APPROVED: January 16, 2008

**CITY OF ALBANY**
**LANDMARKS ADVISORY COMMISSION**
**City Hall, Santiam Rooms, 333 Broadalbin Street**
**Wednesday, December 5, 2007**
**6:30 p.m.**

**MINUTES**

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| Landmarks Commissioners present: | Linda Herd, Tom Hinckley, Oscar Hult, Derryl James, Roz Keeney, Heidi Overman, and Dave Pinyerd |
| Staff present: | Planner II Anne Catlin, Administrative Assistant Sheena Dodson, Transportation Systems Analyst Ron Irish and Urban Renewal Coordinator Kate Porshe |
| Others present: | Four others were in the audience |

CALL TO ORDER

Chair Oscar Hult called the meeting to order at 6:34 p.m.

APPROVAL OF NOVEMBER MINUTES

Commissioner Tom Hinckley moved to approve the November minutes as written. Commissioner Dave Pinyerd seconded the motion, which passed 6:0.

REVIEW OF FENCE STANDARDS

Planner II Anne Catlin introduced Traffic Systems Analyst Ron Irish of Public Works. She explained that Irish was the best person to explain the clear vision standards. She suggested first reviewing the existing fence standards, hearing from Irish, and then discussing the proposed changes to the fence and clear vision standards. She introduced others in the audience Dan Conway, 839 5th Avenue SW; Dave Sullivan, 208 6th Avenue SE; and Rusty and Robyn van Rossmann, 526 5th Avenue SE. The desire is to come up with a proposal to take to the Planning Commission and City Council.

Catlin reviewed the Fence Standards in Residential Zoning Districts/Clear Vision Areas handout and pointed to the sections that pertain to corner fences at historic homes (Exhibit B). She said the sections that pose challenges to constructing a corner fence are (1) that sets maximum height; (5) that says fences must comply with the clear vision standards; and (6) how fence height is measured.

Commissioner Hult asked if it was possible for someone to apply for a variance. Catlin said yes but it's expensive. She suggested a streamlined "variance-like" process specific to fences in historic districts. She noted that there is an adjustment application allows for a 10 percent increase; an example being a 4-foot fence could be 10 percent higher. She than included how to measure a fence and what could be included in the measurement such as finials. She then discussed what she would count in the height. Commissioner Keeney believed that the height was the top of a picket unless the fence was on top of a berm. Catlin agreed.

Catlin referenced the clear vision area standards on the backside of the fencing handout (Exhibit B). She pointed out that the size of the triangle, which is applicable for corners and driveways, varies. She said that the clear vision standards state that no fence, wall or other infrastructure can "impede visibility." The problem lies in interpreting "impede visibility," because it is not defined.

Irish said that fence height restrictions are located in two sections of the Albany Development Code (ADC) Articles 3 and Article 12. He stated that Article 3 refers to fences and Article 12 to clear vision standards. The sections do not say the same thing. He said that in the clear vision standards, there are no height restrictions but vision cannot be blocked. The fencing standards in Article 3 have specific restrictions on height in clear vision areas regardless if it is opaque.

Irish then pointed to Exhibit C (four fence pictures, provided by Dave Sullivan) and said he felt that the bottom three pictures have fences that could be seen through. He was not convinced that the top picture, when looked at through an angle, could be seen through.

Irish referred to Exhibit D (Irish sketch of fence pickets and view angles). He said the drawing is of a picket fence with pickets 3½ inches wide, spaced 3½ inches apart. Viewed at a 90 degree angle, it is 50 percent visible, at 30 degrees it is 75 percent obscured, and with anything less than 15 degrees would be 100 percent obscured. He said it would be difficult for pedestrians or drivers to see each other as the angles got smaller. He said it was hard to say how opaque a picket fence has to be. He suggested removing the 2-foot limitation in clear vision areas if the fence is visible. He felt certain fence materials would provide enough visibility, such as iron and chain link, and suggested other pickets be subject to some form of variance.

Irish pointed to his second sketch (Exhibit E), which he based on road widths in historic districts. He said that typically in historic districts the rights of ways are 66 feet wide, and curb to curb width is 42 feet. A driver can see about 250 feet regardless of what the fence looks like at the intersection. He stated that vision clearance is a bigger issue at driveways. He was open to changing the standards as long as clear visibility can be defined. Irish did not believe the proposed changes would need to go to the Traffic Safety Committee, if visibility is maintained in the clear vision areas. He understood that standards may be different in the historic districts versus in new neighborhoods.

Catlin said that some of the proposed changes for fences in the historic districts may be applicable City wide.

Dave Sullivan, 208 6th Avenue SE said he plans to redo his yard and checked out other fences in the historic districts. He decided to hire a landscape architect and then checked to see if what he desired could be done legally. He found the fence he wants to construct would be illegal under the current standards. He pointed to the pictures of fences in Exhibit B and feels that all would be illegal if the current fence standards were strictly enforced. He stated that the typical iron work fence does not meet the 4-foot height standard. Discussion followed.

Commissioner Heidi Overman arrived at 6:52 p.m.

Catlin stated that Sullivan proposed that transparent fences be exempt from the clear vision standards in Article 12. (Exhibit A) He also proposed how to define a transparent fence.

Irish said Article 12 allows fences to be between 2 to 8 feet if they do not impede visibility. He feels changes regarding maximum height and fence style should be made in Article 3 and not in Article 12. Catlin agreed. She added that it would be good to define "impede visibility." He did not believe anything needed to be changed in Article 12. Irish said the decision points are the height and what style the fence

should be. Irish suggested there be a list in Article 3 that by definition meet the clear vision standards in Article 12. Pinyerd said there could be a long definition of materials.

Commissioner Derryl James liked the idea of stating the percent of visibility and site distance. He suggested fences at driveways be at least 50 percent visible at a 45 degree angle. Irish said that was approximately a car length and would be good vision clearance. Discussion followed.

Commissioner Linda Herd was concerned about visibility around cars parked on the street. She asked if parking needed to be setback from driveways for visibility. Irish said that the site distance with a parked vehicle is not related to the fence issue. He stated that only City Council can authorize parking restrictions, which needs a resolution. Discussion followed.

Rusty van Rossmann, 526 5th Avenue SE asked whose visibility was the goal, that of a three-year old to see the car, the driver of the car backing out of a driveway, or cars on the street. Irish stated that the intent is for the driver to see the sidewalk. He said that if children see a car they believe that a car sees them. He said the burden should be on the driver. Discussion followed.

Catlin believes that driving speed determines the size of clear vision triangle at intersections and driveways.

Herd asked if a template could be used to determine if a fence would meet the visibility standards. Overman suggested that for every 6 inches over 4½ feet the transparency percentage goes up. Catlin noted that height does not affect transparency and that width and spacing of pickets matter most. Irish said that the Development Code allows a 4-foot fence to be solid or opaque. He believes the 4-foot height limit is for aesthetics to avoid tall fences in front yards. Herd believed that it was not just aesthetics, but for safety reasons also.

Dan Conway, 839 5th Avenue SW said that he attended the Historic Homes Fencing Workshop held a few years ago. He said that historic houses would have picket fences. He supported striking the 2-foot height limit. He liked the idea of the City incorporating pre-approved patterns. He said if he built a historic fence, he would not want to spend 700 dollars on a variance fee and then go through a long process. The fence would not get built and the City would not benefit.

Catlin said the only reason for a variance was for the height limit and to determine if the fence style fits with the style of the house. She feels the fence height should fit the scale of the house and then gave some examples of fence styles that would not be compatible with the house style. She also said that the fence standards should state what is included in the 4-foot height.

Herd asked if it would be acceptable to consider a fence that is five-feet-tall if the house was set back a certain number of feet or that the roof ridge was a certain height.

Catlin suggested having a variance process for fences over 4 feet tall that was not costly, was quick, efficient and responsive. She said some communities give examples of fence designs and it was possible to have handouts available to help people choose the right fence style. She noted that changes should define “impede visibility,” look at height limits, and what fences would be appropriate.

Sullivan described his potential fence as being over the 4-foot limit and would be illegal under the current standards. Irish suggested that if the LAC wanted to go with fences over 4 feet, that they make a statement that it be opaque. Sullivan said his proposal stated that a 5 foot fence had to be a transparent picket fence.

Kate Porsche, 208 7th Avenue SE said an area of interest for her was having an allowance for taller fences if appropriate to the historic character of the house. She described her fence. She expressed concerns about a fence over four 4 on a smaller house, having a bunch of vinyl fences, and that guidelines not be too specific for fences on historic homes.

Hult said it was importance to discuss what clear vision area means City wide and suggested eliminating the 2-foot-tall limit in clear vision areas. He believes that fences in the historic district over 4 feet tall should come to the LAC for review. Porshe asked if there was any scenario where the LAC would not want to review fences.

Catlin said that if the proposed changes cause the standards to be more restrictive, public input and notification would be needed City wide and would be costly. She recommends clear definitions and changes that are not more restrictive. She recommends the proposed variance to the fence height be limited to houses in the historic districts and not City wide.

Porsche said her last area of concern was regarding fence posts. She hopes to do a wider post in brick or rock and was curious if it would need a variance. Porshe asked if there were post regulations as part of the clear vision standards. Irish stated posts were not a concern because they were not a site distance problem. He said that there were already exceptions for utility poles and trees that are usually bigger than posts.

Sullivan said his proposed definition of how to measure 50 percent transparency included both the picket and post. He believes that his proposal would allow most picket fences and posts.

Herd asked if the minimum distance between railings on stairs would apply to a fence. Catlin said the building code does not regulate fences until they get over six feet tall. Herd was concerned about the look of a transparent fence and the location of the posts. Discussion followed.

Conway suggested having a list of fences that applicants could build that meet the fence standards. Hult agreed that a handout would be beneficial. Catlin said a handout is available upon request from the historic fence workshop.

Van Rossmann asked if visibility would be through one or two fences. Sullivan said he put the visibility at 50 percent because he knew that at a corner there would be two fences to look through at an angle. He said that if someone really wanted to cut corners it is possible but the current Code is not working in the historic districts. He stated that his proposal is simple, clear and workable.

Overman liked Sullivan's proposal. Her only concern is if a 4-inch-wide picket would be 50 percent visible at an angle. She asked if a standard to limit the picket width should be considered.

James stated that code enforcement is a different issue. He said that the City cannot continue to let people get away with illegal fences but no one wants to cut fences down. Irish informed everyone of the code enforcement process.

James said it is important to keep the vision triangle open. Herd asked if there was a formula for the vision triangle. Discussion followed.

Porsche said it appears that wrought iron picket fences would not be a problem because they are much narrower. She is concerned with setting a maximum width for pickets as they may cease to look attractive, or may result in iron fences everywhere when there are very few houses that wrought iron would be appropriate for.

Hult suggested that anyone wanting a fence over 4 feet tall come to the LAC for a variance so they can determine if it is out of scale with the historic district. Hult asked the commission if anyone had concerns with this proposal. There was none.

Catlin asked if Sullivan's proposal of 50 percent was sufficient in defining transparency. Hinckley asked to have the wording include posts. Herd asked about 45 degree angles and oblique angle. Discussion followed.

Irish stated that if the criteria ends up being 50 percent clear vision at a 45 degree angle, the bottom three pictures of Exhibit B would pass the test but the top picture would not. He said if a person used a standard 1x4 and spaced by a couple of inches, the 50 percent would be met at a 45 degree angle, including the posts. Catlin questioned if posts needed to be included in the formula if they were spaced far enough apart. She said that if posts were spaced 3 ½ feet apart they would not look good and the fence would have a hard time meeting the 50 percent transparency.

James recommended having posts included in the transparency calculation to protect people from putting fences in post by post. He did not see any reason not to include posts. He expressed concerns about certain size of posts effecting visibility. Discussion followed.

Catlin asked Irish if he would be able to approve fences in the clear vision areas. She stated that clear vision is an issue nationally. Irish expressed concern of using the variance process for fences outside of the historic districts. Catlin clarified that a variance is usually a staff level review and decision, and that only appeals or controversial requests go to the Hearings Board. Catlin said that the review process for fences in the historic districts would be clear so it was not confused with other variances.

Porsche wanted clarification that Irish was not concerned with clear vision at corners in historic districts because the streets are so wide. Irish said he is not worried about conflicts at intersections as much as visibility at driveways. Catlin noted that Sullivan's proposal states that a transparent fence would be exempt from the clear vision standards.

Porsche is concerned with compromising aesthetics for safety. She suggested a scenario of a picket fence less than 3½ feet tall be allowed to have pickets closer together. Porsche believes that this would provide more flexibility to address the aesthetics of picket fences. Hinckley said that in a car, you can look over a three-foot-tall fence. Discussion followed.

Irish recommended the Commission keep the 4-foot height limit and allow a variance. This would allow for fences to be evaluated on a case by case basis to consider height, style and location. Keeney asked if it was possible to use a list of pre-approved fences.

Hult said that enormous houses may warrant fences over 5 feet tall. He does not feel that a 5-foot fence is automatically ok. Catlin suggested that if a fence is requested to be over 4 feet tall that it come to LAC for approval. She suggested post be excluded from the height measurement. Hult questioned why posts should be excluded. Catlin says that some posts have a ball on top, for example, and she believes that it should not be considered in the height. She then summarized the input and said she would prepare the changes for their review. Catlin clarified the proposed changes are to: remove the 2-foot height limit wording in Article 3, add Sullivan's 50 percent transparency wording with the angle language, add a variance process for fences in historic districts, and define what is included/excluded in the height measurement.

National Conference Update

Commissioner Dave Pineyerd attended the National Preservation Conference in October in Minneapolis. He learned that in some cities a commissioner is assigned to each project that comes before the Commission.

Hult asked for a code enforcement update. Catlin said she has asked staff to prepare a report for the LAC. She explained that when an application comes to the LAC and is approved, it is a land use decision and they have up to three years to get the work done. She believes that if a Commissioner was assigned to each project to help applicants through the process and with the project, results would improve. She noted challenges in keeping track of projects, even those that need permits, because she is notified when the project is ready for a final inspection. She gave an example of the 3rd Avenue temple. Keeney suggested that this be done informally. Others agreed.

Catlin said she would like to discuss window replacement and interpreting the existing Code language and what windows warrant replacement. She noted the situation at 532 Baker Street SE as an example of a house requesting new wood windows. Discussion followed.

## NEXT MEETING DATE

The next meeting of the Landmarks Advisory Board is scheduled for Wednesday, January 16, 2008, at 6:30 p.m.

## ADJOURNMENT

Chair Hult adjourned the meeting at approximately 8:47 p.m.

| Submitted by | Reviewed by |
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| *Signature on file* | *Signature on file* |
| Sheena Dodson<br>Administrative Assistant | Anne Catlin<br>Planner II |

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