



# City of Canby

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## MEMO TO PLANNING COMMISSION

**DATE:** June 30, 2022  
**WORK SESSION DATE:** July 11, 2022  
**TO:** Planning Commission  
**STAFF:** Ryan Potter, AICP, Planning Manager  
**SUBJECT:** Fence Standards – Summary of Work Session #1

### Overview

On June 27, 2022, Canby Planning Staff and the Planning Commission conducted a work session—the first in a series of sessions—to discuss the City of Canby’s residential fence standards and how those standards are implemented. Staff presented the Commission with a presentation that introduced the overall topic, explained what the City’s code currently requires (and why), and provided examples of fences in Canby that either comply with the code or are in violation. After the presentation, the Commission discussed their initial thoughts on the topic and shared their perspectives and/or experiences.

### Attachments

None.

### Summary of Commission Comments and Discussion

Below is a summary of the comments and discussion offered by the Planning Commission to Planning Staff on June 27, 2022.

#### **Comments and Positions with General Consensus:**

- There should be latitude for a homeowner to realize their goals for their property while still addressing some of the design considerations that the current code is based on.
- Setback requirements for fences should be reasonable.
- Enforcement of code violations should be increased for the sake of fairness and consistency, and for holding builders and developers responsible for the work they do in Canby.
- Builders and developers working on larger subdivisions, in particular, need to be held responsible when they repeatedly and knowingly violate the City’s fence code.
- The City should explore additional methods for managing compliance with code.
- The City’s development standards should be more specific, more clear, and easier to use by everyone.
- The Planning Commission has a strong interest in maintaining the character and attractiveness of the community.

## **General Topics of Discussion Identified by Commissioners:**

- Consistency with County codes
- Certificate of Occupancy (C of O) procedures
- Definitions of terms used in the code
- Similarities between fences and vegetation
- Changing expectations of homeowners (re: privacy, etc.)

## **Specific Guidance and Comments to Staff**

- The code should address specific circumstances/conditions, as when fences would be along streets where right-of-way improvement are planned, or unimproved streets.
- Fences adjacent to parks, the logging trail, other public spaces, major roads, and commercial/industrial uses should be addressed in the code.
- The code should consider addressing overall transparency, visibility, and sight-lines along public streets regardless of the type of visual obstruction (buildings, fences, trees, vegetation, etc.).
- Staff should research how nearby cities structure their fence code, especially cities of Canby's size and/or of similar character.
- Complaint-based code enforcement is fundamentally unfair because it can be weaponized by neighbors that have personal issues with a homeowner. City staff should consider other methods of code enforcement.
- The City should consider whether some exceptions to standards should be eligible for Type III procedures so that homeowners may make their case to the Planning Commission.
- Alternatively, City staff should also consider new adjustment provisions in the code.
- The code's approach to grandfathering older fences should be clarified.
- The recent budgeting of additional code enforcement hours should be leveraged to better track code violations and provide better guidance to homeowners.
- The City should explore taking a more active role in the issuance of certificates of occupancy for individual homes.

## **Staff Recommendation**

Planning Staff have no specific policy recommendations at this time. Furthermore, due to the preliminary nature of these work sessions, no recommendation to City Council is expected or required from Planning Commission at this time.