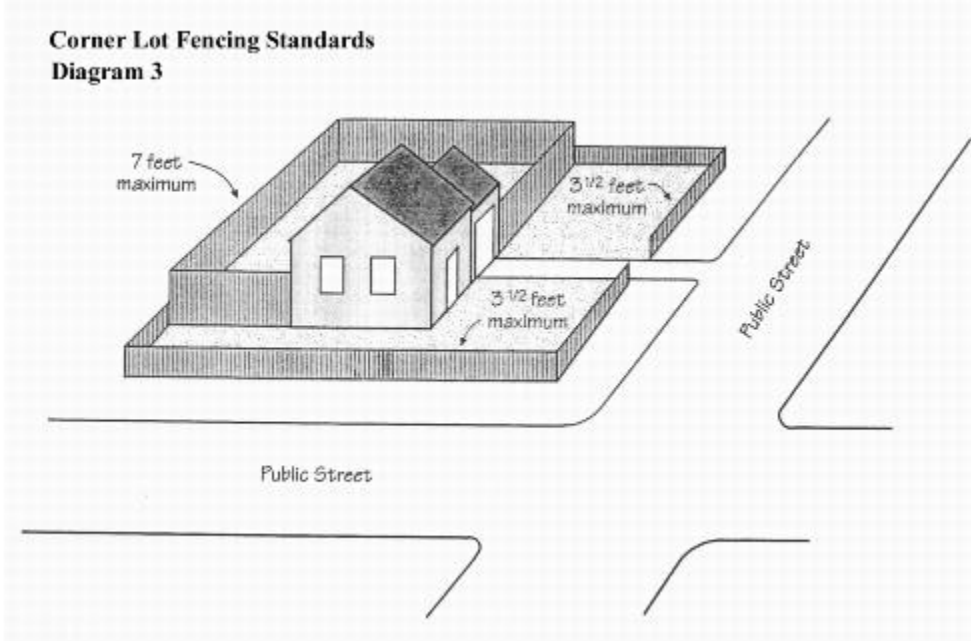
*A. Fence Height in Residential Zones and for Residential Uses. Fences, which may be located within yards, shall not exceed three and one-half feet from the grade of the street centerline in the front yard and on corner lots shall not conflict with requirements of a vision clearance area. Fences or walls around rear and side yard property lines shall not exceed seven feet in height (including lattice or other extensions), shall not interfere with vision clearance requirements, and shall not intrude into the required front yard and, in the case of corner lots, shall not intrude into the required side yard adjacent to a street (see Appendix A, Diagram 3). Fences in or abutting residential zones shall be constructed using materials suitable for residential-style fencing, including, but not limited to, wood, block, brick, chain link, or other suitable material. Field wire fences (also referred to as chicken, rabbit, or hog wire) shall not be used as perimeter fencing in residential zones. Barbed wire fences shall not be permitted in residential zones. Where a nonresidential zone abuts a residential zone, barbed wire may be used only above six feet.*

The amended code would read:

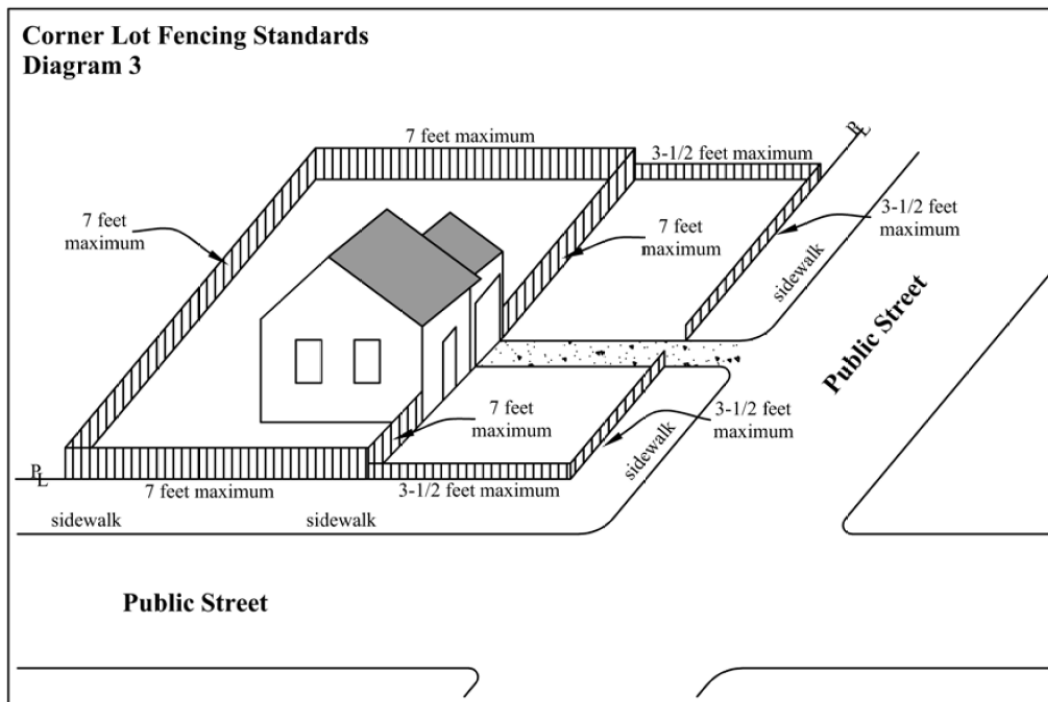
- A. "Fence Height in Residential Zones and for Residential Uses. Fences and walls may be located within yards and setback areas. (See Appendix A, Diagram 3).*
- 1. Front Yards: Fences or walls on front yard property lines, or within the front yard area, shall not exceed three and one-half feet from the grade of the street centerline in the front yard, and fences in front yards on corner lots shall not conflict with requirements of a vision clearance area.*
  - 2. Rear and Side Yards: Fences or walls on rear and side yard property lines, or within the rear or side yard area, shall not exceed seven feet in height (including lattice or other extensions).*
  - 3. Fences in or abutting residential zones shall be constructed using materials suitable for residential-style fencing, including, but not limited to, wood, block, brick, chain link, or other suitable material. Field wire fences (also referred to as chicken, rabbit, or hog wire) shall not be used as perimeter fencing in residential zones. Barbed wire fences shall not be permitted in residential zones. Where a nonresidential zone abuts a residential zone, barbed wire may be used only above six feet.*

The application also proposes to amend Diagram 3 of Appendix A in order to reflect the proposed code amendments.

Existing Diagram 3 (Appendix A, JCMC Title 17):



Proposed Diagram 3 (Appendix A, JCMC Title 17):



## **SUMMARY:**

In summary, the proposed code amendment would allow a fence of up to seven feet in height to be built in a “side yard” that abuts a public street. Currently, if a side yard of a residential use abuts a public street the fence may only be three and a half feet tall in the side yard and on the side lot lines. This does not include a duplex residential use on a corner lot where primary vehicular access is taken off of two streets, in which case both yards abutting the street shall be considered front yard (JCMC 17.15.040 & JCMC 17.20.050). Vision clearance requirements of JCMC 17.95.090 will also still apply.

## **APPLICABLE DEFINITIONS:**

The following definitions from JCMC 17.05 Introductions and Definitions have been included for reference. There are no proposed changes to the definitions.

“Lot line” means the property line bounding a lot.

“Lot line, front” means, in the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner or through lot, the lot line along a street other than an alley over which the primary vehicular access to the property is gained, except as provided for corner lot duplex residential uses in JCMC [17.15.040](#) and [17.20.050](#).

“Lot line, rear” means the lot line which is opposite and most distant from the front lot line. Where a rear lot line cannot be determined, it shall be developed by striking a cord 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

“Lot line, side” means any lot line not a front or rear lot line.

“Setback” means the distance between the property line and the building foundation, excluding uncovered steps.

“Yard” means an open space on a lot which is unobstructed with buildings from the ground upward, except as otherwise provided in this title.

“Yard, front” means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the foundation of a building.

“Yard, rear” means a yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the foundation of a building.

“Yard, side” means a yard between the front and rear yards measured horizontally and at right angles to the side lot lines from the side lot line to the nearest point of the foundation of a building. [Ord. [1278](#) § 2 (Exh. B), 2023; Ord. [1266](#) § 2 (Exh. B), 2021; Ord. [1254](#) § 1, 2018; Ord. [1103](#) § 1, 2002; Ord. [1037](#) § 1, 1997; Ord. [1021](#) § 1, 1996; Ord. [975](#) § 1, 1993; Ord. [950](#) § 2, 1991.]

## **APPROVAL CRITERIA**

The Junction City Municipal Code does not have approval standards for changes to the text of the zoning ordinance (Title 17 of the JCMC). Therefore, by law, the standards are consistency with the existing Comprehensive Plan, consistency with applicable Statewide Planning Goals, consistency with applicable statutes and administrative rules, and internal consistency with unchanged portions of Title 17.

## **COMPREHENSIVE PLANS**

**Finding 1:** Section V of the Land Use Element of the Junction City Comprehensive Plan states that: “The City shall promote land use and development patterns that sustain and improve quality of life, maintain the community’s identity, and meet the needs of existing and future residents for housing, employment, and parks and open spaces.” (Subsection B - Urbanization).

The option of building fences of up to seven feet in height within side yards adjacent to a street (in residential zones and for residential uses) may improve quality of life by giving residents of Junction City the opportunity to separate their living spaces from the roads that the property does not take access off of. However, it may have an affect on the community’s identity by creating more separation rather than integration. The applicants are a small group of developers and represent some of the developers of the newer subdivisions in Junction City, such as The Reserve, but a change in JCMC 17.95 would apply to all residentially zoned properties and residential uses within City Limits. It appears that on the more densely platted areas of Junction City, houses at the end of the block take access off of a different street than the houses mid-block. This code amendment would allow seven-foot-tall fences on a side yard of one property adjacent to a front yard of another property. Staff notes that there has been no public comment against the amendment received, and one for it (see Attachment 1).

Staff did not identify other Sections of the Junction City Comprehensive Plan because the proposed amendment does not change the land use types, economic development efforts, energy conservation, transportation or public facilities or environmental element.

In conclusion, the proposed changes to Title 17 of the JCMC are generally consistent with applicable provisions of the Junction City Comprehensive Plan, which appears to be limited to Section V.

## **STATEWIDE PLANNING GOALS**

**Finding 2:** Goal 2 Land Use: This goal requires that citizens and affected governmental units have an opportunity to review land use implementation ordinances. In this regard, all owners of residentially zoned properties and uses, as well as owners of property within 300 feet of residentially zoned properties have been notified and the proposed changes have been sent to affected governmental units for their comment.

The proposed amendment does not require changes to Junction City’s Comprehensive Plan as it does not change the Junction City zoning designations, it also does not change any types of housing allowed. Therefore, no other Statewide Planning Goals are applicable.

In conclusion, the proposed changes to Title 17 are consistent with applicable Statewide Planning Goals, which appears to be limited to Goal 2.

## **STATUTES AND ADMINISTRATIVE RULES**

**Finding 3:** No statutes or administrative rules have been found to be applicable to the proposed change to the text of Title 17 of the JCMC.

## **CONSISTENCY WITH TITLE 17**

The proposed amendment does not apply to individual zoning districts, but rather the Supplementary Provisions of JCMC 17.95.

The purpose of Title 17 is stated in JCMC 17.05.010 Purpose:

“The several purposes of this title are to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide for adequate light and air; to lessen congestion; to encourage the orderly growth of the city; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks and other public requirements; and, in general, to promote public health, safety, convenience and general welfare. [Ord. [1278](#) § 2 (Exh. B), 2023; Ord. [1266](#) § 2 (Exh. B), 2021; Ord. [950](#) § 1, 1991.]”

**Finding 4:** The applicants note that although this is not an approval criterion, they believe the proposed amendment will conserve and stabilize the value of property by allow full and private use of each parcel and will promote general public safety and welfare by allowing a barrier of sufficient size to prevent theft, trespass, and harassment.

**Finding 5:** Staff finds that the proposed Diagram 3 displays the same information as the current Diagram 3, and accurately depicts the fencing standards if the amendment were to be adopted.

### **Staff Recommendation:**

Staff believes that the proposal is generally consistent with applicable Statewide Planning Goals, Junction City Comprehensive Plan goals and policies, and Junction City Municipal Code Title 17.

However, Staff would like to raise the question to the Planning Commission of whether or not increasing the height allowance of a fence that abuts a public street to seven feet in height promotes land use and development patterns that sustain and improve quality of life and maintain the community’s identity.

### **Attachments**

1. Responses to referral and notice
2. Application materials



# CITY OF JUNCTION CITY PLANNING & BUILDING DEPARTMENT

Attachment A.1

## TYPE IV LAND USE APPLICATION PACKET

- Submit your completed application packet with documentation to Planning at 1171 Elm Street
- Payment of the base fee is due at the time an application is submitted.
- If you have questions, contact the Planning Technician, Tere Andrews at 541-998-3125 or [jcplanning@ci.junction-city.or.us](mailto:jcplanning@ci.junction-city.or.us)

*Staff Contact: Planning Technician, Tere Andrews*

*Planning ■ 1171 Elm Street/PO Box 250 Junction City OR 97448*

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# CITY OF JUNCTION CITY

## Type IV Land Use Application

1171 Elm Street/PO Box 250 Junction City OR 97448  
Ph 541-998-3125 ■ www.junctioncityoregon.gov

*The base fee is due at the time an application is submitted. See Table 1 below. Additional fees may apply. See Table 1 below. Additional fees may apply.*

**Type IV applications** require two public hearings; the first before the Planning Commission and the second before the City Council. The decision can be appealed under Junction City Municipal Code (JCMC) 17.150.120. A Type IV review process takes approximately 90 days once an application has been deemed complete.

**Note:** Review may reveal additional requirements. Concurrent review of other applications is at the applicant's own risk.

<b>Table 1</b>		
<b>Lane Use Application</b>	<b>Base Requirements/Criteria</b>	<b>Base Fee</b>
Annexation	1. Land Use Application 2. JCMC 17.165 3. Zoning criteria applicable to proposal/site	\$1,000
Annexation and withdrawal of property from Special District	1. Land Use Application 2. JCMC 17.165 3. Zoning Criteria applicable to proposal/site	\$1,000
Code Amendment to Title 17, Zoning Text or Map or; Title 16, Subdivision text	1. Land Use Application 2. JCMC 145 3. Zoning Criteria applicable to proposal/site	\$950
Comprehensive Plan Amendment (Text or Map)	1. Land Use Application 2. JCMC 17.145 3. Zoning Criteria applicable to proposal/site	\$950
Extraterritorial Extension (water, sewer or storm water)	1. Land Use Application 2. JCMC 17.165 3. Zoning Criteria applicable to proposal/site	\$1,000
<b>Other municipal codes may apply to your request/proposal. The review process may reveal further requirements. Additional information may be requested.</b>		
<i>Questions? Contact the Planning Technician for further information about criteria/requirements—541-998-3125</i>		
<b>Other municipal codes may apply to your request/proposal. The review process may reveal further requirements. Additional information may be requested.</b>		

**Table 2. Land Use Review Classifications**

	Type I	Type II	Type III	Type IV
Administrative Decision (City Administrator or Designee) Exception: Final Subdivision Plats are reviewed by the Planning Commission (Decision can be appealed to Planning Commission)	X			
Planning Commission Decision (no public hearing however one can be requested) (Decision can be appealed to City Council)		X		
Planning Commission Public Hearing and Decision (Decision can be appealed to City Council)			X	
Planning Commission Public Hearing and recommendation to City Council; City Council Public Hearing and Decision (Appealed to Oregon Land Use Board of Appeals)				X

**Table 3  
Land Use Application Review Steps**

	Type I	Type II	Type III Public Hearing	Type IV Public Hearings
1. Land Use application submitted	X	X	X	X
2. Completeness Review to determine if all necessary information is included with application (14-30 days)	X	X	X	X
3. Application is incomplete, necessary information is requested from applicant/representative (application on hold)	X	X	X	X
4. Application is deemed complete and applicant/representative notified	X	X	X	X
5. Tentative date set for application to go before the Planning Commission	X Final Plat	X	X	X
6. Tentative date set for application to go before the City Council				X
7. Department of Land Conservation & Development (DLCD) 35-day notice			X Amendment only	X Amendment only
8. Referrals sent to City Departments and outside agencies for their review (14-21 day response period, 30 days if Wetlands involved)	X	X	X	X
9. Opportunity to Comment mailed to property owners w/in 300-feet of subject site (may run concurrent w/ Referrals) (20-40 days before meeting)		X		
10. Planning Commission Notice of Public Hearing mailed to property owners within 300-ft of subject site (may run concurrent with referrals) (20-40 days prior to public hearing)			X	
11. Planning Commission review and decision	X Final Plat	X	X	
12. Planning Commission Recommendation to City Council			X Map Amendment	X
13. City Council Notice of Public Hearing mailed to property owners within 300-ft of subject site (may run concurrent with referrals) (20-40 days prior to public hearing)				X
14. City Council review and decision			X Map Amendment	X
15. Letter of Decision, with supporting documentation, sent to applicant/representative (w/in 5 business days of <b>decision</b> )	X	X	X	X
16. Appeal Period begins day notice is sent to applicant/representative	X	X	X	X
17. Decision becomes final (unless appealed)	X	X	X	X

\* Junction City Municipal Code 17.150.130 states multiple land use applications may be submitted at one time. An applicant may request reviews be conducted parallel to one another, or concurrently. If reviewed concurrently, they will be reviewed under the highest Land Use classification (i.e. a Type I review application concurrent with a Type IV, both are reviewed as a Type IV).



**City of Junction City**  
**LAND USE APPLICATION**

Section 5	
Required Information	
	Written statement describing proposal in detail
	Narrative Statement explaining how the application complies with all relevant criteria with enough detail for review and decision-making. <i>Note: See Type I information, at the beginning of this packet, for the municipal code chapters and/or sections related to your land use request</i>
	Three (3) paper copies of application packet including any plan sets
	Digital copy of application packet including any plan sets
	Non-refundable Application Fee

Section 6		
<b>Supplemental Application:</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Attachment(S):</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Section 7	
<p><b>Your signature below acknowledges the following:</b></p> <p><b>1. Payment of the base fee may not cover the City's costs associated with processing the Application.</b>  <i>Per Resolution 1053: All direct costs for contracted services shall be charged monthly to the applicant in the amount billed to City. Contracted city services include, but are not limited to, city engineer, city attorney, building inspector, traffic consultant, &amp;/or wetlands specialist. Direct costs 30 days past due shall be charged 9% interest in addition to the amount billed to the City.</i></p> <p><b>2. The foregoing statements and other information attached hereto are true and accurate to the best of my knowledge and belief.</b></p> <p><b>3. Signer agrees to pay all direct costs associated with processing this land use application.</b></p> <p><b>Applicant Signature:</b>            Signatures are contained on the follow page.</p> <p><b>Date:</b></p>	



# CITY OF JUNCTION CITY PLANNING & BUILDING DEPARTMENT

## TYPE IV LAND USE APPLICATION PACKET

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# CITY OF JUNCTION CITY

## Type IV Land Use Application

1171 Elm Street/PO Box 250 Junction City OR 97448  
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**The base fee is due at the time an application is submitted. See Table 1 below. Additional fees may apply. See Table 1 below. Additional fees may apply.**

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**Note:** Review may reveal additional requirements. Concurrent review of other applications is at the applicant's own risk.

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Code Amendment to Title 17, Zoning Text or Map or; Title 16, Subdivision text	1. Land Use Application 2. JCMC 145 3. Zoning Criteria applicable to proposal/site	<span style="border-left: 1px solid black; border-top: 1px solid black; border-bottom: 1px solid black; padding: 2px 5px;">                         DS                          RJ                     </span> \$950
Comprehensive Plan Amendment (Text or Map)	1. Land Use Application 2. JCMC 17.145 3. Zoning Criteria applicable to proposal/site	\$950
Extraterritorial Extension (water, sewer or storm water)	1. Land Use Application 2. JCMC 17.165 3. Zoning Criteria applicable to proposal/site	\$1,000
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<i>Questions? Contact the Planning Technician for further information about criteria/requirements—541-998-3125</i>		
<b>Other municipal codes may apply to your request/proposal. The review process may reveal further requirements. Additional information may be requested.</b>		

**Table 2. Land Use Review Classifications**

	Type I	Type II	Type III	Type IV
Administrative Decision (City Administrator or Designee) Exception: Final Subdivision Plats are reviewed by the Planning Commission (Decision can be appealed to Planning Commission)	X			
Planning Commission Decision (no public hearing however one can be requested) (Decision can be appealed to City Council)		X		
Planning Commission Public Hearing and Decision (Decision can be appealed to City Council)			X	
Planning Commission Public Hearing and recommendation to City Council; City Council Public Hearing and Decision (Appealed to Oregon Land Use Board of Appeals)				X

**Table 3****Land Use Application Review Steps**

	Type I	Type II	Type III Public Hearing	Type IV Public Hearings
1. Land Use application submitted	X	X	X	X
2. Completeness Review to determine if all necessary information is included with application (14-30 days)	X	X	X	X
3. Application is incomplete, necessary information is requested from applicant/representative (application on hold)	X	X	X	X
4. Application is deemed complete and applicant/representative notified	X	X	X	X
5. Tentative date set for application to go before the Planning Commission	X Final Plat	X	X	X
6. Tentative date set for application to go before the City Council				X
7. Department of Land Conservation & Development (DLCD) 35-day notice			X Amendment only	X Amendment only
8. Referrals sent to City Departments and outside agencies for their review (14-21 day response period, 30 days if Wetlands involved)	X	X	X	X
9. Opportunity to Comment mailed to property owners w/in 300-feet of subject site (may run concurrent w/ Referrals) (20-40 days before meeting)		X		
10. Planning Commission Notice of Public Hearing mailed to property owners within 300-ft of subject site (may run concurrent with referrals) (20-40 days prior to public hearing)			X	
11. Planning Commission review and decision	X Final Plat	X	X	
12. Planning Commission Recommendation to City Council			X Map Amendment	X
13. City Council Notice of Public Hearing mailed to property owners within 300-ft of subject site (may run concurrent with referrals) (20-40 days prior to public hearing)				X
14. City Council review and decision			X Map Amendment	X
15. Letter of Decision, with supporting documentation, sent to applicant/representative (w/in 5 business days of <b>decision</b> )	X	X	X	X
16. Appeal Period begins day notice is sent to applicant/representative	X	X	X	X
17. Decision becomes final (unless appealed)	X	X	X	X

\* Junction City Municipal Code 17.150.130 states multiple land use applications may be submitted at one time. An applicant may request reviews be conducted parallel to one another, or concurrently. If reviewed concurrently, they will be reviewed under the highest Land Use classification (i.e. a Type I review application concurrent with a Type IV, both are reviewed as a Type IV).



# CITY OF JUNCTION CITY LAND USE APPLICATION

1171 Elm Street/PO Box 250 Junction City OR 97448  
Ph 541-998-3125 ■ [jcplanning@ci.junction-city.or.us](mailto:jcplanning@ci.junction-city.or.us) ■ [www.junctioncityoregon.gov](http://www.junctioncityoregon.gov)

<b>Date Submitted:</b>	<b>Received By:</b>	<b>Fee Paid: \$</b>	<b>Supplemental Application:</b>
------------------------	---------------------	---------------------	----------------------------------

**Section 1**  
**LAND USE ACTION (SEE TABLE 1):**

**Section 2**

<b>Site Address:</b>	<b>Location Description:</b>
Property Size:	Assessor's Map & Tax Lot #:
Present Use:	Proposed Use:
Brief Summary of Action Requested: Amend JCMC text and visual figure to allow full-height fences within side yard setback.	
Are there other permit applications associated with this application? If yes, list:	

DS  
DF

**Section 3**

I have the following legal interest in the property (Circle one):

Owner of Record  
  Lessee  
  Contract Purchase  
  Holder of an exclusive Option to Purchase

*Written authorization from the owner to act as his/her agent must be provided if not the owner of record*

**Section 4**

**Applicant:**

Address:

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

DocuSigned by: \_\_\_\_\_ DocuSigned by: \_\_\_\_\_ DocuSigned by: \_\_\_\_\_ DocuSigned by: \_\_\_\_\_

**Property Owners:** Ryan Selby Chad Davis Mike Kelley Serge

Address: D7F46251B8E64A6... D03FEBA928AD486... 32A1E18E43A14E6... 0C179BCF4BD043B...

Phone: \_\_\_\_\_ E-Mail: Ryan.Selby@ci.junction-city.or.us

DocuSigned by: \_\_\_\_\_

**Contact:** (if different from applicant) Restina Johnson

Address: D50C4363D5B743F...

Phone: 971.221.6734 E-Mail: keann.johnson@lennar.com

DS  
DF

**City of Junction City**  
**LAND USE APPLICATION**

**Section 5**

**Required Information**

	Written statement describing proposal in detail
	Narrative Statement explaining how the application complies with all relevant criteria with enough detail for review and decision-making. <i>Note: See Type I information, at the beginning of this packet, for the municipal code chapters and/or sections related to your land use request</i>
	Three (3) paper copies of application packet including any plan sets
	Digital copy of application packet including any plan sets
	Non-refundable Application Fee

**Section 6**

**Supplemental Application:**      Yes                   No

**Attachment(S):**                      Yes                   No

**Section 7**

**Your signature below acknowledges the following:**

1. **Payment of the base fee may not cover the City's costs associated with processing the Application.**  
*Per Resolution 1053: All direct costs for contracted services shall be charged monthly to the applicant in the amount billed to City. Contracted city services include, but are not limited to, city engineer, city attorney, building inspector, traffic consultant, &/or wetlands specialist. Direct costs 30 days past due shall be charged 9% interest in addition to the amount billed to the City.*
2. *The foregoing statements and other information attached hereto are true and accurate to the best of my knowledge and belief.*
3. *Signer agrees to pay all direct costs associated with processing this land use application.*

**Applicant Signature:**

**Date:**

**Certificate Of Completion**

Envelope Id: 0501194F855E4D1E9B01A94DFDDB7F6C	Status: Completed
Subject: Please DocuSign: JC_Fence_Code_Text_Amend_Land_Use_Application	
Source Envelope:	
Document Pages: 6	Signatures: 5
Certificate Pages: 7	Initials: 3
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Roseann Johnson
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	5505 Blue Lagoon Drive, Suite 502
	Miami, FL 33126
	Roseann.Johnson@lennar.com
	IP Address: 99.57.180.204


**Record Tracking**

Status: Original	Holder: Roseann Johnson	Location: DocuSign
6/30/2023 7:59:16 AM	Roseann.Johnson@lennar.com	

**Signer Events**

Roseann Johnson  
 roseann.johnson@lennar.com  
 Entitlements Manager  
 Security Level: Email, Account Authentication (None)

**Signature**


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**Electronic Record and Signature Disclosure:**  
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David Force  
 david.force@lennar.com  
 VP LAND DEVELOPMENT  
 Lennar Northwest LLC  
 Security Level: Email, Account Authentication (None)

  
 Signature Adoption: Pre-selected Style  
 Using IP Address: 75.145.78.237

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**Electronic Record and Signature Disclosure:**  
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Ryan Selby  
 Ryan.selby@lennar.com  
 Division President  
 Lennar Corporation  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
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 Signature Adoption: Pre-selected Style  
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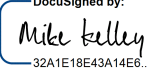
**Electronic Record and Signature Disclosure:**  
 Not Offered via DocuSign

Chad Davis  
 Kerry@chadedavisconstruction.com  
 Security Level: Email, Account Authentication (None)

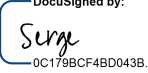
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 Signed: 7/5/2023 8:03:31 AM

**Electronic Record and Signature Disclosure:**  
 Accepted: 6/30/2023 11:46:31 AM  
 ID: 14ce164d-6132-4cbc-a450-93e322f4cd3f

Signer Events	Signature	Timestamp
<p>Mike Kelley kelley@w205.com Security Level: Email, Account Authentication (None)</p>	<p>DocuSigned by:  32A1E18E43A14E6...</p> <p>Signature Adoption: Pre-selected Style Using IP Address: 73.164.200.92</p>	<p>Sent: 7/5/2023 8:03:34 AM Viewed: 7/5/2023 8:05:39 AM Signed: 7/5/2023 8:06:11 AM</p>

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Accepted: 7/5/2023 8:05:39 AM  
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<p>Serge pndi@comcast.net Office Manager Pacific National Development Inc. Security Level: Email, Account Authentication (None)</p>	<p>DocuSigned by:  0C179BCF4BD043B...</p> <p>Signature Adoption: Pre-selected Style Using IP Address: 73.240.224.177</p>	<p>Sent: 7/5/2023 8:06:13 AM Resent: 7/6/2023 4:08:34 PM Viewed: 7/11/2023 8:46:58 AM Signed: 7/11/2023 8:47:31 AM</p>
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Editor Delivery Events	Status	Timestamp
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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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<p>Emily Silvestri Emilys@chadedavisconstruction.com Security Level: Email, Account Authentication (None)</p>	<p><b>VIEWED</b></p> <p>Using IP Address: 108.147.93.53 Viewed using mobile</p>	<p>Sent: 6/30/2023 9:26:52 AM Viewed: 6/30/2023 9:29:11 AM</p>
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<p>Kim O'Dea kim@metroplanning.com Security Level: Email, Account Authentication (None)</p>	<p><b>COPIED</b></p>	<p>Sent: 7/11/2023 8:47:33 AM</p>
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<p>jed truett Jed@metroplanning.com President Security Level: Email, Account Authentication (None)</p>	<p><b>COPIED</b></p>	<p>Sent: 7/11/2023 8:47:34 AM</p>
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Witness Events	Signature	Timestamp
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<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
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Certified Delivered	Security Checked	7/11/2023 8:46:58 AM
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**To advise Lennar of your new e-mail address:** To let us know of a change in your e-mail address for the purposes of us electronically sending to you Documents you must send an email message to us at [docusign@lennar.com](mailto:docusign@lennar.com) and in the body of such request you must state: your previous e-mail address, your new e-mail address.

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In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail addresses in the DocuSign system.

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Mobile Signing:	Apple iOS® 7.0 or above. Android TM 4.0 or above. DocuSign Mobile App for Windows Mobile
PDF Reader:	Acrobat® Reader or similar software may be required to view and print PDF files.
Screen Resolution:	1024 x 768 recommended
Enabled Security Settings:	Allow per session cookies.

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\*\*These minimum requirements are subject to change, from time to time. If these requirements change, we will provide you with an email message advising of such changes, at the email address we have on file for you at that time. Upon your receipt of such notice you will have the right to withdraw your consent, in accordance with the procedures set forth herein. Pre-release (e.g., beta) versions of operating systems and browsers are not supported.

**Acknowledging your access and consent to receive materials electronically:** To confirm to us that you can access this information electronically, which will be similar to other electronic Documents that we will provide to you, please verify that you were able to (i) read this electronic disclosure, (ii) print on paper or electronically save this page for your future reference, and (iii) access or e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference. Further, if you consent to receiving Documents exclusively in electronic format on the terms and conditions described above, please let us know by checking the "I agree to use electronic records and signatures." box.

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- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify the Company as described above, I consent to receive from exclusively through electronic means all Documents that are required to be provided or made available to me by the Company during the course of my relationship with you.
- I understand how to cancel the disclosure and consent, should I ever want to do so.



**APPLICATION FOR A  
NON-SITE SPECIFIC CODE AMENDMENT  
TO AMEND THE CORNER SIDE YARD FENCING SETBACKS  
OF JCMC 17.95.020  
AND THE ASSOCIATED DIAGRAM**

LAND USE PLANNING AND CONSULTING SERVICES

846 A STREET  
SPRINGFIELD, OREGON 97477  
(541) 302-9830  
WWW.METROPLANNING.COM

July 18, 2023

**I. DETAILS:**

**Applicant:** Lennar Northwest Inc., Chad E. Davis Construction, LLC, West Linn Corporate Park, LLC, Pacific National Development, Inc.

**Agent:** Jed Truett, AICP, Metro Planning, Inc., 846 A Street, Spfd, OR 97477

**Owners:** Lennar NW, Inc., 11807 NE 99<sup>th</sup> Street, Suite 1170, Vancouver, WA  
Chad E. Davis Construction, LLC, 2808 19<sup>th</sup> Ave, Forest Grove, OR  
Mike Kelley, West Linn Corporate Park, LLC, PO Box 56, Turner, OR.  
Pacific National Development, Inc., PO Box 3550, Salem, OR

**Map/TL:** Various. See Exhibit C.

**Site Address:** Vacant. N/A

**Zoning:** Residential

**Size:** N/A

**Services:** Urban

**Legal Lot:** N/A

**Overlays:** None

**Annex:** N/A

**II. EXHIBITS**

A: JCMC 17.95 and Appendix A, Diagram 3

B: Vicinity

C: RLID Printouts

**III. FACTS/BACKGROUND:**

Lennar is building homes in The Reserve at Junction City. The Reserve at Junction City is located at Map 15-04-31, TL 4300 and Map 15-04-31-23, TL 5000. Lennar owns approximately 70 home sites in The Reserve at the time of this application, which are or will be for sale in the community. Three additional Junction City property owners, which are also part of the development community, have joined the application.

The City of Junction City has confusing fence code standards and the City has recently begun enforcing a side yard fence placement that is less desirable to both the development community and homeowners.

The purpose of the amendment is to allow a maximum seven-foot fence in residential rear and side yards regardless of whether the lot is an interior lot or a corner lot

The amendment provides each homeowner privacy and increased safety, particularly for pets and children. The proposal does not otherwise impact public safety or aesthetic design. It allows new homeowners to use their lots in a manner enjoyed by many other residents of Junction City. The amendment is equitable. Further, the revision will conserve and stabilize the value of property by allowing full and private use of each parcel and home site, and will promote general public safety and welfare by allowing a barrier of sufficient size to discourage, and perhaps prevent, theft, trespass and harassment.

#### **IV. PROPOSAL**

The proposal is to modify: (1) JCMC 17.95.020.A, and (2) Appendix A, Diagram 3.

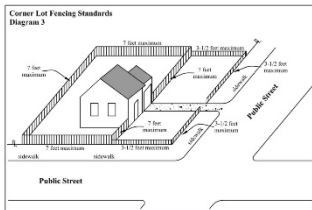
JCMC 17.95.020.A shall be amended to read,

*“Fence Height in Residential Zones and for Residential Uses. Fences and walls may be located within yards and setback areas. (See Appendix A, Diagram 3).*

- 1. Front Yards: Fences or walls on front yard property lines, or within the front yard area, shall not exceed three and one-half feet from the grade of the street centerline in the front yard, and fences in front yards on corner lots shall not conflict with requirements of a vision clearance area.*
- 2. Rear and Side Yards: Fences or walls on rear and side yard property lines, or within the rear or side yard area, shall not exceed seven feet in height (including lattice or other extensions).*

3. *Fences in or abutting residential zones shall be constructed using materials suitable for residential-style fencing, including, but not limited to, wood, block, brick, chain link, or other suitable material. Field wire fences (also referred to as chicken, rabbit, or hog wire) shall not be used as perimeter fencing in residential zones. Barbed wire fences shall not be permitted in residential zones. Where a nonresidential zone abuts a residential zone, barbed wire may be used only above six feet.*

Appendix A, Diagram 3 shall be amended as follows,



The purpose of the above is to allow fences up to seven feet within the side yard setback regardless of whether the parcel is located on a corner. This amendment will also require revisions to the Fencing and Setback handout currently posted on the City’s website. This amendment is intended to be consistent with the definitions of “front lot line,” “rear lot line” and “side lot line,”<sup>1</sup> and the definition of “setback”<sup>2</sup> in JCZO 17.050.020.

The applicant requests that the proposed amendment be declared an emergency to allow the adopting ordinance to be effective immediately upon adoption.

## V. APPROVAL CRITERIA

<sup>1</sup> “Lot line” means the property line bounding a lot.

“Lot line, front” means, in the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner or through lot, the lot line along a street other than an alley over which the primary vehicular access to the property is gained, except as provided for corner lot duplex residential uses in JCMC 17.15.040 and 17.20.050.

“Lot line, rear” means the lot line which is opposite and most distant from the front lot line. Where a rear lot line cannot be determined, it shall be developed by striking a cord 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

“Lot line, side” means any lot line not a front or rear lot line.

<sup>2</sup> “Setback” means the distance between the property line and the building foundation, excluding uncovered steps.

### **1. JCMC 17.145.**

The application is for an amendment to the text of Chapter 17 and is initiated by a property owner in accordance with JCMC 17.145. Other provisions are for informational purposes. The application has been submitted using a form provided by the city and will be accompanied by the required filing fee.

The Junction City Municipal Code does not have approval standards for changes to the text of the zoning ordinance. Therefore, by law, the standards are limited to: internal consistency with unchanged portions of Title 17; consistency with the existing Comprehensive Plan; consistency with applicable Statewide Planning Goals; and consistency with applicable statutes and administrative rules.

### **2. JCMC 17.10 – JCMC 17.25 Residential Zoning Districts.**

The proposal does not affect the criteria found in JCMC 17.10.030 through 17.10.070, and does not propose any additional uses. As such, the proposal is not inconsistent with JCMC 17.10.

The proposal does not affect the criteria found in JCMC 17.15.030 through 17.15.070, and does not propose any additional uses. As such, the proposal is not inconsistent with JCMC 17.15.

The proposal does not affect the criteria found in JCMC 17.20.040 through 17.20.040, and does not propose any additional uses. As such, the proposal is not inconsistent with JCMC 17.20.

The proposal does not affect the criteria found in JCMC 17.25.030, and does not propose any additional uses. As such, the proposal is not inconsistent with JCMC 17.24.

### **3. JCMC 17.05.010 – Purpose of Chapter 17**

*“The several purposes of this title are to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide for adequate light and air; to lessen congestion; to encourage the orderly growth of the city; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks and other public*

*requirements; and in general, to promote public health, safety, convenience and general welfare.”*

Purpose statements are not approval criteria. However, in this instance, it is worth noting that the revision will conserve and stabilize the value of property by allow full and private use of each parcel, and will promote general public safety and welfare by allow a barrier of sufficient size to prevent theft, trespass and harassment.

#### **4. Junction City Comprehensive Plan**

##### Citizen Involvement Element

Chapter 1 implements Oregon Statewide Planning Goal 1. The applicant is submitting the application in accordance with Code requirements and will follow the public hearing procedures set forth in the Junction City Municipal Code. As such, the proposal complies with Goal 1.

##### Land Use Element.

The proposal does not affect the relationship between the comprehensive plan and the zoning ordinance. The proposal does not change the existing zoning designations of properties in Junction City. As such, Chapter 3 is not applicable.

##### House Element

The proposal does not change the existing zoning designation of properties in Junction City and does not change the types of housing allowed. As such, Chapter 3 is not applicable.

##### Other Chapters:

No other Chapters of the Junction City Comprehensive Plan are relevant to the proposal.

#### **5. Statewide Planning Goals**

Goal 2 Land Use: This goal requires that citizens and affected governmental units have an opportunity to review land use implementation ordinances. In this regard, all owners of property zoned residential have been notified and the proposed changes have been sent to affected governmental units for their comment.

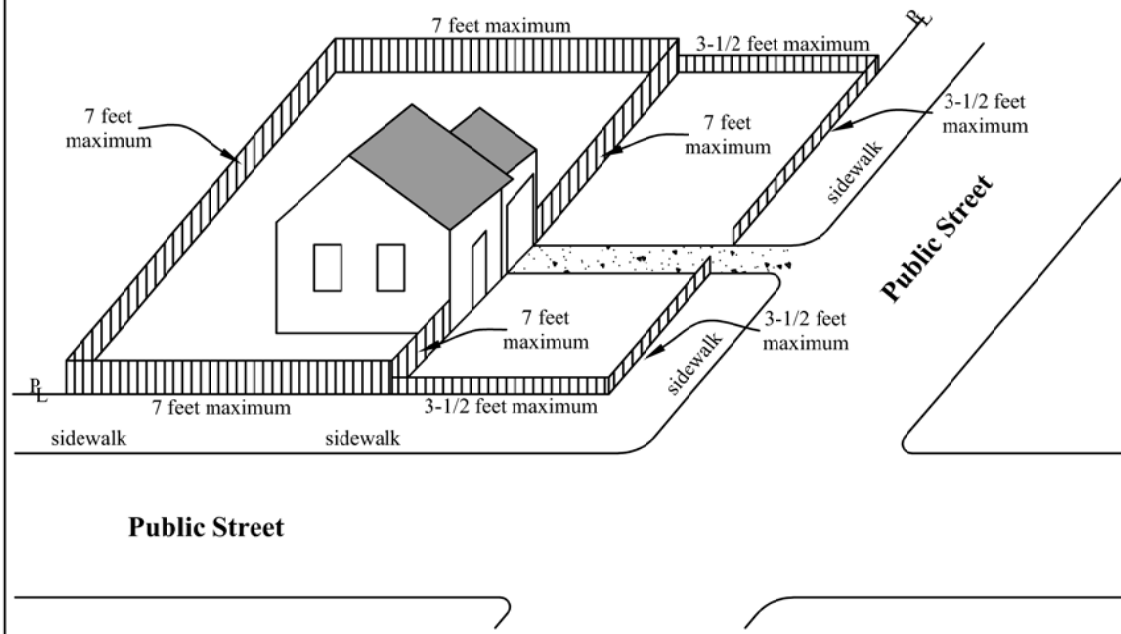
Goal 10 Housing: Goal 10 defines “needed housing” to include attached and detached single-family dwellings in cities larger than 2,500 people. The implementation of Goal 10 includes the optimal use of existing urban land. The proposed changes to Title 17 allow for the more efficient use of residentially zoned lands.

Conclusion, the proposed changes to Title 17 are consistent with applicable Statewide Planning Goals, which appear to be limited to Goals 2 and 10.

## **6. Statutes and Administrative Rules**

No statutes or administrative rules are applicable to the proposed change to the text of Title 17 of the JCMC.

**Corner Lot Fencing Standards  
Diagram 3**



## Chapter 17.95 SUPPLEMENTARY PROVISIONS

Sections:

- 17.95.010 Zone boundaries.**
- 17.95.020 General provisions regarding accessory uses.**
- 17.95.030 Authorization of similar uses.**
- 17.95.040 Maintenance of minimum requirements.**
- 17.95.050 General exception to lot size requirements.**
- 17.95.060 Exceptions to yard requirements.**
- 17.95.070 General exception to building height limitations.**
- 17.95.080 Access.**
- 17.95.090 Vision clearance.**

**17.95.010 Zone boundaries.**

Unless otherwise specified, zone boundaries are lot lines or the centerline of street, alley, or railroad right-of-way or such lines extended. Where a zone boundary divides a land parcel under a single ownership into two zones, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than 20 feet. If the adjustment involves a distance of more than 20 feet, the procedure for a zone change shall be followed. [Ord. 1037 § 1, 1997; Ord. 950 § 81, 1991.]

**17.95.020 General provisions regarding accessory uses.**

A. Fence Height in Residential Zones and for Residential Uses. Fences, which may be located within yards, shall not exceed three and one-half feet from the grade of the street centerline in the front yard and on corner lots shall not conflict with requirements of a vision clearance area. Fences or walls around rear and side yard property lines shall not exceed seven feet in height (including lattice or other extensions), shall not interfere with vision clearance requirements, and shall not intrude into the required front yard and, in the case of corner lots, shall not intrude into the required side yard adjacent to a street (see Appendix A, Diagram 3). Fences in or abutting residential zones shall be constructed using materials suitable for residential-style fencing, including, but not limited to, wood, block, brick, chain link, or other suitable material. Field wire fences (also referred to as chicken, rabbit, or hog wire) shall not be used as perimeter fencing in residential zones. Barbed wire fences shall not be permitted in residential zones. Where a nonresidential zone abuts a residential zone, barbed wire may be used only above six feet.

B. Fence Height in Nonresidential Zones and for Nonresidential Uses. Fences in nonresidential zones and for nonresidential uses shall not exceed eight feet in height and shall not conflict with requirements of a vision clearance area.

C. Permits. Fences greater than six feet in height require a building permit.

D. Fence Materials. Fences in or abutting residential zones shall be constructed using materials customarily used and manufactured as fence materials for residential-style fencing, including, but not limited to, wood, block, brick, chain link or other suitable material. Decorative hex netting shall be completely framed using framing material. Material such as broken boards or other discarded materials, tarps and other similar coverings secured to fences are not common residential fencing materials and are therefore not permitted and field wire fences (also referred to as chicken, rabbit, or hog wire) shall not be used as perimeter fencing in residential zones. Barbed wire fences shall not be permitted in residential zones. Where a nonresidential zone abuts a residential zone, barbed wire may be used only above six feet.

E. Height. The highest point of the roof of an accessory structure 200 square feet or less, not including a garage, carport or accessory dwelling unit, shall not exceed a height of 15 feet in a residential zone.

F. Rear Yard. Accessory structures that do not require a building permit shall be set back a minimum of not less than five feet from the rear property line.

G. Alley. Accessory structures that require a building permit, not including a garage, carport or accessory dwelling unit, shall be set back at a minimum four feet from the rear property line abutting an alley.

H. A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales.

I. A guest house may be maintained accessory to a dwelling, provided there are no charges made for the accommodation. A guest house shall comply with the accessory dwelling standards in JCMC 17.10.010.

J. Swimming pools, fish ponds or other decorative pools shall conform with Chapter 17.110 JCMC. [Ord. 1197 § 2, 2010; Ord. 1051 § 4, 1998; Ord. 1037 § 1, 1997; Ord. 950 § 82, 1991.]

#### **17.95.030 Authorization of similar uses.**

The planning commission may rule that a use, not specifically listed in the allowed uses of a zone, shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. However, this section does not authorize the inclusion of a use in a zone where it is specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone. [Ord. 1037 § 1, 1997; Ord. 950 § 83, 1991.]

#### **17.95.040 Maintenance of minimum requirements.**

No lot area, yard or other open space or required off-street parking or loading area existing on or after the effective date of the ordinance codified in this chapter shall be reduced in area, dimension or size below the minimum required by this chapter, nor shall any lot area, yard or other open space or off-street parking or loading area which is required by this chapter for one use be used as the lot area, yard or other open space or off-street parking or loading area requirements for any other use, except as provided in JCMC 17.90.030(D). [Ord. 950 § 84, 1991.]

#### **17.95.050 General exception to lot size requirements.**

If, at the time of passage of the ordinance codified in this chapter, a lot or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by any use permitted outright in the zone subject to the other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to a single-family residence. [Ord. 950 § 85, 1991.]

#### **17.95.060 Exceptions to yard requirements.**

In the case of buildings, the following exception to the yard requirements is authorized for a lot in any zone: If there are buildings on both abutting lots with yards of less than the required depth for the zone, the yard of the lot need not exceed the average yard of the abutting buildings. If there is a building on one abutting lot with a yard of less than the required depth for the zone, the yard for the lot need not exceed a depth one-half way between the depth of the abutting yard and the required yard depth. [Ord. 1051 § 5, 1998; Ord. 1037 § 1, 1997; Ord. 950 § 86, 1991.]

#### **17.95.070 General exception to building height limitations.**

The following types of structures or structural parts are not subject to the building height limitations of this chapter except in residentially zoned areas unless otherwise restricted: chimneys, cupolas, tanks, derricks, fire and hose towers, observation towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, water towers, elevator shafts, windmills, conveyors and other similar projections. Churches and church spires, belfries, domes, and similar monuments are not subject to the building height limitations of this chapter. [Ord. 1116 § 1, 2003; Ord. 1105 § 1, 2002; Ord. 950 § 87, 1991.]

#### **17.95.080 Access.**

All lots shall abut a street other than an alley for a width of at least 35 feet, except as provided in Chapter 16.05 JCMC for flag/panhandle lots in the R1 and R2 zones. [Ord. 1037 § 1, 1997; Ord. 950 § 88, 1991.]

#### **17.95.090 Vision clearance.**

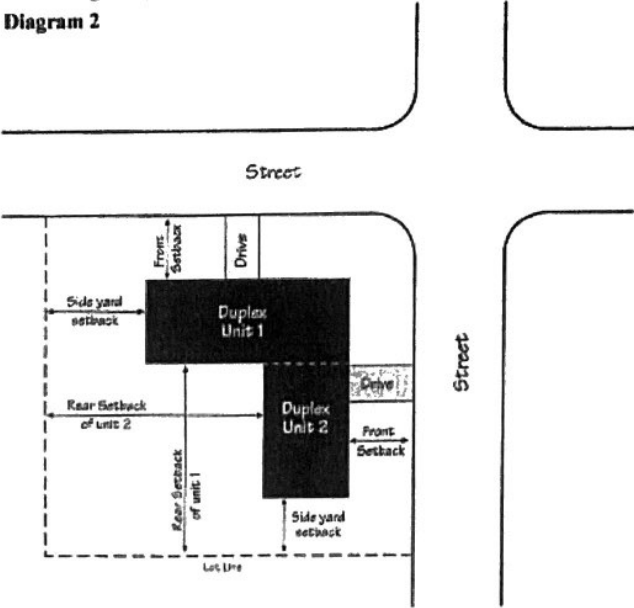
The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding three and one-half feet or lower than eight feet in height measured from the grade of the street centerline. Vision clearance shall be provided from the outside edge of the curb as shown in Appendix A, Diagram 1, or from the edge of the paved road where no curbs exist with the following distances establishing the size of the vision clearance area:

A. In a residential zone the minimum distance shall be 30 feet at street intersections and 10 feet for an alley or driveway.

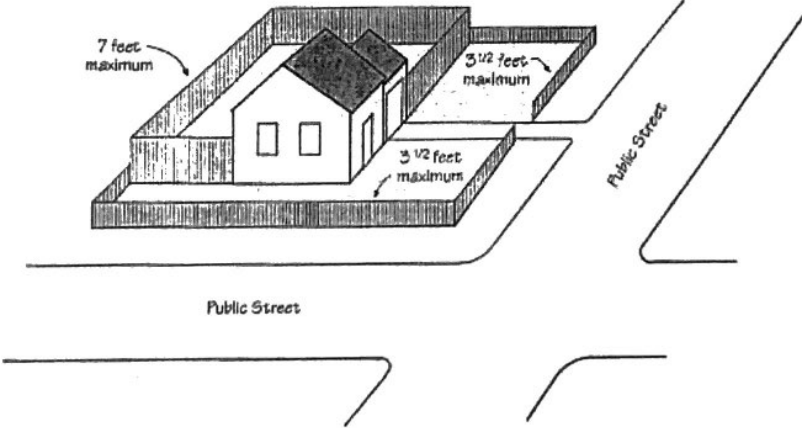
B. In all other zones, except the C2, the minimum distance shall be 15 feet at street intersections including an alley or service drive; except that when the angle of intersection between streets is less than 30 degrees, the distance shall be 25 feet. [Ord. 1037 § 1, 1997; Ord. 950 § 89, 1991.]

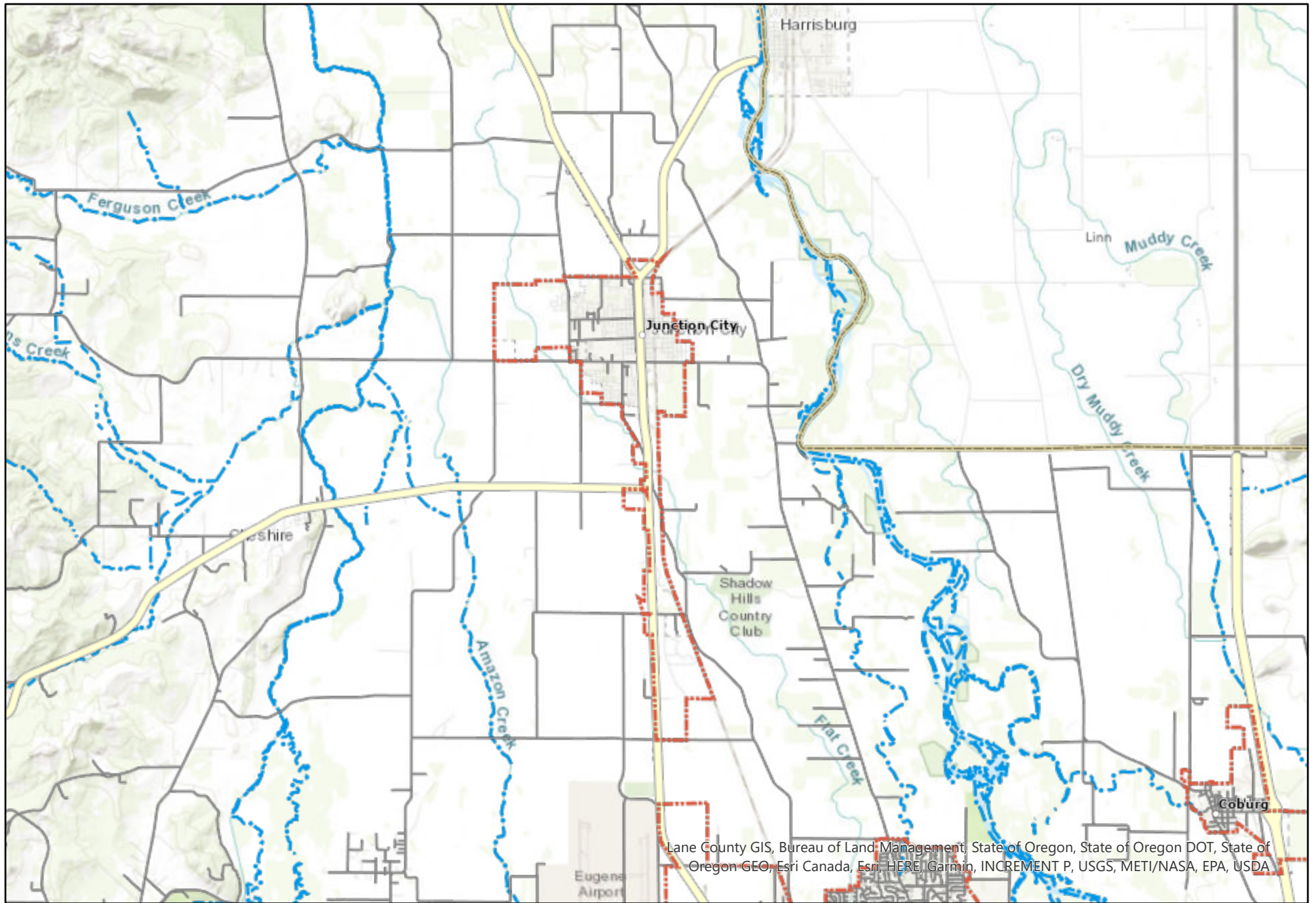
Mobile Version

**Measuring Setbacks for Corner Lot Duplex Residential Uses  
Diagram 2**



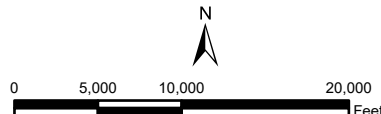
**Corner Lot Fencing Standards  
Diagram 3**





Lane County GIS, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



## Junction City

Lane County, Oregon

### Standard Property Search Results

1 data row(s).

Current search parameters: Owner match type = contains; Name = "west linn corporate park";

Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
15-04-31-22-10900		1911848	2601 W Junction City 12th Ave	Junction City	97448	West Linn Corporate Park LLC	JUN JUN	

### Standard Property Search Results

13 data row(s).

Current search parameters: Owner match type = contains; Name = "chad davis construction";

Maplot	SIC Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
<a href="#">15-04-31-32-00300</a>	1914495				<a href="#">Chad E Davis Construction LLC</a>	JUN	JUN
<a href="#">15-04-31-32-00400</a>	1914496				<a href="#">Chad E Davis Construction LLC</a>	JUN	JUN
<a href="#">15-04-31-32-00700</a>	1914499				<a href="#">Chad E Davis Construction LLC</a>	JUN	JUN
<a href="#">15-04-31-32-01200</a>	1914504				<a href="#">Chad E Davis Construction LLC</a>	JUN	JUN
<a href="#">15-04-31-32-01300</a>	1914505				<a href="#">Chad E Davis Construction LLC</a>	JUN	JUN
<a href="#">15-04-31-32-01400</a>	1914506				<a href="#">Chad E Davis Construction LLC</a>	JUN	JUN
<a href="#">15-04-31-32-01500</a>	1914507				<a href="#">Chad E Davis Construction LLC</a>	JUN	JUN
<a href="#">15-04-31-32-01600</a>	1914508				<a href="#">Chad E Davis Construction LLC</a>	JUN	JUN
<a href="#">15-04-31-32-01700</a>	1914509				<a href="#">Chad E Davis Construction LLC</a>	JUN	JUN
<a href="#">15-04-31-32-01900</a>	1914511				<a href="#">Chad E Davis Construction LLC</a>	JUN	JUN
<a href="#">15-04-31-32-02000</a>	1914512				<a href="#">Chad E Davis Construction LLC</a>	JUN	JUN
<a href="#">15-04-31-32-02100</a>	1914513				<a href="#">Chad E Davis Construction LLC</a>	JUN	JUN
<a href="#">15-04-31-32-02200</a>	1914514				<a href="#">Chad E Davis Construction LLC</a>	JUN	JUN

### Standard Property Search Results

19 data row(s).

Current search parameters: Owner match type = contains; Name = "pacific national development";

Maplot	SIC	Account #		Site Address	Mail City	Zip	Owner	City Limits	UGB
15-04-31-00-02500		0005593					<u>Pacific National Development Inc</u>	JUN	JUN
<u>15-04-31-24-01201</u>		1804242					<u>Pacific National Development Inc</u>	JUN	JUN
<u>15-04-31-32-00100</u>		1914493					<u>Pacific National Development Inc</u>	JUN	JUN
<u>15-04-31-32-00200</u>		1914494					<u>Pacific National Development Inc</u>	JUN	JUN
<u>15-04-31-32-02300</u>		1914515					<u>Pacific National Development Inc</u>	JUN	JUN
<u>15-04-31-32-02400</u>		1914516					<u>Pacific National Development Inc</u>	JUN	JUN
<u>15-04-31-32-02500</u>		1914517					<u>Pacific National Development Inc</u>	JUN	JUN
<u>15-04-31-32-02600</u>		1914518					<u>Pacific National Development Inc</u>	JUN	JUN
<u>15-04-31-32-04700</u>		1914539					<u>Pacific National Development Inc</u>	JUN	JUN
<u>15-04-31-32-04800</u>		1914540					<u>Pacific National Development Inc</u>	JUN	JUN
15-04-31-32-09300		1914585					<u>Pacific National Development Inc</u>	JUN	JUN
15-04-31-32-09400		1914586					<u>Pacific National Development Inc</u>	JUN	JUN
15-04-31-32-09500		1914587					<u>Pacific National Development Inc</u>	JUN	JUN
15-04-31-32-09600		1914588					<u>Pacific National Development Inc</u>	JUN	JUN
15-04-31-32-09700		1914589					<u>Pacific National Development Inc</u>	JUN	JUN
15-04-31-32-09800		1914590					<u>Pacific National Development Inc</u>	JUN	JUN
15-04-31-32-09900		1914591					<u>Pacific National Development Inc</u>	JUN	JUN
15-04-31-00-02400		0005585	94262 Oaklea Dr	Junction City	97448		<u>Pacific National Development Inc</u>	JUN	JUN
15-04-31-24-01202		1804259	94320 Oaklea Dr	Junction City	97448		<u>Pacific National Development Inc</u>	JUN	JUN

Residential Fencing Zone Text Amendment AMD-23-34

**ATTACHMENT A.2**

Jason Johannesen <jjohannesen@ci.junction-city.or.us>

Wed 9/6/2023 7:23 AM

To: TRIFILIO Chloe <CTRIFILIO@lcog.org>

 1 attachments (300 KB)

AMD-23-34 Referral.pdf;

**WARNING:** This is NOT an internal sender. Please review this message carefully before responding or interacting. If you have any concerns, contact the SERVICE DESK.

There are no building code issues with the proposed amendment.

Thanks,

**Jason Johannesen**

City of Junction City Building Official

jjohannesen@ci.junction-city.or.us

Cell: 541 224-3593

## FW: Proposed Amendment to Junction City Municipal Code 17.95.020

Tere Andrews <tandrews@ci.junction-city.or.us>

Tue 9/19/2023 8:51 AM

To: TRIFILIO Chloe <CTRIFILIO@lcog.org>

WARNING: This is NOT an internal sender. Please review this message carefully before responding or interacting. If you have any concerns, contact the SERVICE DESK.

**ATTACHMENT A.2**

Hi,

You may have already seen this but though I forward on.

As of July 1, 2023, I no longer work in the Planning Office. Please contact Dawn Northey, Permit Technician at [dnorthey@ci.junction-city.or.us](mailto:dnorthey@ci.junction-city.or.us) for Land Use Planning questions, and Jason Johannesssen, Junction City Building Official, [jjohannesen@ci.junction-city.or.us](mailto:jjohannesen@ci.junction-city.or.us) for building permit questions.

Sincerely,

Tere Andrews

Administrative Assistant

City of Junction City

PO Box 250/680 Greenwood Street

Junction City Oregon 97448

P: 541.998.2153, ext. 207

E: [tandrews@ci.junction-city.or.us](mailto:tandrews@ci.junction-city.or.us)

Office Hours: Tuesday - Friday 8:00a.m.-5:00p.m.

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-----Original Message-----

From: Julie Tomlin <[julianne@peak.org](mailto:julianne@peak.org)>

Sent: Saturday, September 16, 2023 6:17 AM

To: JCPlanning <[JCPlanning@ci.junction-city.or.us](mailto:JCPlanning@ci.junction-city.or.us)>

Subject: Proposed Amendment to Junction City Municipal Code 17.95.020

[You don't often get email from [julianne@peak.org](mailto:julianne@peak.org). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

This is my formal approval of the above mentioned amendment to Junction City Municipal Code 17.95.020.

Julie Anne Tomlin  
1284 Breckenridge Drive  
Junction City, OR 97448

## **ATTACHMENT A.2**

**FINAL ORDER OF THE  
JUNCTION CITY PLANNING COMMISSION  
TITLE 17 AMENDMENT (AMD-23-34), RESIDENTIAL FENCE CODE**

**A. THE JUNCTION CITY PLANNING COMMISSION FINDS THE FOLLOWING:**

- a. The applicant has submitted the application and supporting documents necessary for the Planning Commission to understand the proposed use and its relationship to surrounding properties as required by Junction City Municipal Code Section 17.145.
- b. The Junction City Planning Commission held a public hearing on October 17, 2023 after giving the required notice per Junction City Municipal Code Section 17.150.080.
- c. The Junction City Planning Commission reviewed all material relevant to the Amendment submitted or presented by the applicant, staff, and the general public regarding this matter.
- d. The Junction City Planning Commission followed the required procedure and standards of reviewing conditional Amendments as required by Junction City Municipal Code Section 17.150.070.

**B. IT IS HEREBY ORDERED THAT the Junction City Planning Commission recommends approval the Title 17 Amendment for an amendment to the Supplementary Provisions of Junction City Municipal Code 17.95.020(A) to allow residential fences of up to 7 feet in height in corner lot side yards on based on the following findings of fact:**

Approval criteria are listed in bold. Findings addressing criteria, condition of approval and informational items included where appropriate.

**AMENDING TITLE 17 OF THE JCMC**

***Section 17.145.010 Authorization to initiate amendments***

This section allows the text of Title 17 of the JCMC to be made by the city council, the planning commission or a property owner or their authorized agent. In the present case, the proposed amendments were made by several property owners: Lennar Northwest Inc., Chad E. Davis Construction, LLC, West Linn Corporate Park, LLC, Pacific National Development, Inc. and the application was prepared and submitted by Jed Truett at Metro Planning & Consulting, Inc. as an agent for the property owners. The proposed changes to Title 17 do not require an amendment to the Junction City Comprehensive Plan.

***17.145.020 Application and fee***

An application was submitted and was accompanied by the required \$950 application fee.

### **17.145.030 Public hearing on amendment**

A public hearing before the Junction City Planning Commission has been scheduled for October 17, 2023. Notice was sent to all property owners of property zoned R1, R2, R3, R4, CR, all owners of property within 300 feet of one of the residential zones and owners of an assessed residence on September 11, 2023, and notice was published in the Register Guard on September 19, 2023. After the Planning Commission's hearing and recommendation, a hearing will be scheduled before the Junction City City Council. Notice of the Council hearing will be sent not less than five days but not more than 20 days prior to the hearing.

### **PROPOSED CHANGES TO TITLE 17 OF THE JCMC**

Language proposed to be added is underlined in red and language proposed to be removed is ~~stricken through~~.

### **Section 17.95.020(A) of the JCMC – General provisions regarding accessory uses**

A. Fence Height in Residential Zones and for Residential Uses. Fences and walls, which may be located within yards and setback areas, shall not exceed three and one-half feet from the grade of the street centerline in the front yard and on corner lots shall not conflict with requirements of a vision clearance area. Fences or walls around rear and side yard property lines shall not exceed seven feet in height (including lattice or other extensions), shall not interfere with vision clearance requirements, and shall not intrude into the required front yard and, in the case of corner lots, shall not intrude into the required side yard adjacent to a street (see Appendix A, Diagram 3).

1. Front Yards: Fences or walls on front yard property lines, or within the front yard area, shall not exceed three and one-half feet from the grade of the street centerline in the front yard, and fences in front yards on corner lots shall not conflict with requirements of a vision clearance area.
2. Rear and Side Yards: Fences or walls on rear and side yard property lines, or within the rear or side yard area, shall not exceed seven feet in height (including lattice or other extensions).
3. Fences in or abutting residential zones shall be constructed using materials suitable for residential-style fencing, including, but not limited to, wood, block, brick, chain link, or other suitable material. Field wire fences (also referred to as chicken, rabbit, or hog wire) shall not be used as perimeter fencing in residential zones. Barbed wire fences shall not be permitted in residential zones. Where a nonresidential zone abuts a residential zone, barbed wire may be used only above six feet.

It currently reads as follows:

*A. Fence Height in Residential Zones and for Residential Uses. Fences, which may be*

*located within yards, shall not exceed three and one-half feet from the grade of the street centerline in the front yard and on corner lots shall not conflict with requirements of a vision clearance area. Fences or walls around rear and side yard property lines shall not exceed seven feet in height (including lattice or other extensions), shall not interfere with vision clearance requirements, and shall not intrude into the required front yard and, in the case of corner lots, shall not intrude into the required side yard adjacent to a street (see Appendix A, Diagram 3). Fences in or abutting residential zones shall be constructed using materials suitable for residential-style fencing, including, but not limited to, wood, block, brick, chain link, or other suitable material. Field wire fences (also referred to as chicken, rabbit, or hog wire) shall not be used as perimeter fencing in residential zones. Barbed wire fences shall not be permitted in residential zones. Where a nonresidential zone abuts a residential zone, barbed wire may be used only above six feet.*

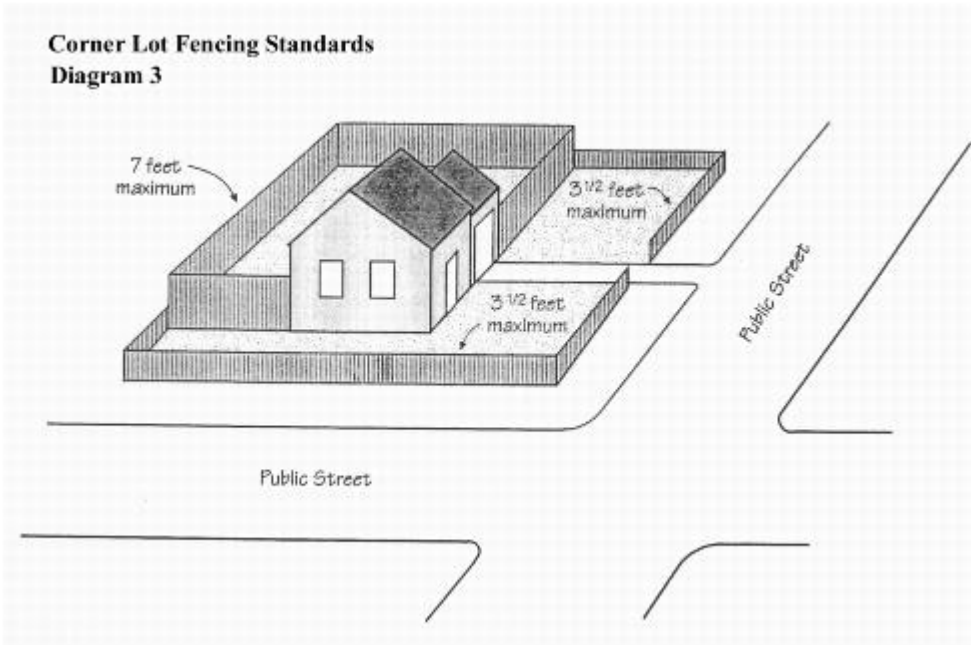
The amended code would read:

*A. "Fence Height in Residential Zones and for Residential Uses. Fences and walls may be located within yards and setback areas. (See Appendix A, Diagram 3).*

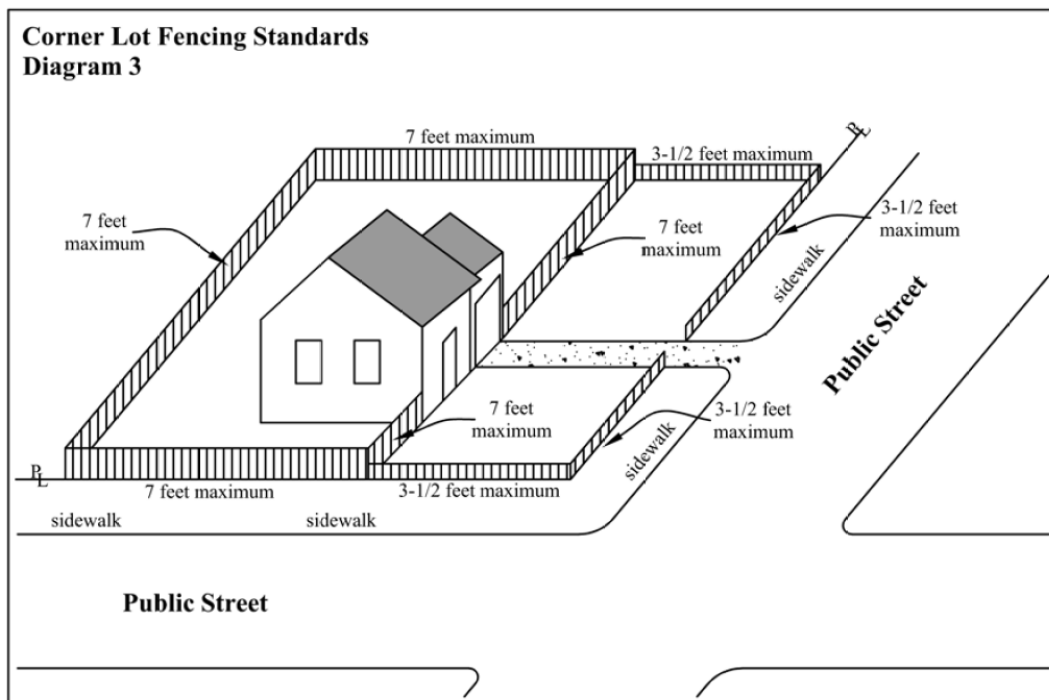
- 1. Front Yards: Fences or walls on front yard property lines, or within the front yard area, shall not exceed three and one-half feet from the grade of the street centerline in the front yard, and fences in front yards on corner lots shall not conflict with requirements of a vision clearance area.*
- 2. Rear and Side Yards: Fences or walls on rear and side yard property lines, or within the rear or side yard area, shall not exceed seven feet in height (including lattice or other extensions).*
- 3. Fences in or abutting residential zones shall be constructed using materials suitable for residential-style fencing, including, but not limited to, wood, block, brick, chain link, or other suitable material. Field wire fences (also referred to as chicken, rabbit, or hog wire) shall not be used as perimeter fencing in residential zones. Barbed wire fences shall not be permitted in residential zones. Where a nonresidential zone abuts a residential zone, barbed wire may be used only above six feet.*

The application also proposes to amend Diagram 3 of Appendix A in order to reflect the proposed code amendments.

Existing Diagram 3 (Appendix A, JCMC Title 17):



Proposed Diagram 3 (Appendix A, JCMC Title 17):



## **SUMMARY:**

In summary, the proposed code amendment would allow a fence of up to seven feet in height to be built in a “side yard” that abuts a public street. Currently, if a side yard of a residential use abuts a public street the fence may only be three and a half feet tall in the side yard and on the side lot lines. This does not include a duplex residential use on a corner lot where primary vehicular access is taken off of two streets, in which case both yards abutting the street shall be considered front yard (JCMC 17.15.040 & JCMC 17.20.050). Vision clearance requirements of JCMC 17.95.090 will also still apply.

## **APPLICABLE DEFINITIONS:**

The following definitions from JCMC 17.05 Introductions and Definitions have been included for reference. There are no proposed changes to the definitions.

“Lot line” means the property line bounding a lot.

“Lot line, front” means, in the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner or through lot, the lot line along a street other than an alley over which the primary vehicular access to the property is gained, except as provided for corner lot duplex residential uses in JCMC [17.15.040](#) and [17.20.050](#).

“Lot line, rear” means the lot line which is opposite and most distant from the front lot line. Where a rear lot line cannot be determined, it shall be developed by striking a cord 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

“Lot line, side” means any lot line not a front or rear lot line.

“Setback” means the distance between the property line and the building foundation, excluding uncovered steps.

“Yard” means an open space on a lot which is unobstructed with buildings from the ground upward, except as otherwise provided in this title.

“Yard, front” means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the foundation of a building.

“Yard, rear” means a yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the foundation of a building.

“Yard, side” means a yard between the front and rear yards measured horizontally and at right angles to the side lot lines from the side lot line to the nearest point of the foundation of a building. [Ord. [1278](#) § 2 (Exh. B), 2023; Ord. [1266](#) § 2 (Exh. B), 2021; Ord. [1254](#) § 1, 2018; Ord. [1103](#) § 1, 2002; Ord. [1037](#) § 1, 1997; Ord. [1021](#) § 1, 1996; Ord. [975](#) § 1, 1993; Ord. [950](#) § 2, 1991.]

## **APPROVAL CRITERIA**

The Junction City Municipal Code does not have approval standards for changes to the text of the zoning ordinance (Title 17 of the JCMC). Therefore, by law, the standards are consistency with the existing Comprehensive Plan, consistency with applicable Statewide Planning Goals, consistency with applicable statutes and administrative rules, and internal consistency with unchanged portions of Title 17.

## **COMPREHENSIVE PLANS**

**Finding 1:** Section V of the Land Use Element of the Junction City Comprehensive Plan states that: “The City shall promote land use and development patterns that sustain and improve quality of life, maintain the community’s identity, and meet the needs of existing and future residents for housing, employment, and parks and open spaces.” (Subsection B - Urbanization).

The option of building fences of up to seven feet in height within side yards adjacent to a street (in residential zones and for residential uses) may improve quality of life by giving residents of Junction City the opportunity to separate their living spaces from the roads that the property does not take access off of. However, it may have an affect on the community’s identity by creating more separation rather than integration. The applicants are a small group of developers and represent some of the developers of the newer subdivisions in Junction City, such as The Reserve, but a change in JCMC 17.95 would apply to all residentially zoned properties and residential uses within City Limits. It appears that on the more densely platted areas of Junction City, houses at the end of the block take access off of a different street than the houses mid-block. This code amendment would allow seven-foot-tall fences on a side yard of one property adjacent to a front yard of another property. Staff notes that there has been no public comment against the amendment received, and one for it (see Attachment 1).

Staff did not identify other Sections of the Junction City Comprehensive Plan because the proposed amendment does not change the land use types, economic development efforts, energy conservation, transportation or public facilities or environmental element.

In conclusion, the proposed changes to Title 17 of the JCMC are generally consistent with applicable provisions of the Junction City Comprehensive Plan, which appears to be limited to Section V.

## **STATEWIDE PLANNING GOALS**

**Finding 2:** Goal 2 Land Use: This goal requires that citizens and affected governmental units have an opportunity to review land use implementation ordinances. In this regard, all owners of residentially zoned properties and uses, as well as owners of property within 300 feet of residentially zoned properties have been notified and the proposed changes have been sent to affected governmental units for their comment.

The proposed amendment does not require changes to Junction City's Comprehensive Plan as it does not change the Junction City zoning designations, it also does not change any types of housing allowed. Therefore, no other Statewide Planning Goals are applicable.

In conclusion, the proposed changes to Title 17 are consistent with applicable Statewide Planning Goals, which appears to be limited to Goal 2.

## **STATUTES AND ADMINISTRATIVE RULES**

**Finding 3:** No statutes or administrative rules have been found to be applicable to the proposed change to the text of Title 17 of the JCMC.

## **CONSISTENCY WITH TITLE 17**

The proposed amendment does not apply to individual zoning districts, but rather the Supplementary Provisions of JCMC 17.95.

The purpose of Title 17 is stated in JCMC 17.05.010 Purpose:

“The several purposes of this title are to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide for adequate light and air; to lessen congestion; to encourage the orderly growth of the city; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks and other public requirements; and, in general, to promote public health, safety, convenience and general welfare. [Ord. [1278](#) § 2 (Exh. B), 2023; Ord. [1266](#) § 2 (Exh. B), 2021; Ord. [950](#) § 1, 1991.]”

**Finding 4:** The applicants note that although this is not an approval criterion, they believe the proposed amendment will conserve and stabilize the value of property by allow full and private use of each parcel and will promote general public safety and welfare by allowing a barrier of sufficient size to prevent theft, trespass, and harassment.

**Finding 5:** Staff finds that the proposed Diagram 3 displays the same information as the

current Diagram 3, and accurately depicts the fencing standards if the amendment were to be adopted.

Therefore, the proposed amendment is consistent with the existing Comprehensive Plan, with applicable Statewide Planning Goals, with applicable statutes and administrative rules, and with unchanged portions of Title 17.

Signature:

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Jeff Haag, Junction City Planning Commission Chair

Date:

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