

Homes Association of Cedar Hills Board Policy

Fence & Fence on Retaining Wall Policy

Goals:

This policy, Fence and Fences on Retaining Walls, is to set guidelines for members who wish to install or replace a fence and or a Fence on Retaining Wall on their property.

The Homes Association of Cedar Hills (Association) wishes to ensure the proposed construction will not impose any restrictions or have any adverse effects on adjacent properties (the home owner should work closely with the board of directors at the planning stage of the design to ensure this) and meets the guidelines defined in the Conditions, Covenants and Restrictions (Article III (g) (2)) which states that yards shall be attractively landscaped and maintained in a neat and orderly manner. The homeowner should also work closely with affected adjacent property owners to establish any access requirements during the construction period.

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Policy:

The Association's setbacks* vary from area to area. Check the setback for your property Exhibit C of the CC&Rs (see Association web site) before submitting your permit. A setback is different from an easement*. To understand the difference or for further information, visit the Association's web site: <http://www.cedarhillshoa.org/> or contact the office at 503-292-1259.

Fences are excluded from the minimum setback as per the Covenant, Conditions and Restrictions (CC&Rs), Article VI (A) and Exhibit C of the CC&Rs. See the Association's web site for the latest version of the CC&Rs. However, to meet the Association's requirement of keeping the general area "open" with a neat and attractive feel, this policy has been developed as a guide to what can be permitted when looking at building/placing a fence or retaining wall on your property.

All fences must meet the required consideration: from the front of the property (defined as the postal street address), there should be open visibility when approaching the front door of the house, visitors should not be obstructed and should not feel enclosed, intimidated, or unsafe. This will also apply to any corner lot** property (in that it should not be intimidating to pedestrians or traffic along the street) that has a side-yard adjacent to a street. These properties are deemed to have 2 frontages (the part of the property fronting onto a street), one being the front (see above) the other being the side-yard.

*See Glossary for full definition.

** Some examples (there are others) of these properties are; SW Waverly Pl, in the Berkshire/Roxbury/Winchester Ave. area, these are made up of properties around a circular section of road and all arranged at differing angles to each other and SW Muirwood Drive at the Cedar Hills BLVD end, or the outside of SW Terra Linda St and SW 118th Ave..

General Requirements for All Fences and Gates:

The top of fences and gate(s), in general, will be level with no slope, although sections may be stepped, to resolve slope/grade differences, if a top of fence slope is required justification for the slope must be included in the permit application. Fence posts may extend past the top of the fence by up to 12 inches (including any caps used as a decorative feature). The base of the fence may be sloped to follow grade or any footing (e.g. concrete base).

If a gate is proposed for a fence it must be shown on the site drawing submitted to the Association with the permit application. Details or manufacturers' pictures of the gate must be provided.

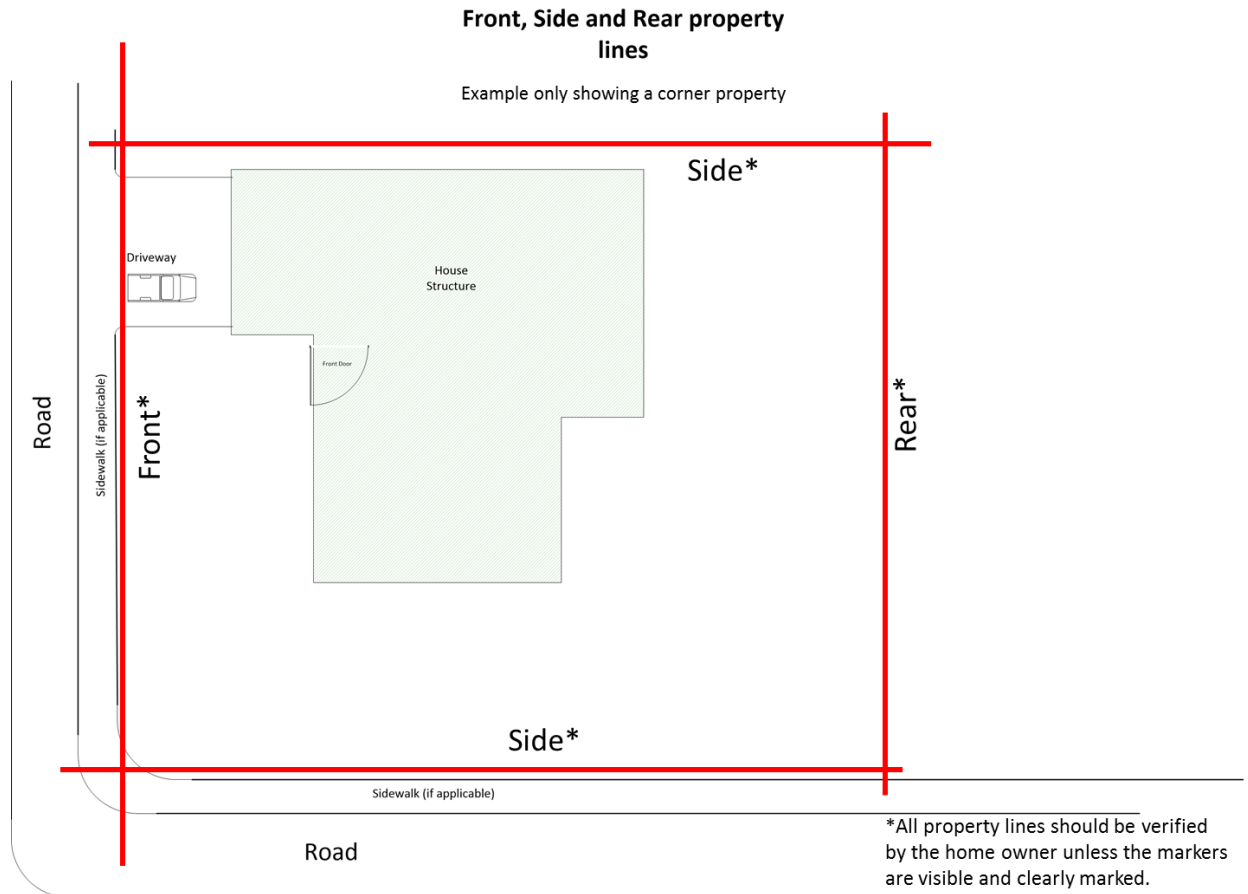
Fence and gate height for side and back yards are limited to a maximum of 6 feet as measured from ground grade (the exception is Fences on Retaining Walls (Combination Fences)). Front yard fences and/or gates (any fencing in front of the front-most corners of the house and/or garage regardless of the minimum setback established by the Association) are limited to 3 feet in height as measured from the ground grade (an exception for garbage, recycling and garden cans may be permitted; see Front Yard Fences section for more information). Some properties within the association can be considered for front yard fences that are up to 5 feet high measured from ground grade and at least 75% open, see Front Yard Fences section for details. Combination Fences are a unique case and a full explanation of the requirements for these fences is given in the section: Fences on Retaining Walls (Combination Fences).

All vertical and horizontal fence boards must be straight, level and plumb. Other designs (e.g. 45 degree angled/fishbone boards) are dependent on approval from the board. A full concept (complete with dimensions) drawing or picture must be supplied with the permit application.

Any approved material may be used for the fence and gate providing they are harmonious and compatible with the surrounding area. The properties of any material used must be weather resistant or treated to be made weather resistant and posts must be approved for ground contact.

The Association is made up of approximately 20% corner properties (Approx. 400 plus corner lots out of 2114) some of which have irregular characteristics. In addition, there are other irregular lots and lots with irregular characteristics, some on streets designated as "Place" (such as Waverly Place), some on cul-de-sac roads**, some on tight bends** and some with street facing rear yards. Irregular lots and lots with irregular characteristics will be considered on an individual basis.

It is the Association's policy, that in general, fences will not extend forward of your or the neighboring properties front-most corner. This is to maintain a clean, unobstructed and open view of the front of all properties from the street. Therefore, any fence on a corner property will ideally not extend forward of the front-most corners of the house and/or garage of the neighboring property. This works for a number of corner properties, however, in some cases this is not practical as the corner property extends so far in front of the neighboring property that it would severely reduce the owner's use of their land, and may cause any fence built to look wrong and completely out of keeping with the area. These properties may be given considerations to stay within the Association's requirements and meet the owner's wishes for their land use.



Other Considerations:

All fences and gates must be maintained and kept in a structurally sound condition. No peeling paint or heavy rusting of metalwork is allowed (exceptions are patination of copper or similar decorative items/caps where this is a desired effect).

Homes on busy arterials (i.e. Walker Rd, Cedar Hills Blvd, and Jenkins Rd) may receive special consideration for noise and privacy mitigation.

The topography (grade) of the land within a lot may play a part in fence positioning mitigating the positioning of fences on properties with steep grades.

Depending on the position (front, side or rear of the property) of the fence it may have to meet the traffic sight-lines requirements of Washington County Community Development Code - CDC at: <http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/Publications/cdc-community-development-code.cfm> Article IV Development Standards section 418-3. Also see appendix FIGURE 1.

Fences are typically either finished on one side (where the fence boards or fencing material is on the finished side and the supporting structure is on the unfinished side) or they are “good neighbor” style (where the fence boards alternate sides, and both sides of the fence are equally attractive). For fences that are finished on one side, the finished side must be toward the street or the neighbors’ property and the unfinished side must be toward the homeowner. In cases where this may be ambiguous, the intention is to provide the most finished or best view of the fence to the public and neighbors. Exceptions for shared fences not facing the street can be made upon mutual neighbor agreement. It is preferred that neighbors agree on a fencing solution prior to applying for a permit.

The Association does not rule on, nor does it assume any responsibility for structural adequacy or engineering soundness of any proposed fences, but only upon their compliance with the Declaration of Restrictions to which the property is subject. Receiving a building permit from the Association does not relieve an owner from complying with other applicable governmental regulations or from obtaining any necessary county or city permits.

Also calling “Call Before You Dig” – Utility Notification Center – 8-1-1 is the responsibility of the permit applicant as this is Important to locate gas, electric, and other utilities at the property.

Approval:

Written approval from the Association is required for all fences, walls and gates. See below for repairs only.

The Association must approve any amendment, modification or improvement to the project in writing preferably before the changes are made (if the changes are already implemented then describe the reasons behind the changes in the application). This approval is obtained via the standard permit process.

All permit submissions must be accompanied by a plan site drawing (in addition to any other information required as detailed in sections of this policy) showing dimensions of the property boundaries, the position of the house and other structures relative to the boundaries and existing and/or proposed fence position relative to the property boundaries and house position.

The owner is responsible for locating all property lines prior to construction.

Repairs:

The only exception for Approvals is when repairing or replacing a few boards, support beams (typically the horizontal two (2) x four (4) in the fence structure) or a single post. In this instance, please inform the office so they are aware of the repairs.

Repairs are defined as replacing 8 or less of the boards (i.e. a six (6) inch x one (1) inch x six (6) foot board, other sizes of single boards are also included) supporting beams or a single post due to damage or rot.

Replacing an entire section (i.e. the run of fence between two (2) posts, typically posts are six (6) feet apart, this distance can be longer or shorter) or multiple (2 or more) posts is classed as a replacement and requires a permit.

Details for Front, Side, Rear and Corner Lot Fences and Gates:

Front Yard Fences:

1. Any front yard fencing (for exceptions see 2, 3 and 4 below) will be non-sight obscuring, such as split rail, open slat, 4x4 with horizontal cables pulled through etc., and no more than three (3) feet high. This will allow open-sight views from the street to the front of the home (e.g. at least 50% open space to material used. Examples are a two inch wide board would require a minimum two inch wide gap, a four (4) inch wide board would require a minimum four (4) inch wide gap). These fences are intended for landscape or boundary definition, and not for privacy.
2. An exception may be made for a small fence run attached to and in front of an existing fence that is specifically designed to hide the garbage, recycling and garden waste cans. It will meet all requirements in the section: General Requirements for All Fences and Gates. It will have an access gate and will be sized such that it hides the aforementioned cans (a minimum four (4) feet high and a maximum four (4) feet out from the existing fence) and link into an existing walkway. It will not obscure any street sight lines.
3. A fenced courtyard may be permitted to create limited privacy screening in front of the house **but may not be used to obscure access to the front door** (see requirements set out on page 2 “Policy” section Paragraph 3). The side of the courtyard facing access to the front entrance to the home is to remain at least 50% open for access and visibility when approaching the house. The fencing must be constructed and finished to “blend” in with the property and meet page 3 “General Requirements for All Fences and Gates”; **they will typically be restricted to a maximum of five (5) feet high.**

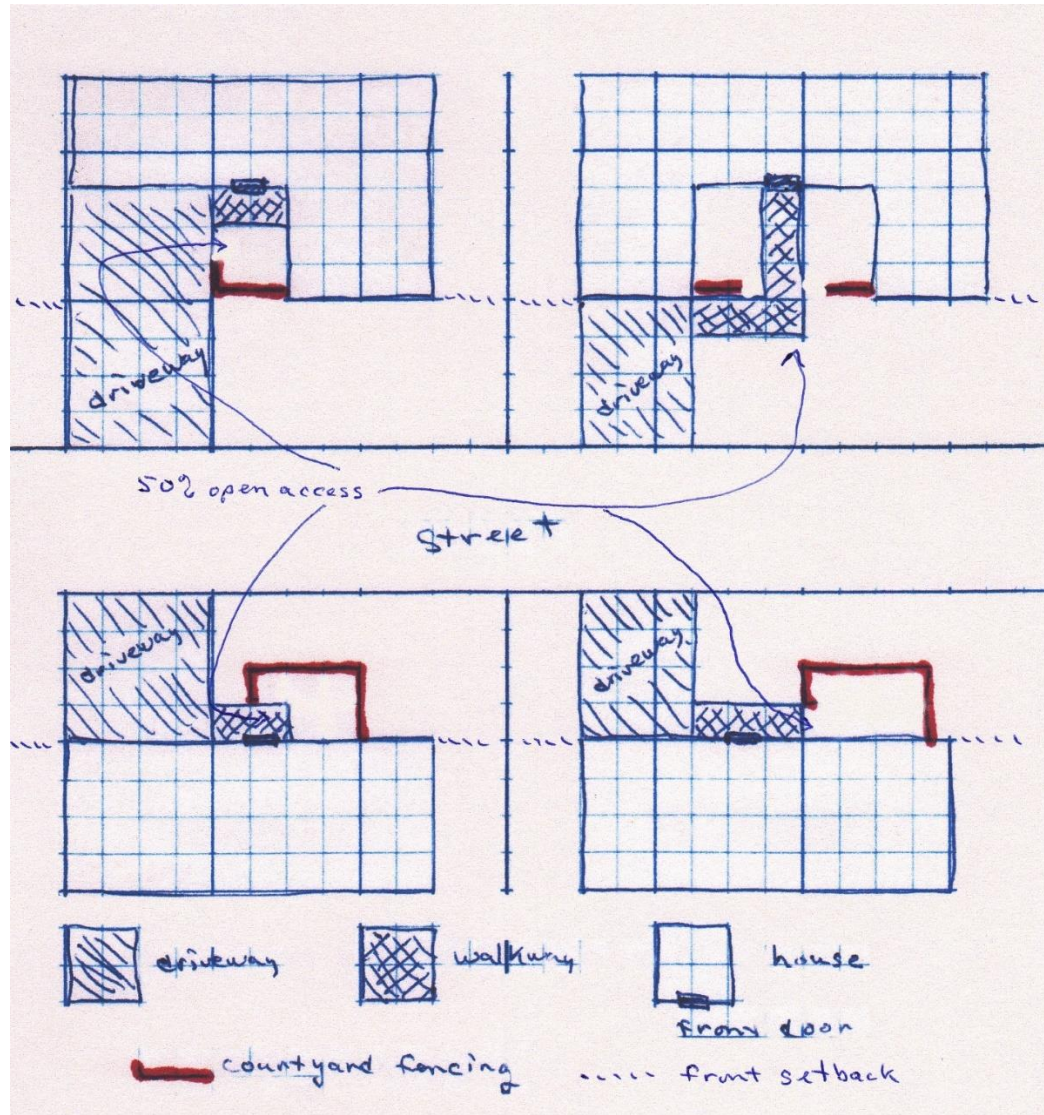
Courtyards behind the front setback: for example, screening the interior of an “L” or “U” shaped house for a courtyard area by the front door. In addition to the general requirements, the fencing should be offset (forward or back) from the front most part of the house, for aesthetic purposes.

Courtyards within the front setback: for example, screening a permitted front yard slab/deck (in which case, the property site footprint of the two must line up). In addition to the general requirements, the following apply:

- The “enclosed” area is adjacent to the house and extends no closer to the street than one half the setback distance. This keeps the streetscape open and makes the courtyard part of the house living area.
- The width of the “enclosed” area is limited to one half of the width of the street-face of the house after subtracting the width of any driveway. For example: if the house is 50 ft wide and the driveway is 20 ft wide, half of the remaining width of 30 ft can be used for a courtyard up to 15 ft wide.
- The courtyard may be placed anywhere along the adjacent face of the house and walkways may be used to connect it to the front porch, driveway, etc., as required.

The following fenced courtyard examples shown are intended to illustrate the concept, not to restrict possible configurations:

(top row behind front setback: "L" shape, "U" shape; bottom row within front setback: enveloping front door access, adjacent to front door access)



4. Within the Homes Association boundaries a few properties could support the use of a front yard fence in excess of 3 feet high but no more than 5 feet. These fences would be at least 75% open, non-sight obscuring and placed at, or on, the house side of the property line. The fence will not detract from the look and feel of the neighborhood, appear imposing when looking at the property, along the street, or block sight lines for road traffic, these fences would require a quorum of board members at a permit or board meeting for approval.



5. Any fence on the corner of the property will meet the traffic sight-lines requirements of Washington County Community Development Code – CDC at: <http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/Publications/cdc-community-development-code.cfm> Article IV Development Standards section 418-3. Also see appendix FIGURE 1.

Side/Back Fences:

1. The Association prefers that fences between properties be placed on the property line with agreement from the adjacent owner which should be obtained prior to, and submitted with, the permit application. Consideration ought to be given to facing a finished side of the fence to the adjacent or neighboring property, ensuring that the adjacent property will not end up with a fence view that is unacceptable in that it is inferior in finish or look to the side facing the other property. The maximum height for fences is six (6) feet.
2. Fences may be placed wholly on the property to be fenced, but the Association will not permit double-fencing[^] between properties.
3. Side-yard fences between properties and not on corner properties may extend from the rear property line toward the front of the property, but not extending past the front of the front-most corner of the house and/or garage of the property on the side on which the fence is being added, regardless of the minimum setback established by the Association.
4. Rear yard fences can extend from one side of the rear property line to the other.

[^] Double-fencing is where both neighbors have built a fence away from their respective property lines resulting in two parallel fences with a small gap between them. Permits requesting fencing positioned such that double fencing may result in the future will be referred to a monthly meeting where both owners will be given the opportunity to discuss the application and understand the board's position.

Corner Lots:

1. The Association prefers that fences between properties be placed on the property line with agreement from the adjacent owner which should be obtained prior to, and submitted with, the permit application. Consideration ought to be given to facing a finished side of the fence to the adjacent or neighboring property, ensuring that the adjacent property will not end up with a fence view that is unacceptable in that it is inferior in finish or look to the side facing the other property. The maximum height for fences is six (6) feet.
2. Fences may be placed wholly on the property to be fenced, but the Association will not permit double-fencing[^] between properties and so may not approve a permit without the adjacent owner's agreement.
3. Corner lot properties with a "street facing side yard" (hereafter "side-yard") and/or a "street facing rear yard" (hereafter "rear-yard") may be looked at differently as they have two (in some instances three) yards facing a street. Fences on these side-yards and rear-yards must be placed such that they keep the view of the street (the side -yard/rear-yard on which the property is situated) reasonably clear allowing good lines of sight along the street and not obstructing views of the front of any property adjacent to the yard on which they are placed.
4. Fences placed on side-yards of corner lot properties may extend from the rear property line forward to five (5) feet shy of the front of the house/garage on the side on which the fence is located. Typically they will not be allowed to be placed within fifteen (15) feet of the property line.
5. Fences placed on rear-yards of corner lot properties are a special case with very few corner lot properties having a street facing rear yard. Therefore, these properties will be looked at on a case by case basis. The main stipulation is that any fence placed on a rear-yard must maintain Traffic sight lines per Washington County Community Development Code.
6. As there are large variations in the positioning and layout of properties on corner lots, each corner lot permit application may be treated separately or in isolation, with the stipulation that permits for a fence layout and position granted for one corner lot property may not be granted for another corner lot with different characteristics.
7. Factors that will be taken into account on any corner lot fence permit application for a side-yard and/or rear-yard are:
 - a. Location of the house and/or garage on the property
 - b. Location of the house and/or garage on the adjacent property
 - c. Lot shape and angle of the street corner **
 - d. The topography (grade) of the land
 - e. The nature of development(s) along the street on which the side-yard/rear-yard is located
 - f. Volume of traffic on the side-yard/rear-yard street
 - g. Traffic sight-lines (see Washington County Community Development Code – CDC at: <http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/Publications/cdc-community-development-code.cfm> Article IV Development Standards section 418-3) Also see appendix FIGURE 1.
8. All side-yard and/or rear-yard on corner lot properties fences will have a finished side facing the street.

Gates:

1. Width is typically limited to four (4) feet. If a larger opening is required, this may be granted depending on where the gate is positioned and the accompanying reason(s) (e.g. steep grade or large bushes where the gate is required) as to why the larger opening is required. Any gate request over four (4) feet must be accompanied with a detailed drawing showing the design and construction (e.g. hinges, structure the hinges will attach to, the type of reinforcing used to ensure no sag of the gates, or supply manufactures detailed drawing/information) that will be implemented for the gate. A preferred alternative is a removable section of fence; this can be added if it does not look any different to the rest of the fixed fence thus giving an occasional wider access through the fence.
2. Sagging gates are unacceptable therefore the design and retaining structure must be adequate to fully support the gate. Wide gates may incorporate a wheel as part of the design, provided the wheel is located on the inside of the gate.
3. Decorative features are allowed over the top of gates and must be shown in any application.
4. Gate positions and dimensions must be shown on the full site drawing.

Fences on Retaining Walls (Combination Fences):

- 1) This section, Fences on Retaining Walls (Combination Fences), is to set guidelines for members who wish to install a retaining wall to accommodate or modify large grade changes in portions of their property while also installing a fence on top of or within three (3) feet of this retaining wall. However Combination Fences will only be considered by the board if there are no other options available to the homeowner such as a standard fence or retaining wall in isolation from each other.
- 2) The Association wishes to ensure the placement of Combination Fences (defined as a fence on top of or within three (3) feet of a retaining wall) meets the current Washington County Community Development Code; <http://www.co.washington.or.us/LUT/Divisions/CurrentPlanning/Code/community-development-code.cfm> section 419-4 (downloadable PDF document) excluding the height limits, as the Association limits supersede the County requirements.
- 3) The Washington County Community Development Code section 419-4 is specifically intended for new properties, and the Association is using this code as a basis for the Associations Combination Fences policy.
- 4) The Association also wishes to ensure the proposed construction will not impose any restrictions or have any adverse effects on adjacent properties (the home owner should work closely with the board of directors at the planning stage of the design to ensure this) and meets the guidelines defined in the Conditions, Covenants and Restrictions (Article III (g) (2)) which states that yards shall be attractively landscaped and maintained in a neat and orderly manner. The homeowner should also work closely with affected adjacent property owners to establish any access requirements during the construction period.

1. Approval:

- a. Combination Fences require a written approval and permit from the Association.
- b. The addition of Combination Fences on a property will take into consideration the privacy of adjoining properties. For example: will the change in grade, retaining wall or fence give rise to “looking into or over” the adjoining properties’ windows or yard beyond any existing overlook.
- c. Addition of Combination Fences on a property will take into consideration the effect on the adjoining properties of the retaining wall and fence from the perspective of the adjoining properties. The appearance must not be “overwhelming”, overshadow or negatively change the appearance of the adjoining properties.
- d. The grade change will not be such that it will require a Combination Fence height that would contravene the requirements in Policy section 2.a. terracing of the grade should be considered if this could occur. Full justification as to the reasons for the grade change must be submitted with the permit application.
- e. An Association building permit must be completed detailing a site plan, elevations (showing any effect of the proposed grade change on adjoining properties), dimensions, and materials.
- f. Sufficient attention must be given and documented to the natural water flows around the property, both above and below ground, such that the proposed retaining wall part of the Combination Fence will not have an effect on any adjoining properties. This will include redirection of water into and the drainage of water out of these properties. Full details will be required showing what remedial action is to be taken by the homeowner to mitigate these water flow changes.

2. Combination Fence Restrictions:

- a. The total height for any Combination Fence will be no more than ten (10) feet measured from the bottom of the retaining wall below grade to the top of the fence. This height however must take into account the requirements of the Approval section 1.c. above. No portion of the fence shall be more than six (6) feet higher than the top of the retaining wall. No portion of the of the retaining wall shall be more than four (4) feet in height measured from the bottom of the retaining wall below grade. The top of the wall and top of the fence shall be level with no slope.
- b. There exists an Association easement of five (5) feet along side and rear property lines. Structures approved by the Association and placed in the easement are subject to removal at any time at the Association’s discretion.

3. Permitted locations:

- a. Along the back property line.
- b. For non-corner lots, along the side property line up to the front corner of the house.
- c. For corner lots, from the back corner of the house in a straight line to the rear property line.

- d. Exceptions to the above with reasons may be considered by the board.

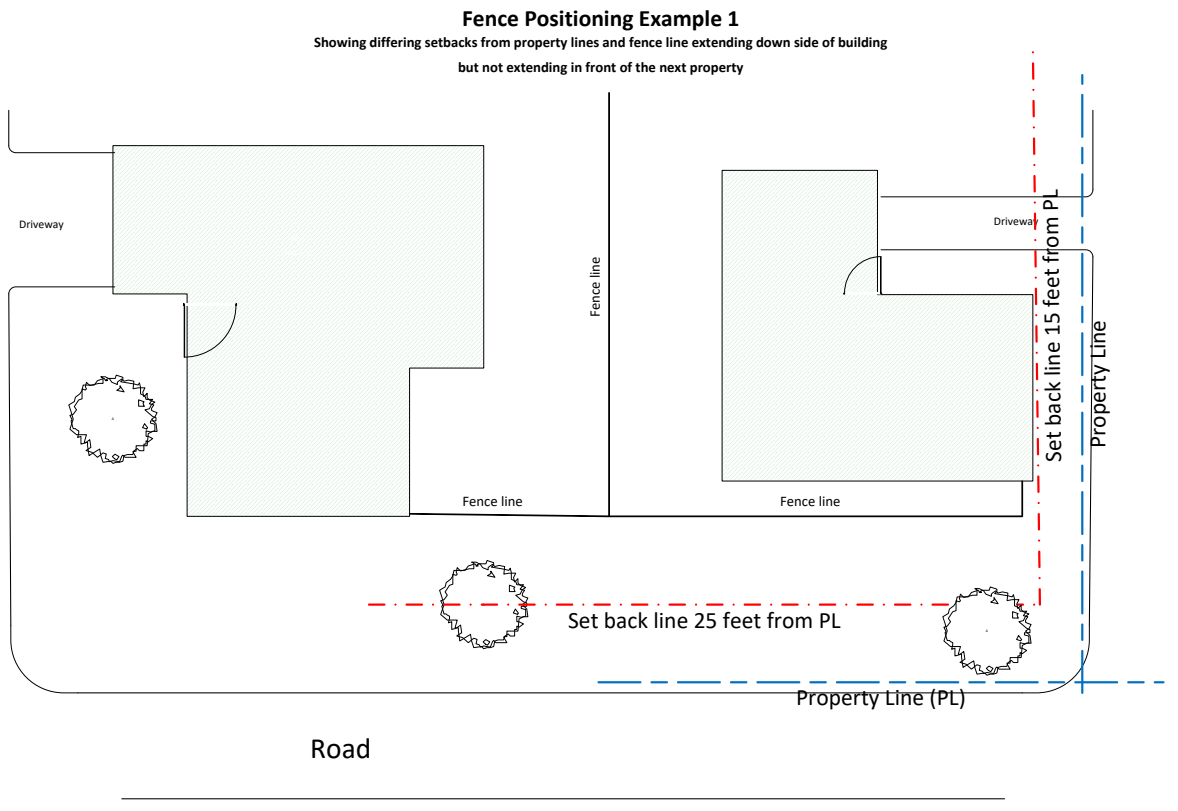
4. Appearance:

- a. Combination Fences must be constructed and finished in a professional manner.
- b. The fence and retaining wall and the materials from which they are made must be harmonious and compatible with the surrounding area and properties.

Fence Positioning Drawings and Fence Picture Examples:

These examples depict corner properties but the principles remain the same for all properties. These are only a few examples. They are not intended to cover all scenarios and possibilities.

(Drawings are not to scale)



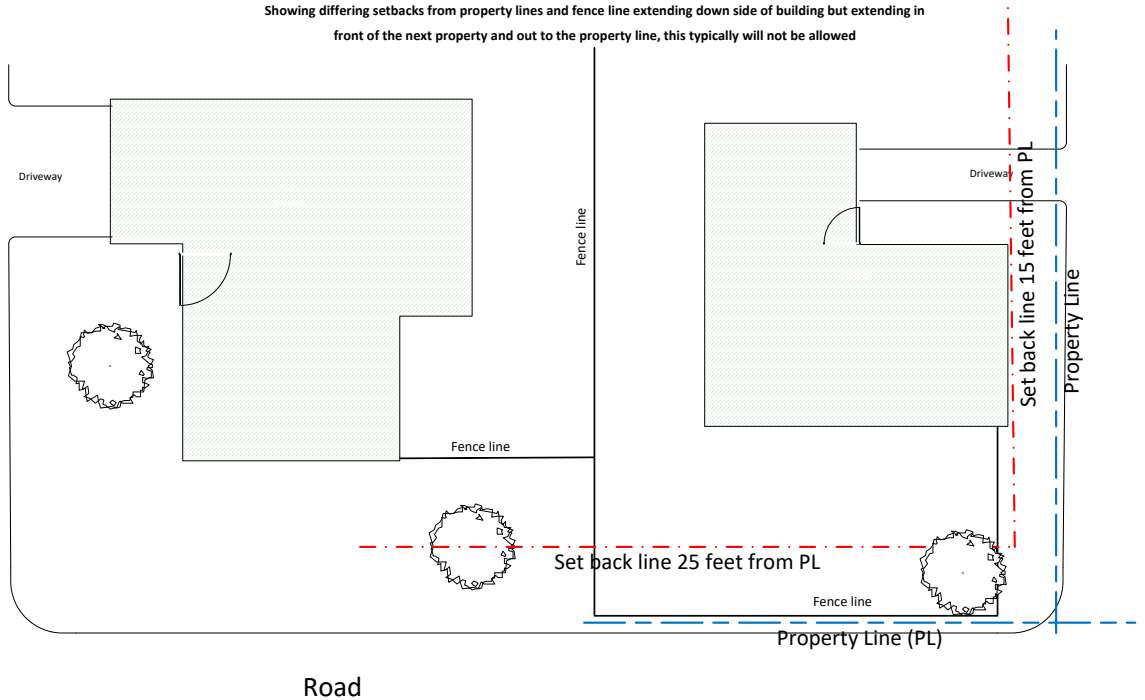
Fence Positioning Example 2

Showing differing setbacks from property lines and fence line extending down side of building but extending in front of the next property, this is typically not allowed



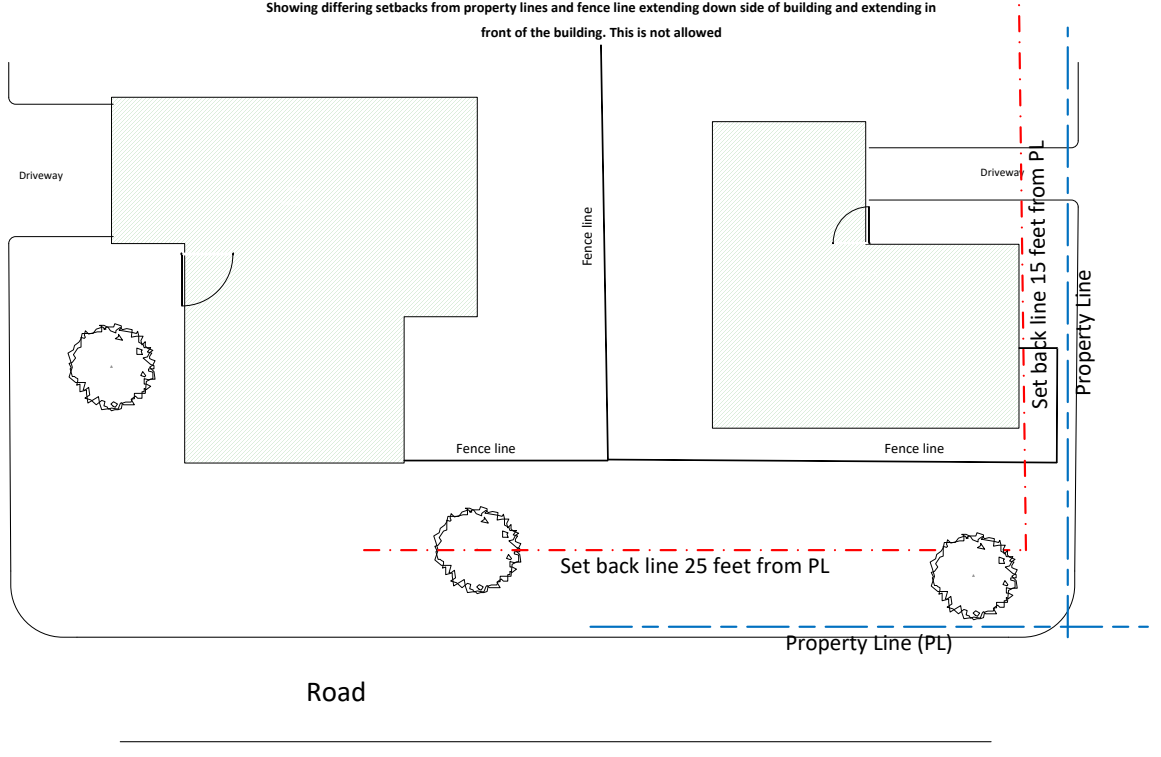
Fence Positioning Example 3

Showing differing setbacks from property lines and fence line extending down side of building but extending in front of the next property and out to the property line, this typically will not be allowed



Fence Positioning Example 4

Showing differing setbacks from property lines and fence line extending down side of building and extending in front of the building. This is not allowed



Example pictures of actual fences from within the Association that meet the requirements of this policy. These are supplied to give an idea of the broad range of fence designs available other designs can also be permitted.





Glossary of Terms:

Credits: ***All terms from "Real Estate Dictionary seventh edition". # Taken in part from the online dictionary Wikipedia

Setback – ***Part of a zoning ordinance. Regulates the distance from the plot line to the point where improvements may be constructed.

An area designated through some document attached to the property either by the county or another entity such as the Homes Association. This is an area where the structures are "Setback" from the property line.

#It is the required distance that a building must be located away from the streets, easements, and other structures (a river or other stream, a shore or flood plain, or any other place which is deemed to need protection) which a building or other structure is set back.

Easement – ***A right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another. It is either for the benefit of land (appurtenant), such as right to cross A to get to B, or "in gross", such as a public utility easement.

#An easement is the right to use another person's land for a stated purpose. It can involve a general or specific portion of the property. It is a non-possessory interest in another's land that entitles the holder only to the right to use such land in the specified manner

The Association holds a 5 foot easement in from the sides and back of your property. This was originally done for the placement and maintenance of utilities. Items placed in these Easements are subject to removal subject to good reason and written notice.

Right-of-Way – ***A strip of land which is used as a roadbed, either for a street or railway. The land is set aside as an easement of in fee, either by agreement or condemnation. May also be used to describe the right itself to pass over the land of another.

#A right-of-way is a type of easement that gives someone the right to travel across property owned by another person.

Street – ***A general term which includes any urban road, usually paved.

#The right of way owned by the county for them to conduct traffic through. It is a paved public thoroughfare in a built environment and is a public parcel of land adjoining buildings in an urban context, on which people may freely assemble, interact, and move about.

It is even possible to have a county right of way that has nothing in it! And it is still a Right of way on a Plat map somewhere.

Fence checklist:

Information required for permit (This is not a comprehensive list and is supplied as an example of what is required; read the full policy):

- Understand your property setbacks
- Understand this policy
- Will the fence extend in front of the house outline on the property?
- Type of materials to be used
- Color or finish of materials
- Who can see the fence and if it can be seen from the street is the “finished” side facing the street?
- Supply a site plan showing dimensions of the property boundaries, the (house) structure position relative to the boundaries and existing and/or proposed fence position relative to the property boundaries and house position
- Manufacturer’s pictures of the product or good drawings of the design
- Full justification for any requirements that are not explicitly covered in this policy
- If a corner property check the County sight line requirements

Items to consider when designing:

- Talk to all of your neighbors about your plans.
- The effect of the build on your neighbors and the street
- Trees and tree roots in the vicinity of the build (will they cause issues in the future?)
- Where are your property lines (owner’s responsibility to find)
- The positioning of your house on the property; is it a corner property, situated to the rear of the property, at a strange angle on the property. How will this affect the permit and your build requirements?
- Talk to the board; keep the office informed of any changes
- Will the design keep the general area “open” with a neat and attractive feel?

Appendix:

Traffic Sight-lines (diagram from Washington county CDC document).

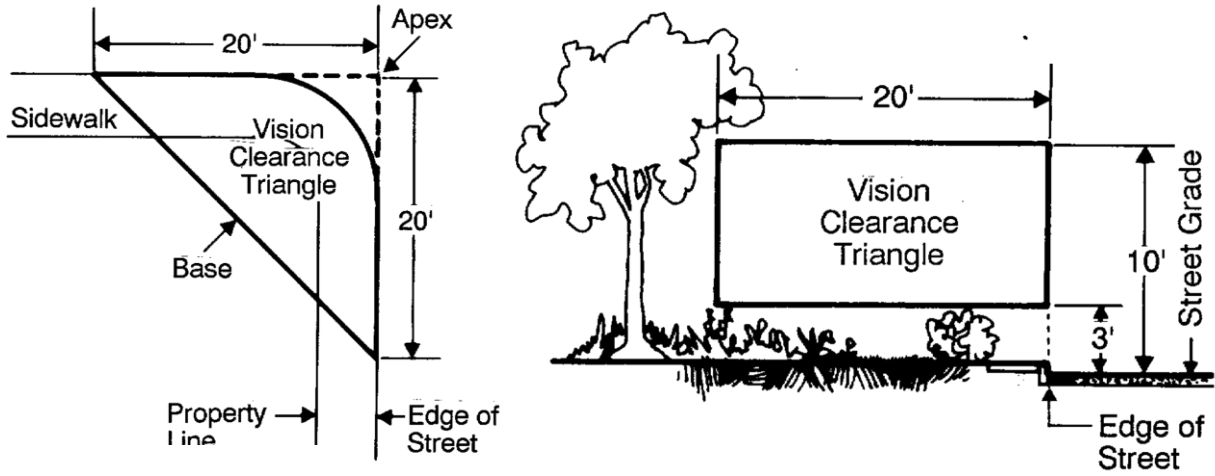


FIGURE 1

Adopted by Board of Directors, Mark Swan, President
Homes Association of Cedar Hills
Amended December 13, 2016; Amended 9/2018; Amended 9/2019