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Clear Vision Areas and Fences

Property owners are responsible for maintaining clear vision areas and fences in conformance with City regulations. Because fence regulations often overlap with clear vision areas, the regulations for both fence and clear vision areas are presented together in this handout. It is strongly recommended that citizens contact the Planning and/or Engineering Department if they have questions regarding fences or clear vision areas.

As a general guideline, fences will meet fence and clear vision regulations if they are:

- Under 30" tall, measured from curb or street height, in front yards and side yards adjacent to the street.
- Under 72" tall in rear yards and side yards not adjacent to the street.
- Placed entirely within property boundaries.

CLEAR VISION AREAS

Clear vision areas are required by Milwaukie Municipal Code (MMC) 12.24 Clear Vision at Intersections to ensure that persons traveling in the city have unobstructed views at street and driveway intersections.

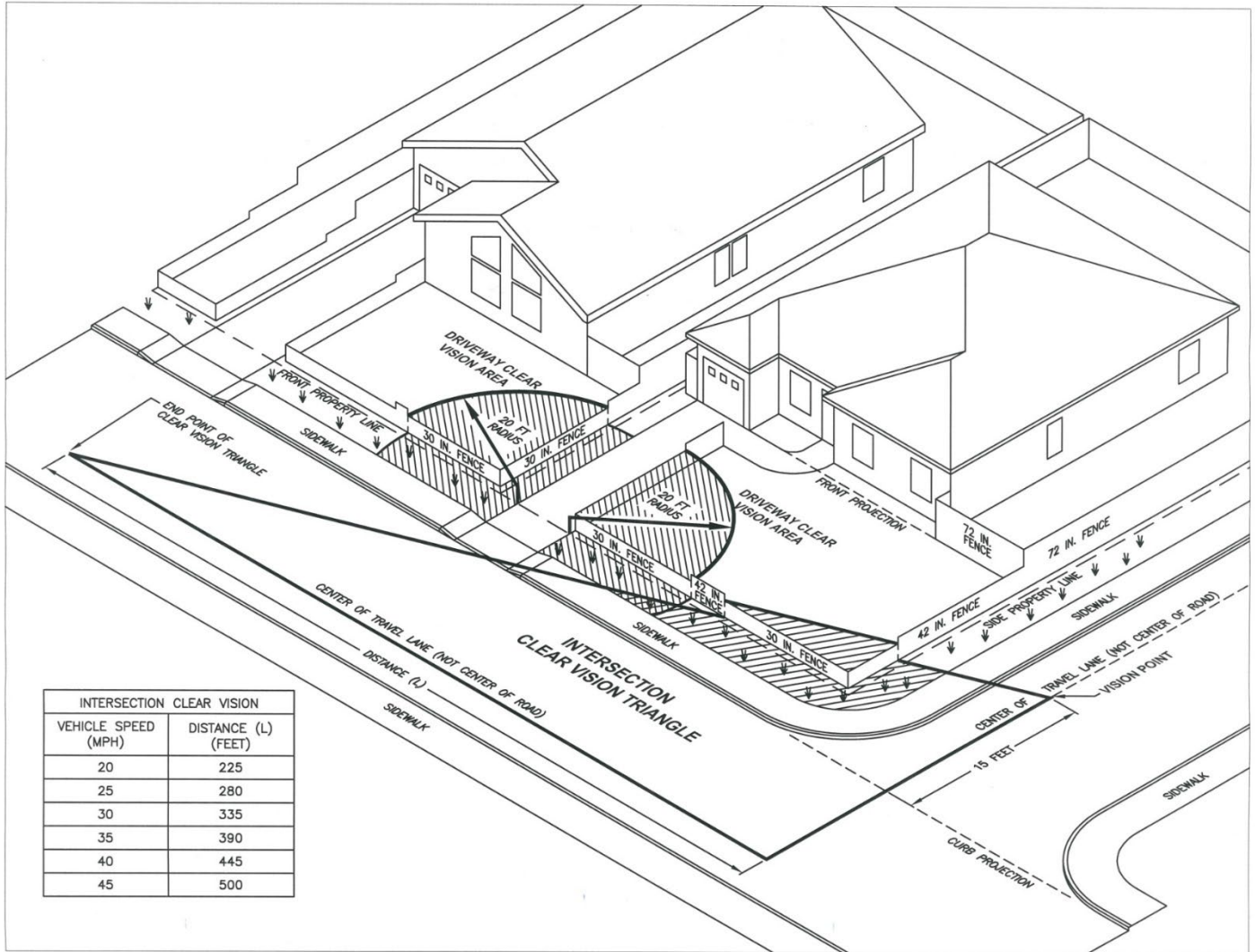
Where Clear Vision Areas Exist

1. **Street intersections and Driveways:** The clear vision area is defined in the Clear Vision Diagram on the next page.

Regulations for Clear Vision Areas

1. **Fences, shrubs, walls, and other landscaping are limited to 30" measured from top of curb or 36" above street level if no curb exists.** The only exceptions to this regulation are:
 - Fences may exceed the maximum clear vision height if they do not obscure sight by more than 10% (such as a chain-link fence). Fences are subject to height restrictions of 42" in front yards and 72" in side yards, and cannot exceed these heights even if they do not obscure sight by more than 10% (see Fence Regulations below).
 - Vegetation may exceed the maximum clear vision height if it does not obscure sight by more than 10%.
2. **Trees and poles may be allowed in the clear vision area, provided they allow continuous view of vehicles approaching the intersection.** Branches and foliage of trees must be removed to a height of at least 8 ft above the ground. Trees that overhang a street must be clear of branches and foliage to a height of at least 12 ft above the street.

Clear Vision Diagram



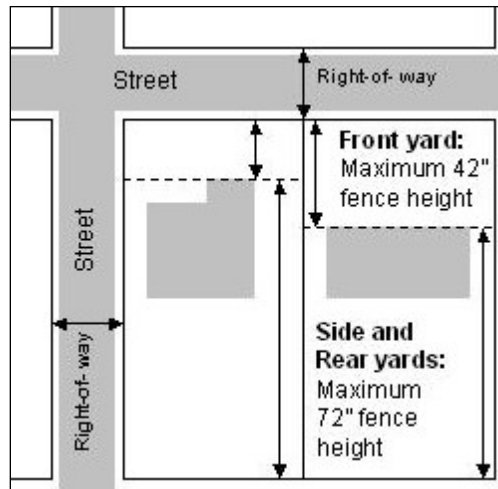
FENCE REGULATIONS

MMC 19.502.2.B has fence regulations to protect the residential character of neighborhoods and to ensure that fences do not pose safety hazards.

Height

Fence heights are regulated by the location of the fence on the property (see the Clear Vision Diagram and the graphic below). In residential zones, and for residential uses in all zones, fence heights are limited to the following:

- 42" in the front yard,* defined as the area between the front lot line and the nearest point of the main building.
- 72" in side and rear yards, defined as the area anywhere behind the front yard.



Maximum fence heights allowed on residential lots

Fence heights are measured from the highest ground level within a 1' horizontal distance from the fence. **In clear vision areas, clear vision standards apply for fences over 30" above curb height or 36" above street level if no curb exists. (Fences over these heights must not obscure sight by more than 10%; e.g., chain-link.)**

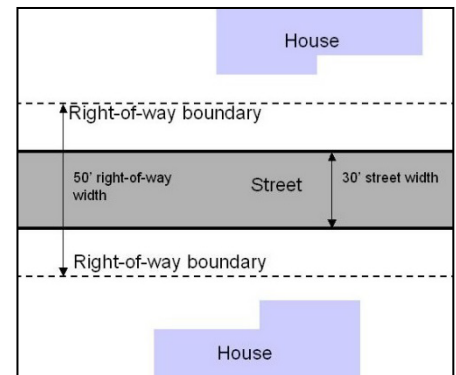
* Flag lots have different fence height standards. Please contact the Planning Department at 503-786-7630 for these regulations.

Location

Fences are not allowed to encroach upon adjoining properties or the public right-of-way. In most areas of Milwaukie, the right-of-way is wider than the width of the streets and sidewalk. The Engineering Department (503-786-7606) can assist in determining the right-of-way boundary.

Disputes about fence encroachment across property lines are a civil matter between property owners and are not mediated by the City. The City recommends placing fences at least 6" away from a known property line, identified by property pins.

Existing fence lines are not an accurate indicator of property lines. If a known property line cannot be found, the City recommends constructing a new fence well within the apparent property boundary or hiring a surveyor to locate the property line.



Sample street and right-of-way width diagram

Materials

In residential zones and residential uses in all zones, no electrified, barbed, or razor-wire fencing is permitted.