



# Fences and Retaining Walls

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## Fences

A fence is defined as “constructed or composed of materials joined together in some definite manner in which the prime purpose is to separate, partition, enclose, or screen.”<sup>1</sup> Hedges and other vegetated screening methods are not regulated as fences.

### When is a building permit required?

A building permit is required for any fence over **seven feet** tall.<sup>2</sup> A fence that requires a permit may also require an engineered design because there is no standard method of constructing fences outlined in the code.<sup>3</sup>

### Where can a fence be placed?

Fences must meet setback requirements from property lines unless exempt, in which case they may be placed at the property line. See the table below.

Zone	Height Exempt from Setbacks
commercial-industrial or aviation-related zones	8 feet or less <sup>4</sup>
Guemes Island	see note below
all other zones	6 feet or less <sup>5</sup>

On Guemes Island, fences that are more than three feet tall must be 50% open to be set within 10 feet of the front lot line.<sup>6</sup> A fence that is less than 50% open and more than three feet tall must be setback at least 10 feet from the front lot line. A 50% open fence is one like the following, which allows light to pass through:



Corner lots have additional requirements for vision clearance. See section Corner Lots.

In shoreline areas, fences must be set back at least 35 feet from the ordinary high water mark.<sup>7</sup>

<sup>1</sup> SCC 14.04.020, definition of “fence.”

<sup>2</sup> IBC 105.2.

<sup>3</sup> IBC 106.1.

<sup>4</sup> SCC 14.16.810(1)(b).

<sup>4</sup> SCC 14.16.810(2)

<sup>5</sup> SCC 14.16.810(1)(b).

## Retaining Walls

A retaining wall is a wall that is built to keep the land behind it from sliding.<sup>8</sup>

### When is a building permit required?

A building permit is required for any retaining wall over **4 feet** in height, as measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or holding back flammable or combustible liquids.

Even when exempt from the requirement to obtain a building permit, it is important (and required) to construct the retaining wall consistent with the building code.<sup>9</sup>

When a permit is required, the construction documents will most likely require preparation by a licensed engineer.<sup>10</sup>

### Where can a retaining wall be placed?

Retaining walls four feet or less in height (measured from lowest grade to top of wall) are exempt from setbacks in all zones and may be placed at the property line. All other walls must comply with setbacks. Corner lots have additional requirements for vision clearance. See section below.

## Corner Lots

A corner lot fence or retaining wall must also meet County Road Standards. On a corner lot in **any district**, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impair vision between height of 2.5 feet and 10 feet above the centerline grades of the intersecting streets within a triangle formed by the road right-of-way lines of such corner lots and a line joining points along said road lines 30 feet from the tangent of intersection. For a helpful visual visit the website below and select C-2 Vision Clearance Triangle:

<https://www.skagitcounty.net/Departments/PublicWorksDevelopmentReview/roadstandards.htm>

<sup>6</sup> SCC 14.16.360 and SCC 14.04.020, definition of “Setback, front.”

<sup>7</sup> A fence is considered an accessory use to a residence under the existing Shoreline Master Program.

<sup>8</sup> Merriam-Webster dictionary.

<sup>9</sup> IBC 105.2.

<sup>10</sup> IBC 107.2.

