



TOWN OF PORTOLA VALLEY
Conservation Committee Meeting
November 28, 2023
7:00 PM

Catherine Magill, Chair
Judith Murphy, Vice Chair
Teresa Coleman, Secretary
Nona Chiariello, Member
Paul Heiple, Member
Marianne Plunder, Member
Megan Richards, Member
Dieter Walz, Member
Joerg Zimmerman, Member

REGULAR MEETING

HISTORIC SCHOOLHOUSE– 765 PORTOLA RD. – PORTOLA VALLEY, CA

REMOTE MEETING ADVISORY: On March 1, 2023, all committees in Portola Valley will return to conducting in-person meetings. A Zoom link will be provided for members of the public to participate remotely; however, the Town cannot guarantee there will be no technical issues with the software during the meeting. For best public participation results, attending the meeting in-person is advised.

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700 or by email at towncenter@portolavalley.net. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

VIRTUAL PARTICIPATION VIA ZOOM

To access the meeting by computer:

<https://us06web.zoom.us/j/83240616579?pwd=EXSzfe9AVbJJCfYlKUMsJpQxOD61oVj.1>

Webinar ID: 832 4061 6579

Passcode: 831945

To access the meeting by phone:

1-669-900-6833 or 1-888-788-0099 (toll free)

*Mute/Unmute – Press *6 / Raise Hand – Press *9*

- 1. CALL TO ORDER & ROLL CALL**
- 2. ORAL COMMUNICATIONS FOR ITEMS NOT ON THE AGENDA**
Speakers' time is limited to three minutes.
- 3. APPROVAL OF MINUTES:**
 - a. October 24, 2023
- 4. SITE PERMITS:**
 - a. 857 Westridge
 - b. 302 Portola Rd. (Priory)
- 5. TREE PERMITS:**
 - a. None
- 6. OLD BUSINESS:**
 - a. Oversight of Town-owned properties - Updates (Committee)
 - i. Town Center
 - ii. Springdown
 - iii. Frog Pond
 - b. Committee / Town Cooperation
 - i. Public Works (Magill)
 1. Corte Madera School oak trees
 - ii. Update on advice to ASCC on adding Dittrichia removal to conditions of approval
 - iii. Wildfire Preparedness Committee (Chiariello)
 - iv. Open Space Committee (Chiariello)

- v. Update on joint sub-committee regarding OS Maintenance budget (Chiariello)
Appendix A.
- vi. Trails and Paths (Coleman)
- vii. Update on private trail building guidance
- c. Website sub-committee (Magill)
- d. Fence ordinance review (Plunder), Appendix B
- e. Bilingual flyers on invasives (Plunder)
- f. 2023 SOD Blitz summary (Magill)
- g. CC Routine Town Communications
 - i. Kudos (Plunder)
 - ii. Backyard Habitat (Plunder)
 - iii. Tip of the Month (Magill)
 - iv. What's Blooming Now? (Magill)

7. NEW BUSINESS

- a. Wildflower fund to bring back wildflowers to our Town (Hufty)

8. ADJOURNMENT

The next regularly scheduled meeting date is December 26, 2023, at 7:00 PM

Land Acknowledgement:

The Town of Portola Valley acknowledges the colonial history of this land we dwell upon—the unceded territory of the Ramaytush (rah-my-toosh) Ohlone, Tamien Nation, and Muwekma (mah-WEK-mah) Ohlone, who endured a human and cultural genocide that included removal from their lands and their sacred relationship to the land. Portola Valley recognizes that we profit from the commodification of land seized from indigenous peoples and now bear the ecological consequences. We seek to understand the impact of these legacies on all beings and to find ways to make repair.



TOWN OF PORTOLA VALLEY
Conservation Committee Meeting
October 24, 2023
7:00 PM
In-person Meeting

CONSERVATION COMMITTEE MEETING MINUTES - DRAFT

1. Call to Order: The meeting was called to order at 7:13 PM

Roll Call:

Members present: N. Chiariello T. Coleman, M. Plunder, C. Magill, D. Walz, J. Zimmermann

Members absent: J. Murphy, M. Richards,

Also present: M. Hufty (Town Councilmember liaison)

Guests: none

2. Oral Communications:

N. Chiariello and D. Walz brought examples of blooming *Epilobium canum* (California fuchsia) to share with the Committee. These natives are very drought tolerant, are easy to hybridize and are commercially available (can be purchased through the nursery trade).

3. Approval of Minutes for September 26, 2023: The minutes were *approved unanimously* (J. Zimmermann abstained).

4. Site Permits

none

5. Tree Permits

265 Canyon – approved (due to risk assessment).

6. Old Business

a. Presence and management of dittrichia on private property throughout Town

M. Plunder discussed a property on Westridge that will be initiating construction activities within a few months. Dittrichia were observed on the property and initially the homeowners were not willing to remove it, however it was subsequently removed. M. Plunder wants the Committee to develop a resolution to have ASCC include language regarding dittrichia removal as a condition of their approval for submitted new residential construction or significant renovation plans.

Action item: D. Walz to draft appropriate language for Committee consideration at the November meeting

N. Chiariello suggested since dittrichia presents a fire hazard it could be included in the Fire Inspection resolution and suggested a dialog be opened with WFPD and the ASCC to include dittrichia removal as part of the permit process. In addition, comments can be submitted to the draft fire ordinances currently under review.

b. Los Trancos Creek (near Ford Field)

C. Magill stated the owners of this property have been issued a stop work order (by Santa Clara County) due to several revisions being made to the plans without review or approval and additional grading activities immediately adjacent to the creek. N. Chiariello stated the Town of Portola Valley has a conservation easement on the Santa Clara county side of the creek extending 25 feet east from the center of the creek. D. Walz stated the Town and the County need to have engineers evaluate any proposed work near a creek as any resulting problems can easily be shifted downstream. M. Hufty stated she will bring this issue to the attention of the Town Council. D. W.az also stated there have been trucks and cars driving along the trail to access the road to the property, rather than using the roadway directly.

Action item: T. Coleman to bring this issue to the Trails and Paths Committee's attention.

c. Oversight of Town-owned properties

i. Frog Pond – no update

ii. Springdown – no update.

iii. Town Center – no update.

iv. Shady Trail – M. Plunder talked with H. Young regarding the silting over of the trail. The Public Works department will be conducting inspections of the Town trails in November and will address issues at that time.

d. Committee/Town Cooperation

i. Public Works

no additional update

ii. Wildfire Preparedness – N. Chiariello stated draft ordinance 23-03 has been re-released so the subcommittee will need to review and respond. N. Chiariello has sent links to the new plant lists and defensible space documents to the new fire chief.

iii. Open Space – (N. Chiariello) The Committee has not met since the last Conservation Committee meeting. The Open Space/ Conservation joint subcommittee has met twice and has proposed three recommendations:

1. Town to revise Open Space maintenance accounting to provide for easier accounting method accessibility
2. Revise management of Fund 2024 to better manage income on the fund (currently <1.1%)
3. The current year budget is bare boned for maintenance and needs to be managed to support the funds' goals of conservation and habitat protection..

iv. Trails and Paths – T. Coleman stated the Trails committee has been discussing the Hawthorns proposal relating to the proposed trails and also proposed parking and access to the site (potentially within the scenic corridor). In addition, there is an existing Conservation Easement for the property.

e. CC Routine Town Communications

i. Kudos (M. Plunder) – dittrichia removal

- ii. Backyard habitat – (M. Plunder) no update
- iii. Tip of the Month (C. Magill) – addressing drainage and clearing of culverts
- iv. What's Blooming Now? (C. Magill) – berries, toyon

7. New Business

- a. SOD blitz – C. Magill will attend the November 13th meeting

Adjournment: 8:31 pm

Date & Time of Next Meeting: Tuesday November 28, 2023 at 7:00 pm

APPENDIX B

From: Joint subcommittee from the Conservation Committee (CC) and Open Space Committee (OSC) on the maintenance budget for Town-owned open space in FY2024
To: Portola Valley Town Council
Date: November 6, 2023

On June 27, 2023 the Portola Valley Town Council reduced the budget for maintenance of Town-owned open space by more than half, from \$94,000 in FY2023 to \$44,000 in FY2024, and decided that the maintenance budget would be “supported by the open space fund rather than the general fund at a maximum of 10% of the projected Utility User Tax revenue” (meeting transcript, 7:33:54PM).

Our joint CC & OSC subcommittee was convened to advise on how to prioritize open space maintenance within the \$44,000, and whether to tap the open space UUT more deeply in this crisis year. Over the course of two meetings (8/14/2023 and 10/16/2023) and hours of studying Town finances, we became convinced of the need for a broader discussion of the goals and finances of open space acquisition, preservation, and maintenance, now and for years to come. We offer three recommendations toward such a discussion. We realize that our findings are just a piece of a large and complicated financial reckoning that you have undertaken. We thank you and hope our findings are useful.

1. Revise open space maintenance accounts to provide more detailed, accessible information.

Making hard choices about what open space maintenance to continue and what to defer during this budget crisis requires information that has not been readily available, such as the cost and frequency of mowing and weeding for the three main open spaces during the past few years. We understand that the FY2024 budget will cover, at most, basic maintenance at Spring Down, Frog Pond, and Ford Open Space. Given our limited information and flexibility, we recommend allocating the \$44,000 to basic maintenance and not drawing further on UUT revenue. Going forward, however, such information is important, whether or not there is a financial crisis. We propose that the Town create a mechanism to make that information on open space operations and expenses more easily accessible, such as a separate account.

2. Revise the management of Fund 204, with a goal of improving the income on the Fund.

Given the size and historic nature of this year’s cuts, we examined more closely the Open Space Fund (204) within the Final Proposed budget for FY2024. Reported revenues to Fund 204 raised two issues (Appendix A). First, it appears that the Open Space Fund earned 1.1% last year, or less. Second, although the Council capped the FY2024 maintenance budget at 10% of projected open space UUT revenue, the dollar amount (\$44,000) appears to be 10% of the combined UUT Revenue (\$355,047) and earnings of Fund 204 (\$81,578 + \$1,000). We feel the Town’s investment policy and management of Funds need to change and become more transparent, urgently. Growing and stewarding the Open Space Fund could transform many hard choices.

3. Stay true to the vision and promise of the Open Space Fund because it is increasingly vital.

The Town has repeatedly affirmed that the purpose of the open space UUT is to grow the Open Space Fund in order to acquire and preserve open space (Appendix B). If the benefits provided by open space are to be shared by all future residents and sustain local wildlife, open space must remain a priority even in challenging financial conditions. Future priority projects could be diverse, ranging from new linkages—trails and wildlife corridors—that connect existing open spaces and compensate for reductions in “backyard habitat” due to fuel reduction and additional housing, to larger properties that form new environmental legacies. The Town must be able to mobilize when potential open spaces become available.

Respectfully,

Nona Chiariello (CC, OSC), Betsy Morgenthaler (OSC), Judy Murphy (CC), Gary Nielsen (OSC), and Marianne Plunder (CC); members, Joint Subcommittee on maintenance budget for Town-owned open space in FY2024

APPENDIX B

APPENDIX A: Revenues table from <https://stories.opengov.com/portolavalleyca/published/nhFUT4wc9>. We have three questions (questions match numbered arrows):

1. Is the \$355,047 in revenue to Fund 204 from “Charges for Services” or is this the open space UUT revenue (i.e., should this entry be moved down one cell in the table)?
2. Is the \$81,578 in revenue to Fund 204 from “Use of Money & Property” the income on the Open Space Fund? Based on estimated and projected Fund 204 totals of \$7,627,877 in 2021-22 and \$8,065,502 in 2022-23 (as recorded in <https://stories.opengov.com/portolavalleyca/published/rquTng-Gj>), can we conclude that the income on the Fund was <1.1%?
3. What is the source of the \$1,000 in “Miscellaneous Revenue” to Fund 204?

FY 2023-24 Revenues and Expenses by Governmental Fund																	
	Fund 101	Fund 401	Fund 201	Fund 202	Fund 203	Fund 204	Fund 205	Fund 206	Fund 211	Fund 212	Fund 213	Fund 221	Fund 222	Fund 225	Fund 701	TOTALS	
	OPERATING	CAPITAL PROJECTS	GRANTS	PUBLIC SAFETY	COPS	OPEN SPACE	LIBRARY	GAS TAX	MEASURE A	MEASURE M	MEASURE W	PARK-IN-LIEU	INCLUS-IN-LIEU	APRA COV RLF	CASE REVIEWS		
Revenues																	
Property Taxes	\$ 3,706,327																\$ 3,706,327
Sales & Use Tax	350,000																350,000
Other Taxes	131,625																131,625
Franchise Fees	400,484																400,484
Fines & Forfeitures	8,000																8,000
Licenses & Permits	336,779																336,779
Intergovernmental Revenue	14,357		464,600	15,000	145,000			245,646	381,927	335,500	252,925						1,854,955
Charges for Services	1,089,248					355,047										475,000	1,919,295
Utility Users Tax	1,008,651																1,008,651
Use of Money & Property	100,500				1,482	81,578		2,985	569	2,964		447	48,078				238,603
Miscellaneous Revenue	4,100		146,718			1,000											151,818
Operating Transfers In		228,019															228,019
Appropriated Fund Balance	868,174						49,000				139,330						1,449,455
Revs. Sub-Totals	\$ 8,018,245	228,019	\$ 611,318	\$ 15,000	\$ 146,482	\$ 437,625	\$ 49,000	\$ 387,961	\$ 382,496	\$ 338,464	\$ 252,925	\$ 447	\$ 48,078	\$ 532,281	\$ 475,000	\$	\$ 11,923,341

APPENDIX B. Statements (bolding is added) from the history of the UUT (<https://www.portolavalley.net/town-government/town-finance/portola-valley-s-utility-users-tax>)

“...Revenues received under the 2% Utility Users’ Tax will be exclusively appropriated and expended for the Open Space Acquisition Fund”

<https://www.portolavalley.net/town-government/town-finance/portola-valley-s-utility-users-tax> : See item 2, Adopted Policy on Expenditure Restrictions for UUT Revenues (09-28-05)

“...UUT revenueThe intent of this revenue is to acquire and improve land for preservation as open space. In any one year, the open space UUT is insufficient to provide for the acquisition of land in Portola Valley. Therefore, the funds are put into a reserve for future use. Given that the sole intent of these funds is to eventually purchase a capital asset (land) and possibly make improvements to that land for preservation as open space, this revenue is exempt from the Limit as a reserve for future capital outlay.”

<https://www.portolavalley.net/town-government/town-finance/portola-valley-s-utility-users-tax> : See item 4, Memo to Council on Appropriations Limit (06-12-13)

“Why Portola Valley needs the UUT:The open space UUT provides approximately \$245,000 per year towards a capital reserve fund to pay for the acquisition and preservation of open space in Portola Valley.”

<https://www.portolavalley.net/town-government/town-finance/portola-valley-s-utility-users-tax>



Town of Portola Valley
 Planning & Building Department
 765 Portola Road
 Portola Valley, CA 94028
 (650) 851-1700
 Fax: (650) 851-4677

FENCE REGULATIONS SUMMARY

Zoning Ordinance 2005-360

Zoning District	<1 acre districts	1 acre districts	2+ acre districts
Fence Location	<ul style="list-style-type: none"> Domestic fences permitted on all property lines Domestic fences in riparian corridors to be set back 20' from the top of the creek bank Double fencing not permitted in setbacks 	<ul style="list-style-type: none"> Domestic fences to be set back at least 25' from the front property line and permitted on all other property lines Horse fences permitted on all property lines Fences not permitted on slopes exceeding 20% Fences in riparian corridors to be set back 20' from the top of the creek bank Double fencing not permitted in setbacks 	<ul style="list-style-type: none"> Domestic fences not permitted in required yards Horse fences permitted on all property lines Fences not permitted on slopes exceeding 20% Fences in riparian corridors to be set back 20' from the top of the creek bank Double fencing not permitted in setbacks
Height	<ul style="list-style-type: none"> 4' in front yards 6' in side and rear yards 4' in side yards along streets 	<ul style="list-style-type: none"> 4' for all horse fences 4' in front yards and 6' in side and rear yards for domestic fences 4' in side yards along streets 4' when adjacent to public trails and paths 	4' for all horse fences
50% Opacity Limit	<ul style="list-style-type: none"> Fences in front yards and fences in side yards along streets 	<ul style="list-style-type: none"> All horse fences Fences in front yards Fences adjacent to public trails and paths Fences in side yards along streets 	All horse fences

Opacity, continued:

- Fence members not to exceed a 6" width when viewed perpendicular to the plane of the fence for fences subject to an opacity limit.
- Retaining walls are exempt from opacity limits.

Color Reflectivity:

- Fence colors not to exceed 40% reflectivity, except for naturally weathered wood.

Horse Fence Standards:

- No more than three horizontal wood members, each not to exceed 6" in width or no more than four horizontal wood or wire members, each wood member not to exceed 4.5" in width.
- The cross sections of posts must not exceed 6" x 6"; such posts not to exceed 4' in height and generally spaced no closer than 5' apart.
- 6" x 6" wire mesh may be attached to a horse fence but shall not exceed the height of the horse fence.
- Opacity not to exceed 50%.
- Height not to exceed 4'.
- Gates attached to horse fences must conform to the height and opacity standards for horse fences and be of a similar design.

Entryway Features: Entryway features, including gates, must be setback one-half of the required front yard in districts requiring a minimum parcel area of 1 acre or more.

Permits and ASCC Review: Permits will be required for most fences. Permits will not be required when a fence is no more than 2 feet in height and 20 feet in total length.

Staff to review and act on most applications. ASCC to review applications and existing fences when:

- (1) Referred from town planning staff;
- (2) A property undergoes ASCC review and there is a substantial modification to an existing residence or site improvements of the property;
- (3) The proposed fence cannot conform to the regulations given the conditions on the parcel; or,
- (4) The fence will be located in the M-R or O-A districts. Specific requirements for these districts will be determined on a case-by-case basis with input from the Conservation Committee.

Repairs or Replacement to an Existing Fence: When a portion of a fence exceeding twenty five percent of the total length of fencing within required yards is damaged or voluntarily removed, any replacement fencing of that portion shall conform to the fence regulations pursuant to a fence permit.

ORDINANCE NO. 2005-360

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY
AMENDING TITLE 18 [ZONING] OF THE PORTOLA VALLEY MUNICIPAL CODE
BY AMENDING CHAPTERS 18.04 [DEFINITIONS] AND SECTION 18.42.040
[EXCEPTIONS TO REQUIREMENTS – FENCES AND WALLS] OF CHAPTER 18.42
[ACCESSORY STRUCTURES], ADDING CHAPTER 18.43 [FENCES] AND
REPEALING SECTION 18.54.020.C. [MEASUREMENT OF HEIGHT]

WHEREAS, the Town Council of the Town of Portola Valley wishes to revise its Zoning Ordinance to include new provisions for fences.

NOW, THEREFORE, the Town Council of the Town of Portola Valley (“Town”) does **ORDAIN** as follows:

1. Amendment of Code. Chapter 18.04 [Definitions] of Title 18 [Zoning] of the Town’s Municipal Code is hereby amended to add the following Sections:

18.04.075 Building envelope. “Building envelope” is the three-dimensional space on a parcel within which buildings and most other structures are required to be confined and which is defined by zoning ordinance regulations governing building setbacks and building heights.

18.04.129 Domestic fence. “Domestic fence” is a fence that is not a horse fence as defined in Section 18.04.215.

18.04.155 Fence. “Fence” is a structure made of wire, wood, metal, masonry or other man-made material, or combination thereof, including gates and posts, typically used as a screen, enclosure, retaining wall, or entryway feature, for a parcel of land or portion thereof.

18.04.156 Fence opacity. “Fence opacity” is the surface area of a fence that is impenetrable to light when viewed perpendicularly to the plane of the fence.

18.04.215 Horse fence. “Horse fence” is a fence that complies with the horse fence standards set forth in Section 18.43.060.

18.04.555 Yard, required. “Required yard” means an open space required by Subsections 18.52.010 A., B. or C. located between a parcel line and a building envelope.

2. Amendment of Code. Section 18.42.040 [Exceptions to Requirements – Fences and walls.] of Chapter 18.42 [Accessory Structures] of Title 18 [Zoning] of the Town of Portola Valley Municipal Code is hereby amended to read as follows:

18.42.040 Exceptions to Requirements — Fences. Fences may be located within required yard areas subject to the provisions set forth in Chapter 18.43.

3. Addition to Code. Chapter 18.43 [Fences] is hereby added to Title 18 [Zoning] of the Town of Portola Valley Municipal Code to read as follows:

**CHAPTER 18.43
FENCES**

Sections:

- 18.43.010 Purpose.**
- 18.43.020 Location.**
- 18.43.030 Height.**
- 18.43.040 Fence opacity.**
- 18.43.050 Color reflectivity and size.**
- 18.43.060 Horse fences.**
- 18.43.070 Entryway features.**
- 18.43.080 Fence permits and administration.**

18.43.010 Purpose. The purpose of the fence regulations is to ensure that fences in required yards in residential zoning districts conform to the following principles:

- Fences should be designed with consideration for the open space tradition of Portola Valley.
- Fences should be used sparingly in order to preserve a sense of the shared scenic resources of the community.
- Fences should be designed with respect for the movement of wildlife and the protection of views.
- Fence designs and materials should blend with the natural environment and maintain the natural and rural ambiance of the Town.

The above principles shall be followed by residents, Town Planning staff and the ASCC when designing or developing fences or considering fence permit applications.

18.43.020 Location.

A. In residential zoning districts fences may be erected in the following locations:

1. In districts requiring a minimum parcel area of less than one acre, domestic fences or fences consistent with the standards of a horse fence are allowed in required yards, including along property lines.

2. In districts requiring a minimum parcel area of one acre, domestic fences or horse fences are allowed in required yards, including along property lines, except that a domestic fence in a front yard must be set back at least twenty five feet from the front property line.

3. In districts requiring a minimum parcel area of two acres or more, only horse fences are allowed in required yards, including along property lines.

4. In addition to the above limitations, in districts requiring a minimum parcel area of one acre or more, domestic fences and horse fences in required yards shall be allowed only on slopes of twenty percent or less.

5. Along riparian corridors, fences shall be set back a minimum of twenty feet from the top of a creek bank. The top of the creek bank shall be determined on a case-by-case basis by Town Planning staff or the ASCC based on physical inspection of site conditions.

6. Double fencing (where two or more fences are placed parallel to one another often for the purpose of deterring deer or other animals) must be located within the building envelope of a parcel.

18.43.030 Height.

A. The height of a fence is the vertical distance measured from the surface of the actual adjoining ground to the top of the fence. For the purpose of applying height regulations, the average height of the fence along any unbroken run may be used, provided the height at any point is not more than ten percent greater than that normally permitted.

B. Fences in residential zoning districts are subject to the following height limits:

1. Fence heights shall not exceed four feet in front yards, six feet in side and rear yards, and four feet in side yards along road rights-of-way.

2. Horse fences shall not exceed four feet in height.

3. Fences adjacent to public trails and paths in districts requiring a minimum parcel area of one acre or more shall not exceed four feet in height.

C. A fence of normally permitted height under this section shall not be placed on top of fill designed so as to effectively increase the elevation of the top of the fence.

D. The height of a retaining wall, or a retaining wall with a fence erected on top of it, is measured from the exposed bottom of the wall to the top of the wall/fence.

E. The height of a fence placed on top of a fill supported by a retaining wall is measured from the top of the natural grade directly below the wall to the top of the fence.

18.43.040 Opacity.

A. Fences are subject to the following fence opacity limits:

1. In districts requiring a minimum parcel area of less than one acre, fences in front yards shall not exceed fifty percent opacity.

2. In districts requiring a minimum parcel area of one acre, domestic fences in front yards shall not exceed fifty percent opacity.

3. Fences in side yards adjacent to road rights-of-way shall not exceed fifty percent opacity.

4. Horse fences shall not exceed fifty percent opacity.

5. Fences adjacent to public trails and paths in districts requiring a minimum parcel area of one acre or more shall not exceed fifty percent opacity.

6. Fence members shall not exceed a six inch width when viewed perpendicularly to the plane of the fence for fences subject to an opacity limit.

7. Retaining walls are exempt from opacity limits.

18.43.050 Color reflectivity.

A. The reflectivity value for colors used on fences shall not exceed forty percent, except that naturally weathered wood may exceed such limit.

18.43.060 Horse fences.

A. Horse fences shall conform to the following standards:

1. There shall be no more than three horizontal wood members, each not to exceed six inches in width or no more than four horizontal wood or wire members, each wood member not to exceed four and a half inches in width.

2. The cross sections of posts must not exceed six inches by six inches; such posts shall not exceed four feet in height and shall be spaced no closer than five feet apart.

3. Six inch by six inch wire mesh may be attached to a horse fence but shall not exceed the height of the horse fence. Nothing else shall be attached to a horse fence that would violate the standards set forth in Section 18.43.060A and/or alter the visual characteristics of the horse fence.

4. Horse fence opacity shall not exceed fifty percent. See Section 18.43.040A4.

5. Horse fences shall not exceed four feet in height. See Section 18.43.030B2.

B. Gates attached to horse fences are exempted from Section 18.43.060.A1-3, but shall conform to height and opacity standards for horse fences and be of a similar design as a horse fence.

C. Horse fences that are also used as corral and pasture fences, must, in addition, comply with special requirements as set forth in the Town stable ordinance (Ord. 1988-242 Section 2 (Ex. A) (part), 1988; Ord. 1967-80 Section 1 (6207.4), 1967; Ord. 2001-338 Section 3 (part), 2001).

18.43.070 Entryway features. Entryway features, including gates, must adhere to the setback requirements set forth in Section 18.42.016.

18.43.080 Fence permits and administration.

A. Fence permits are required for construction of all fences built within required yards, except as otherwise specified in this section. Fence permit applications shall be made on a form provided by the Town Planning staff and shall be accompanied by plans demonstrating the design and materials of the proposed fence, the location of the proposed fence and any associated landscaping. A fee shall be paid to cover the cost of review by Town Planning staff, or on referral, by the Town Planner. Prior to approving a fence permit, Town Planning staff shall give written notice to owners of adjoining properties of the permit application. Prior to acting on a permit, Town Planning staff shall review the proposed design and location in the field, review the plans for conformance with the zoning ordinance and Design Guidelines, and consider comments from owner(s) of adjoining properties. Town Planning staff may take action on a permit or refer it to the ASCC. Written notification shall be given to owner(s) of adjoining properties at least six days prior to action by Town Planning staff or the ASCC. Any Town Planning staff decision may be appealed by an applicant or an owner of adjacent property to the ASCC. Any ASCC decision may be appealed by the applicant or an owner of adjacent property to the Board of Adjustment.

B. Fences within required yards that are no more than two feet in height, and no more than twenty feet in total length shall be exempt from this section but shall meet all other provisions of this chapter except Section 18.43.040 regarding Opacity.

C. The ASCC shall have the authority to review existing fences and fence permit applications under the following conditions:

1. Upon referral from Town Planning staff, pursuant to Section 18.43.080.A.

2. When acting on architectural review and site development permits, the ASCC shall consider and may require modifications to existing fencing on a property if the ASCC determines that there is a substantial modification to an existing residence or the site improvements of the property. If, in these situations, the ASCC determines that the existing fencing is not in conformity with current fencing standards, the ASCC may require conformity with the fencing regulations. In requiring conformity, the ASCC shall make the finding that the modified or replacement fencing will not result in an adverse effect on neighboring properties and reasonably adheres to the purposes of this chapter.

3. When a fence permit application demonstrates that the proposed fence cannot conform to the regulations given the conditions on the parcel, the ASCC may grant relief from the fence regulations. In making such determination, the ASCC shall as much as reasonably possible ensure the proposed fence achieves the purpose and principles of this chapter set forth in Section 18.43.010.

4. When a fence permit application is submitted for a proposed fence in the Mountainous-Residential (M-R) or Open-Area (O-A) zoning districts, the ASCC shall, with input from the Conservation Committee, make a determination of compliance based on the purposes of this chapter and the Fence Design Guidelines adopted by the Town Council.

D. When a portion of a fence exceeding twenty five percent of the total length of fencing within required yards on a property is damaged or voluntarily removed, any replacement fencing of that portion shall conform to the fence regulations pursuant to a fence permit.

4. Amendment of Code. Subsection C. of Section 18.54.020 [Measurement of height] of Chapter 18.54 [Building Bulk] of Title 18 [Zoning] of the Town of Portola Valley Municipal Code is hereby amended to read as follows:

C. Fence height measurement is subject to the provisions set forth in Section 18.43.030.A.

5. Repeal of Code. Subsections A and B of Section 18.42.040 [Exceptions to Requirements – Fences and walls] of Chapter 18.42 [Accessory Structures] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby repealed.

6. Repeal of Code. Subsection C of Section 18.54.020 [Measurement of height] of Chapter 18.54 [Building Bulk] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby repealed.

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NAS*

7. Environmental Review. This Ordinance is categorically exempt (Class 3) under the California Environmental Quality Act.

8. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the applicability of this ordinance to other situations.

9. Effective Date; Posting. This ordinance shall become effective thirty (30) days after the date of its adoption and shall be posted within the Town of Portola Valley in three (3) public places.

INTRODUCED: October 26, 2005

PASSED: November 9, 2005

AYES: Mayor Davis, Vice Mayor Toben, Councilmember Driscoll,
Councilmember Comstock and Councilmember Merk

NOES: None

ABSTENTIONS: None

ABSENT: None

By:



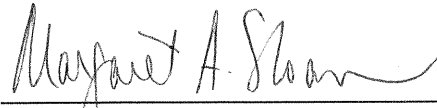
Mayor

ATTEST



Town Clerk

APPROVED AS TO FORM:



Town Attorney